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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

CERTIORARI TO AIKEN COUNTY
Robert J. Bonds, Circuit Court Judge

Appellate Case No: 2022-001088

HAROLD CARTWRIGHT, RESPONDENT,

v.

STATE OF SOUTH CAROLINA, PETITIONER.

APPENDIX

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RS/MR
KM 3-4-13

State of South Carolina)
)Court of General Sessions
County of Aiken)2012-GS-02-0304,0306-0312
0314-0332,1682

State of South Carolina)
Plaintiff)
vs) Partial
) Transcript of Record
Harold B Cartwright, III)
Defendant)

November 13 - 14, 2012
Aiken, South Carolina

B E F O R E:

The Honorable Thomas A Russo, Judge, and a jury

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SOLICITOR

Lisa H Davenport, RPR
Official Court Reporter

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(Whereupon, on November 13, 2012 the following proceedings were held)

(Requested portion of transcript follows)

THE COURT Thank you Mr Weeks, you may call your first witness

MR WEEKS Thank you, Your Honor The state would call [redacted]

[redacted], after being duly sworn, testified as follows

THE CLERK Please have a seat in the witness box State your full name for the court and spell your last

THE WITNESS [redacted]

DIRECT EXAMINATION

BY MR WEEKS

Q Please tell us your age and your birthday

A I am 27 It is [redacted] of [redacted]

Q I'm sorry What date?

A [redacted]

Q And tell us a little bit about yourself Where are you living now?

A I live in Rome, Georgia I have three children I'm married

Q How old are your children?

A Twelve, eight, and nine

Q And your husband's name?

A Kevin
Q What does he do?
A He's a mover
Q And---
A He moves---
Q Up until recently what kind of job have you had?
A I once had a candy store
Q Okay And recently that closed?
A Yes
Q And at some point in time -- Tell me this Do you have any stepbrothers, sisters?
A Two stepsisters
Q And what are their names?
A [redacted] and [redacted]
Q Okay And do you have any other natural siblings?
A I have a brother Hoss Cartwright and a sister Jamie
Q All right And who is your mother?
A Melinda
Q What is her last name?
A Lively
Q Okay At some point in time was she married to your father?
A Yes
Q And what's his name?
A Harold Cartwright

Q Is he the defendant in this case?
A Yes
Q All right So, it's you and Jamie and Hoss are the biological children of Mr Cartwright; is that correct?
A Correct
Q And [redacted] and [redacted] are the stepsisters?
A Correct
Q And their mother is?
A Buffy
Q Okay And at some point in time did you live in Aiken County?
A When I was younger, yes
Q Okay What ages or how long did you live in Aiken County? When did you live in Aiken County?
A From the time I was 2 to 10, I believe
Q Two to ten?
A Uh-huh
Q Okay When you lived here in Aiken County, do you recall where you lived?
A I believe it was Malone Street in Clearwater
Q Malone Street?
A Yes
Q In what town?
A Clearwater
Q Is that in Aiken County?

A Yes
Q Who did you live there with?
A My mother and father and brother and sisters after they were born
Q Ultimately your brother and sister were born?
A Uh-huh
Q You're the oldest?
A Yes
Q Okay [redacted], I am going to take you back a few years and ask you about what, if anything, occurred between you and your father that was inappropriate Tell me about it
A When I was four I remember him calling me to the bathroom He didn't have any clothes on, pleasured himself until he ejaculated
Q Did he masturbate? Is that what you're saying?
A Yes
Q I am going to have to ask you specific
A Yes
Q That was when you were four?
A Yes
Q Would that have been in roughly 1989?
A Yes
Q Okay What did he do? I'm sorry to interrupt you
A Once he finished he then asked me to lick it off, told me that it tasted sweet like candy

Q Do you recall doing that?
A Yes
Q Did anything else happen that day that you recall?
A No He acted like nothing happened after that
Q And for how long did he act like nothing had happened?
A Every day
Q Okay Well, did anything else occur after that?
A I would say it was at least weekly
Q What would happen after that, [redacted]?
A It continued to be the same pattern, even though I would sit and beg for it not to happen
Q Did you cry?
A Yes
Q Where would it occur at?
A Home
Q And that was Malone Avenue?
A (Witness nods head)
Q Who was present when these acts were occurring?
A Nobody
Q Just you and your dad?
A (Witness nods head)
Q At some point in time did you begin school?
A Yes
Q Did these acts continue?

A They did
Q [redacted], I'm sorry to have to do this, but I am going to have to ask you specifically about the years when you were five, six, seven, eight, nine, and ten What kind of acts did your dad do with you during those years? If I could direct you to the early years -- five They're all early years, but the earliest years
A It continued to be he would proceeded to when he would masturbate place my hand under his while he would do it He would ejaculate, ask me to lick it off Sometimes he would have me put my mouth on him, touch me inappropriate places
Q Where would he touch you specifically, [redacted]
A My vagina
Q Would he do anything? Would he put his fingers in you?
A It progressed to that
Q Okay How about clothing? What would happen with your clothing or where did these acts take place?
A The bedroom, the bathroom, living room
Q Any places outside the home?
A He took me fishing one time and done it in his truck before we put the boat in the lake
Q Do you remember how old you are when that happened?
A I believe it was around six at that time

Q Okay And you mentioned it progressing or escalating Can you tell me what happened? How that occurred?

A I remember an incident when I was seven I was in the bath tub He came in, had to use the bathroom I shut the glass on the tub, laid down like kids do in the water, and opened my eyes with the feeling of him bent over the tub licking my vagina

Q What occurred after that?

A He left the bathroom like nothing happened

Q During this time during your early years can you describe his demeanor or his attitude?

A There was times he was fine, but after every time it happened he would threaten me to tell anybody, threaten to hurt my family, me, his self -- tell me no one would believe me

Q [redacted], if you would tell me did you ever tell anybody in those early years that this was happening?

A I did

Q Who did you tell?

A My mom

Q Did law enforcement become involved?

A There was some -- I believe it was DFACS counselors came to the school, questioned me

Q How old were you when that happened?

A I was in first grade
Q And did you tell them anything happened? Did you talk to them? Do you recall?
A I talked to them then When I went home that night Bo and his mom convinced me that I watched a movie and dreamed these things, so the next time I was questioned I told them that I dreamed it and it didn't happen
Q And you say Bo and his mom, you're referring to the defendant?
A Yes
Q And your grandmother?
A Yes
Q During all of these episodes were you living on Malone Street in Clearwater?
A Yes
Q [redacted] if you would, tell me, did anything occur after you made those statements and recanted those statements? Did anything occur after that with your father?
A Yes
Q How long did it take after that?
A Up until I was 10 and my mom finally left him
Q After you talked to DSS that first time do you know what age you were then?
A The first time, like I said, I was in first grade I

remember I was in first grade
Q Six, seven?
A Six, seven, yes
Q Okay And the acts that you've described, tell me how they continued What kind of acts, the frequency?
A There was times it was more often than others Weekly It could have been, you know, every other week Sometimes more
MR HARTE Your Honor, could you ask the witness to speak up, please? I am having trouble hearing her
THE COURT Yes
Speak a little louder, please
Q Can you repeat that, [redacted]?
A What was the question?
Q I was asking how it progressed -- frequency or during the years when you were seven, eight, nine, ten
A There was times when it happened more Sometimes it was less -- weekly, twice a week, bi-weekly
Q Was your mother working at that time?
A She worked off and on, yes
Q And what kind of work did she do?
A She waitressed
Q Did it ever occur when she was in the house?
A Not that I recall, no
Q And how about the defendant? What kind of work was

he doing in those years?
A Construction
Q Did he work -- did he travel or was he at home?
A I believe -- I remember him being home most nights
Q Okay What happened when you were ten that ended it for a while?
A I told my mom again and she left
Q Okay Where did y'all move to?
A To Rome, Georgia
Q And that's where you've been ever since?
A Yes
Q Did she ultimately divorce your father?
A She did
Q And when you went to Rome, Georgia, were all three of you -- was Jamie with you? Was Hoss with you?
A Yes
Q Okay After that move to Rome did you have opportunities to see Mr Cartwright?
A I did
Q Describe those for me What were those?
A We would go visit summers, holidays
Q Did you get to know [redacted]?
A Yes
Q Okay Apparently, Mr Cartwright remarried at some point in time --

A He did
Q -- to Buffy?
A Uh-huh
Q During those times were you wanting to go visit your dad?
A I was a kid That was my dad
Q Okay Did you go voluntarily?
A Yes
Q At some point in time did that cease?
A Yes
Q How old were you?
A Fourteen
Q What happened then?
A He attempted to do it again when I was older, held me down on the bed wanting to see my breasts, tried to take my pants off I was older, knew it was wrong, and so I got out of the room and called my mom
Q Did you tell anybody that?
A Yes
Q Who?
A I told Buffy when I came out of the room
Q Were you there on visitation at some point?
A Yes
Q Now, when you left that day have you ever been back?
A No

Q You haven't visited with him any more?
A No
Q No conversations with him?
A No
Q How old were you when you got married?
A I was 17, I believe
Q Is it with the same fellow you were involved with when you were 14?
A It is
Q And did Mr Cartwright call the law on y'all?
A He did
Q He did that from South Carolina?
A He did
Q How did he know about it?
A I'm not sure Maybe he heard from my mom or brother or sister I'm not sure
Q This boy you were seeing at that time was older?
A He was
Q How much older?
A I was 14 He was 21
Q And that's the boy you ultimately married?
A It is
Q And that's the one you've had three children with?
A Yes
Q That's the one you're with today?

A It is
Q [redacted], did you graduate from high school?
A I did not
Q And when did you quit?
A In ninth grade
Q When you got pregnant?
A Yes
Q And have you gotten your GED?
A I have
Q And what type of work have you done since high school?
A I've been a mom
Q Sounds like that's a full time job, isn't it?
A Yes
Q Okay [redacted], I am going to call your attention back to April of last year Did anybody from Aiken County come to see you?
A They did
Q Who was that?
A I don't remember the names, but they're right there
Q It would be those two officers over there
Mrs Gaskins maybe and Mr Evensen?
A Yes
Q And where did they come to?
A My mother's house

Q In Rome?
A Summerville
Q Summerville And did you tell them the things that you've told me here today?
A I did
Q And is it your understanding that charges were made at that point in time?
A Yes
Q Up to that point did you know that [redacted] or [redacted] had made any allegations?
A I had heard
Q Okay Did you call up law enforcement and say, hey, me, too?
A No
Q Why didn't you, [redacted]?
A I didn't want to go through this
Q You had worked through all of this?
MR HARTE Objection to the leading nature of the question, Your Honor
THE COURT Sustained
MR WEEKS I move to strike that question Okay
Did you give them a statement freely and voluntarily when they came up to talk to you?
THE WITNESS I did
Q [redacted] in each one of the years age four to age ten

did you have some form of oral sex with your father?
A Yes
Q Did you ever have actual intercourse with him?
A No
Q [redacted], do you remember how old you were when the fishing incident occurred?
A Seven, eight
Q And, specifically, what did he do? You said he did it in the truck What did he do?
A He placed my hand on him while he ejaculated
Q And, once again, did he babysit you any? Did he -- normal, I mean mama working -- who was taking care of y'all?
A Bo was
Q And these acts he would do with you, he didn't do in the presence of the babies?
A Not that I recall
Q Okay Was there a particular time of day that was significant?
A Just whenever we were alone
Q Lots of things look stupid when I ask you, but the person that you've been talking about, is he in the courtroom today?
A He is
Q Where is he?

A Sitting at the defense table
Q The Defendant Mr Cartwright?
A Yes
Q And y'all called him Bo?
A Yes
Q Did you call him daddy when you were at home with him?
A Yes
MR WEEKS Answer any questions that Mr Harte has for you

CROSS-EXAMINATION

BY MR HARTE
Q Mrs [redacted], as I understand the last incident that you talked about you were age 14, is that correct?
A Correct
Q And that's the same year that you got pregnant as a result of being with a 21-year-old?
A Yes
Q And when your father found out about that he's the one that pushed prosecution of your now husband, is that correct?
A I'm not sure who pressed I believe it was the state who pressed charges, actually
Q But you know that he found out about it and he pushed for prosecution?

A I'm not sure
Q He did go -- Your husband did serve some time as a result of that, didn't he?
A He did
Q How much time did he serve?
A Three years
Q And that, basically, was the last contact you had with your father?
A The last contact I had with him was when I was, like I said, 14 That was earlier in the year This happened a lot later in the year He actually wasn't prosecuted until some time after that
Q What year was it that the initial prosecution or the initial arrest occurred of your husband?
A 2000
Q And in 2001 did you report this to anybody about what your father had done?
A No
Q In 2002 did you report any of this to anyone?
A No
Q In 2003, 2004, all the way up to 2011, did you ever report any of this?
A No
Q And all during that time you've had no contact with your father whatsoever?

A Correct
Q Because he wanted your husband prosecuted for --
A No, because he molested me when I was a child
Q -- basic statutory rape? Thank you No further questions
MR WEEKS Nothing further from this witness, Your Honor
THE COURT Thank you very much, ma'am You may step down
(End of requested portion of transcript)

(Whereupon, on November 13, 2012 the following proceedings were held)

THE COURT You may call your next witness

MR WEEKS The state would call [redacted], after being duly sworn, testified as follows

THE CLERK· Please have a seat in the witness box State your full name for the court and spell your last

THE WITNESS [redacted]

DIRECT EXAMINATION

BY MR WEEKS

Q I'm going to call you [redacted] is that okay?

A Yes, sir

Q What is your age, [redacted]

A Twenty-one

Q And what is your birthday?

A [redacted]

Q Where have you lived the majority of your life?

A North Augusta and Aiken, South Carolina

Q Okay We've had a little bit of testimony You weren't in here, but for the record would you tell me who your brothers and sisters are?

A [redacted], [redacted] Hoss, and Jamie

Q Okay And who are your parents?

A Buffy [redacted]

Q Okay And how about your father?
A Chuck [redacted] and Harold was my step-dad
Q Your stepfather And did you live with your stepfather during parts of your life?
A Yes, sir
Q Okay Do you recall when you began living with Mr Cartwright?
A When I was about four or five years old
Q Do you recall where that was at?
A We lived in Clearwater and also North Augusta We moved a few different times, though
Q Okay
A It was always in the CSRA
MR HARTE Your Honor, would you ask the witness to speak up, please I'm having trouble hearing
THE COURT Yes
THE WITNESS Yes, sir
THE COURT Ma'am, if you would please speak loud Thank you
THE WITNESS In Aiken County most of my life
Q All right [redacted] is your baby sister, is that correct?
A Yes, sir
Q And what is her full name?
A [redacted]

Q How much younger is she than you?
A About three and a half years
Q Was she born when your mom began living with Mr Cartwright?
A Before, a few months before
Q So when y'all lived here in Aiken County it was just the four of y'all living together early on?
A Yes, sir
Q All right Now I am going to take you back to 2000 The year 2000, how old would you have been then?
A Nine
Q And do you recall where you were living at that time?
A North Augusta on Culley Drive
Q On Culley Drive?
A Yes, sir
Q Do you know what that house looks like?
A A white three-bedroom, one-bath house on a small piece of land
Q If I hand you a picture marked State's No 1, can you identify what's depicted in that photograph?
A Our house on Culley Drive in North Augusta
Q Okay and that's a recent photograph of it?
A Uh-huh
Q Have you lived there recently?
A No, sir

Q When is the last time you recall living there?
A Right before I turned 17 years old I was 16
Q Does this appear to be a true and accurate --
A Yes, sir
Q -- depiction of the house on Culley Drive?
A Yes, sir That's the house on Culley
MR WEEKS: I move to introduce this, Your Honor, State's No 1
MR HARTE No objection, Your Honor
THE COURT Without objection State's 1
(Whereupon, State's Exhibit No 1 was admitted into evidence)
Q [redacted] you were nine living there?
A Yes, sir
Q And I believe we've established that was in Aiken County?
A Yes, sir
Q What grade were you in then? Do you recall?
A Third grade
Q Third?
A Yes, sir
Q Can you tell me if anything happened with the defendant when you were in the third grade at the age nine?
A Yes, sir He used to make me give him oral sex under

the desk in one of the bedrooms that used to be a computer room

Q All right I think that was combined into one sentence, but is that two different places or

A No, sir It's at Culley Drive in North Augusta

Q Okay In the house where was it located?

A In the computer room

Q All right There was a computer desk?

A Yes, sir

Q All right I am going to have to ask you to be as specific as possible about what he would do

A Yes, sir He would make me put his penis in my mouth and give him oral sex and he would ejaculate in my mouth and told me to swallow it because it was good for me and I would crawl out from under the desk and either spit it out or did what he told me to do

Q When you were nine how often did that occur, [redacted]

A From one to three times a week depending

Q Depending on what?

A However many times he asked me to do it

Q Did you always do it when he asked you?

A I was told to do it, yes, sir

Q That was when you were nine When you were ten what type of activities, if any, occurred with him?

A It was the same thing and the humping as well

Q [redacted] you're going to have to tell me about the humping I know I'm asking you a very personal question, but tell me -- describe what the humping was involved with

A He would come in my room in the morning times and he would take his penis out and lay beside me At first he'd start off on my leg and humped me then and he would get on top of me I would usually be on my stomach and he would put it between my legs until he ejaculated and he would get up and go on with his day

Q He was dressed how?

A In his pajamas most times because it was mornings

Q What was significant about the mornings if you know? Who was there?

A My mom and sister and they are usually still in the bed asleep right before work He would have to get up early for work, so it was before everybody got up

Q And was there any sort of ritual or any sort of activity after he ejaculated on you?

A He would just get up and go about the day

Q What would you do?

A I would get up and get ready for school like I was supposed to do

Q Do you have any kind of estimate as to how often that occurred, [redacted]

A From three to seven days a week, most every day
Q For how long a period of time?
A How many years? It was going on until I moved out a week before my 17th birthday
Q So you if you were nine when the episode of oral sex in the computer desk was occurring, did it occur when you were ten?
A Yes, sir
Q Eleven?
A It was in that point in time that's when DSS got involved and he was taken to jail and out of the house for a couple of years
Q All right
A So nothing happened between that point in time
Q He was out of the house, but was he out of your life at that point?
A Not completely They were still seeing each other, but there was a point in time where we got visitation -- watched visits with him at the end of the DSS area
Q [redacted], who was living with you when this occurred?
A Me, my mom, my sister, and him -- Bo
Q And then he was removed from the house?
A Yes, sir.
Q And stayed out for a period of time?
A Yes, sir

Q Did he come back?
A Yes, sir
Q Tell me how that occurred
A After the first time DSS was involved and he got taken out of the house for the same situation on the way to what I thought was my last DSS interview my mom told me to tell them that he did not do that to me -- to cry and do what I have to do to get him back in the house I did exactly what my mom told me to do
Q Where was that done at?
A Here in the courthouse
Q And did your mom drive you to the courthouse?
A Yes, sir
Q And did you tell the prosecutor at that time that it wasn't true, that he hadn't done that?
A Yes, sir
Q And as a result of doing that, what happened?
A He moved back in the house
Q And did anything happen after that?
A He began doing the same process, humping again
Q [redacted], that occurred -- that humping and the ejaculation, those actions occurred when you were nine?
A Nine until I was almost 17
Q It happened nine, ten, eleven?
A Yes, sir, and except for the point of the year or two

that he was not in the house
Q Do you recall whether that was -- at what age you were when that happened?
A When he was removed from the house? Ten to eleven years old
Q And how did that come about? Did you tell somebody?
A Yes, sir, Sandra Jefferson
Q Is that a friend of the family?
A Yes, sir
Q And it's your understanding it was reported at that time to law enforcement?
A Yes, sir
Q Was he actually arrested?
A Yes, sir
Q Then subsequent to that?
A My understanding is that they got him out of jail soon afterwards and he was kept out of the house for a period of time and then after my DSS interview where I recanted then he was brought back into the house
Q Do you recall how old you were when that happened, [redacted], when he was brought back in the house?
A About eleven
Q Eleven would have been 2002?
A Or I had just turned twelve
Q If you were born October 17, is that right?

A Yes, sir
Q Okay, and October 17 of 2002 you would have been what?
A Eleven, yes, sir
Q And do you recall what month of the year you went up and told the people that it didn't happen?
A I would say about December
Q So you would have been eleven at that time?
A Yes, sir
Q All right When he moved -- when he moved back in, where did he move to?
A Back in the house on Culley Drive
Q All right And tell me, if you would, describe the interior of the Culley Drive house, [redacted] How many bedrooms?
A It was three bedrooms, one bathroom, kind of small and spacious I remember brown carpet, I believe
Q Did you have a bedroom by yourself?
A Yes, sir
Q And did [redacted] have a bedroom?
A Yes, sir We turned her bedroom -- what was the computer room before was now her bedroom
Q Did you have doors up on your bedroom?
A Yes, sir
Q Did anything happen to the door in your bedroom?

A Yes, sir He broke my door down
Q When was that?
A Not too long after he moved back in
Q What do you mean he broke it down?
A He just broke it where he could push it open where he didn't have to turn the knob
Q Was a key involved before that?
A Yes, sir, because I would lock my door at night and that's the only way he could get in in the mornings is with a key
Q [redacted] did you tell your mother that this had been occurring?
A Not at that point in time, but she -- the whole thing with DSS, she had an idea of what happened or what might have been going on
Q Well, after he came back?
A No, I didn't let her know
Q And tell me what happened with your life when you were 13 and 14 Was anything going on with him that was inappropriate during those years?
A It was just the same thing in the mornings The humping and the ejaculation just in the morning times at that time, yes, sir
Q Do you have an estimate as to how often it occurred during those years?

A Three to seven times a week, almost every day, every other day.
Q At some point in time did things escalate further than that?
A When I turned 15 I got my -- I wanted to get my tongue pierced, so he said he would take me and on the way there he drove very slow and he was telling me if I was to get my tongue pierced I have to give him oral sex At that point in time I was pretty much disagreeing I didn't want to get my tongue pierced anymore, so we went on to the tattoo parlor and they went and -- he went and got the cash to do that, so I went ahead and got my tongue pierced not wanting to anymore after that point and on the way home he was letting me know -- reminding me you have something you have to do because I pretty much -- he was driving slow on the way there He stopped on the alley by Mellow Mushroom to tell me if I got my tongue pierced I have to give him oral sex
Q Where did you actually get your tongue pierced at location-wise? In Augusta?
A Yes, sir, Tribal Urge downtown
Q Were y'all still living in North Augusta?
A Yes, sir, the same house, Culley Drive
Q Did anything happen that day?
A Not that day, but it was a few months afterwards

Q Tell me what happened then
A He -- We were home alone and he told me I had something I had to do and that was to give him oral sex because of my tongue ring and before that period of time I was trying to stay away from the house That's why it was a couple of months later because I didn't want to do what I was asked to do at the time
Q During this period of time were y'all starting to have arguments about your lifestyle, where you were living, who you were hanging with?
A I began being rebellious and so the reason I was being rebellious was to stay away from him at the time
Q Do you recall when it was that you had your tongue pierced?
A A few weeks after my 15th birthday
Q Okay And do you recall when you performed oral sex on him?
A It was a few months afterwards I want to say the beginning of the next year
Q Before you were 16?
A Yes, sir
Q Amanda, at times were you given money, gifts?
A Yes, sir
Q Anything in exchange for your---
A He'd always bribe us, say he is going to buy us

something or give us money and there was one point before I turned 16 years old that I wanted to go to Six Flags and I asked for $100 to go to Six Flags Well, he picked me up from a friend's house and he took me to his job site in the very back of the job site where nobody was and we sat there with the doors locked -- him begging me for three to four hours to have sex with him for the money that I wanted to go with my friends to Six Flags

I was getting mad and I was saying no, so he got angry and took me down to the canal in Augusta, Georgia in the truck, very angry saying he was going to throw me in the canal He was going to throw me in the water falls -- nobody would ever find me So at that point is when I pretty much agreed to, okay, because I didn't want to be killed and thrown in a canal and he dropped me off at Walmart in North Augusta with my friends and gave me the $100

Q Did you have sex with him that day?

A Not that day It was a few months afterwards

Q Tell me what happened then

A We were home alone and he just started asking me about what we had talked about in the truck that day and I didn't want to do it I was saying no He was getting angry asking me, well, if I can have sex with somebody else, why can't I have sex with him? Why wouldn't I have

sex with him? So he gets angry after I've said no and all this and he pulls out his knife and puts it to my throat and he kind of lunges me on the couch I hit my toe on the coffee table He puts it to my stomach and that's whenever I agreed to have sex with him at that point in time, so I bent over the couch and he put a condom on and he had sex with me

Q In what position did he have sex with you?

A I was bent over the couch

Q Okay During the period of time when you were twelve, thirteen, and fourteen, did any of this humping occur?

A Yes, sir The humping occurred on a regular basis

Q Throughout all of those years?

A Yes, sir, besides the few years that he was taken out of the house

Q Okay Now the act of sex that day, did that escalate or anything else happen after that?

A (Witness nods head)

Q What, if anything, happened?

A It happened one more time when I was 16, but it wasn't forceful because after the first incident he wanted to make it an every month thing and I was being rebellious at the time and I tried to stay gone away from the house so it wouldn't happen and he got me home alone This time

it wasn't forceful I just -- He was asking for it I would say no and he would get angry and threaten me as always and I had sex with him the last time and not long after that I moved out a week before my 17th birthday

Q Now when -- when did y'all move from Culley Drive to some other location?

A I moved out myself They were still living at Culley when I moved out

Q Okay

A At 16

Q Where did you go live?

A With my boyfriend at the time in Beech Island Well, it is still Aiken

Q Did you ever move back in with them?

A I moved in after they moved to Trenton for about a month so I could find somewhere to stay I was 19 -- 18 or 19 at the time and we didn't stay in the house I stayed in a shed in the back for about a month

Q You said we Who was that?

A Me and my boyfriend

Q And who was living in the address or the house or trailer?

A My mom, sister, Hoss, and Bo

Q Hoss is your?

A Stepbrother

Q How long a period of time did he live there with?
A From my understanding it was a good -- a school year from the beginning of the year to almost Christmas time from my understanding
Q Now, [redacted] at some point in time you indicated you moved in with your boyfriend?
A Yes, sir, a week before my 17th birthday
Q Was that causing any problems at home? Was Mr Cartwright okay with that?
A Well, for a while I didn't let them know where I was staying They had no clue and when they did find out they didn't seem to have a problem with it They just let me go on and continue living where I was and stay with him
Q All right Tell me -- I am going to take you to 2011 Did you have any interaction with law enforcement in 2011?
A Yes, sir I was being investigated for that boyfriend at the time for drugs and I was telling the reason why I moved in with him was to get away from Bo and that's when I told about my sister -- how he was messing with her and what he did to me while we were growing up
Q Did you just become aware that maybe something -- that [redacted] was alleging something was happening to her?
A I knew about it, but not to the extent that it was at that point in time

Q When you say you knew about it, how did you know about it?
A I mean, we knew that he would go in our rooms -- each one of our rooms in the morning I know what he did to me; so I am assuming he did the same thing to her at the time
Q Did you ever tell [redacted] what he was doing to you?
A Yes
Q When did you do that?
A When we were young I am not quite sure what age
Q Neither one of you were calling the police at that time?
A No, sir
Q When you say you told them about it, where were you?
A I was in the sheriff's office
Q And you were in an interview?
A Yes, sir
Q Was that on February 24 of 2011?
A Yes, sir
Q What did the police do from that interview?
A They went and took my sister out of school and questioned her about what was going on She was put in helping hands which is a foster home and I believe he ran
Q What did you do?
A I went back to my home

Q All right You weren't arrested or nothing?
A No, sir
Q After you gave the statement did you tell them what essentially you told us here today?
A Yes, sir
Q Do you know what happened to him after that? Was he arrested?
A I believe he turned himself in
Q All right Do you know when that was?
A March 18
Q Okay
A That was
Q Prior to your going up to the Sheriff's Department had there been some argument or something said about you girls being on the internet?
A I was never accused, but my sister was accused
Q Accused by who?
A About -- by Bo
Q About what?
A Being on a pornographic site, I believe
Q Were you ever on any pornographic site?
A No, sir
Q Did you ever see [redacted] on any pornographic site?
A No, sir
Q Was there -- what, if anything, happened at the house

and when did it happen with regard to this pornography?
A If there was ever any pictures taken which I remember I was in the shower at one point, but ---
Q Did you ever pose --
A I never posed
Q -- to put any pictures on the internet or anything like that?
A No, sir
Q At some point in your lifetime did Bo take pictures of you in the shower?
A Yes, sir
Q When was that?
A I want to say about twelve or thirteen years old
Q All right
A He would come in and act like he was using the bathroom and would ask me, Are you washing your hair? Are you shaving your legs? What are you doing? I would usually hide, but this time I was actually washing my hair and I was looking up and I see something go over the shower curtain very, very fast and he was in there saying he was using the bathroom and I look out and he had his camera out and he was taking pictures of me and he said he wouldn't -- he was just looking at them and deleting them
Q Okay With you and any of your boyfriends or whatever did y'all --

A No, sir
Q -- ever put anything on the internet --
A No, sir
Q -- or take any pictures like that?
A No, sir
Q Was there a big fight at the house about that at some point? While you were there
A Not while I was there, no, sir
Q Okay When you were at the sheriff's department on February 24, did you have any intention that day of telling them about what Bo had been doing to you?
A No, sir, not going in
Q Okay [redacted] during your young years was your mother working outside of the house?
A Yes, sir
Q What kind of work did she do?
A She was usually a waitress at Huddle House or the bread cafe up the road is what I remember
Q And what kind of work was Bo doing?
A Construction
Q Was he working consistently?
A Growing up, yes He worked every day of the week pretty much
Q Is there some point in time when that changed?
A It was after I moved out that he didn't have a job

for quite a -- for a few years
Q These incidences where he would come in your bedroom and hump you, was it the same type of thing? Was there ever any sexual intercourse at that time?
A No, sir It was just the humping and ejaculating on me
Q Did he ever threaten you at any time?
A No, sir
Q You've described the canal incident in Georgia, but were there any other times?
A Yes, sir
Q What was that about?
A Usually if I didn't want to do something with him, he would get angry and violent He's pulled weapons on me before
Q Has he done any kind of violence in your presence?
A Violence as in?
Q Has he done any violent acts in your presence?
A No, sir, not to nobody else
Q Huh?
A No, sir
Q Okay Once again, for the record, [redacted] the person you've been describing as doing these various sexual type of acts to you, is he in the courtroom today?
A Yes, sir

Q Where is he?
A In the tie in the black suit at the end of the table in the middle
Q It's the Defendant Harold Cartwright?
A Yes, sir
MR WEEKS Answer any questions that Mr Harte has

CROSS-EXAMINATION

BY MR HARTE:
Q Miss [redacted], can you be more specific as to when you reported that incident to DSS and Harold was -- Bo was removed from the house?
A When I was nine years old Sandra Jefferson had been staying with us for about two weeks
Q Now, I was just asking for the time When you were nine years old, so that would have been in the year 2000?
A Yes, sir
Q Prior to October 17 of 2000?
A Yes, sir
Q And at what time did Harold leave the house? Was that immediately upon your making the report pretty much?
A Yes, sir, that I remember
Q And how long was he gone from the house?
A A year or two, about a year and a half to two years
Q Could that have been as much as four years that he was gone?

A No, sir
Q So at least from 2000 into 2002 he would have been gone from the house, is that correct?
A Yes, sir
Q And nothing happened during that period of time?
A No, sir
Q And you voluntarily took back what you said after you talked to your mother about it?
A Yes, sir I did what my mom told me to do
Q Now, it's your testimony at other times that he was doing this at least three or four times a week and up to seven times a week?
A Yes, sir
Q Every morning?
A Not every morning, almost every morning
Q And in a previous statement you said every morning before school, didn't you?
A I may have said every morning It seemed like every morning
Q And wasn't there a time when your stepfather was working construction in Charlotte?
A He worked out of town, yes, sir He could have been anywhere I am not quite sure exactly where
Q And do you know when that was?
A Not specifically

Q Your stepfather was pretty strict, wasn't he?
A Yes, sir
Q In fact, he got on to you and [redacted] a couple of times about what you had on your computer, didn't he?
A Yes, sir
Q And each of you had a computer, too, didn't you?
A Yes, sir
Q Do you know where those computers are today?
A No, sir
Q Do you know if law enforcement ever took those computers and checked out the hard to see what was on them?
A No, sir I have no clue
Q When was the last time you had the computer that we're talking about?
A When I was sixteen
Q And do you know about [redacted] computer at all?
A No, sir
Q At one time your stepfather said that he wanted you to go to boot camp, didn't he?
A Yes, sir
Q And your mother prevented that?
A My understanding is he prevented that
Q Is that what you had heard?
A Yes, sir

Q So you don't know of your own knowledge?
A No, sir
Q And during the time -- I'm guessing and if I am wrong, you tell me Between the time you were maybe fourteen to sixteen you were out of the home a good bit during that time, weren't you?
A I tried to be, yes, sir
Q And, in fact, there were times when you were gone for two or three days at a time, wasn't it?
A Yes, sir
Q And your stepfather -- you would call and say I'm all right, but you wouldn't tell them where you were?
A Oh, I'd be where I said I was -- at a friend's house
Q And at times you called and asked him to come get you, didn't you?
A Yes, sir
Q And he came, didn't he?
A Uh-huh Yes, sir
Q And one time you told him to come because you were in fear of your life and then you got out and called and said, Don't bother coming I'm safe
A I do not remember that
Q You deny it? Do you deny it or you just don't remember?
A I do not remember that

Q That was Tim Bowman who was the person you were involved with drugs with?
A Yes, sir Well
Q And isn't it a fact that in the fall of 2010 that your stepfather talked to you by phone and told you that he had found stuff about [redacted] on the internet and child porn and that he believed that you were involved with it, too?
A He never spoke to me about it
Q He did not confront you about that at all?
A No My sister did She told me after he was out of the house actually that he was assuming or allegations that they were -- that people were on porn sites
Q And you and [redacted] had talked about that before you went to the sheriff's department in February?
A No, sir
Q She hadn't mentioned it to you before that?
A Not in depth or anything She might have said or sent a text message about it, but we haven't talked much about it if we did
Q Did you move out at one point when you were sixteen and live with your grandmother for a period of time?
A Yes, sir
Q And then you moved back in because your grandmother wanted you to pay rent?

A Yes, sir

MR HARTE No further questions

MR WEEKS One second, Your Honor

REDIRECT EXAMINATION

BY MR WEEKS

Q [redacted] do you recall the specific dates when Mr Cartwright was forced to leave the home based on your allegation?

A The first time? Specific dates? Not specific, but I was nine I know

Q All right And then were you ten or eleven when he came back?

A Eleven

Q Okay Thank you

No further questions

THE COURT Anything on recross?

MR HARTE No, Your Honor

THE COURT Thank you, ma'am You may step down

(End of requested portion of transcript)

(Whereupon, on November 13, 2012 the following proceedings were held)

(Requested portion of transcript follows)

THE COURT All right Mr Weeks, you may call your next witness

MR MOLONY Your Honor, the state calls [redacted] after being duly sworn, testified as follows

THE CLERK Please have a seat in the witness box State your full name for the court and spell your last

THE WITNESS [redacted]

DIRECT EXAMINATION

BY MR MOLONY

Q Brandi, can I call you [redacted]

A Yes, sir

Q That's kind of what we've been getting used to How old are you, [redacted]

A Seventeen

Q When is your birthday?

A [redacted]

Q Where do you currently live?

A In Aiken

Q And are you in school right now?

A Yes, sir

Q When do you expect to graduate? When I say school, you're in high school?
A Yes, sir, in 2013 in June
Q [redacted] what is your relationship to the defendant? What was your relationship to the defendant?
A He was my stepfather
Q What is your mother's name?
A Buffy Cartwright
Q And how many brothers and sisters do you have -- stepbrothers and sisters do you have?
A Four
Q What are their names?
A [redacted] Jamie, Hoss, and [redacted]
Q And which of those are step siblings and which ones your real sister?
A Jamie, Hoss, and [redacted] are step and [redacted] is my real sister
Q Now, [redacted] let me take you back to 2008 You would have been thirteen years old What grade would you have been in in 2008?
A Seventh
Q And where were you living at that time?
A North Augusta, 112 Culley Drive
MR MOLONY Your Honor, may I approach?
THE COURT Yes, sir

Q [redacted], I am going to show you what's been entered into evidence as State's Exhibit 1 and ask you if you recognize this?
A Yes, sir
Q Is this the home that you lived in when you were thirteen years old?
A Yes, sir
Q Who lived there with you at that time?
A My mom, me, my sister, and Bo
Q When you say Bo, who are you referring to?
A The defendant
Q And is that in Aiken County?
A Yes, sir
Q [redacted], please explain to the jury what the defendant -- what you remember the defendant doing to you during that time?
A It started out as humping
Q When you say humping -- again, what do you mean by humping?
A He would take out his penis and pull down my pants and my panties and would just hump me
Q And would he ejaculate?
A Sometimes
Q And where would this occur, [redacted]?
A In my bed in my room

Q And what time of day did it occur?
A Morning time
Q Was it normally -- was it always in the morning?
A Yes, sir
Q How often would it occur?
A Probably four to five times a week
Q And this is when you were thirteen years old, is that correct?
A Yes, sir
Q Now would you ever try to get up when the defendant is on top of you?
A Yes, sir
Q And what would the defendant do if you tried to do so?
A He would usually put his leg around my body, around my legs
Q And would you be able to get up at that point?
A No, sir
Q What, if anything, would the defendant offer you, give you after he was done with these acts?
A He'd offer me money, take me shopping, go to the store to get something
Q And from February of 2009 to February of 2010 you would have been fourteen during that time span, is that correct?

A Yes, sir
Q And where were you living at that time?
A Still in North Augusta
Q At the same house that I just showed you?
A Yes, sir
Q All right And what, if anything, do you remember the defendant doing to you at that time?
A The humping continued
Q And was it in the same type manner?
A Yes
Q Where would it occur during this time?
A In my bed in my room
Q Okay And did you have your own room?
A Yes
Q So no one else would be in there when he would be doing this?
A No
Q And, again, when did this occur? What time of day?
A In the morning time
Q Would he do this before you go to school?
A Yes
Q And what would you do after he was done -- after he ejaculated?
A Get up and go to the bathroom and take a shower
Q And eventually go to school?

A Yes
Q And would you continue to try to get away from him during that time span as well?
A Yes
Q And what would he do to prevent you from doing so during that time?
A He continued to put his leg over me or body parts to keep from me getting up
Q Okay Now, [redacted] you moved from 112 Culley Drive in North Augusta around August of 2009; is that correct?
A Yes
Q And where did you move to?
A To 436 Lee Street in the shed
MR MOLONY Your Honor, may I approach?
THE COURT Yes, sir
Q [redacted] I am going to show you what has been marked for identification as State's Exhibit 2 and ask you if you recognize this, yes or no?
A Yes
Q And what is this?
A That's the defendant's brother's house
Q And this shed that you stated you were living in during that time, where was it located?
A To the left in the side yard
Q Okay So it was on this lot?

A Yes
Q And is this picture a fair and accurate representation of the lot that you were living in during that time period?
A Yes
MR MOLONY Your Honor, at that time the state moves to introduce Exhibit 2 into evidence
MR HARTE No objection
THE COURT Without objection, State's Exhibit 2
(Whereupon, State's Exhibit No 2 was admitted into evidence)
Q [redacted], you say you were living in a shed Explain that to the jury Explain the shed to the jury
A It was a shed, basically It was divided by a dresser and -- it was divided by a dresser and two rooms My side was over here and their side was over here
Q So, [redacted] had moved out at this point?
A Yes
Q And it was just you three?
A Uh-huh
Q And that year where did you start high school, I guess?
A North Augusta High School
Q How long did you stay there?
A Two months at the most

Q Why did you leave school -- high school?
A Because Bo thought it would be a good idea for me to be homeschooled
Q Okay And so were you homeschooled?
A Yes
Q And what about your mom? What was she doing during that time?
A She was working
Q Where was she working at?
A Manuel's Bread Cafe
Q Do you remember when your mom worked during that time -- what parts of the day?
A Usually in the morning until about three or four or so
Q And how often would she work?
A Five days a week maybe, approximately
Q Now, what about the defendant? Where was he working during that time?
A He wasn't working
Q So when your mom was at work four or five days a week who would be at the residence in the morning times?
A Just me and him
Q The residence -- who would have been in the shed
Excuse me [redacted] explain to the jury what occurred during this time period when you were in the shed

A The humping continued to happen and he started to have sex with me on

Q When you say he had sex with you, I realize this will be uncomfortable, but I need you to explain how -- What would he do? Would this be in in morning times as well?

A Yes

Q What would he do when he came over the your side of the room?

A He would come get in my bed and pull my panties and my pants down and he would lay on top of me and I would be laying on my stomach and he'd have sex with me

Q Now, were you on birth control at that time?

A Yes

Q And whose idea was it for you to be on birth control at that time?

A The defendant's

Q Now y'all moved out of that shed I'm sorry Let me back up one second How often did that occur -- the actual sexual intercourse?

A Every -- almost every day that my mom was working, so about four to five days a week

Q And what would he -- what, if anything, would he give you or promise you after he was done?

A The same thing -- money, shopping, things like that

Q Now, y'all moved from that shed around spring break

April or so of 2010?
A Yes
Q And so you would have turned 15 in February and you moved in April, is that correct?
A Yes
Q And where did y'all move to at that point?
A To 641 Winter Place Drive
Q Where is that?
A It's in Aiken County in Trenton
Q Trenton address, but it is in Aiken County?
A Yes, sir
MR MOLONY Your Honor, may I approach?
THE COURT Yes, sir
Q [redacted], I am going to show you what has been previously marked as State's Exhibits 3, 4, and 5 and ask you to look at these Just take a look at them and tell me if you recognize them, yes or no?
A Yes
Q Okay And with State's Exhibit 3, what is it?
A My room
Q State's Exhibit 3 is now on top What is State's Exhibit 3?
A The house we lived in
Q At Winter Place?
A Yes

Q Okay And what about State's Exhibit 4?
A It's the house again
Q And State's Exhibit 5?
A My room
Q And that's your room at this house, Winter Place?
A Yes
Q And are all three of these pictures fair and accurate representations of the way the outside of the home looked and the way your room appeared during that time period?
A Yes, sir
MR MOLONY Your Honor, at this time the state moves to introduce Exhibits 3 through 5 into evidence
MR HARTE· No objection
THE COURT. Without objection State's 3, 4 and 5
(Whereupon, State's Exhibit Nos 3 - 5 were admitted into evidence)
Q Now, [redacted], when you moved to that trailer on Winter Place who was living at the residence at that time?
A Me, my mom, and the defendant
Q Okay And eventually that same year did someone else move in?
A Hoss moved in
Q Who is Hoss, again?
A The defendant's son
Q And your stepbrother at that time?

A Yea
Q Explain -- Did you have your own room in that trailer?
A Yes
Q And explain to the jury what would happen -- what the defendant did to you during that time period when Hoss was living at the residence
A He stopped actually having sex with me and the humping continued
Q When would this humping occur?
A In the morning before school
Q And, again, this humping -- is it the same humping you've described multiple times now, but explain it one more if you can
A He would get in my bed and take his penis out and pull down my pants and my panties and hump me
Q Okay And would he ejaculate during that time?
A Yes
Q Now, did the defendant have sex with you at all when Hoss was living in the residence?
A No
Q Okay So when did Hoss move out? Do you remember?
A In December
Q And that would have been of 2010?
A Yes

Q Okay And so at some point during that time period [redacted] and her boyfriend were living in -- that same shed actually had been moved to the Winter Place address; is that correct?
A Uh-huh
Q And her and her boyfriend lived there for a short period of time?
A Yes, sir
Q So when Hoss moves out and [redacted] and them are gone in December of 2010 who was living in the residence at that time?
A Just me, my mom, and the defendant
Q And tell the jury what happened once it was you three again
A About a week after Hoss moved out he started back up with the humping and the sex
Q And how often would he have sex with you once Hoss moved out?
A It wasn't as regular, maybe at least two times a week
Q Okay And when would it occur?
A In the morning
Q And would anyone be home?
A My mom sometimes Sometimes she was at work
Q When your mom was home would it have been early in

the morning?
A Yes
Q And your mom would have been in her room?
A Yes, sometimes
Q Now, do you remember -- Okay You turned sixteen
[redacted] of 2011, is that correct?
A Yes, sir
Q And what if anything -- where were you living at that
time?
A The trailer in Trenton
Q Okay And was it just you three?
A Yea
Q And what, if anything, do you remember the defendant
doing to you from your birthday [redacted] of 2011 until
February 24 of 2011 when law enforcement became involved?
A The humping continued every day and he had sex with
me at least twice
Q And the sex -- those two times, at least those two
times is it the same as previously in the morning times?
A Yes
Q In your bed?
A Yes
Q Would the defendant ejaculate?
A I don't remember
Q Okay Would the humping -- would he still -- through

that time period I know you said sometimes he would, sometimes he wouldn't but during that time period would he sometimes ejaculate?

A Yes

Q And do you remember the day that law enforcement came to your school?

A Yes

Q And at this point you're not in homeschool anymore --

A No

Q -- is that correct? You started school that year Where were you in school?

A Aiken High

Q Okay And do you remember what day?

A It was a Thursday

Q Excuse me?

A It was a Thursday

Q Okay And---

MR HARTE I'm sorry, Your Honor I couldn't hear that answer

THE COURT· It was a Thursday?

THE WITNESS Yes, sir

THE COURT If I could get you just to speak up a little bit, please Thank you

Q Before we get into that, [redacted] prior to that Thursday, February 24, what, if anything, do you remember

happening between you and the defendant the Saturday prior to that which would have been February 19, 2011?
A He -- That Saturday he woke up and wanted to try to have sex with me or hump me and I told him no and stood up for myself and I would -- I was going around the house trying to find something to do to make him leave me alone and he went to the store and I guess bought beer or some kind of alcohol and got very drunk and irate and mad and---
Q And he was mad because you wouldn't have sex with him?
A Yes
MR HARTE Objection, Your Honor, calls for speculation
MR MOLONY I'll move on, Your Honor
THE COURT Sustained
Q What, if anything else, did the defendant tell you at that time that he was angry with you about?
A He didn't really tell me exactly why he was mad, but I kind of knew
Q Okay Well, at some point either prior to that or after that did the defendant allege that you had been on some pornographic websites?
A Yes
Q And explain to the jury how all that occurred

A One day he picked me up from school and said that he found pictures of me on a porn site and showed me the pictures and I told him that it wasn't me and he just kept getting mad and irate because he said it was me

Q And so you actually saw the pictures that he alleged were you?

A Yes

Q Were they you?

A No

Q Have you ever posed for a pornography site?

A No, sir

Q Going back to that Saturday the defendant was angry you said at the time?

A Yes, sir

Q What did you do -- Who did you call or text at that point?

A I texted my sister

Q Okay And at some point did your mom receive word -- Buffy receive word about what was going on at the house?

A Yes

Q And before your mother got home where did the defendant go in his truck?

A He parked his truck on a hill that was kind of behind our house

Q And you were the only one in the house at the time?

A Yes, sir
Q Eventually did your mom come home?
A Yes, sir
Q And what -- what happened after your mom got back?
A She came inside and then she put her stuff down and walked outside to talk to him They were out there for an hour or so They came back inside and he laid down on the bed and was going to go to sleep, I guess
Q And do you -- what, if anything, do you remember the defendant saying once he came back in the house with your mom present and you present?
A He asked my mom if he had ever seen my P-U-S-S-Y and that it was pretty
Q And that Thursday after that event is when law enforcement came to your school?
A Yes, sir
Q And did you speak with investigators at that time?
A Yes, sir
Q And did you tell investigators what you've told us today?
A Yes, sir
Q Do you remember washing your sheets at any time, [redacted], during that time period February 24 or weeks prior to that?
A I don't remember washing them

Q Where were you -- After you spoke to law enforcement where did you go? Where were you placed?
A I went to Helping Hands
Q What is that?
A Foster care
Q Now, [redacted], do you see the person in the courtroom you alleged as the defendant named as Bo? Do you see him here today?
A Yes, sir
Q And could you please describe what he is wearing to the jury?
A He's wearing a dark jacket and a red tie and white shirt
Q Is he sitting at the defense table?
A Yes, sir
Q [redacted], throughout this entire time from 2008 until 2011 what did you refer to the defendant as?
A I called him daddy
Q Throughout this time, [redacted], did you ever explain or tell anybody what had been going on? Had you ever told [redacted] what had been going on?
A I never told her, but she knew what was going on
Q Well how -- If you didn't tell her, how did she know?
A She had seen him doing it before
Q And had you ever seen the defendant go in [redacted]

room in the morning times?
A Yes, sir
Q And would he stay in there about the same time -- amount of time as he would stay in your room?
A Yes, sir
Q You didn't instigate or begin this law enforcement becoming involved in this, is that correct?
A No, sir
Q Were you at school whenever this all went down?
A Yes, sir
Q And had you spoken to anybody prior to them coming to you at school?
A No, sir
Q [redacted], concerning your bed, did the defendant ever sleep in your bed?
A No, sir
Q Did the defendant and your mother ever sleep in your bed?
A No
Q Again, who washed your sheets?
A I washed them
Q Your mother didn't wash your sheets?
A No, sir
Q And prior to the 24th or 25th of February you don't remember having washed your sheets any time within that

time frame?
A No, sir
MR MOLONY Thank you Please answer any questions Mr Harte has for you

CROSS-EXAMINATION

BY MR HARTE
Q If I am understanding your testimony here today the first time anything happened with you you were thirteen years old?
A Yes, sir
Q Nothing before that?
A I do remember something
Q Well, you didn't testify to it earlier Did you just remember it now that I mentioned it?
A No, sir
Q How old were you then?
A Probably around the same age
Q About thirteen?
A (Witness nods head)
Q But nothing before that?
A No, sir
Q Nothing when you were four or five, ten?
A No, sir
Q Eleven In fact, you got along great with your stepfather during those years, didn't you?

A Yes, sir
Q Now, when did he first bring up the stuff about the porn site?
A I was a sophomore in high school
Q So that would have been perhaps in the fall of 2010?
A Yes, sir
Q And he was adamant about there was something going on with that, wasn't he?
A Yes, sir
Q And, in fact, he had contacted a local television station, hadn't he?
A Yes, sir
Q You were aware of that?
A Yes, sir
Q And he had gone to the North Augusta Police Department and requested an investigation and you are aware of that, too, weren't you?
A Yes, sir
Q And he was also adamant that you and [redacted] were involved in that, wasn't he?
A Well, at first he said that [redacted], me, and [redacted] was on there and my other cousin Katie
Q Now, who is Katie?
A That's his niece
Q Okay And was [redacted] aware that he was talking about

these porn sites and that y'all were on there?
A I don't think she was then, but later on after I told her she was
Q And when did you tell her?
A When she told authorities about all of this
Q Now did you actually see your stepfather go into [redacted] room?
A Yes, sir
Q And where would that have been? What house?
A 112 Culley Drive in North Augusta
Q How old would you have been then?
A Anywhere between the ages of eight to thirteen
Q All right But he wasn't coming in your room at that point?
A While I was eight, no, sir
Q Now, after he got arrested on this were you shown some more photographs -- two other photographs that came from child sites?
A I was shown the same two
Q Those were the same -- the ones that you were shown in March of 2012 --
A Yea, twelve
Q -- were the same two that he showed you before he was arrested?
A Yes, sir

MR HARTE No further questions

THE COURT Anything on redirect?

MR MOLONY Briefly, Your Honor

REDIRECT EXAMINATION

BY MR MOLONY

Q [redacted], were those pictures you?

A No, sir

MR HARTE Objection, Your Honor, asked and answered

THE COURT Overruled

MR HARTE She had already said those weren't her

THE COURT Overruled

MR MOLONY Your Honor, I'll move on

[redacted], were those pictures any of your cousins?

THE WITNESS No, sir

Q Were those pictures any of your friends?

A No, sir

Q Did you know anybody in those two pictures?

A No, sir

MR MOLONY No more questions, Your Honor

MR HARTE Nothing on recross

THE COURT Thank you very much, ma'am You may step down

(End of requested portion of transcript)

(Whereupon, on November 14, 2012 the following proceedings were held)

(Requested portion of transcript follows)

THE COURT Mr Weeks, you may call your next witness

MR WEEKS Thank you, Your Honor The state would call Hoss Cartwright

HAROLD CARTWRIGHT, after being duly sworn, testified as follows

THE CLERK Have a seat in the witness box State your full name for the court and spell your last, please

THE WITNESS Harold Cartwright, C-A-R-T-W-R-I-G-H-T

DIRECT EXAMINATION

BY MR WEEKS

Q And your nickname?

A Hoss

Q How long have you gone by Hoss?

A Since I was born, I think

Q What is your date of birth, Hoss?

A [redacted]

Q Ninety-four?

A Yes, sir

Q Okay And where do you currently reside?

A Rome, Georgia I currently live in Rome, Georgia

Q Okay How long have you lived in Rome, Georgia?

A About a year and a half now
Q Who are your parents?
A Melinda Lively and Harold Cartwright
Q And who did you live -- or who have you lived in Rome, Georgia with these years?
A My grandmother
Q Okay Did you ever live with your mother and with [redacted] and with Jamie, your sister?
A Yes
Q I am going to call your attention back What kind of work do you do?
A I am a server at IHOP
Q And I am going to call your attention back to the summer of 2010 Do you recall that?
A Yes, sir
Q Where were you living then?
A 641 Winter Place
Q Is that here in Aiken --
A Yes
Q -- county And who were you living there with?
A Bo, Buffy, and [redacted]
Q You say [redacted] We've been calling her [redacted]
A [redacted]
Q And how old were you at that time, Hoss?
A I was fifteen and I turned sixteen that summer

Q All right As far as physically, where were y'all staying? In a house, mobile home?
A It was a doublewide trailer.
Q All right And can you tell the jury what your household arrangements were with sleeping during that time?
A Buffy and Bo stayed on one side of the trailer in the master bedroom and me and [redacted] had separate bedrooms, but they were side by side
Q And that was on the other side of the trailer?
A The opposite side, yes
Q Bo, when did you move away from that residence and move back to Rome or Summerville or somewhere down there?
A Mid-December of 2010
Q While you were here did you go to school or attend school here?
A Yes, I went to Aiken High School
Q Who went to Aiken High School with you during that time?
A My sister [redacted]
Q All right Hoss, tell me if you would the location of the sleeping arrangements you had in the house in proximity to [redacted] room
A It was just -- our bedrooms were separated by a wall, so we slept within fifteen feet of one another

Q And did y'all have some sort of schedule about going to school, getting up, showering, that sort of stuff?
A She would wake up before I did because it took her longer to get ready and we both -- me and her shared a bathroom that was outside of our rooms across the hall, so she got in the bathroom for about an hour and a half in the morning Then after she got ready I would go spend about five minutes and get ready
Q Okay How did you get to school?
A We was either drove by Buffy or Bo
Q All right Did you notice anything unusual during the summer of 2010 about your father and [redacted] and her room?
A I did notice he spent excessive amounts of time in her room waking her up It was just awkwardly long It was abnormal
Q And did you raise that issue or comment on it in any way?
A No, I really didn't think nothing of it at the time
Q All right Tell me if you would during that summer and the fall of 2010 did you -- were you witness to any sort of episodes of violence regarding your dad?
A A few, yes, sir
Q What were the nature of them?
A At one point we were eating muffins and he got really

upset because someone made a comment that he ate one too many muffins and he like went off the deep end, ran out of the house without his shoes on, got in his truck, and was just screaming and hollering at us and left for about an hour and then came back and just acted like nothing ever happened

Q At some point during that summer did you have any conversation with your dad or -- or that fall -- about [redacted] tongue ring?

A Yes, sir

Q Can you tell the jury what that conversation was?

A We was sitting in the living room after they had -- I forgot what the conversation was, but something was said I think for me to [redacted] about, hey, did you have your tongue pierced before She just kind of looked at me

MR HARTE Objection to the hearsay

Q Don't tell me what [redacted] -- I am interested in what your dad said

A He approached me and he said that at one point [redacted] wanted her tongue pierced and she said---

Q Don't say what [redacted] said Just tell me what your dad told you

A He said that [redacted] had said if she---

MR HARTE Objection, Your Honor That's double hearsay

THE COURT Well
MR WEEKS Listen specifically to my question, Hoss
THE COURT Sustained and you can rephrase your question
Q Did your dad make any comment about the tongue ring to you?
A Yes
Q And did he make a comment that was inappropriate about [redacted] --
A Yes
Q -- request to get a tongue ring?
A Yes
Q And that was during the fall or summer of 2010?
A Yes
Q Okay Now, Hoss, did you see any behavior from -- with regard to [redacted] and your dad with regard to the way she dressed or with regard to the way she went to school dressed?
A Every morning she would wake up wearing what everyone else presumed, I guess, was decent clothing, but he would make her actually bend over and see if he could see down her shirt, sit in the floor and spread her legs and see if he could see up her shorts, bend over and see if her butt hung out of her shorts, and would make very vulgar comments if he was able to catch a glimpse

Q Did you think that was unusual?
A Very
Q Do you recall any discussion by your dad about [redacted] being or [redacted] being on the internet or on a porn site or something of that nature?
A Yes
Q When did that occur?
A I think the fall of 2010
Q Okay And can you tell me what happened or what his discussions were?
A Yes I got home from school one day and he was acting really weird and just -- we really didn't know what was wrong and then he finally told us and it was because there was supposedly a picture on the internet of [redacted] He was convinced it was her and everyone else was like, no you know, surely, it's not, so he showed us the picture and it looked nothing like her at all He was still convinced it was and he got to the point where he was basically threatening to kill us if we didn't agree with him
Q Did he print out the picture? Was he just having you look at it on the computer?
A At the time I saw it it was actually still on his laptop
Q Okay And this would have been in the fall of 2010?

A Yes
Q For most of [redacted] and [redacted] life you haven't lived with them, have you?
A No, not until 2010
Q And did you come visit?
A Yes, but not very often
Q And how about [redacted] Did she come visit?
A Not since -- not that I can remember in my lifetime
Q You were the youngest or the middle?
A I'm the youngest of his biological children
Q Okay Answer any questions Mr Harte would have for you, Hoss

CROSS-EXAMINATION

BY MR HARTE
Q [redacted] is your older sister?
A Yes
Q And Jamie is in between?
A Yes, sir
Q You need to speak up because they need to hear you, okay?
A All right
Q Do you recall a time when [redacted] was fourteen and she was at that time dating the man she's married to now?
MR WEEKS: Your Honor---
THE WITNESS I was six years old at the time

THE COURT· Hold on

MR WEEKS I just want to interlodge [sic] an objection as to the testimonial nature of his question That stuff is not in evidence and he's essentially putting it in

MR HARTE I think I'm entitled to lead on cross examination, Your Honor, and I understand [redacted] testified yesterday that she was dating and seeing that -- the man that she later married I don't understand the objection

THE COURT I don't know either She testified---

MR WEEKS Well, he is certainly entitled to lead, but not testify and he is adding facts that weren't testified to yesterday

THE COURT All right If you could confine your question to the testimony yesterday

Q Are you aware of a time when Mr [redacted] -- I think it is Kevin [redacted] is that right -- was seeing your sister [redacted]

A Yes

Q And she was fourteen at the time?

A Yes

Q And that relationship continued for some time, didn't it?

A Until this day

Q And do you recall having a conversation with your

father in which he talked about reporting that situation to DFACS which is the DSS for the state of Georgia?
A No
Q You don't recall having that conversation?
A No
Q You are not related by blood to [redacted] at all, are you?
A No
Q But y'all are very close in age?
A Yes
Q During the time that you were living with Bo and [redacted] and Buffy, didn't he -- wasn't -- didn't he express concern that you and [redacted] not have some -- any improper contact?
A I'm not sure what you're asking
Q Well, that you have romantic contact with her or more than just half brother?
A I think he was under that impression, yes
Q He did express concern about that?
A Not directly to me, but to her
Q Now with regards to the incident with the muffins, he did not actually harm anybody, did he?
A No, but we were threatened
Q He left and came back?
A Yes

Q And with regards to the clothing weren't there times that you said that [redacted] would come out in what you felt was appropriate clothing?
A Yes
Q Weren't there times when Bo would send her back and tell her she needed to change?
A Yes
Q Because it was not appropriate in his mind?
A Yes
Q And isn't it a fact that at times she would go change but would carry the clothes that he thought were inappropriate in her book bag so she could change before she went to school?
A Yes
Q Thank you Just one moment You were in the house with Bo and [redacted] and Buffy from the summer of 2010 until December of 2010?
A Yes
Q And at no time did you express any concern about the relationship between Bo and his daughter, did you -- or stepdaughter, [redacted]
A I did ask her about it
Q Did you express to anybody else -- to Buffy or law enforcement or anybody like that?
A No, because I didn't know it was happening for sure

Q No further questions

REDIRECT EXAMINATION

BY MR WEEKS

Q Do you remember specifically when you left in December of 2000?

A I think it was December 19

Q Why did you leave?

A I feared for my life I had to get out of there because I was not comfortable I didn't like the craziness that was always happening every day It had became routine I didn't like it

Q Where did you go to?

A I went back to my mother's house

Q And you just never went back?

A Never went back

Q Thank you

RECROSS EXAMINATION

BY MR HARTE

Q Were you smoking cigarettes then?

A Yes

Q Were you smoking pot on occasion?

A Yes

Q And you and Bo had a falling out about that and that's what caused you to leave, right?

A No

Q That's not the reason?
A No
THE COURT: All right Thank you very much, sir You may step down
(End of requested portion of transcript)

(Whereupon, on November 14, 2012 the following proceedings were held)

(Requested portion of transcript follows)

THE COURT Call your next witness

MR MOLONY Thank you, Judge The state calls Buffy Cartwright

BUFFY B CARTWRIGHT, after being duly sworn, testified as follows

THE CLERK Have a seat in the witness box State your full name for the court, please

THE WITNESS Buffy Brown Cartwright

DIRECT EXAMINATION

BY MR MOLONY

Q Ms Cartwright, where do you live currently?

A I live in Augusta, Georgia

Q And what is your current health situation?

A I have stage four lung cancer metastasized into my brain and into my lymph nodes

Q And considering that, are you feeling okay today?

A Yesterday was better I am not feeling very well today

Q Buffy -- Can I call you Buffy?

A Yes

Q Do you have any children?

A Yes, I do

Q And what are their names?
A [redacted] and [redacted]
Q How old are they?
A [redacted] is 21 and [redacted] is 17
Q And what is your current relationship with the defendant?
A Divorced
Q And how long were y'all married? When did you get married?
A We got married in '99, in December of '99
Q And when did you get the divorce?
A The divorce just became final a few weeks ago
Q And are either [redacted] or [redacted] the defendant's biological daughters?
A No, sir
Q Buffy, I am going to move your attention to the case we're all here for today Do you remember the house you lived in with the defendant, [redacted], and [redacted] on Culley Drive?
A Yes, sir
Q And when [redacted] was young what, if anything, do you remember the defendant doing with [redacted] that seemed odd to you at that time while at that home on Culley Drive?
A Waking her up in the mornings, getting her ready, you know, for school, getting her awake for school

Q And how would he wake her up?
A He would lay in the bed with her, rub her back
Q And how long would he stay in the bed with her?
A Ten to twenty minutes maybe
Q Now were you working at that time?
A Yes, sir
Q Okay And around 2001 did law enforcement and yourself find out that the defendant had been molesting [redacted]
A Yes
Q And after law enforcement became involved in September of 2001 did [redacted] eventually tell authorities that she had not been sexually abused?
A She did
Q And where did she do that at? Where did she tell them? Where did she recant?
A That was in North Augusta -- Oh, no, that was in here in Aiken to Brenda Brisbin
Q And who drove her -- You said Brenda Brisbin That was the solicitor that was on this case?
A Uh-huh
Q Who drove her to meet with Brenda?
A I did
Q And, Buffy, explain to the jury what pressure, if any, you put on [redacted] at that time period

A I probably did put some pressure on [redacted] because he had me convinced that he had not done anything wrong

Q So [redacted] did recant that day in December of 2002?

A Yes, sir

Q And after that did the defendant move back in with you guys at 112 Culley Drive?

A Yes, sir

Q Now, once he moved back in during really this whole time period -- and I realize this is a personal issue and I apologize for it, but explain to the jury what your and the defendant's intimate relationship was like during this time

A We didn't have one We didn't have one

Q So once he moved back in, Buffy, did he continue waking [redacted] up in the mornings?

A Yes

Q And [redacted] eventually moved out that residence?

A Yes, she did

Q Okay And at that point where did you and the defendant and [redacted] move to?

A After we lost the house on Culley we moved into Malone Avenue into the shed

Q Okay And was this around 2009?

A Yes, sir

Q This is the shed that was in the defendant's

brother's lot?
A Yes, sir
Q Okay Were you working at that time?
A Yes, sir, I was
Q Where were you working?
A Manuel's Bread Cafe
Q Where is that?
A That's Hammond's Ferry on the new development on the river
Q What did you do there?
A I was assistant manager
Q What hours did you work?
A They varied, but most of the time I worked from 6 o'clock in the morning until 3 or 4 o'clock in the afternoon
Q And why were you there that early?
A I had to make pastries and get everything open and ready for the day
Q And during that time period was the defendant working?
A No, sir, he was not
Q And what was [redacted] situation as far as school is concerned?
A At that time [redacted] was being homeschooled
Q So you would be at work in the morning around

6 o'clock in the morning Who would be at the residence? Who would be at this shed?
A [redacted] and Bo
Q Now, y'all moved out of that shed in 2010, is that correct?
A Yes, sir
Q And where did y'all move to at that point?
A That's when we moved to Trenton, South Carolina
Q Buffy, explain to the jury what you remember occurring on Saturday, February 19 of 2011
A I was at work that day
Q Where were you working?
A I was working at the Bowery right downtown here in Aiken
Q Okay And what happened while you were at work?
A I received a text from [redacted] stating that I needed to get home
MR HARTE Objection, Your Honor, hearsay nature of the testimony
THE COURT Sustained
Q Don't tell me what the text said, but [redacted] requested you come home?
A Yes
MR HARTE Objection, Your Honor He just repeated the hearsay

THE COURT Sustained
MR MOLONY I'll move on, Your Honor
Did you leave work that day?
THE WITNESS: Yes, sir, I did
Q And where did you go?
A I went home
Q And when you got to the house what did you observe as far as the defendant is concerned?
A He was in the back of the property in his truck, drunk
Q And did you approach him?
A Yes, I did
Q Buffy, please tell the jury what you remember the defendant telling you at that point about [redacted] and [redacted]
A He started crying and stated to me that maybe he did molest [redacted] and [redacted] He didn't know for sure, that he was so sorry and he was crying
Q Did he appear very upset?
A Very emotional
Q And how long were y'all out there at that truck?
A Hours
Q Okay And after speaking with him at the truck, where did y'all go?
A We went back inside the house I finally got him to

where he would go inside
Q And who was in the residence at that time?
A [redacted] was
Q Just [redacted]
A Just [redacted]
Q And tell the jury what you remember the defendant saying whenever he walked back into that home
A She was sitting on the couch The first thing he said to her -- and please pardon my language -- was, "She's got the prettiest little pussy I've ever seen "
Q What did he do after saying that?
A He went and got in the bed
Q Now, the next week Thursday, February 24, 2011, do you remember when law enforcement became involved in this case?
A Yes, sir, I do
Q And how did you become aware of law enforcement involvement?
A I got a phonecall at work from the school that I needed to get to the school as soon as possible
Q Did you go to the school at that time?
A Yes, sir, I did
Q And where did you go after leaving the school?
A I went home
Q And later that day did you and the defendant

eventually meet up, get together?
A Yes, we did
Q And tell the jury where y'all went
A We went to Wrens to one of his friends's house
Q I'm sorry Wrens?
A Georgia
Q Okay And why did you go to his friend's house in Wrens, Georgia?
A He was trying to get some money because---
Q Why did he want money?
A He was broke and my understanding he wanted to take off
Q And once y'all left that residence in Wrens, Georgia where did y'all go?
A We headed back up I-20 and stopped at the Riverwatch Parkway truck stop there
Q And did y'all have a conversation once you were at this truck stop?
A Yes, sir, we did
Q How long did that conversation last?
A That conversation lasted probably a good hour
Q What, if anything, do you remember the defendant telling you during that conversation with regards to [redacted] sheets and [redacted] clothes at the residence at Winter Place?

A He told me that when I went home to get her sheets, her bed linens, and her underwear and clothes that was laying by the bed and to wash them

Q Did he tell you why he wanted you to wash them?

A He stated that because he had been laying in the bed with her and his DNA was in the bed

Q Now, after that conversation where did you go?

A I went home

Q And did you wash the sheets?

A No, sir, I did not

Q Did you mess with the sheets at that point in any way?

A No, sir

Q Now, the next day do you remember members of the sheriff's office investigators coming to your residence?

A Yes, sir

Q That was on February 25, 2011?

A I believe so

Q And at that point did they ask you for consent to search the residence?

A Yes, sir, they did

Q And did you tell them at that point the same thing you told us today with regards to what the defendant stated the day before --

A Yes, sir

Q -- at that gas station?
A Yes, sir, I did
MR MOLONY May I approach, Your Honor?
THE COURT Yes, sir
Q [redacted] -- I'm sorry Buffy, I am showing you what's been previously marked for identification State's Exhibit 6 and ask you if you recognize that?
A Yes, I do
Q And what is it?
A That was the consent that I signed for them to search my residence
Q Is your signature on it?
A Yes, it is
Q Is the date on it?
A Yes
Q And is that the actual consent to search that you signed on February 25 of 2011?
A Yes, it is
MR MOLONY Your Honor, at this time the State moves to introduce Exhibit 6 into evidence
MR HARTE No objection
THE COURT· Without objection, State's 6
(Whereupon, State's Exhibit No 6 was admitted into evidence)
Q Buffy, throughout this entire period of time [redacted]

and [redacted], the defendant's stepdaughters, what did they refer to the defendant as?

A Daddy

Q Thank you Please answer any questions that Mr Harte has for you

A Yes, sir

CROSS-EXAMINATION

BY MR HARTE

Q Mrs Cartwright, in 2001 you were convinced that your husband had not molested [redacted] weren't you?

A Uh-huh, I was

Q And, in fact, you drove [redacted] to tell what you believed to be the truth, that she had not been molested?

A Uh-huh

Q You need to answer

A Yes, sir

Q After that y'all were separated for a period of time, is that correct?

A Yes, sir

Q How long?

A It was probably a year and a half, two years

Q Okay And during that year and a half to two years did he have any contact with [redacted]

A No, sir

Q Now I believe that during [redacted] youth y'all had a

lot of problems with her, didn't you?
A We did have some problems, yes, sir
Q She would sneak out and go out at night, is that correct?
A Yes, sir
Q She was drinking, is that correct?
A I'm not positive about the drinking
Q Do you recall giving a statement that said that she was drinking at different times?
A I don't recall
Q Let me show you a copy of a statement given on February 28, 2011 and ask you if that's your statement Is that your handwriting?
A It is my handwriting
Q All right If you'll look at the third line down or fourth line down it talks about drinking with her friend?
A Yes, sir
Q And you also talked about her cussing you out?
A I'm sorry?
Q You talked about her cussing you out?
A Yes, sir
Q On a regular basis?
A Uh-huh
Q Had trouble in school?
A Yes, sir

Q At one time you and Bo talked about putting her in boot camp, didn't you?
A Yes, sir, we did
Q Or even taking her out of school for that reason, is that correct?
A Yes, sir Can I reiterate on that?
Q Well, I mean, did you talk about doing the boot camp or not?
A We had talked about the boot camp, but he was actually against it
Q Now, during the eight and a half to nine years that this was going on you were living in the house the whole time?
A Yes, sir
Q And you saw -- Well, let me ask you this You said that he would go into [redacted] room and would lay in the bed and rub her back Did you see that?
A I did on occasion
Q And on the occasions that you saw that he was not doing anything improper, was he?
A No, sir
Q So, is it your testimony that -- I mean, you've heard the girls testify yesterday?
A Yes, sir
Q And [redacted] in particular, said that for -- or all

together we're talking about eight and a half to nine years four to seven days a week they're claiming he was molesting them?

A Correct

Q And you were in the house the whole time?

A I mean, I was there, yea

Q You were there?

A I was living in---

Q You were living in the house the whole time?

A I was living in the house, yes

Q So were you complicit in keeping this quiet?

A No I mean, I didn't realize it was going on

Q Your husband was going into your daughter's rooms almost every morning for they said up to 30 to 45 minutes and you didn't believe anything was going on?

A Not of a sexual nature, I did not

Q And then on September -- on February 19, 2011 you decided that something was going on?

A Uh-huh

Q Yes?

A Yes

Q And at that point in time you decided you needed to make amends for what -- for your daughters, didn't you?

A Yes

Q And so you helped concoct these stories and helped

plant evidence with regards to your husband, didn't you?
A No, I have not concocted any stories or planted any evidence
Q Either one of two things -- wouldn't you agree that either you were complicit or it didn't happen? Wouldn't you agree with that?
A No, I was probably naive
Q I don't have any further questions
THE COURT Any redirect?
MR MOLONY Briefly, Your Honor

REDIRECT EXAMINATION

BY MR MOLONY:
Q Did you and the defendant ever sleep in [redacted] bed?
A No
Q Are you aware of the defendant ever sleeping by himself in [redacted] bed?
A Not to my knowledge
Q Is there any reason that the defendant's DNA should have been on [redacted] bed?
A No
Q Thank you No further questions, Your Honor
THE COURT Thank you, ma'am You may step down
(End of requested portion of transcript)

(Whereupon, on November 14, 2012 the following proceedings were held)

(Requested portion of transcript follows)

MR MOLONY The State calls Investigator Evensen

KRISTOPHER EVENSEN, after being duly sworn, testified as follows

THE CLERK Have a seat in the witness box State your full name for the court and spell your last, please

THE WITNESS Christopher Evensen, first name spelled with a K, last name E-V-E-N-S-E-N

DIRECT EXAMINATION

BY MR MOLONY

Q Investigator Evensen, where are you employed?

A Aiken County Sheriff's Office

Q And how long have you been with the sheriff's office?

A Twelve and a half years, since 2000

Q And in what capacity do you currently work?

A Investigator

Q Prior to becoming an investigator did you work at the sheriff's office?

A Yes

Q And what did you do during that period of time?

A I was a school resource officer from 2002 to 2009 and road patrol deputy from 2000 to 2002

Q Currently what are your duties with investigator with

the sheriff's office?
A Investigator with the juvenile section which investigates all crimes involving juveniles -- defendants or victims
Q And were you working in that capacity on February 24, 2011?
A Yes, sir
Q And explain to the jury how you became involved in this case on that day
A I received a call from my supervisor to respond to Aiken High School to speak with [redacted] or [redacted] in reference to possible sexual abuse
Q And did you do so?
A Yes, sir
Q And the following day on February 25 of 2011 did you have the opportunity to respond to 641 Winter Place Drive in Trenton?
A Yes, sir
Q And why did you respond there?
A We got information after speaking to Mrs Buffy Cartwright earlier in the day that the defendant or---
MR HARTE Objection, Your Honor; hearsay nature of the testimony
THE COURT Sustained as to hearsay
THE WITNESS We got information from Mrs Cartwright

that there may be evidence at that location
Q And when you arrived at that residence what did you do?
A We obtained a consent to search from Mrs Cartwright and we took clothing items and bed linens
Q From where?
A From the victim Brandi Brown's bedroom
MR MOLONY Your Honor, may I approach?
THE COURT Yes, sir
Q Investigator Evensen, I am showing you what's been admitted into evidence as State's Exhibit 5 and ask you if you know what that is
A That appears to be Miss Brown's bedroom
Q Is that the bedroom that you would have gone and retrieved the sheets from?
A Yes, sir
Q Also---
MR HARTE Your Honor, I don't believe that's been introduced into evidence
THE COURT What's that?
MR MOLONY State's 5
THE COURT REPORTER It was
THE COURT A photo? A photo of the home over in---
MR MOLONY Yes, sir
MR HARTE Could I see that, please? Thank you

Q Investigator Evensen, I am now going to show you what's been marked for identification as State's Exhibit 7 and ask you to take a look in there and tell me what it is or if you recognize it

A The bed sheet off Miss Brown's bed

Q Is this the sheet that you collected on February 25 of 2011?

A Yes

Q How do you know this is the sheet?

A When we take it into evidence it is given a number specific to this piece of evidence and that number follows it throughout the history of the item

Q It still has that number today as we sit in the courtroom?

A Yes, sir

Q Now, once you retrieved those sheets from [redacted] bedroom what did you do with them?

A I took them back to the sheriff's office

Q And at what point -- what did you do with them after that?

A Secured them in my office

Q What day -- Did they eventually get checked into evidence?

A Yes

Q What day was that?

A Monday, February 28, 2011
Q And who did you sign them over to at that point?
A Evidence custodian Gerald Taylor
Q And you said evidence custodian Is it his duty -- He is in charge of the evidence room?
A Yes
Q And at any time from when you collected them to when you took them to the evidence room on the 28th did you alter, tamper --
A No, sir
Q -- with the evidence in any way?
A No, sir
Q Is that evidence room secure?
A Yes, sir
Q Okay Now, on June 21 of 2011 what, if anything, do you remember doing with regards to those sheets?
A I signed them out of evidence Myself and Investigator Watts who is a forensic investigator took them She ran some tests to see if there was foreign material on it, I guess She indicated that there was possible foreign material on it
MR HARTE Objection, Your Honor, hearsay nature of the testimony
THE COURT Sustained as to the hearsay
Q Were you with her whenever she was performing tests

on those sheets?
A Yes, sir
Q And after she performed tests were they then in her custody?
A Yes, sir
Q Now, what, if anything, do you remember collecting from the defendant's person on October 19 of 2011?
A I went to the Aiken County Detention Center and collected a buccal swab
Q And you said buccal swab What is a buccal swab?
A It is a swab we use -- excuse me -- to -- we put it in their mouth and run it around the gum line and under the tongue in an effort to collect saliva for DNA analysis
Q And is that what you did in this case?
A Yes, sir
Q Did the defendant consent to you taking this swab?
A Yes, sir
Q And how do you know he consented?
A He signed the consent to search form
MR MOLONY Your Honor, may I approach the witness?
THE COURT Yes, sir
Q Investigator Evensen, I am showing you what's been marked for identification as State's Exhibit No 8 and ask if you recognize that, yes or no?

A Yes, sir
Q What is it?
A It's the consent to search form that the defendant signed on the 19th of October 2011
Q And did you sign it?
A We don't sign these, but it is my handwriting
Q Your name is on it?
A My name
Q Is this the actual consent to search that you took from the defendant --
A Yes, sir
Q -- on October 19 of 2011?
A Yes, sir
MR MOLONY Your Honor, at this time the state moves to introduce Exhibit 8 into evidence
MR HARTE No objection
(Whereupon, State's Exhibit No 8 was admitted into evidence)
Q I am also going to show you what's been marked for identification as State's Exhibit 9 and ask you if you recognize this
A Yes, sir
Q And what is it?
A That would be the buccal swabs that I obtained from the defendant on that date in October

Q And once you obtained these buccal swabs did you secure them at that time?
A Yes, sir
Q And were they checked into evidence as well?
A Yes, sir
Q By yourself?
A Yes, sir
Q Now, when was the defendant actually served with the warrants for the abuse of [redacted] and [redacted]
A March 17, 2011
Q Okay What about the ones against [redacted] -- the warrants, [redacted] being the victim?
A April 13, 2011
Q And in 2001 the defendant had charges brought against him as well with [redacted] being the victim?
A Correct
Q And when were those warrants served on the defendant?
A September 12, 2001
Q I'm sorry?
A September 12, 2001
Q And when was that case dismissed against the defendant?
A [redacted] recanted and the charges were dismissed on December 2, 2002
MR MOLONY Your Honor, I have a matter of law to

discuss

MR WEEKS We can probably do it at side bar

(Whereupon, a bench conference was held)

THE COURT· Ladies and gentlemen, I am going to get you to step into the jury room Before you go I am going to send you in there with a task, okay? I am going to ask you when you go back to elect a foreperson for the jury Let me give you a little information, a little guidance on that

The foreperson of a jury, ladies and gentlemen, is, basically, the communicator between the jury panel and the court Any time you have a group of folks together, rather than dealing with everyone individually, it's always better to deal with one spokesperson on behalf of the group and so the foreperson if were you to have any questions about anything or if any need or whatever, the foreperson would be the person to communicate with the court about those needs and those requests

The other thing that the foreperson does is when you do begin your deliberations any time you have a group of folks that are conversing and discussing a matter you need to have one person who starts and stops the deliberations and so the foreperson would be the person who would go ahead and say, okay, let's go ahead and begin our deliberations and discussions and then those would go

however they go I will tell you that everyone must be present while you're deliberating so if someone needs to excuse themselves to use the restroom or something of that nature, then the foreperson would say, okay, let's stop talking about the case until they return, and upon their return then you would start your deliberations back The foreperson would also be the person -- once you do arrive at a verdict, the foreperson would fill out the verdict form that I am going to send back with you and make sure that that reflect the jury's verdict

Now, having said those things you also need to understand this The foreperson has no more authority or no more power than anyone else on the jury You are all equal members of the jury The foreperson's opinion carries no more weight than anyone else The foreperson's vote carries no more weight because your decision must be unanimous Everyone's opinion -- everyone's decision is equally weighed

You're all equal members of the jury, but it is important that we have one person to handle those tasks, so I am going to ask you while I take up this matter of law with the attorneys that you elect a foreperson to serve for the balance of this case and then whoever that person is if you would write your name on a piece of paper and pass it out to the bailiff and they'll give it to me

so that I'll have that information and then upon your return to the courtroom the two alternates, of course, will occupy those seats and whoever the foreperson is will occupy the first seat here The rest of you, as I said earlier, sit wherever you're comfortable

There's something else I was going to tell you and I can't remember what it was It must not be that important, so if you would do that for me -- Oh, I was going to tell you that every member of the jury is eligible to serve as the foreperson except for the two alternates, so other than those two folks anyone on the jury is eligible to serve as the foreperson If you would, take care of that during this break time Have no discussion about the case as always and if you need anything just let the bailiffs know and we'll get you whatever you need, but I am going to get you to take care of that while I take care of this matter of law Okay?

(Whereupon, the jury exited the courtroom at 11 o'clock)

MR HARTE Your Honor, while you were instructing the jury about the foreperson I had the conversation with the solicitors and I perhaps misunderstood what they had hoped to illicit from that testimony concerning the use of my computer in my office I don't believe a Jackson v Denno hearing is necessary; so---

THE COURT Okay, but it was time for the break anyway

MR HARTE I figured it is a break time anyways

THE COURT Okay Well, we'll do that then We'll take about a fifteen minute break and give them time to do what they're going to do Then we'll start back

(Whereupon, a break was taken)

THE COURT For your information, guys, juror 189 [redacted] was elected as the foreman of the jury All right Let's bring the jury back out

(Whereupon, the jury came into open court at approximately 11 22)

THE COURT Mr [redacted], thank you for your willingness to serve as the foreman of the jury, sir I appreciate that

Ladies and gentlemen, we're ready to resume now, so I would recognize Mr Molony for his continued direct

MR MOLONY Thank you, Judge

CONTINUED DIRECT EXAMINATION

BY MR MOLONY

Q Investigator Evensen, you testified that the warrants were served against [redacted] on April 13 of 2011; is that correct?

A Yes, sir

Q And prior to the warrants being served where did you

go to speak with [redacted] about the allegations against her?
A At her home in Georgia
Q Can you speak up for me?
A At her home in Georgia
Q And did you take a statement from her at that time?
A Yes, sir
Q After the statement was taken, what did you do?
A I came back to the sheriff's office and obtained the warrants in the days following that
Q And served the warrants after the statements were taken?
A Yes, sir
Q Now, all of these incident locations that these girls have testified about -- Culley Drive, Lee Street address, the Winter Place address, Malone Street -- have you had an opportunity to go and look at these places?
A From the outside with the exception of 436 Lee Street We actually went looking for the defendant trying to serve warrants at that address
Q Okay And were all of those locations in Aiken County?
A Yes, sir
Q Okay Now, in March of this year, 2012, did the defendant request to speak with you?
A Yes, sir

Q And did you ultimately speak with the defendant?
A Yes, sir
Q And where did this meeting take place?
A Myself and another investigator got him from the jail and took him to his attorney's office
Q Who was his attorney at that time?
A Mr Harte
Q Explain to the jury what that conversation was about
A He wanted access to the internet so he could show us these alleged videos and or picture of Miss [redacted] in child porn
Q So, specifically, who was he alleging was on these sites?
A [redacted]
Q [redacted]
A Also known as [redacted], sorry
Q And did he mention at that time anything about [redacted]
[redacted]
A No, sir
MR MOLONY May I approach, Your Honor?
THE COURT Yes, sir
Q Investigator Evensen, I am going to show you what's been marked for identification as State's Exhibits 13 and 14 and ask you if you recognize these, yes or no?
A Yes, sir

Q And what are those?
A Those are two of the pictures we printed after viewing them at Mr Harte's office that day
Q And why did -- why these two?
A Mr Cartwright indicated that that was Miss [redacted] in the photographs
Q I'm sorry?
A Mr Cartwright indicated that that was Miss [redacted] in the photographs
MR MOLONY Your Honor, at this time the state moves to introduce exhibits 13 and 14 into evidence
MR HARTE No objection
THE COURT Without objection
(Whereupon, State's Exhibit Nos 13 & 14 were admitted into evidence)
MR MOLONY Your Honor, previously I laid the foundation for State's 9 and State's 7 and I don't believe I actually moved them into evidence I'd like to do at that at this point
MR HARTE No objection
THE COURT. All right That was 9 and 7?
MR MOLONY Yes, sir, Your Honor
THE COURT Those are in evidence without objection
(Whereupon, State's Exhibit Nos 7 & 9 were admitted into evidence)

MR MOLONY Thank you Please answer any questions Mr Harte has for you

CROSS-EXAMINATION

BY MR HARTE

Q Investigator Evensen, did you also get buccal swabs from [redacted]

A Yes, sir

Q And were those also taken to SLED for analysis?

A Yes, sir

Q During the time that the time that Mr Cartwright was in my office with you and the other investigator and I believe there was an deputy solicitor there also or assistant solicitor there, also, wasn't there?

A Correct

Q And during that entire time he persisted that these were, in fact, pictures of his stepdaughter?

A Correct

Q And he spent some time locating them, didn't he?

A Yes, sir

MR HARTE That's all I have

MR MOLONY Briefly, Your Honor

REDIRECT EXAMINATION

BY MR MOLONY

Q How long did he spend looking for it?

A I would say approximately one hour

Q And explain how he looked for them
A We went from website to website He would go to one website and then from that website link to another website to another website in that fashion just kind of jumping around
Q And, ultimately, he found those two pictures which he stated were [redacted]
A Yes, sir
Q And as a result of him claiming that that was [redacted] on the internet, what investigation did you do with regards to [redacted] being a minor and on a pornography site?
A With the information that I saw that day I didn't feel like there was enough to warrant any further investigation into the child porn that he was alleging
Q Why?
A I didn't believe it was [redacted]
MR MOLONY Thank you No further questions, Your Honor
THE COURT All right Thank you very much You can step down
(End of requested portion of transcript)

(Whereupon, on November 14, 2012 the following proceedings were held)

(Requested portion of transcript follows)

MR MOLONY Thank you, Your Honor The state would call Investigator O'Grady-Watts

MARY F O'GRADY-WATTS, after being duly sworn, testified as follows

THE CLERK Have a seat in the witness box State your full name for the court and spell your last, please

THE WITNESS Mary Frances O'Grady-Watts, O-'-G-R-A-D-Y-W-A-T-T-S

DIRECT EXAMINATION

BY MR MOLONY

Q Investigator O'Grady-Watts, where are you employed?

A Aiken County Sheriff's Office

Q And how long have you been there?

A Since January of 2005

Q And what are your duties at the sheriff's office?

A I am a forensic investigator employed by the sheriff's office

Q And what kind of training did you undergo or have you undergone in order to be a forensic investigator?

A There are certain classes that you have to take in order to acquire the proper skills in order to process crime scenes and to collect evidence and I've had 812

hours of post-academy training in this field alone
Q And were you working in that capacity on June 21 of 2011?
A Yes
Q What, if anything, did you do with regards to the evidence in this case?
A We actually took the sheets and the one pair of panties to our office upfront We have two labs One is to examine what we call clean items and one to, basically, do processing in the dirt lab for other reasons We took them to the clean lab to see if there was, in fact, anything on any of these items and we used a forensic light source to run over each item and what happens is bodily fluids will, in essence, fluoresce or will reflect light and in this case there was a substance on every single one of those pieces of evidence and we just decided to repackage them and submit them to SLED for further analysis
Q So at that point you didn't know exactly what the substance is but you were able to see that there was some foreign substance on these items?
A Yes There was a foreign substance We did not know what it was
Q And after you performed the tests that day, what did you do with the sheets?

A I repackaged them and I put them into what we have is kind of a -- we call it the SLED cabinet In essence, it is a holding pattern for any evidence that will go for further analysis at the South Carolina Law Enforcement Division laboratory
Q Where is that cabinet located?
A It's in the evidence room next to Gerald Turner's office
Q And, again, who is Gerald Turner?
A Gerald Turner is our evidence custodian
Q And, specifically -- Your Honor, may I approach?
THE COURT Yes, sir
Q You stated that you looked at sheets and a pair of panties I am going to show you what's been admitted as State's Exhibit 7 and ask if you recognize it
A This is the sheet that we had in the lab
Q And is this the same sheet that you in return took and put in the evidence locker?
A Yes
Q And explain to the jury what you did on some six days later with regards to those sheets?
A I will transport evidence to and from the South Carolina Law Enforcement Division lab and in this case I took all three items with me to give over to them for analysis

Q At any time when you were in control of this evidence, Investigator O'Grady-Watts, did you alter, tamper with, or mess with the evidence in any way?

A No

MR MOLONY Thank you Please answer any questions that Mr Harte has

MR HARTE No questions

THE COURT Thank you very much

(End of requested portion of transcript)

(Whereupon, on November 14, 2012 the following proceedings were held.)

(Requested portion of transcript follows.)

MR. MOLONY: Thank you, Judge. The state calls Deputy Hettich.

JAMES HETTICH, after being duly sworn, testified as follows:

THE CLERK: Have a seat in the witness box. State your full name for the court and spell your last, please.

THE WITNESS: My name is James Hettich, H-E-T-T-I-C-H.

DIRECT EXAMINATION

BY MR. MOLONY:

Q. I'm sorry. You're a sergeant now. I called you deputy.

A. That's all right.

Q. I apologize. Sergeant Hettich, where are you employed?

A. Aiken County Detention Center.

Q. And how long have you been there?

A. About a year and a half.

Q. And prior to working at the detention center here where did you work?

A. Orange County Corrections.

Q. What did you do there?

A Correction officer
Q I need you to speak up a little It is just hard to hear in here In April -- April 13 of 2011 where were you employed?
A Aiken County Detention Center
Q And in what capacity?
A As a deputy, pod deputy
Q I'm sorry?
A As a pod deputy
Q Okay And on that date, April 13, 2011, where were you assigned?
A Charlie tower, C pod
Q Explain to the jury -- you said pod How many pods are there?
A There are a total of five pods You got A, B, C, D, E, and F They're housing units for the inmates Different classification depends on where you go to each pod The pod is the housing unit
Q And on that specific date, April 13, you were assigned to C pod?
A Correct
Q And when you say assigned, what are your duties?
A Care, custody, and control of inmates, do security inspections, feed them, make sure they get clothing, soap, hygiene items

Q And explain to the jury what you remember happening on April 13 of 2011 with regards to the defendant
A Deputy Bramlett was in our tower. He was notified by his cellmate that Mr Cartwright was trying to hurt himself, so Bramlett called the medical emergency Me and Deputy Santos responded to the unit, looked to the cell I saw him hanging by the neck from the top bunk inside his cell with his cellmate pointing at him We pulled the other cellmate out, secured him in handcuffs, went inside the cell I lifted him up to relieve the pressure from the neck Deputy Santos untied the knot After we untied the knot, I laid him on the ground and waited for medical to respond
Q Okay And that was a lot Let's just go through -- When you walked through the cell you said he was hanging How was he hanging? Where was he and what did he look like?
A The bunks were in the back of the cell He was hanging -- the sheet was tied on the top bunk, you know, bunk-beds The sheet was tied on the top around his neck He was laying towards the bunk with his arms to his side legs behind him with the front of his pelvic up against the bottom bunk because there is only a 5 feet length from the top bunk to the bottom bunk so he is laying like that
Q Okay And you testified that you actually got him

down from this sheet that he hung himself with?
A Yes Well, me and the assistance of Deputy Santos untying the knot
Q Explain to the jury what the defendant's body
A Once I got him on the ground and laid him in the recovery position when I was touching him he was sweaty and cold like a clammy-like skin and breathing
MR. MOLONY Your Honor, may I approach the witness?
THE COURT Yes, sir
Q Deputy Hettich, I am going to show you what's been marked for identification as State's Exhibit 11 and 12 and ask you if you recognize those, yes or no?
A Yes
Q And what are they?
A This picture here is this cell -- a picture of the cell looking in through the door
Q And that's State's 11?
A Correct
Q And what about State's 12?
A That is the sheet that he used to tie himself on and that is a uniform -- inmate uniform top or bottom I can't tell which one it is It is a uniform
Q Okay And are these two pictures fair and accurate representations of the way the defendant's cell looked on April 13 of 2011?

A Yes, it was

MR MOLONY Your Honor, at this time the state moves to introduce Exhibits 11 and 12 into evidence

MR HARTE No objection

THE COURT Without objection, Exhibits 11 and 12 in evidence

(Whereupon, State's Exhibit Nos 11 & 12 were admitted into evidence)

MR MOLONY Thank you Please answer any questions that Mr Harte has for you

CROSS-EXAMINATION

BY MR HARTE

Q Sergeant Hettich, there was no note or anything indicating why Mr Cartwright attempted suicide, was there?

A Not that we found

Q And you never had any conversation in which he discussed why he might have done that, did you?

A Correct

MR HARTE Thank you

THE COURT All right Thank you very much, sir

(End of requested portion of transcript)

(Whereupon, on November 14, 2012 the following proceedings were held)

(Requested portion of transcript follows)

THE COURT I hope everyone had a good lunch break and is ready to start back Ladies and gentlemen, if you'll recall we're still proceeding with the state's case, so I'll recognize Mr Weeks for the next witness, sir

MR WEEKS Thank you, Your Honor The state would call Agent Lilly Gallman

LILLY S GALLMAN, after being duly sworn, testified as follows

THE CLERK Have a seat in the witness box State your full name for the court and spell your last, please

THE WITNESS My name is Lilly Smalls Gallman

DIRECT EXAMINATION

BY MR WEEKS

Q Ms Gallman, where are you employed?

A I am employed with the South Carolina Law Enforcement Division as a forensic DNA analyst

Q And all of us in the business call that SLED?

A Yes

Q Okay How long have you been employed with SLED?

A Since January of 1990, so it's been 22 years

Q And during the time that you've been employed with

SLED have you held a particular type of job?
A I've only been employed as a forensic DNA analyst I have also attended the South Carolina Criminal Justice Academy to become a certified police officer
Q And pretty much all of the SLED agents are required to do that or was that just kind of special?
A At that time we were
Q Okay Tell me about your educational background, Ms Gallman
A I have a degree in biology from the University of South Carolina After I received my degree I continued working in the area of molecular genetics which involved cloning of DNA sequencing of genes Once I began working with the SC Law Enforcement Division I attended the FBI DNA forensic classes I have also taken advanced statistics and genetics classes to help me along with the new technology that came about with DNA
Q Are y'all required to be certified or get certified when you're working with SLED or do y'all actually do the certification?
A No, we are certified by outside agency It's called ASCLD, the American Society of Crime Laboratory Directors -- it is a long thing -- and we're also audited by the DAB each year
Q Do you have any estimate as to the number of DNA

analysis that you've done during the course of your career?

A I have done thousands

Q Okay And in doing those are you ever checked? Does anybody ever look over your shoulder?

A Each case that we receive and analyze is -- it goes through a tech review and then an admin review before a report is issued

Q All right And have you ever been qualified as an expert in the courts in this state?

A Yes, I have

Q In what field?

A In the field of forensic DNA analysis

Q Do you have an estimate as to the number of times?

A Approximately 50

Q And have you testified in the courts --

A Yes

Q -- approximately 50 times?

A Yes

MR WEEKS Your Honor, I move to have Agent Lilly Gallman declared an expert in the field of forensic DNA testing

THE COURT All right Any objection?

MR HARTE No objection

THE COURT All right You may proceed

Q Ms Gallman, tell us a little bit about what DNA is
A DNA stands for Deoxyribonucleic acid It is considered to be the blueprint of the body You received part of your DNA from your mother and part from your father Everyone's DNA is unique except for identical twins and since your DNA is unique we're able to compare evidence from a crime scene to a known standard to determine whether it matches or it does not match between the two So, when you're doing an analysis you develop a DNA profile from the evidence and one from the standard What I mean by the standard, it means a known sample from the victim or subject in a particular case and then you do a comparison
Q All right Tell me just kind of briefly in layman's terms how you actually do that
A In this particular case it's -- I received a sample that's determined to have semen on it I take the cutting and I extract or I place the cutting in a liquid that's going to break open the cells in the semen Once that's done the DNA falls out and we are able to purify that DNA, amplify that DNA, and then develop a DNA profile
Q All right And when you develop a DNA profile, tell me what that is
A What -- when I say a DNA profile, we're looking at the DNA chromosome; so we're looking at sixteen areas on

different chromosomes of a person's DNA We compare that known sample to the evidence looking at all sixteen areas that we have developed a profile from to compare whether it matches or it does not match

Q Okay So, you develop a profile from a known sample and you try to develop a profile from something collected at a crime scene or some other piece of evidence to determine if this is on this?

A That's correct

Q Is that correct?

A Yes

Q All right And when you do that, do you apply statistics?

A Yes, the first thing that's done is you establish the fact that you have a match or you do not have a match If you have a match between the evidence and the standard that's given to you, then we are required to apply statistical value to that to see how rare that particular DNA profile is in a given population

Q And in today's world a lot of that is done by computers, isn't it?

A Yes

Q Okay And y'alls computers at SLED are what we use throughout law enforcement in this state?

A Yes

Q Lilly, the sample that you get -- the unknown sample -- if you develop -- what do you do if you develop multiple DNA profiles out of the same sample? Is that often? Does that happen?
A Yes You're talking about when I develop a DNA profile and then there is a mixture of more than one individual You compare the standard that you're given to that evidence to see if that person is included in that mixture or not If you can determine that that person is included in that mixture, then either you could have a major contributor where you can pull that person out and generate a statistics from that, but if you cannot do a major contributor you have to do what's called a mixture statistics from that sample, but the first thing you have to determine is whether that person is even in that sample
Q Okay And just to paraphrase it, we can't see DNA?
A No
Q It's microscopic Is it even microscopic? Can you see it under the microscope?
A It depends on how much you have
Q And you run these isotopes or you look for particular areas on the DNA strand, is that right?
A Yes You have a set of 22 chromosomes and we look at different areas on different chromosomes and they're

called loci
Q And those loci, you're looking for sixteen different of them?
A Yes, we look at sixteen different loci
Q And were you submitted samples in this case for comparison?
A Yes, I was
Q When do you recall or do your records reflect when you received those, Ms Gallman?
A I do not have my chain with me; the actual chain
Q Well, let me just ask you this -- if you can identify those two items This goes with this marked State's 15 and 16 for identification
A This item is a cutting from a sheet that semen was found on and this item is the known standard from the victim
Q When you mentioned the cutting, is that State's No
A The cutting?
Q The cutting is?
A Number 16 and the standard from the victim is 15
Q All right And the standard from the victim is from [redacted]
A Yes, [redacted]
Q And State's -- can you identify what's been marked as State's No 9? I believe it's in evidence

A Yes State's No 9 is SLED item number 4 which is the buccal swab from Harold Cartwright, III
Q Now, basically, these three items are what you develop profiles from?
A Yes
Q And then you compare those?
A Those are the three items that I received to do analysis on
Q All right And were you able to do an analysis?
A Yes, I was
Q And were you able to reach any conclusion about those items?
A Yes
Q What was the conclusion you were able to reach?
A I compared -- I developed a DNA profile from the cutting from the sheet and then I also developed a DNA profile from the victim's standard and the subject's standard in this particular case I did a comparison between the standards and the evidence and I am going to read from my report In my report states that the DNA profile developed from the semen on item 2 1 matches the DNA profile for Harold Cartwright, III and has been entered into CODIS which is a Combined DNA Index System and the statistical value for that particular profile is the probability of randomly selecting an unrelated

individual having a DNA profile matching this item -- talking about item number 2 1, the cutting from the sheet -- is approximately one in 16 trillion

Q Sixteen trillion? And were you able to develop a profile for [redacted] from the same sample?

A No Her profile was not found on that particular cutting from the sheet

Q Okay And when you say cutting from the sheet, what do you mean?

A What happens, when we receive bed linens they are checked with this alternative light source for the possibility of having body fluids on them and this area fluoresced because that's what happens when you shine that light on it and that cutting was made from the sheet and given to me

Q All right And do you do something presumptively before you start developing a profile with the body fluids?

A Yes When the cutting is made there is a test that's done called acid phosphatase to check to see whether it is semen or not and then the cutting is given to me and I do a test of what's called a P30 test It's another test of -- how it's done is pretty much like a card for a pregnancy test You extract the sample and you put the liquid on the card and it generates a response and in this

particular case it said it was positive for semen
Q So you know you're getting DNA from semen, not from sweat or saliva or something along those lines?
A Yes, I know semen is there and when I did the DNA extraction I was able to generate a DNA profile
Q Now, you got to kind of explain to me a little bit DNA is everywhere I am sweating a lot of it out right here talking to you with the heat in this courtroom
A Yes
Q But it's in all of our body fluids It's in all of our cells, is that correct?
A That's correct
Q Can you kind of explain once again how you determine the DNA you're getting is coming from semen as opposed to sweat?
A Well, first thing we establish that there was semen there and then I develop a DNA profile from that stain If there was another body fluid there besides the semen, I would have gotten a mixture Say it was from someone else I would have gotten a mixture of two individuals but there was only one DNA profile developed from that and we had already established that there was semen there
Q So the DNA profile just to be specific that you developed to compare to Mr Cartwright's known DNA profile was from semen?

A Yes
Q It wasn't from sweat?
A No, it was from semen
Q Lilly, how long -- how long can semen stay viable enough for you to obtain DNA samples from outside of the body?
A I don't know exactly how long it can last because it depends on the conditions on which it is being stored, but it can last for quite a while
Q Weeks?
A Years
Q And how do you make sure that that hotel room bedspread doesn't have a bunch of DNA on it? You can't, can you?
A No
Q Can you wash items and remove the DNA?
A Yes, you can
Q Does the washing cycle remove DNA, breaks it down?
A Yes, besides the washing cycle, when you put it in the dryer that basically will finish it off
Q Okay And, obviously, y'all probably run a pretty clean lab What do you do to clean your lab?
A Well we got guidelines that we follow with cleaning solutions that we use In between cases it's required that you clean your area in between cases because you

don't want contamination from one case to another
Q And the science of DNA and extraction of DNA and comparison of DNA, do you know how long that's been developing?
A Well, I've been doing it for approximately close to 40 years, so it's been around longer than I've been doing it
Q And you didn't invent it You just started using it, right?
A No, I did not invent it
Q Lilly, you weren't involved in this case at all, were you --
A No
Q -- other than doing analysis of items you received?
A No, the case was assigned to me I received the evidence and then I did the analysis
Q And the statistic you quoted of one in 16 trillion, do you know how many -- do they tell you how many people are on Earth?
A Now they are saying it is over 7 billion
Q And 16 trillion is a lot more than 7 billion, isn't it?
A That's correct
Q And how do you know when something is one in 16 trillion chances of being duplicated when there ain't

but 7 billion of us here?
A Because it's a statistical assumption based on the fact you are looking at this particular profile and what you want to know is how rare is this profile and that's where the one in 16 trillion come in That's how rare this profile is
Q And it makes a difference as to how many loci are contained in the sample, doesn't it?
A Yes, it does If I had a partial DNA profile the number would be much less
Q Suffice it to say the DNA profile you developed from this semen was a strong profile?
A Yes I was able to develop a full DNA profile based on the sixteen loci that we look at
Q So you developed a full DNA profile, but the sixteen loci rather than having some blanks in it there was all sixteen loaded in your profile?
A That's correct
Q Thank you, Ms Gallman Answer any questions that Mr Harte has for you

CROSS-EXAMINATION

BY MR HARTE:
Q Agent Gallman, make sure I understand Any bodily fluid is going to contain DNA?
A Yes

Q All right And in a case in which there is a sample of DNA that includes more than semen in your test it would have shown up as a mixture?
A Yes
Q In other words, for instance, if there were vaginal fluid in that stain, that would have shown up as a mixture?
A It depends on how much is there, but, yes
Q All right And you would have then been able to determine if that part of the mixture belonged to somebody else or in this case the buccal swab from [redacted]
A Yes, I did not have a mixture
Q You did not have a mixture in this case
A No, I didn't
Q So there was no mixture of semen and vaginal fluid?
A Not in this particular sample, no
MR HARTE No further questions

REDIRECT EXAMINATION

BY MR WEEKS
Q Lilly, I asked you about these three items These are the three items you've been testifying about?
A Yes
Q Fifteen, sixteen, and nine, I think?
A Yes, nine
MR WEEKS Your Honor, the state moves to introduce

them at this time

MR HARTE No objection

THE COURT Without objection those are in evidence

(Whereupon, State's Exhibit Nos 9, 15 & 16 were admitted into evidence)

MR WEEKS That's all the questions I have

THE COURT Thank you, ma'am You may step down

(End of requested portion of transcript)

(Whereupon, on November 14, 2012 the following proceedings were held)

(Requested portion of transcript follows)

MR WEEKS Your Honor, the state calls Alicia Benedetto

ALICIA BENEDETTO, after being duly sworn, testified as follows

THE CLERK Have a seat in the witness box State your full name for the court and spell your last, please

THE WITNESS My name is Alicia Benedetto, B-E-N-E-D-E-T-T-O

DIRECT EXAMINATION

BY MR WEEKS·

Q And I am going to just call you Alicia rather than trying to say Benedetto every time because I'll mess it up Where are you from, Alicia? Where do you live? Where do you work?

A Oh, I work for the Assessment and Resource Center which is a division of the South Carolina Department of Mental Health in Columbia, South Carolina

Q And the acronym for the place you work is called the Ark?

A The Ark, correct

Q Okay And what do you do there?

A My title is chief psychologist My primary job is to conduct forensic evaluations of children ages three through eighteen when they're referred by law enforcement or social services because there are concerns of abuse

Q And how long have you been doing that work?

A I have been there full time since -- since 2001 full time and part time for the two years prior to that

Q Can you give us your educational background?

A Certainly My undergraduate degree is from New York University in New York and my master's and doctorate degree are from St Johns University also in New York Following my education there I came to South Carolina and completed a one year internship at the William S Hall Psychiatric Institute after which time I was offered a position and I've stayed

Q Do you receive or do you train or do you teach or go to classes in regard to this field that you're employed in?

A Sure, all of the above Actually, I am on the faculty for training that provides training to child abuse professional statewide in interviewing children best practices guidelines, to interviewing children child abuse dynamics, areas related to child abuse interviewing and investigation As part of that, of course, I also attend trainings regularly to keep myself abreast of new

developments

Q Have you been called to testify on a number of occasions?

A Yes

Q Do you have an estimate?

A I would say anywhere between 60 and 100 times

Q And, Alicia, you also have a private practice on the side?

A Yes

Q And are you called or subpoenaed or hired to testify in cases with regard to child sexual abuse issues?

A Yes Generally attorneys or guardians or someone involved in a child abuse assessment process will ask for my advice or opinions on things

Q And in the times you testified were you qualified as an expert in child sexual abuse dynamics?

A Yes

Q And you were allowed to testify as an expert in those fields -- in that field?

A Uh-huh

MR WEEKS Your Honor, I would move to qualify and have Ms Benedetto qualified as an expert in the field of child abuse, child sexual abuse dynamics

MR HARTE No objection, Your Honor

THE COURT Without objection You may proceed

Q Alicia, other than the fact that the allegations in this case involve sexual abuse with children or with young adults, do you know really anything about the facts of this case?
A No
Q Have you met any of the children involved in it?
A No, I have not
Q And I called you to ask you to testify today to explain what child sexual abuse dynamics encompasses and to ask you about some terminology that's commonly used, did I not?
A That's correct
Q And are you able to do that based upon your expertise in the field of child sexual abuse dynamics?
A Yes, I think so
Q Can you -- is there a phenomenon called accommodation syndrome?
A Yes
Q Can you explain to me what that is?
A The full term is actually child sexual abuse accommodation and it was a phenomenon that was first sort of described, I guess would be the way to put it, by a psychiatrist Roland Summit who noted that there were a lot of factors -- what we called kind of counter-intuitive factors that seem to be common in cases of interfamilial

abuse or cases of incest or where it's a person in the home or family who is alleged to have committed the abuse and Dr Summit identified those characteristics

It is -- I think the important thing to understand about it is it's not a diagnostic syndrome It is a descriptive syndrome He identified characteristics such as the fact that victims will keep the abuse a secret and talked about some of the various reasons why victims don't necessarily come forward immediately and tell about abuse, also, talked about ways that victims will accommodate abuse when they feel that they can't necessarily escape from it The way an adult might think that they might be able to exit an abuse situation and go to the police and that sort of thing, children don't necessarily feel empowered to do that sort of thing, particularly within a familial situation when the perpetrator is someone whom they've been told to trust or who is in a caregiving role So, Roland Summit described a number of factors that help us understand why children sometimes behave in ways that seem counter-intuitive to us as adults

Q And in that same vein you mentioned possibly disclosure not coming in a timely fashion What is that all about?

A Sure One of the elements that Summit described and that research has supported throughout the years is that

children delay disclosure very regularly In fact, it's less common for someone to come forward immediately -- for a child to come forward immediately than it is for there to be some period of delay That can range from hours to days, weeks, years There are studies supporting that many children don't even come forward within the first year that something has happened and that they may delay disclosure for a number of years based on factors in their particular situation

Q Alicia, has recanting been a phenomenon that's been studied and observed?

A Yes So the idea of recantation is that a child has come forward and made a disclosure and then at some point in the process takes it back and for whatever reason says that it did not happen and so that's called recantation That's another element that Dr Summit identified and it's another element that has been studied over the years in terms of how often does it happen, why does it happen

Studies as to how often it happens I find are not that useful because it depends on how you define, you know, whether or not somebody took it back, when they decided to tell again, did they tell again, so there are a lot of factors that can make it difficult What's more instructive is to look at the reasons why children say they recanted and there's been research looking back at

retrospectively at known victims who have talked about reasons why they, A, didn't tell perhaps immediately, and then, B, perhaps recanted and what perhaps allowed them to reaffirm the abuse later on

Q What are some of those reasons that have been given through the studies?

A For which?

Q Recantation

A For recantation? Most often fear, concern that negative consequences that perhaps had been threatened actually come true; so the individual has been threatened that some sort of bad things will happen if they tell and they come to find that bad things do happen -- you know, trauma to the family The whole family system becomes disturbed They aren't believed They aren't supposed by a caregiver They feel that perhaps no one believes them, nobody will believe them Perhaps they're removed from their home and put into foster care -- various circumstances that to a child basically just feel really negative and adversive and in those cases most often that we see children will recant, take it back and say, you know, this didn't really happen

Q One of the things -- is one of the things you see in doing your forensic interviews, do you see young children, young adults, young teenagers what my mother would

probably describe as acting out?
A Sure Sure
Q Can you describe how that interplays in the child sexual abuse dynamics that you're an expert in?
A Sure One of the ways -- and I am not quite sure what you're asking, but I guess the way I would interpret it is one of the things that we see quite often is that a disclosure will come out at a time when something has happened in a family So, for example, with teenagers the teenager has gotten in trouble for something and then one of the things that is presented is, well, that child is just acting out, it's just saying that because she was mad at a particular person; and, of course, that's a possibility that has to be investigated It is a hypothesis that you have to look at, but what's important to understand is that the one thing doesn't necessarily preclude the other

It can often also be the case that in a family a child has been perhaps putting up with abuse, accommodating it just as the syndrome is called -- accommodating that abuse over a period of time and something happens where somebody in the family gets mad at that child or there is some kind of punishment put in place and sometimes the child will say, no, I've had enough of that and will come forward or may at that point

will be given their first opportunity or may feel angry enough or empowered enough at that point to come forward and say, okay, well, that might be one thing, but this is what's actually going on

So, it's a phenomena that we see and the important point is one doesn't necessarily preclude the other from being true

Q In the field of child sexual abuse dynamics do these children often in their high school years, college years do bad things?

A Well, children that have been sexually abused -- we know from the literature that sexual abuse has a number of effects, particularly if a child isn't given treatment If there isn't an intervention put into place, particularly if there isn't a supportive family system in place, children will react to that abuse and there have been numerous studies talking about traumatic sexualization that can occur, so children who have come to feel valued at developmentally inappropriate times for sexual acts or sexual activity may act out because that's what they feel value for That's what they feel they can get something for

Children in those situations may develop what might look like manipulative characteristics because that is another way that they accommodate what's been going on in

their home

Q Alicia, you made one statement I just wanted you to clarify Counter-intuitive -- what did you mean by that?

A Sure I think that as adults if you don't work in this area people often expect, well, why wouldn't a child come forward? Parents say it to me all the time I've always taught my child that he or she could tell me if somebody did that. I started teaching them that when they were little Why didn't she tell? What we know is that children don't tell They have many reasons for not disclosing -- many, many reasons based on their age, their relationship to that perpetrator, the feeling they have in the home of whether or not that information will be received and believed, so if children do something counter-intuitive like not necessarily telling or not going to, you know, a school resource officer or calling the police are things that, you know, as adults we think, well, if someone sexually assaulted me I would call the police, children don't do that

MR WEEKS Answer any questions Mr Harte has

CROSS-EXAMINATION

BY MR HARTE

Q I heard you use the term factors in both describing the accommodation and the recantation -- that there were factors involved So, are you telling me that -- are you

telling this jury that there are numerous things that need to be looked at to determine if, in fact, this particular event or accommodation or recantation has occurred?
A No No Child sexual abuse accommodation is not a diagnostic syndrome, so it's not like something where you look at and check off factors to see if it occurred It's a descriptive syndrome that describes patterns of behaviors that would otherwise seem counter-intuitive and help us understand why they might be present
Q I guess my next question is why when you were talking about accommodation did you say that it was based on a number of factors?
A There are factors that are a part of the accommodation syndrome, so, for example, one of the factors that Roland Summit identified is that children often will keep something a secret, that they will often delay disclosure They are not diagnostic It doesn't mean that because something was kept a secret that sexual abuse happened
Q And with regards to children acting out, not every child that acts out has been sexually abused, have they?
A No, certainly not
Q And the only way to tell whether a certain case or whether recantation or accommodation or acting out -- the only way to determine if any of those might apply in a

particular case is for somebody like you to do a specific evaluation, right?

A I wouldn't say that's the only way It depends on the situation It's commonly the way, but it's not the only way

Q And in this particular case you have not done any specific evaluation, have you?

A No, I have never evaluated these victims

MR HARTE Thank you

THE COURT Any redirect?

REDIRECT EXAMINATION

BY MR. WEEKS

Q Whether you said the word factor or whether you didn't say the word factor, let me ask you this When you were describing the accommodation syndrome and the recanting, when children recant or when children tell -- recant -- I'm sorry Let me rephrase that When children tell and nothing happens, is that a common theme in the studies that you deal with?

A Sure One of the phenomenons that has been identified is that a child may start to tell something It's kind of what we call testing the waters -- may tell a little bit about something to see what the response of the system will be One of the most powerful factors that can influence whether a child maintains a true disclosure is

whether or not they receive support If a child feels that they are not believed, you know, particularly by a parent -- particularly by, for example, a mother -- a child is very likely to believe, well, if my mom doesn't believe me, then who is going to believe me

MR WEEKS No further questions, Your Honor

MR HARTE Nothing further

THE COURT: Thank you very much, ma'am You may step down

(End of requested portion of transcript)

(Whereupon, on November 14, 2012 the following proceedings were held)

(Requested portion of transcript follows.)

MR HARTE Your Honor, the defense calls Mr Harold Cartwright

HAROLD CARTWRIGHT, after being duly sworn, testified as follows

THE CLERK Have a seat in the witness box State your full name for the court and spell your last, please

THE WITNESS My name is Harold Cartwright, C-A-R-T-W-R-I-G-H-T

DIRECT EXAMINATION

BY MR HARTE

Q Do you go by Bo?

A Yes, sir

Q How old are you, Harold?

A I'm 47

Q Before you got arrested on these charges, where did you live?

A I lived at 641 Winter Place Drive

Q In Aiken?

A Aiken, South Carolina; yes, sir

Q Are you originally from Aiken County?

A No, sir

Q Where are you originally from?
A I am originally from -- California is where I was born
Q How long have you been in Aiken County?
A I have lived in Aiken County for about 27 years
Q Now have you ever sexually molested your daughter or your stepdaughters?
A No, sir
Q Even once?
A No, sir
Q Let's start with [redacted] [redacted] is your natural daughter, is that correct?
A Yes, sir
Q And was she born in Aiken County?
A No, sir
Q Where was she born?
A She was born in Tampa, Florida, Tampa General Hospital
Q And how old was she when y'all moved to Aiken County?
A When we moved to Aiken County [redacted] was an infant
Q And then did you have other children? Who was your wife at that time?
A Melinda
Q Did you have other children by Melinda?
A Not at that time

Q Later on?
A Yes
Q Who are those?
A Jamie Cartwright and Hoss Cartwright
Q How much younger than [redacted] is Jamie?
A About three years No, I'm sorry, seven years
Q And how much younger than Jamie is Hoss?
A How much younger is Jamie than -- Hoss than Jamie?
Q Yes
A Hoss is roughly almost three years
Q Okay Now when did you and Melinda separate?
A In '95
Q What was the reason for that?
A We were having a rough relationship There was betrayal She had slept around I had discovered it Me and her -- her and my mother had a fight She hit my mother My mother died three days later from a massive heart attack
Q Did it have -- did your separation and divorce have anything to do with [redacted] or the other children?
A No, sir
Q How old was [redacted] at that time when y'all separated?
A [redacted] was ten years old
Q And after the separation where did Melinda go?
A Melinda moved to Rome, Georgia with her mother and

her sister
Q And what about the children?
A They went with her She was going to leave Hoss with me, but I gave her to him I didn't want my children broke up I wanted them to be together
Q What was your relationship with [redacted] up until the time that she and the rest of the family moved to Rome, Georgia?
A We had a great relationship
Q After they moved to Rome, Georgia did you ever see [redacted] again?
A Yes
Q When would you see her?
A I had visitation to be able to go get her on the weekends and two weeks in the summertime which I would get her every other -- for years get them every other weekend -- the weekends that I could, mind you That's a long drive and I work construction which is 60 to 70 hours a week sometimes and I would pick them up, bring them back when I could and when I couldn't I would spend time with them there
Q How long after they moved to Rome, Georgia did you marry Buffy?
A I married Buffy about probably five years -- four to five years later

Q When you married Buffy was -- she had two daughters?
A Yes, sir
Q [redacted] and [redacted]
A Yes, sir
Q Were you still having visitation with [redacted] at that point?
A Yes, sir
Q Would y'all -- when you had [redacted] come down for visitation what would y'all do as a group?
A We would go to -- well, let me take that back We weren't married whenever [redacted] was coming down We had gotten married prior to that, but, yes, to answer your question we would go to the lake, camping, just vacation, whatever we could do, sometimes to the movies, whatever
Q And [redacted] would participate in that?
A Yes
Q Any complaints about anything?
A No, sir
Q [redacted] participate in that?
A Yes, sir
Q How old was she then?
A Her and Jamie were -- let's see That would have been -- they were five, six, seven -- five, six, seven, somewhere in there along those ages during that time
Q All right Did something happen to cause a problem

in your relationship with [redacted]
A Yes, sir We was living in Warrenton and I went to get [redacted] and the kids I had them down It was fall of '98 and me and [redacted] had some problems She had on a pair of pants that had some vulgar, lewd writing on them I told her three times to take them off She wouldn't take them off and I snatched them off in the kitchen and threw them away
Q Now did you have occasion to go to Rome, Georgia and see [redacted] a short time after that?
A Yes It was -- actually, I had seen them plenty after that because Buffy's father's wife died -- Gail -- and we moved in with him because Buffy wanted to take care of him During that time when I would go see the kids I had to visit them in Rome, Georgia because, you know, bringing them back and forth wasn't going to cut it; so I would go see them, spend time with them at the movies, take them to putt-putt, CiCi's Pizza, the roller rink, stuff of that nature
Q And how old was [redacted] about that time?
A She would have been -- during that time she was about between thirteen and fourteen
Q All right And did something in particular happen on one instance where you went up to Rome, Georgia?
A Yes, sir In the fall of '99 I went up to visit the

kids to take them -- as a matter of fact, that weekend I was -- initial plans was to bring them back, but it didn't end up that way I walked up to the house and when I got to the house I knocked on the door Nobody came to the door, but when I knocked on the door the door eased open I pushed the door on back, stepped in I asked was anybody up It was early in the morning I had drove most of the night to get there

I noticed two bodies on the couch and when they stirred I realized that one of them was [redacted] my daughter The other was 24-year-old Kevin [redacted]

Q And you believe that he was 24 years old at that time?

A Yes, sir, if my memory serves me correctly

Q What did you do about that?

A I almost went ballistic I noticed that Hoss and Jamie was up, so I calmed myself They swore nothing was going on, that she had just jumped on the couch with him and I took [redacted] -- I mean, Jamie and Hoss and left and went to putt-putt or the movies I forget exactly where we went after that [redacted] would not go She was screaming at me that if I done anything she would never talk to me again

Q And when was that now?

A That was I'd say somewhere along the end of October,

somewhere in that neighborhood

Q All right And then what was the next thing you heard about with regards to [redacted] relationship to Kevin [redacted]

A I got a phonecall Thanksgiving day from Melinda telling me---

Q And as a result of that phonecall what did you learn about your daughter's physical condition?

A She was pregnant

Q Do you know who the father was?

A Yes, sir

Q Who was it?

A Kevin [redacted]

Q And what happened after that?

A Well, as soon as that happened---

Q Did you do anything?

A Yes, sir

Q What did you do?

A I called DFACS and the police in Rome, Georgia

Q What did Kevin and [redacted] do?

A Kevin kidnapped my daughter and ran to Alabama, was gone for about six months before they found him

Q What happened with the situation with Kevin and [redacted] after they found him?

A Well, after they found him Kevin went to jail I

think he done three years or so [redacted] moved in to his family's house and lived with his parents and I got my two younger children in that following visit or actually it was a little later than that -- a few visits It was in the summer of 2000 and tried to go through the courts to get custody of them for me and Buffy to have custody of them My attorney filed in the wrong state

Q What, if any, contact did you have with [redacted] after that?

A Very little I did get to see the kids one time about six years later I didn't know when any of them were born Nobody told me their names As a matter of fact, [redacted] had gotten in a wreck and her and my oldest granddaughter were severely injured and I wasn't even notified

Q Now, with regards to [redacted] tell the jury about the accusations that were made when she was very young

A Well, I was working in Charlotte at the time up there building an E-Z-Go plant or golf cart plant I am not sure I call it E-Z-Go It was golf carts Me and Buffy were having some problems at that time because we were apart She had, you know, a lot of female complications She had several operations, but she was talking on the phone with a fellow by the name of Gary Owens

Me and her had some words about that but she came to

me one day and told me that Melinda had been calling her and that -- said that there had been some accusations made that I had supposedly bothered [redacted] and I told her to ask [redacted] -- that nothing had happened and she did while I was working out of town

Q Had anything happened?

A No, sir

Q To your knowledge did [redacted] at that point say that anything had happened?

A No, sir

Q What happened that eventually she did say something happened?

A From my understanding she was questioned over a period of a month or so telling the same answers as, no, nothing happened, and then one day I guess she said something happened

Q How long were you away from the family because of that incident?

A I was away about two years and it was in -- I was out of town working I worked in Atlanta I was working for a company up there and I stayed there probably for another eight or nine months before I went home after I was allowed to go back home

Q And after you got back home where were y'all living?

A Culley Drive

Q And who was living at that address?
A Me, Buffy, [redacted], and [redacted]
Q How did things go over the next few years?
A Things were fine there for I'd say a short period Probably a year and a half, two years at the most things were good Then we started having problems with [redacted] whenever she started dating this boy named Tim
Q How old was [redacted] at that time?
A She was -- well, they liked each other from about the time she was twelve from what I understand, but they didn't actually start dating, per se, that they were an item, so to speak, in today's terms until she was about thirteen or fourteen
Q And how old was he?
A He was her age
Q At any time during that period of time after you came back to the house and when she started dating this fellow did you -- were you sexually abusing her in any way?
A No, sir
Q Did y'all have a fairly good relationship?
A Yes, sir
Q What kind of parent were you in terms of strictness or that sort of thing?
A I was pretty strict The kids used to say that you couldn't do nothing and get away with it around me I'd

find out about it They would try sometimes, but it didn't always work for them

Q Between you and Buffy, who was the disciplinarian?

A Me

Q What happened after that with regards to [redacted] and her behavior?

A It steadily depreciated to the point to where one day I got a phonecall from [redacted] stating to come home, that [redacted] and Cheyenne Williams had a boy at the house and they were doing things in her bedroom I left work immediately, went to the house, and that was what was going on I called the other girl's parents to the house Me and them and Buffy had a conversation with the kids about all of that

Q How old was [redacted] at that time?

A At that time she was about fifteen

Q At some point in time did she move out of the house?

A Yes, sir Whenever she was sixteen she got to the point to where she didn't want to go to school She would stay gone two or three days at a time I would go find her, get her, get her back home She wouldn't go to school and she went to work at Atlanta Bread and moved out, went and lived with her grandmother because I wasn't going to let her live at the house not working -- I mean not going to school

Q That was Buffy's mother that she went to live with?
A Yes, sir, and at that point after the episode with her bringing the boy in the house and her and another girl having sex and scaring [redacted] I didn't want the influence around her
Q Was there ever a discussion about putting [redacted] in boot camp?
A Yes, sir I wanted to put her in boot camp but that didn't happen
Q You heard testimony earlier they were saying you didn't want her in boot camp
A No, sir I wanted her in boot camp I think it would have done her some good
Q What was your relationship with her along this time?
A Not real good We didn't get along at all She wanted to run wild I didn't want her running wild She didn't want to live by the rules of my house and, apparently, didn't want to live by the rules in her grandmother's house either
Q How long did she live at her grandmother's house?
A I would say probably about four months at the most, might not have been that long
Q And what happened after that?
A She came back home against my will and as soon as she turned 17 which was shortly after she run away

Q Did she get in some trouble after she ran away?
A Yes, sir She got locked up for -- in Camden for her and Timothy had some counterfeit money
Q Did you help her out of that?
A Yes, sir I borrowed some money from friends of mine and went and bailed her out
Q And did she continue to live out of the home during that time?
A Yes, sir
Q About six months later did you get a call from [redacted] about another incident?
A It was -- it was a little later than that It was after we had moved to the place at 641 Trenton that I got a call from her stating that she was hysterical Her and Tim was fighting He had pulled a gun on her, apparently; was threatening to hurt her and I gave Buffy the phone, jumped in my truck, and I was headed over there I got---
Q Now when she called she talked to you?
A Yes, sir
Q All right Go ahead
A Told Buffy to have [redacted] call the cops and I was headed that way I told her to tell them that I was driving a big silver dually and a Dodge and that I would probably be speeding -- to just follow me and I proceeded to go there; got a phonecall when I was coming through

Beech Island not to worry about coming there, that she had gotten out of the house and was going somewheres else

Q What happened after that? So you didn't confront the young man or anything?

A No I mean, I wasn't going to just walk up there Unless my daughter was there, I was wasn't going to walk up there with a boy supposedly sporting an AK-47, no, sir

Q So what happened after that with regards to [redacted]

A About two weeks later I get a phonecall from her She was crying, said she didn't have nowhere to stay, that where she was staying that the woman of the house had throwed them out because she said that she didn't like the way [redacted] was treating her kids So I told her that she had a place she could come stay with us and she asked me at that point if it was all right if Kevin -- I'm sorry, Chris Faulkner came with her I was reluctant because there was a time when she was fifteen years old that she was running around with said Chris Faulkner and he was substantially older than her at that time He was about 21, 20, somewhere in there I never did find them or catch them, so I told her, yes, it was all right that he come I didn't know that it was to live there at the time but he came along with the package to live there

Q All right And where were y'all living at that point?

A 641 Winter Place Drive
Q And did they live in that residence?
A No, sir They lived -- I had a shed in the back that was -- I made into a room for them to stay in while they were there
Q Is that the shed that has been referred to earlier?
A Yes, one in the same
Q How long did that last?
A About three months -- three to four months they stayed there Eventually I had to put them out [redacted] decided she could just go in our room whenever she wanted, get whatever she wanted out of her mother's jewelry box and things of that nature and plus the influence on Hoss and [redacted] at the time I felt that it was best that they ---
Q So did you confront them that that was a bad example for [redacted]
A Yes
Q And was Hoss living with you at that time?
A Yes, sir, he was
Q How long did Hoss live with y'all?
A He lived with us for approximately eight months
Q At any time during the time period that we've talked about did you ever sexually molest or abuse [redacted]
A No

Q Now, with regards to [redacted] what kind of relationship did you have with [redacted] when she was young?
A We had a great relationship [redacted] was the pet pea, so to speak She done excellent in school She didn't get in no trouble We had a great relationship
Q And how long did that last?
A That lasted all the way up until we moved to 641 Winter Place Drive when I discovered -- when I discovered porn on the internet
Q How did that come about?
A I had watched a show Tyra Banks had done and she said that half of all teenagers have made porn movies
Q And so as a result of that, what did you do?
A I didn't really know what to do, but I did know some people and I talked to some younger people because a lot of people had worked with me over the years and I was informed of -- I was given -- dropped a website that I could check that that was the teenage website and I checked it
Q Did you find anything?
A Yes, sir, I did At first I found a picture
Q Then what?
A Well, I -- The picture was [redacted]
Q Did you confront [redacted] about that?
A Yes, sir, I did, and she denied it

Q What did you do?
A I told her, you know, that it's you and the other girls in there are your friends It ain't like it's just a picture of one person There are several people there and odds of all of those people being there, no, that's you
Q Did you report the -- what you had found to anybody?
A I tried to
Q Who did you report it to?
A I went to North Augusta They asked me, What do you want us to do? I told them -- they said that -- I wanted something done and they said that it wasn't in their field, that those sites are overseas and just one thing and another
Q Did you go to a local news station?
A Yes, sir, I did
Q What did you do with them?
A I went to them and told them what I discovered and I wanted to put a word out to other parents that they could be aware
Q Did you actually do a video?
A Yes, sir They done an interview with me and run it on the air
Q Were you -- was it clearly you or did they mask---
A No, sir I had them

I had them put me in the

shadow for [redacted]
Q [redacted]
A [redacted]
Q Excuse me Your Honor
What was going on between you and [redacted] while this was going on? What was your relationship now?
A Hard I was drilling her I wanted some answers
Q Were you able -- Go ahead
A I wanted to know where it was happening I wanted to know the names of the people that were involved
Q Were you successful in getting that information?
A At one time she admitted that it was her in the picture and named off the girls
Q Was that the only time she made any kind of admission?
A Yes, sir
Q Hoss was living there at the time, is that correct?
A Yes, sir
Q Were you careful about the relationship between Hoss and [redacted]
A After I had discovered what I discovered and not counting the fact that whenever he had stayed with us the year before at the shed we went to K-mart right before Christmas and him and her got took to the back of the store for shoplifting condoms

Q And you caught them doing that?
A The store caught them
Q But you were informed of it?
A Yes, sir I had to go in there and get them released from the police
Q Did you pay attention to the kind of clothes that [redacted] wore to school during this period of time?
A Yes, sir
Q And tell me about that What did you do?
A Well, she had these push-up bras that she liked to wear I ripped most of those in two and threw them in the garbage She had these eye-patch underwear that she wore I didn't like those, but she kept those She would have to go back in her room most of the time and change clothes before she would go to school and most of the time she would sneak more clothes to school and change while she was at school

There was one in particular incident where she was sitting in the floor cross-legged watching TV and Hoss was sitting there with me and we was watching TV and I told her she needed to go change shorts because she was sitting Indian-style and she was exposed

Q Now, did you go to Buffy with this information and with what was going on?
A Yes, sir, I did

Q What was her reaction?
A She said that all I was going to do is drive her away
Q Did that surprise you that she took that stance?
A Shocked me
Q When did Hoss move out?
A It was just before Christmas of 2010
Q Were you and [redacted] pretty much constantly going over this issue about the movies and the pictures and stuff?
A Well, it got worse after I found the movies There was actual movies and it got worse Yes, we were fighting pretty good
Q So at that point what kind of relationship did you and she have?
A Not very good
Q Did she ever threaten to say anything about you?
A Yes, but I was -- at the time I didn't realize it We were in the living room and I was on to her and I told her that I -- you know, she's mad because I had went to Channel 12 and that I was going to get her locked up and I told her that this is something that's going to be there the rest of your life; that I need to try to get this off of the internet I said, How would you feel one day when you get married or you have children and somebody come to you and say this is you? I said, How embarrassing will

that be? And at that time on TV there was a fellow that had -- they were doing a story on that had failed to register as a sex offender and she said, well, how embarrassing would that be? I didn't realize what she meant by it I just looked at it and said that would be pretty bad

Q During this time even though y'all had a bad relationship did you still try to actively parent and protect her?

A Yes, sir One time she came home with issue from school stating that the coaches had separated the girls from the guys and put them in another gym and that the guys -- the coaches were having the girls do yoga in the floor and get in all kinds of exposing positions and she didn't like what was going on, said that there was some girls that were there that didn't have to do this that they would sit up in the stands or go in the coaches office and clean, that they were the probably in there doing something else and me and Buffy went to the school and confronted the school about it

Q So Buffy went with you on that occasion?

A Yes, sir

Q And when was that in relation to, for instance, when these accusations came out?

A The accusations of?

Q Against you
A Against me? That was probably just about five months prior
Q Did the girls have -- did [redacted] have a laptop computer?
A Yes, sir, all my children had one.
Q Do you know if that computer was ever checked for any material that might be on there?
A No, sir, I do not I don't believe it was
Q Even after you were arrested did you try to make contact with some law enforcement with regards to these movies and pictures that you were concerned about?
A Yes, sir
Q What did you do?
A I requested one time that I wanted to speak to the FBI to report a crime
Q Did you get any results from that?
A No, sir
Q Now, at some point in time did you attempt to commit suicide?
A Yes, sir, I did
Q Why did you do that?
A Life wasn't good I had been through a lot, didn't have bond I am running around waving my hands like my head is on fire trying to get people to listen to what I

am saying about what's really going on here with no results There's lots of factors I was losing everything I owned, everything I had ever worked for, my family putting these accusations against me, just the list goes on

Q Now you heard the testimony about there was some DNA on those sheets?

A Yes, sir

Q Do you have an explanation as to how your DNA might have gotten on that sheet?

A Oh, yea I know exactly how it got on that sheet

Q How is that?

A It got on that sheet we was -- I was at home one day and Buffy was doing laundry and she pulled me in to Hoss' bedroom and ejaculated me with some panties

Q And was the sheet that's been introduced into evidence -- where was it?

A I haven't seen that sheet

Q What bed was it on?

A I would presume Hoss' I hadn't seen the sheet

Q Now you seen the photographs that have been introduced that you had copied when you came to my office Do you remember that?

A Yes, sir

Q Is it still your contention that that is -- those are

photographs of your stepdaughter and her friends?
A Yes, sir
Q I think I asked you this, but I am not sure At any time during this period did you ever sexually abuse [redacted]
A No, sir
Q Not once?
A No, sir
MR HARTE: Please answer any questions that the solicitor might have

CROSS-EXAMINATION

BY MR WEEKS
Q Good afternoon, Mr Cartwright
A Good afternoon
Q If I wrote it down right -- and I don't take very good notes -- at some point in time you discovered porn?
A Yes
Q Is that correct?
A Yes
Q How did you discover porn?
A By looking on the internet
Q And on the internet there's thousands and thousands and thousands and thousands and thousands of porn sites, aren't there?
A Yes, sir, there is
Q You are an incredibly lucky father, aren't you?

A Yes, sir, I am
Q So, out of the thousands and thousands and thousands of porn sites on there, you happen to find your fourteen, fifteen-year-old daughter on there on movies?
A Yes, sir
Q Okay And being such an incredibly lucky father you certainly wrote down those porn sites, got that information, and went directly to law enforcement?
A No, sir, I'm not that smart
Q Okay And it's your contention the only thing you've taken pictures of are these two pictures that the state entered into evidence -- the only thing you've copied?
A No, sir There's -- there should have been more on my computer that was on my screen saver
Q The screen saver on your computer was your 15-year-old daughter naked?
A No It wasn't my screen saver They were saved there temporarily just to show her mother
Q I see
A They weren't used as a screen saver by no means
Q I didn't use the word screen saver You did
A Right
Q Do you know what a screen saver is?
A Well, I'm talking about the program, but, yes, sir, I know what a screen saver is

Q And so what you're saying is these two pictures here are [redacted] somewhere in there? This one, I guess, would be [redacted]

A Yes

Q And this one is [redacted] and her friends?

A Yes, sir

Q And out of the millions, a thousand times a thousand times a thousand times a thousand times a thousand might be trillions of pictures that are on the internet now you happened to find your daughter on there?

A Yes, sir

Q How many days, hours, weeks did you have to surf the porn nets to find her?

A To find that first picture? It was relatively quick It popped up within the first two pages that I looked at After that once I knew I found the picture of her with four of her friends in there and I see I can show you within 30 minutes several more in North Augusta of her friends It took me probably -- to find the movies I may have looked over a period of a couple of months an hour or two a day

Q You weren't working?

A Not at the time, no, sir

Q You just surfing the porn sites looking for your daughter?

A Occasionally, yes, sir
Q I would call one to two hours a day more than occasionally, wouldn't you?
A Well, have you ever found your daughter on a porn site? It'll make you want to know what's going on
Q This was your stepdaughter [redacted]
A Yes
Q The one that we've been calling her [redacted] You call her [redacted]
A Yes, sir That's [redacted] right there in that picture
Q And she was the third daughter that you had had problems with during your lifetime?
A She was the third daughter, yes, sir
Q Third daughter When the first daughter was in first grade she reported to somebody that you were inappropriately abusing her, didn't she?
A No, sir
Q She didn't report to anybody?
A No, sir Somebody made a report that that may have been going on and someone went and questioned her about it and she said, no, that it wasn't going on
Q Okay Somebody made a report and law enforcement or DSS or DFACS or somebody went and talked to her in school, didn't they?
A Yes, sir

Q And you weren't arrested then?
A No, sir
Q So that's when [redacted] was in the first grade or so, is that correct?
A Yes
Q That didn't concern you that somebody was making those kind of allegations against you?
A I had a good idea where they were coming from
Q Didn't concern you?
A Of course, it concerned me
Q Well, as it rocked on until [redacted] was ten she lived with you, is that correct?
A Yes, sir
Q When she was four, five, six, seven, eight, nine, ten she lived with you?
A Yes, sir
Q After her tenth birthday at some point her mother took the children to Rome, right? Y'all split up?
A Yes, sir, we got divorced
Q Because her mother was running around That's what you said, isn't it?
A That and, yes, sir
Q That and?
A Like I had stated earlier, her and my mother got in a fight She hit my mother in the chest My mother went to

Aiken Hospital They sent her home She died three days later with a massive heart attack

Q Was that in -- When?

A Ninety-five

Q And this is the same mother -- the same child's grandmother that [redacted] says sat down with you and talked her into the fact that she had a dream about you sexually abusing her Is that same mother?

A No, sir, because that same mother we're talking about if she would have thought for one minute that I was involved in something like this she would have strung me up

Q With a sheet?

A Sir?

Q With a sheet? Let me ask you this

A Does that require an answer?

Q This mother did sit down with [redacted] and you and talk to her about these allegations she made in somewhere around 2000?

A No, sir

Q She didn't have any conversation about it?

A No, sir

Q Were you arrested for the allegations she made in 2000, 1999, somewhere in there?

A Yes, sir

Q And were you bonded out?
A Yes, sir
Q And where did you live when you were bonded out?
A I lived at my brother's
Q Okay And your brother's was where?
A In North Augusta
Q Was it one of these addresses we have here?
A Yes, sir
Q And where was [redacted] living?
A With her mother
Q Where?
A Culley Drive, 112
Q Culley Drive So you lived with your brother on what, Lee Street?
A Yes, sir
Q And [redacted] was living on Culley Drive?
A Yes, sir
Q With her mother?
A Uh-huh
Q And y'all stayed gone for how long? Stayed apart, you and Buffy?
A I was out of the house for almost two years
Q And that's while you had charges pending against you?
A Yes, sir
Q And you're saying your mother and you didn't have any

conversations with [redacted] during that time?
A My mother was dead
Q Okay
A Had been for years
Q In '96?
A My mother died in '95
Q Okay I might be getting [redacted] and [redacted] mixed up Didn't [redacted] say there was some conversation with your mother or was that [redacted]
A I guess it would have been [redacted]
Q Now, in any event when all this terrible trouble starts coming by and all of a sudden your 15-year-old is a porn star you had already pretty much been on notice that the first daughter and the second daughter had made accusations against you?
A No, sir
Q Well, come on By that time you had already served time in jail You knew you had been accused In 2010---
A In 2010?
Q -- by that time you knew both [redacted] and [redacted] had accused you of molesting them throughout their life?
A In what month of 2010? I mean, you said 2010 At the beginning part of that year I didn't know anything of it I was still living at home
Q I'm not talking about the time you're in jail for

now I'm talking about the time she alleged -- [redacted] alleged that you had abused her and you went to jail. You got arrested in 2000, 2001, somewhere in that range?
A That was in 2000
Q So she was the second daughter by the time 2010 rolls around that had made accusations against you?
A Yes, sir
Q Okay Now, [redacted] is coming along, developing physically, push-up bras?
A Uh-huh
Q Is that correct?
A Yea
Q And you're ripping the bras off of her or tearing them up?
A No, sir I took them -- ripped them in half and threw them in the garbage can I didn't take them off of her
Q All right But you bought those, didn't you?
A No, sir
Q You didn't take her shopping to buy her clothes?
A My money may have purchased them, but I didn't buy push-up bras, no, sir
Q And tearing up [redacted] clothes -- if we go back a few years the jeans that you didn't like that [redacted] was wearing when she was 14 years old what did you do with

those?
A I threw those in the garbage can because they had wrote on them right here insert dick here with an arrow pointing I didn't think she needed to be wearing those
Q I agree with you there And it's your testimony that you ripped those off of her?
A I pulled them off in the kitchen, yes, sir
Q So her testimony that you did it in the bedroom is false?
A Exactly
Q Okay During these times when the children were young did you take them fishing?
A I have taken all my children fishing I owned boats We went fishing We went to the lake We went camping all the time
Q You said -- and I was a little uncertain as to when you said this happened, but you said you were in North Carolina?
A Yes, sir
Q And you got a call from your wife?
A No, sir I didn't get a call from her When I came home for the weekend
Q Came home for the weekend from North Carolina?
A Uh-huh
Q She told you that [redacted] was saying that you were

molesting her?
A Right before I was getting ready to go back She didn't say that [redacted] said that I had been molesting her She said she that was getting calls from Melinda saying that she needed to find out what was going on between me and [redacted]
Q Okay Well, Melinda wasn't living in Aiken County, was she?
A No, sir, she wasn't
Q And [redacted] wasn't living with Melinda, was she?
A No, sir
Q And your response to that was, Ask [redacted]
A Yes Who else is she supposed to ask?
Q I've heard throughout this trial boot camp What kind of boot camp are you going to send these girls to?
A One that ain't going to let them be able to get out and run up and down the streets and do drugs and hopefully give them a little bit of discipline that they couldn't get at the house
Q Or the shed?
A The same boot camps that are everywhere -- all the people put their children in when they need help with them
Q People put their children in boot camps that aren't Marines or Army --

A Yes
Q -- or Navy? And that's your tactic for raising daughters? Stick them in boot camp?
A I might not be the best parent in the world I may could use some parenting classes, but, yes, sir
Q And the same daughter that you wanted to send to boot camp a year later you're letting live with her boyfriend in the shed at your house?
A No, sir, it wasn't a year later
Q When was it?
A That was almost three years later She was a grown woman then I couldn't do nothing about it
Q Isn't it true that you decided that [redacted] needed to homeschool?
A [redacted] wanted to homeschool because she was embarrassed that we were living in a shed and she was afraid her friends were going to find out
Q Did you put [redacted] on birth control at that time?
A Yes, sir After they were stealing condoms I thought and told her mother it would probably be a good idea
Q Now, at some point I think it's pretty well established that [redacted] got a tongue ring?
A Yes, sir
Q Did you think that was a good idea?
A I didn't want them to have tongue rings or tattoos or

none of that stuff, no, sir
Q But you actually paid for [redacted] didn't you?
A Yes, sir
Q Mr Cartwright, I'm assuming that you know what these bed sheets are?
A I haven't seen those bed sheets
Q Would you recognize bed sheet from [redacted] bed if you saw them?
A Sure
Q After two years you'd know what they look like?
A I just looked at a picture of them a few minutes ago Yes, sir, I still know what they look like I know what the ones look like I bought my son Hoss for Christmas that year, too
Q Are these familiar with either one of those beds?
A Yea, those are off of my son's bed
Q The son that wasn't living there?
A Yes, sir
Q And as I understand your testimony that your semen was on these bed sheets when those bed sheets were taken on February 25 of 2011 because Buffy had jacked you off with a pair of panties?
A Yes, sir
MR WEEKS: No further questions, Judge
MR HARTE: Nothing on redirect, Your Honor

THE COURT Thank you very much sir You may step down

(End of requested portion of transcript)

CERTIFICATE OF REPORTER

State of South Carolina)
)
County of Aiken)

I, Lisa H Davenport, Official Court Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and partial Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Aiken County, South Carolina, on the 13 - 14 day of November, 2012

I do further certify that I am neither of kin, counsel nor interest to any party hereto

January 27, 2013

Lisa H Davenport, Court Reporter

State of South Carolina)	In the Court
)	Of General Sessions
County of Aiken)	

Indictment No.: 2012-GS-02-0304, 0306-0327, 0329-0332, 1682

State of South Carolina, Plaintiff.)	
)	Partial
vs.)	Transcript of Record
)	
Harold Cartwright, Defendant.)	

April 15-16, 2013
Aiken, South Carolina

B E F O R E:

The Honorable Doyet A. Early, Judge and a jury.

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PRETRIAL MOTIONS

THE COURT: All right: Let me hear the motions from y'all.

All right, Mr. Solicitor?

KEVIN N. MALONY: Yes, sir, Your Honor. First thing I think we could take up, Your Honor, is the unavailable witness and mark as a Court's Exhibit the letter that we received from Ms. Buffy Cartwright, who testified in the trial in November. She was subjected to cross-examination and was cross-examined at that time. The defense has stipulated to the authenticity of this letter from her hospice care nurse basically stating that she is unavailable to be here today. She has stage 4 lung cancer. This week -- excuse me -- she won't be here all week. She's ultimately -- her diagnosis is palliative in nature. The treatments at this point, she is only on pain management.

So, Your Honor, the State would seek to introduce her prior testimony from a prior proceeding under oath and both the defense and myself realize that under 804(s)4, she would be unavailable based on her infirmity and under the B portion of that statute that it would be former testimony that should be admissible in this case.

THE COURT: Mr. Routzong?

MR. ROUTZONG: I don't have any objection to that,

Your Honor.

THE COURT: All right. Next matter, please. Next matter.

KEVIN N. MALONY: Your Honor, I believe this would be more of Mr. Routzong's motion, but last trial and again for this trial, the State would be attempting to introduce evidence of the defendant's suicide attempt. This attempt occurred on April 13th of 2011, which is the same day the defendant was served with warrants for the third victim in this case.

The State would move to introduce this evidence through testimony of a deputy at the jail who actually found the defendant hanging from the sheet. No statements were made at that time, it would simply be evidence of his attempted suicide. Two pictures from the jail cell, one of the jail cell itself and one of the sheets tied in a noose. For purposes under State v. Rosco of showing a guilty conscience and evidence of flight.

THE COURT: Mr. Routzong?

MR. ROUTZONG: Please the Court, Your Honor. I think Rosco is distinguishable from this case here. In this case, Your Honor, or rather in Rosco, the defendant did write a suicide note, specifically connecting the attempted suicide in Rosco to the allegations. There's no note here, Your Honor. There's testimony that there was no

note and that the officer who testified in the last hearing was not aware of any conversation relative to any of the charges.

In addition, Your Honor, in this particular case, the State has to show a nexus between the suicide and the charges. They have to show that he was aware of the charges. Obviously he was aware of the charges when he turned himself in almost a month prior to that, Your Honor.

They also have to show a nexus between the two events and they have to show that he was aware of the charges -- I just repeated myself.

This is also distinguishable, Your Honor, as I've already said, he was in jail for a month. I don't believe he had bond at the time. I just don't think, Your Honor, that the State's going to be able to establish that one event lead to the other in the sense of flight, particularly in light of the fact that he did turn himself in.

By turning himself in, Your Honor, that shows that he was willing to face these charges. Also in Rosco, Your Honor, I noted that the Court also said that the defendant objected under Rule 403 asking as well, Your Honor, at this point in time. We do believe that the prejudice that the defendant could suffer because this evidence would come in outweighs its probative value. The Court in Rosco held or

noted that no effort was made by that attorney to demonstrate what the prejudice is. Your Honor, I would argue that the prejudice is in these particular kind of charges, the typical persons from where we get jurors, under the typical populous, you've already got a long row to hoe, Your Honor, in trying to get people to understand that they should presume innocence in charges involving allegations of sexual misconduct until -- I believe the defendant would be prejudiced, Your Honor, by this because the State's argument would simply validate what's already a prejudice in the mind of most people.

In addition, Your Honor, I would argue this really is an issue of bad character. I think most people would agree that people who commit suicide or attempt to commit suicide are really also cowards and are unwilling to face life or they have mental health issues. In either case, Your Honor, I think this is an issue -- there are 28 indictments, there are plenty of witnesses. I think this is something that would just inflame and potentially prejudice the public from where we get the jury and I just believe, Your Honor, that it's probative value outweighs -- I'm sorry, it's prejudicial value outweighs it's probative value.

THE COURT: Thank you. All right. I have reviewed and read the case of State of South Carolina versus Rosco,

it's a 2011 case where Court of Appeals first addressed the issue as to whether or not attempted suicide is probative of the accused consciousness of guilt. They went through an analysis of comparing it to evidence of flight. They looked at the rules from other states, finding that a majority -- an overwhelming majority of states had considered the issue and have determined that the evidence of second-degree is generally admissible to establish consciousness of guilt. And concluded that the evidence of suicide attempt is probative of the defendant's consciousness of guilt.

And they went onto analyze the nexus argument that you made just a few minutes ago and also the 403 prejudicial versus probative argument and based on Rosco, I am not going to disallow suicide. I will ask the solicitor when it comes to that point of the trial that you attempt to go into the suicide, alleged suicide attempt, please do so outside the presence of the jury, do a proffer for me because if the testimony is as you've said it will be, I will more than likely allow it, but I will make sure that we have that testimony on the record before going forward. Therefore, do not mention it in your opening statement, I will then, at that time determine whether or not it's distinguishable with Rosco. I'm not sure that a note concerning suicide is necessary. Rosco certainly did not

say so. I do understand the nexus and the 403 argument. I'll look at all of this at that time, I assume I will allow it in, but we'll see.

MR. MALONY: Thank you.

THE COURT: Next.

MS. AGNEW: Your Honor, at this time, the State would move per compliance with the rape shield law. Your Honor has the State's motion on that. Essentially the rape shield law prevents mentioning of specific acts of sexual conduct by the victims or opinion or reputation evidence of the victims regarding their sexual conduct or their sexual history. Specifically mentioned in your motion are three instances that were brought up by the defense in the last trial. One, a prior sexual relationship that the victim [redacted] had in 1999, her now husband. Two, an alleged sexual encounter the victim [redacted] had in 2006 or 2007 with an unidentified male; and three, a relationship that [redacted] had with a boyfriend in 2006 or 2007.

Your Honor's got the State's argument on that and the Finley case, I believe, is pretty dispositive as far as the exception to the rape shield law; however, the Finley case is a very narrow holding that was specific to the unique facts in that case. This case is distinguishable in that both of the victims had already disclosed this abuse before these alleged acts took place. Therefore, at the

time of the disclosure, no motive to lie exists, so this can't be used to argue motive to life. The remoteness in time is the significant part that distinguishes this from Finley, but Your Honor does have the State's motion.

THE COURT: Mr. Routzong?

MR. ROUTZONG: Your Honor, this is an initial matter. I believe I would argue to the Court that the State's actually waived this issue already. Your Honor, the purpose of the rape shield statute, at least according to -- to -- I believe it was quoted in -- but anyway, Your Honor, the point being, the purpose of the rape shield statute is to protect the victim from being -- from having prior sexual encounters inquired into in open court to show that they're unchaste, immoral.

THE COURT: Prior sexual -- go ahead.

MR. ROUTZONG: And, Your Honor in this particular case, all three of these cases actually stand for the same proposition and I am referring to cases, I will refer to Romanstein, Finley and Lang, which Your Honor has all three of them.

It all stands for the same proposition, there is no salacious -- the Court's do not require a salacious adherence to the statute. All three of these cases allow inquiry into, alledgedly, I'm not sure I would concede that issue in either issue, but alleged sexual misconduct or

those items that are in the statute itself --

THE COURT: What exception to the rape shield statute do you claim that would allow you to introduce or cross-examine them on these alleged sexual activities that took place long after these events.

MR. ROUTZONG: Your Honor, all three of these cases allow the defense to inquire into prior sexual conduct if they -- the State -- rather the defense can demonstrate some other reason than -- and in my particular case in all of these would be a motive to fabricate or bias on behalf of the defendant. All of these cases allowed the defense to inquire. In Lang, it was -- the defense was allowed to impeach the length of time -- I'm sorry the accuser on whether or not he was homosexual or not. That's a very -- that's an even more tenuous type of inquiry than an actual motive to fabricate. And in Finley, the accuser was observed by the defendant having sex on -- very close in time.

THE COURT: Almost the same day or the day before.

MR. ROUTZONG: That's correct. And the defense was allowed to demonstrate that they could inquire into that to show that she had a reason to fabricate. In other words, she wanted money. I believe it was a money issue and she also didn't want it brought to public notice. That's identical to what we're arguing right here. In some of

these cases -- at least in terms of [redacted], she was -- her father, in terms -- I don't even know in that particular case if that even counts as sexual misconduct, but it's within the purview of the statute because I'm not alleging any sexual misconduct, that's just whether or not the defendant made allegations to a television station, to the police and actually called friends of the victims and alleged that all these young ladies were exhibiting themselves naked on the --

THE COURT: What -- do you intend to just let the defendant get up and sort of boldface say this is what was going on? Or do you have some way to corroborate it or something?

MR. ROUTZONG: I don't think I need to corroborate that, Your Honor. The fact is he thought it was happening. Now, they've denied it and if I were able to demonstrate that they were participating in it, then that could be something I could use to impeach. But, however, Your Honor, the fact still remains just like in Finley, one of the issues was that she was afraid of having her sexually activities with the next door neighbor going to the public. That was one of the issues.

And they were allowed to investigate that. The defense was allowed to inquire. In this case as well, Your Honor. Even if the Court found that there was a form of

sexual misconduct, we have the right to inquire of the victim whether or not she was embarrassed, whether or not she suffered any humiliation publicly and go into that as a motive for fabrication. That's only one piece of the puzzle, Your Honor. That's only one small piece.

We have other issues with her that we can demonstrate fabrication, but that helps to complete the picture.

As far as [redacted] [redacted] --

THE COURT: That's the one that was married?

MR. ROUTZONG: I think she was impregnated when she was 14 years old. The defendant was either separated or divorced from his wife at that time so there was a custody issue. The defendant can testify that the mother was allowing that older man, I think he was about 10 years older than she was, to live in the house. The defendant discovered that, he brought -- made it known to the police and that person that she is now married to and has three children with, I believe, went to prison for 3 years and has to register as a sex offender.

Now, Your Honor, the defendant tells me, and I believe she testified in the last hearing, that she hadn't really spoke to him in years.

THE COURT: Hasn't spoke to the victim?

MR. ROUTZONG: The defendant. So that's a motive,

Your Honor. It goes without saying and the Court knows -- and I think Georgia, my investigation of Georgia sex offender rules are that when he was actually convicted, those rules are less strenuous or non forced --

THE COURT: The now husband?

MR. ROUTZONG: The now husband.

THE COURT: All right. My ruling is this, do not go into it until we get to the point where you think it is time to do so. Once we do, we'll send the jury out and I'll let you proffer and I'll sort of look at it in connection with everything else that's going on. I will make my ruling at that time. Do not mention it in opening statement.

MR. MALONY: Very well.

MR. ROUTZONG: Yes, Your Honor.

THE COURT: I think the last one was concerning an expert witness.

MS. AGNEW: That's correct, Your Honor. It's actually defense's motion to exclude the qualification of expert in --

THE COURT: The qualification or the testimony?

MS. AGNEW: I think it's pretty much everything, Your Honor.

THE COURT: Tell me what it is, Mr. Hayes.

MR. HAYES: Judge, starting --

THE COURT: Who's the witness?

MR. HAYES: Your Honor, Benedetto was the witness.

THE COURT: Madame Solicitor, what's she an alleged expert in and what do you intend for her to testify?

MS. AGNEW: Your Honor, has actually had doctor Benedetto in front of you before.

THE COURT: I know that, ma'am, but I do so many of these, I really and truly cannot remember her.

MS. AGNEW: She will be qualified as an expert in child sexual abuse dynamics and will testify as to the behavioral issues of children that have been abused.

THE COURT: And what would the behavioral characteristics be?

MS. AGNEW: Your Honor, she would go into things such as delayed disclosure and why children delay disclosing sexual abuse, why children may not disclose at all. Why children may have behavioral issues or acting out as victims of sexual abuse; how factors in the home can affect children that have been sexually abused and things of that nature.

THE COURT: You're not going to ask her to testify or give opinions related to the credibility of these three victims?

MS. AGNEW: Not at all, Your Honor.

THE COURT: Mr. Hayes?

MR. HAYES: Thank you, may it please the Court. Judge under 702, I first would argue that rules of evidence say it has to be scientific, technical or otherwise specialized knowledge that will assist the trier of fact in understanding the evidence at question.

THE COURT: That's correct.

MR. HAYES: Judge, in this case, the question would be whether these women or victims are telling the truth and the matter of credibility is something that is strictly within the purview of our jury.

THE COURT: No question about that and our case law has been very specific when you have these types of witnesses, they cannot testify or opine as to whether or not they believe what the victims alledgedly are telling them to be the truth. That is absolutely within the province of the jury.

MR. HAYES: Yes, sir.

THE COURT: But our State courts also realize or recognize that they are able to give opinions testimony dealing with behavioral characteristics as long as it does not invade the province of the jury, going to the credibility issues.

MR. HAYES: Yes, sir. And I would argue, Judge from this testimony that the only reasonable conclusion that could be drawn from it will be that these victims are

exhibiting characteristics that are consistent with child abuse. However, I will also just argue that, this is -- and I believe Your Honor is citing Weberling, State versus Weberling. As I was reading that earlier in a quick reading of it, I agree with Your Honor. In the past, in 1999, this case was decided that they allowed testimony for behavioral science concerning a rape trauma. And in that case, John Doe was being molested by his uncle who was in the five or six year range and their testimony in that case was that John Doe was found doing similar acts with other individuals. When he was --

THE COURT: Then let's fast forward to Kromah, K-r-o-m-a-h, which also gives analysis of it. That's a 2013 case.

MS. AGNEW: Yes, sir.

THE COURT: January of 2013. Written by Justice Beaty, which talks about forensic interviews and a little different than this, but I'm still not going to allow an expert to opine on credibility, but allow the expert to talk about the interview. We don't have interviews because they never saw the children. That's sort of saying basic reasoning.

MR. HAYES: Correct, Your Honor, and I would argue this, the Courts are going in the direction of excluding these types of witness and --

THE COURT: Well, they didn't exclude them in that case.

MR. HAYES: Well, in Kromah they said it was error. It was harmless error though and Judge --

THE COURT: But not to let the witness testify to what the witness testified about.

MR. HAYES: That's correct. And compounded with them being designated an expert or qualified as an expert was what the damaging factors were in Kromah, is that the jury, even being instructed that they cannot treat them with any more weight or consideration, that there is an understanding or underlying fabric that we believe may give them more credit than due.

THE COURT: Well, we tried a case in Barnwell, a month ago, three weeks ago, being of late disclosure where this same solicitor's office did not use an expert to explain why children -- awful lot of -- but that's their prerogative. But --

MR. HAYES: I understand that, Your Honor and our argument would be that that would be prejudicial, not probative, that it outweighs it because the only reasonable conclusion is that they're testifying, their testimony would be inadmissible or bell centering of their testimony.

THE COURT: Well, do you have any cases that could preclude me from allowing testimony as long as it does not

go to opinions concerning the credibility of the children, or the ladies who testify in the case as alleged victims. And Weberling, that would be a social worker's testimony and never interviewed the children.

MR. HAYES: And I would distinguish Weberling, in that case there was testimony that the victims themselves were alledgedly caught doing very similar acts, which would be considered with the trauma that he had suffered as a rape. In this case there are no such allegations.

THE COURT: Well, in Weberling, behavioral testimony concerning rape trauma, both expert testimony and behavioral evidence are admissible as rape trauma evidence to prove a sexual offense occurred where the probative value of such evidence outweighs its prejudicial effect, State versus Shumpert in 1939. Expert testimony concerning common behavioral characteristics of sexual assault victims and the range of responses to sexual assault encounter by experts is admissible and they site cases from other jurisdictions. Opinion testimony described as behavioral characteristics is outside the jurors common experience is permitted as long as it meets other admissibility requirements such as 403 prejudicial versus probative.

And it goes onto say that they've allowed that type of testimony and allowed behavioral expert testimony to be given in this case, it would have to be cognitive not to

let the expert give opinions concerning the credibility of these particular witnesses.

I'm very cognizant of that and I know you are too. So go ahead.

MR. HAYES: In that same paragraph, Your Honor, I would like to point, it says they seek also one when facts of the case arise credibility or accuracy that might not. They explain by experience to jurors like reaction or child victims of sexual abuse, expert testimony is inappropriate. Judge, I would argue the question of whether someone is telling the truth or not is not a factual issue that is outside the purview of a jury.

THE COURT: But I've just told you I'm not going to let the expert give opinion testimony about the credibility of whether or not these victims are telling the truth.

MR. HAYES: Yes, sir.

THE COURT: And they try to say -- give an opinion within a reasonable degree of certainty in this field whether or not these victims are telling the truth, that's absolutely not permitted. They can testify about general behavioral responses to someone who has been alledgedly abused, i.e. delayed reporting or disclosure, nondisclosure, why they were -- those sorts of things. But I'm not going to let them go into the credibility. And I think Ms. Agnew knows how to do that. If she decides

whether to bring her out.

MR. HAYES: Just for clarity, Judge, our objection is to the general overview.

THE COURT: I understand that. That case from South Carolina, that's well used. Give me another case that says, Hey we've decided that's not correct law anymore.

MR. HAYES: And, Judge, I would concede there is no case law on that fact. Kromah is the closest thing that we have.

THE COURT: Well, just out of an abundance of caution, when we get to that point, we may do a proffer to make sure she knows she is not to go into whether or not She believes these victims. I don't know how she could, she never talked to them.

MS. AGNEW: That's correct, Your Honor.

THE COURT: All right. Anything else?

KEVIN N. MALONY: Your Honor, only that both the State and the defense realize going forward whether it be through cross-examination or whatever, closing arguments, we're limited to the terms of prior proceeding or prior hearing based on any cross-examination that may come from the testimony at the time of the prior case. I just -- for the record, we are on the same page for that.

THE COURT: Well, the rule allowing the use of

testimony from a previous proceeding, 80 -- what? Rules of evidence, 804.

MR. MALONY: That's it, Your Honor, 804(b)1.

THE COURT: Well, it says testimony given as a witness in another hearing or in the same or different proceeding or in deposition may be used, blah, blah, blah -- I'm normally -- in all my experiences as a lawyer and as a judge, we always refer -- I'll give an instruction to the jury that I'll read the rule that while this witness is not here, the parties have stipulated, she has a medical condition which precludes her from being here, which comes within the 404(a)4 and that she had given testimony in a prior proceeding. I think those are the words they use and/or a different proceeding and her testimony under the rule from that different proceeding is now being admitted into the trial of this case as if she were here today giving testimony. And that's the way I'll do it.

I suggest that y'all all use the word prior proceeding, but -- I'm going to tell you to use prior proceeding, Mr. Routzong can use what he wants to.

Fair enough?

MR. MALONY: Yes, sir, thank you, Your Honor.

THE COURT: I would think Mr. Routzong would want to do the same thing. Maybe.

I would suggest that you do. Is that correct, Mr.

Routzong?

MR. ROUTZONG: Yes, sir.

THE COURT: I don't think we'll have any problem with that. And I'll give them instruction on that before you ask to proceed with that testimony.

Now, I understand you -- I think there's an objection in there that y'all are going the redact that out because the Court ruled on it.

MR. MALONY: Yes, sir. We'll get together and make sure we're on the same page as far as what exactly is going to be read to the jury. The objection will not be read in. In other words, the next question is objected to as well.

THE COURT: Very well. Anything else from either one of you?

MR. MALONY: No, sir, Your Honor.

MR. ROUTZONG: No, sir.

THE COURT: What's the defendant's name?

MR. MALONY: Harold Cartwright.

THE COURT: Mr. Cartwright, any questions you have that you want to ask me today?

THE DEFENDANT: No, sir, Your Honor, not at this time.

THE COURT: Well, the jury is to be here in the morning at 9:30. They'll go through a little process next door to be acclimated as to what they can expect. They'll

go through a roll call administratively. They should be ready to come in the courtroom at 10 o'clock. We'll qualify them and you're allowed to be here for that. And then we'll ask them specific questions concerning your case, whether they know you or the victims or any of the witnesses, things of that nature.

We should start the trial of the case immediately thereafter after we select the jury. So if you have any questions, discuss them with your lawyers and I'll try -- I will be here early in the morning. I've got stuff starting at 8:30 and if there's anything that we need to go through on the record, anything that concerns you or you have any concerns about, let me know and I'll try to answer them the best I can. Is that fair?

THE DEFENDANT: Yes, sir Your Honor.

THE COURT: Thank you.

(WHEREUPON this case was in recess until the following day, Tuesday, August 16th.)

JURY VOIR DIRE

THE COURT: You may call your case.

MR. MALONY: Thank you, Judge. The State calls the State versus Bennon Cartwright, Indictment Numbers 2012-GS-02-304, 306, 312, 324 through 332 and 1682, encompassing eight counts of criminal sexual conduct with a minor first-degree, sixteen counts of lewd act on a minor,

two counts of criminal sexual conduct with a minor second degree, one count of criminal sexual conduct, first-degree and one count of criminal sexual conduct third degree.

THE COURT: Mr. Routzong, y'all ready to proceed?

MR. ROUTZONG: Yes, Your Honor.

THE COURT: Ladies and gentlemen of the jury, we're going to select the case now -- strike that.

We're going to select a jury now in the cases or the indictments that have been called. I remind you that you're still under oath and any responses that you give, you must be truthful.

Ladies and gentlemen, Mr. Cartwright, Harold Bennon, B-e-n-n-o-n, Cartwright, III --

Mr. Cartwright, would you please stand and face the jury panel.

(WHEREUPON the defendant complied.)

THE COURT: Thank you, you may be seated.

There are some 28 indictments against Mr. Cartwright. The indictment is simply the charging document by way these cases come into the courtroom. They contain certain allegations, but the indictment, obviously is not evidence in the case. The State has the burden of proving to you beyond a reasonable doubt the elements of each of these twenty-eight indictments. If my count is correct, there were nine indictments for criminal sexual

conduct in the first-degree, sixteen indictments for lewd act upon a child, two indictments for criminal sexual conduct in the second degree and one indictment for criminal sexual conduct with a minor in the third-degree.

Mr. Cartwright has pled not guilty to each of these indictments and under our constitution, he is presumed to be innocent unless the State is able to prove his guilt to you beyond a reasonable doubt.

Now, I need to ask you some questions. Please, please, if they apply to you, do not hesitate to stand and respond. It is important that we select a jury that can be fair and impartial to both sides. Now, listen to my questions and if they apply to you, please stand and respond.

Do I have anyone on the jury panel who has ever been or now related by blood or marriage or have you ever in the past or now had a close personal or social relationship with the defendant, Harold B. Cartwright, III? If so, please stand.

(WHEREUPON there was no answer.)

THE COURT: The alleged victims in the case are three victims, [redacted] -- is Ms. [redacted] in the courtroom?

Ma'am, would you please stand and face the jury panel.

(WHEREUPON the victim stood.)

THE COURT: Thank you. [redacted].

Ms. [redacted]

(WHEREUPON the victim stood.)

THE COURT: Thank you.

And [redacted].

Ms. [redacted]?

(WHEREUPON the victim stood.)

THE COURT: Thank you.

Any member of the jury panel now or in the past been related by blood or marriage or does anyone now or have you in the past had a close personal or social relationship with any of the alleged victims in the case? If so, please stand.

(WHEREUPON there was no answer.)

THE COURT: Ladies and gentlemen of the jury panel, I am informed that the potential witnesses in the trial of this case are as follows. I will read out their names and then I'll ask you the same question: Are you now or have you in the past been related by blood or marriage, or do you now or have you in the past had a close personal, social relationship with any of the potential witnesses.

If any of the witnesses are in the courtroom, please stand.

Vernon Carter. Mr. Carter in the courtroom? Mr.

Routzong?

MR. ROUTZONG: No, Your Honor.

THE COURT: Michelle Prince, Brandy [redacted], I've already called you.

Melinda Lively.

(WHEREUPON the victim stood.)

THE COURT: Thank you. Buffy Cartwright.

Is this right, Hoss Cartwright?

MR. MALONY: Yes, sir.

THE COURT: Investigator Vicky Gaskins. Ms. Gaskins is with the Aiken County Sheriff's Office.

Investigator Chris Evensen, Aiken County Sheriff's Office.

(WHEREUPON the witness stood.)

THE COURT: Thank you. Investigator Sage O'Grady-Watts, Aiken County Sheriff's Office; Lilly Gallman, she is with SLED; Alicia Benedetto, B-e-n-e-d-e-t-t-o, she's not here at the Court yet. And Deputy James Hettich, H-e-t-t-i-c-h. With the Aiken County Detention Center.

Question: Is anybody on the jury panel related by blood or marriage, now or in the past, or do you now or have you in the past had a close personal or social relationship with any of the witnesses I have called in the case. If so, please stand.

(WHEREUPON there was no answer.)

THE COURT: In this case, the State of South Carolina will be represented by members of the solicitor's office in the second circuit, Ms. Ashley Agnew and Mr. Kevin Malony. The defendant is being represented by Mr. Michael Routzong and Mr. Dave Hayes. My question to you is this: Any member of the jury panel now or in the past had legal services performed for you by any of the lawyers? If so, please stand.

(WHEREUPON there was no answer.)

THE COURT: Any member related by blood or marriage or do you now or have you in the past had a close personal or social relationship with any of the lawyers? If so, please stand.

Yes, ma'am, your name?

THE JUROR: [redacted].

THE COURT: I can't hear you.

THE JUROR: [redacted].

THE COURT: Your number, please?

THE JUROR: No. 33.

THE COURT: And?

THE JUROR: I know one of the lawyers.

THE COURT: Which one.

THE JUROR: Mr. Gibbons.

THE COURT: Who?

MR. HAYES: She's indicated she knows Mr. Gibbons from our office.

THE COURT: Grant Gibbons of the PD's office?

THE JUROR: Yes.

THE COURT: This guy over here? The big guy?

THE JUROR: Yes, sir.

THE COURT: Okay. The fact that you know Mr. Gibbons who happens to work in the public defender's office right now, would that in any way preclude or keep you from being fair and impartial in the trial of the case?

THE JUROR: No, sir.

THE COURT: Thank you, you may be seated. Thank you for standing.

Ladies and gentlemen, these cases as outlined in these 28 indictments, deal with events that occurred between February 8 of 2011 and February 24 of 2011; also between January 7 of 1995 and January 6 of 1996; January 7, '94 through January 6, '95; January 7, '93 through January 6 of '94; January 7, '91 through January 6 of '92; January 7 of 1990 and January 6 of 1991; January 7 of '89 through January 6 of 1990; February 8, 2010 through February 7 of 2011; February 8 of 2009 through February 7 of 2010; February 8 of 2010 through February 7, 2011; February 8 of 2009 through February 7, 2010; between October 17, 2002 through October 16 of 2003; October 17, 2003 through

October 16, 2004; October 17, 2004 through October 16, 2005; October 17, 2005 through October 16, 2006; October 17, 2006 through October 16, 2007; October 17, 2000 through October 16, 2001; October 17, 2007 and October 16, 2008.

It's alleged in these 28 indictments that the defendant, Mr. Harold B. Cartwright committed the crimes of criminal sexual conduct with a minor in the first-degree, lewd act upon a minor, criminal sexual conduct with a minor in the second degree, criminal sexual conduct with a minor in the third-degree, between those various times, involving the three alleged victims, [redacted], and [redacted]. This alledgedly occurred here in Aiken County, South Carolina.

My question to you is this: Any member of the jury panel know anything at all about the allegations of sexual -- criminal sexual conduct, lewd acts, et cetera, between this defendant and these alleged victims? Have you read anything about it? Have you heard anything about it? Have you done any research on the internet or otherwise? Has anybody discussed it with you, has anybody formed any opinions concerning these allegations? Do you know anything at all about these facts? If so, I need you to please stand.

(WHEREUPON there was no answer.)

THE COURT: Any member of the jury panel a member

of the Aiken County Grand Jury during the term of these indictments back in August of 2012? If so, please stand.

(WHEREUPON there was no answer.)

THE COURT: Ladies and gentlemen, I'm starting -- May 1 of this year, I start my 10th year on the bench. I practiced law for 30 years throughout the state and when I was elected as judge, 9 years ago, I know that my biggest responsibility as the trial judge is to make sure that people who are accused of committing criminal acts receive a fair trial.

Now, here's the way the system works. In each case that we have, we have two judges in the case. The law makes me in my position the judge of the law. I tell you and instruct you what the law is dealing with these various indictments. So I'm one judge in the case.

The second judge is the judge of the facts. And twelve jurors selected to act as one, you are the judges of the facts in the case. Your role as judge is much, much, much more important than my role because in all these matters that we hear, disputes, there will be, if this case is like the thousands I've tried before, there will be disputed facts. One person may say one thing, another person may say another thing. It may be as different as night and day. That's not unusual. We deal with people on a daily basis and you hear different facts from different

people. And your job as judges of the facts is to determine what the truth is, what the true facts are. Who is telling the truth. You judge the credibility or believability of the witnesses who testify in the case. That's a very simple, wonderful process because if someone is accused of something and they plead not guilty to that and they come before twelve citizens from their community to ask those twelve citizens to determine what the true facts are. You don't go before a dictator or monarch or go out on the streets with a firing squad or a military group. You are asked -- or you ask your fell citizens to determine what the true facts are.

So you are performing that duty, your civic duty of determining what the true facts are in the case. You're the judge of whose telling the truth.

Now, once you determine what those true facts are, then you apply those facts to the law as I give it to you and we'll be in a position -- you'll be in a position to render a verdict. Verdict is a Latin term that means to speak the truth.

Now, having said that, my question is this: Do I have any member of the jury panel who is unable to perform that important civic duty for any reason whatsoever, whether it be personal belief or religious belief, a political belief, any kind of belief, I need to know now

whether or not -- if you cannot do that.

All right. Ma'am, your name?

THE JUROR: [redacted].

THE COURT: What number?

THE JUROR: 196.

THE COURT: All right. Walk up here for me, please.

(WHEREUPON there was conversation with the attorneys and the Court and the juror out of the hearing of the jury panel and the court reporter.)

THE COURT: She'll be excused, just have a seat back in the jury panel.

Good morning. Your name, please.

THE JUROR: No. 90.

(WHEREUPON there was conversation with the attorneys and the Court and the juror out of the hearing of the jury panel and the court reporter.)

THE COURT: She'll be excused. No. 90.

Thank you.

Your name, please?

THE JUROR: [redacted].

THE COURT: Ms. [redacted], how are you?

(WHEREUPON there was a conversation with the attorneys and the Court with the juror out of the hearing of the jury panel and the court reporter.)

THE COURT: I'll excuse her.

(WHEREUPON there was conversation with the attorneys and the Court and a juror out of the hearing of the jury panel and the court reporter.)

THE COURT: Excuse Juror No. 2, please.

(WHEREUPON there was conversation with the attorneys and the Court and a juror out of the hearing of the jury panel and the court reporter.)

THE COURT: Anyone else need to talk with me in private?

(WHEREUPON there was no answer.)

THE COURT: Thank you.

Do I have any member of the jury panel who has a -- who is or has a close family member engaged or employed in.

(WHEREUPON there was a pause in the proceedings.)

THE COURT: Ma'am, just come right here and Ms. Barbara will show you where to go.

(WHEREUPON a juror needed to take a break and left the courtroom.)

(WHEREUPON there was a pause in the proceedings.)

THE COURT: All right. We were right in the middle of our questions.

Do I have anybody the jury panel, who you or your immediate family is employed with law enforcement: sheriff's departments, police departments, solicitor's

offices, SLED, FBI, Homeland Security, you name it.

All right. Please remain standing.

Yes, ma'am, in the pretty pink, that's not pink. Whatever. Your name, please?

THE JUROR: It's [redacted], 64. My husband works with the City of Aiken, Public Safety. He's a police officer.

THE COURT: Ms. Agnew, that's not -- this is not a City of Aiken case, is it?

MS. AGNEW: No, Your Honor.

THE COURT: Okay. The fact that your husband is involved in law enforcement, ma'am, would that preclude or keep you from being a fair and impartial juror in the case. Would you be able to decide the case based solely on what you hear in the courtroom?

THE JUROR: Yes, sir.

THE COURT: Thank you, you may be seated.

All right. We had somebody that stood and sat down.

Your name?

THE JUROR: No. 169, [redacted]. My sister's husband is in law enforcement.

THE COURT: Where.

THE JUROR: Burnett Town.

THE COURT: That's in the valley?

THE JUROR: Yes, sir.

THE COURT: And the fact that you have a relative who is involved in law enforcement, sir, would that preclude or keep you from being able to decide this cased based on the evidence you may hear in this courtroom?

THE JUROR: No, sir.

THE COURT: Thank you. You may be seated.

Ma'am, in the black jacket.

THE JUROR: Juror 114, [redacted] [redacted] my son works with the Aiken Sheriff's Department he's. Out on patrol.

THE COURT: Is Aiken Sheriff's Department involved in this?

MS. AGNEW: Yes, sir.

THE COURT: Your name again, please.

THE JUROR: [redacted] [redacted].

THE COURT: I'm going to excuse Ms. [redacted]. Just have a seat for me, please.

Take her out.

Yes, ma'am, your name?

THE JUROR: [redacted] [redacted], No. 21. My sister works with special investigations in North Augusta.

THE COURT: They're not involved, are they?

MS. AGNEW: No, sir.

THE COURT: The fact that you have a sister involved in law enforcement, ma'am, would that preclude or

keep you from being a fair and impartial juror in this case?

THE JUROR: No.

THE COURT: Thank you, you may be seated.

Ma'am, in the pink sweater, your name?

THE JUROR: No. 65, [redacted]. I have a cousin who works in the FBI Office in Wilmington, North Carolina.

THE COURT: And the fact that you have that relative in law enforcement, ma'am, would that preclude or keep you from being fair and impartial in the trial of the case?

THE JUROR: No, Your Honor.

THE COURT: And sir, in the blue shirt?

THE JUROR: Number 91, [redacted], I'm an officer for Wackenhut Services at Savannah River.

THE COURT: You are an officer where?

THE JUROR: Wackenhut, Savannah River.

THE COURT: Okay. That provides security for the Savannah River; is that correct?

THE JUROR: Yes, sir.

THE COURT: The fact that you're a security officer at Wackenhut, would that preclude or keep you from being able to listen to the evidence and be a fair and impartial juror?

THE JUROR: No, sir.

THE COURT: Thank you. You may be seated.

Ladies and gentlemen of the jury, I asked you a question a while ago about has anybody heard about this case, read anything about it, et cetera. I am informed or have been told that there were several articles in the local newspaper, and I'm not sure when, but once again, has anybody read anything about this case.

(WHEREUPON there was no answer.)

THE COURT: Mr. Routzong, that satisfy you?

MR. ROUTZONG: Judge, it's my understanding that there's some electronic media as far as television, radio...

THE COURT: All right. Let me include electronic media. I assume that means the internet, radio, TV, Youtube, what else? Facebook?

Yes, ma'am, your name?

THE JUROR: 170, [redacted].

THE COURT: All right. Walk up here for me, please.

Good morning. Your name is what?

THE JUROR: [redacted].

THE COURT: 170. Where is it you've seen it.

THE JUROR: I saw something on the internet.

THE COURT: And the fact that you may have read something on the internet, would that in any way keep you

from being fair and impartial and be able to decide the case based on what you hear in the courtroom?

THE JUROR: No.

THE COURT: Thank you, you may be seated.

Anything else?

MR. ROUTZONG: No, Your Honor.

THE COURT: Do I have any member of the jury panel who is a member of or who contributes to organizations that have as their primary aim, prosecution of or the enforcement of laws such as MADD, that's Mothers Against Drunk Drivers, SADD, Students Against Drunk Drivers, CAVE, Citizens Against Violent Crimes, those sorts of organizations? Do I have any member of the jury panel who is a regular contributor to or a member of any of those types of organizations? If so, please stand.

(WHEREUPON one juror stood.)

THE COURT: Yes, ma'am, your name?

THE JUROR: I'm No. 118, [redacted]. I work for the Child Advocacy Center a good bit.

THE COURT: Thank you. The fact that you've worked with the child advocacy center, ma'am, would that in any way preclude or keep you from being a fair and impartial juror?

THE JUROR: No, sir.

THE COURT: Thank you, you may be seated.

Now, I'm not trying to embarrass anyone, but my question is this, these indictments deal with sexual crimes, dealing with allegations of sexual -- various sexual abuses alledgedly committed by the defendant against these alleged victims. Do I have any member of the jury panel who has the been a victim or subjected to similar types of behavior, i.e. sexual misconduct or abuse from the hands of someone else?

Now, I've had several jurors who have come forward expressing to me some of their past and how it affected them. I don't need you to come back forward, but do I have anyone else who has not come forward that has been a victim or experienced this type of behavior in your family? I need to know? Anyone else other than the ladies who have come forward?

Yes, ma'am, may I just see you up here, please.

Your name?

THE JUROR: [redacted].

THE COURT: Okay.

THE JUROR: I was just a victim back when I was 12 years old.

THE COURT: And the fact that you have had this experience, would that keep you from being a fair and impartial juror? Could you set that aside and decide this based just on the facts of this case.

THE JUROR: I will try.

THE COURT: I know you'll try, but I need to know.

THE JUROR: Yes.

THE COURT: Thank you, you may be seated.

Anyone else?

(WHEREUPON there was no answer.)

THE COURT: Any member of the jury panel been approached by anyone and had these facts discussed with you? If so, please stand.

(WHEREUPON there was no answer.)

THE COURT: Ladies and gentlemen of the jury, this is sort of a last, catch-all question, but obviously this is a -- these are very serious allegations and a very serious case. All cases are; but does anyone know of any reason that I have not gone over -- any reason whatsoever why he or she cannot serve and perform your civic duty by being able to determine what the true facts are and apply it to the law as I give it to you? Do you know of any reason whatsoever why you can't be fair and impartial both to the State and to the defendant? I need to know now, please.

(WHEREUPON there was no answer.)

THE COURT: Any additional questions by the State?

MR. MALONY: No, sir, Your Honor.

THE COURT: By the defense?

MR. ROUTZONG: Yes, Your Honor, we would ask the Court to consider inquiring -- and this would be on our voir dire, No. 1 and No. 3.

THE COURT: I think I've covered those in my general questions and I stand by my voir dire.

MR. ROUTZONG: Would you like for me to put anything on the record now?

THE COURT: No, sir, I'll just make your requested voir dire a part of the record, noting that you requested one and three and you're protected.

(WHEREUPON the Defense requested voir dire was marked as Court's Exhibit No. 2.)

THE COURT: Ladies and gentlemen, we're now going to select a jury. In a criminal or general sessions case, the way we select, our jury clerk now is randomly, through a computer program, will select a list of names from random -- through a random selection process. Once she has that out, we will go down the list in that random order and when your name is called, please come forward and stand right here in front of Ms. Godard, the Clerk of Court and turn around and face the lawyers.

The State has five strikes, the defendant has ten. They can strike you for most any reason within certain bounds that the lawyers are all cognizant of; and we'll go through that process until we have seated twelve jurors and

two alternates. Once we complete the seating of the jury, those of you who are not selected will be excused for the balance of the week -- strike that, excused to call back after six this afternoon.

If we were trying a civil case, such as a wreck case or a medical malpractice or legal malpractice or breech of contract, the clerk would give me a sheet with twenty names on it. I hand it to the lawyer and one side would strike four and then the other side would strike four and then the 12 left would be the jury.

We do it differently in the general sessions case by calling your name and you coming forward. We should be able to finish this process in about 10 minutes and then we'll be able to excuse those not chosen and those who are chosen will stay with us for a while, for a little while.

MR. ROUTZONG: May we approach?

(WHEREUPON, there was a bench conference out of the hearing of the jury panel and the Court Reporter.)

JURY SELECTION

THE COURT: All right as your name is called, please come forward.

THE CLERK: Juror No. 4, [redacted]. (White female.)

What say you for the State?

MR. MALONY: Please present Ms. [redacted]

THE CLERK: What say you for the defense?

MR. ROUTZONG: Please excuse Ms. [redacted]

THE CLERK: Please return to your seat.

Juror No. 57, [redacted] [redacted]. (White male.)

What say you for the State?

MR. MALONY: Please present Mr. [redacted].

THE CLERK: What say you for the defense?

MR. ROUTZONG: Please seat Ms. [redacted].

THE CLERK: Have a seat to my left, sir.

Juror No. 123, [redacted] [redacted]. (White male.)

MR. ROUTZONG: I'm sorry what number was that?

THE COURT: 123.

MR. ROUTZONG: Thank you.

THE CLERK: What say you for the State?

MR. MALONY: Please present Mr. [redacted]

THE CLERK: What say you for the defense?

MR. ROUTZONG: Please seat Mr. [redacted]

THE CLERK: Have a seat to my left, sir.

Juror No. 29, [redacted]. (White female.)

What say you for the State?

MR. MALONY: Please present Ms. [redacted].

THE CLERK: What say you for defense?

MR. ROUTZONG: Please seat Ms. [redacted].

THE CLERK: Have a seat to my left.

Juror No. 99, [redacted]. (White male.)

What say you for the State?

MR. MALONY: Please present Mr. [redacted].

THE CLERK: What say you for defense?

MR. ROUTZONG: Please seat Mr. [redacted].

THE CLERK: Have a seat to my left, sir.

Juror No. 101, [redacted]. (White male)

What say you for the State?

MR. MALONY: Please present Mr. [redacted].

THE CLERK: What say you for defense?

MR. ROUTZONG: Please seat Mr. [redacted].

THE CLERK: Have a seat to my left, sir.

Juror No. 75, [redacted]. (Black male)

What say you for the State?

MR. MALONY: Please present [redacted].

THE CLERK: What say you for defense?

MR. ROUTZONG: Please excuse [redacted].

THE CLERK: Please return to your seat, sir.

Juror No. 81, [redacted]. (White female)

What say you for the State?

MR. MALONY: Please excuse Ms. [redacted] from the trial of this case.

THE CLERK: Please return to your seat.

Juror No. 10, [redacted]. (White female)

What say you for the State?

MR. MALONY: Please present [redacted].

THE CLERK: What say you for defense?

MR. ROUTZONG: Please excuse the juror.

THE CLERK: Please return to your seat, ma'am.

Plaintiff has exhausted one strike, the defense, three.

Juror No. 177, [redacted]. (White male)

What say you for the State?

MR. MALONY: Please present Mr. [redacted].

THE CLERK: What say you for the defense?

MR. ROUTZONG: Please seat Mr. [redacted].

THE CLERK: Have a seat to my left, sir.

Juror No. 61, [redacted]. (Hispanic female)

What say you for the State?

MR. MALONY: Please present the juror.

THE CLERK: What say you for the defense?

MR. ROUTZONG: Please excuse the juror from the trial of this case.

THE CLERK: Please return to your seat.

Juror No. 60, [redacted]. (White female)

What say you for the State?

MR. MALONY: Please present Ms. [redacted].

THE CLERK: What say you for the defense?

MR. ROUTZONG: Please seat Ms. [redacted].

THE CLERK: Have a seat to my left.

Juror No. 94, [redacted]. (White female)

What say you for the State?

MR. MALONY: Please present Ms. [redacted].

THE CLERK: What say you for the defense?

MR. ROUTZONG: Your Honor, at this time we would move to strike number 94. That would be Ms. [redacted] for cause. She has a relative that was a victim as the Court knows.

THE COURT: And she did advise us of that and I asked her could she be fair and impartial and try the case based solely on what she heard in the courtroom. She adequately said she could, respectfully denied.

MR. ROUTZONG: Please excuse Ms. [redacted].

THE CLERK: Please return to your seat, ma'am. State has exhausted one strike, defense, five. Juror No. 182, [redacted]. (Black male) What say you for the State?

MR. MALONY: Please present Mr. [redacted].

THE CLERK: What say you for defense?

MR. ROUTZONG: Please seat Mr. [redacted].

THE CLERK: Have a seat to my left, sir. Juror No. 169, [redacted]. (White male) What say you for the State?

MR. MALONY: Please present Mr. [redacted]

THE CLERK: What say you for the defense?

MR. ROUTZONG: Please excuse Mr. [redacted].

THE CLERK: Please return to your seat, sir.

Juror No. 39, [redacted]. (White female)

What say you for the State?

MR. MALONY: Please present Ms. [redacted].

THE CLERK: What say you for the defense?

MR. ROUTZONG: Please seat Ms. [redacted].

THE CLERK: Have a seat to my left.

State has exhausted one strike, defense has exhausted six.

Juror No. 171 [redacted]. (White female)

What say you for the State?

MR. MALONY: Please present Ms. [redacted].

THE CLERK: What say you for defense?

MR. ROUTZONG: Please seat Ms. [redacted].

THE CLERK: Have a seat to my left, ma'am.

Juror No. 13, [redacted]. (White female)

What say you for the State?

MR. MALONY: Please excuse Ms. [redacted].

THE CLERK: Please return to your seat.

Juror No. 141, [redacted]. (White female)

What say you for the State?

MR. MALONY: Please present Ms. [redacted].

THE CLERK: What say you for defense?

MR. ROUTZONG: Please seat Ms. [redacted].

THE CLERK: Have a seat to my left.

Juror No. 119, [redacted]. (Hispanic female)
What say you for the State?
MR. MALONY: Please present Ms. [redacted]
THE CLERK: What say you for the defense?
MR. ROUTZONG: Please excuse Ms. [redacted]
THE CLERK: You may return to your seat, please, ma'am.
Juror No. 64, [redacted]. (White female)
What say you for the State?
MR. MALONY: Please present Ms. [redacted].
THE CLERK: What say you for defense?
MR. ROUTZONG: Please excuse Ms. [redacted].
THE CLERK: You may return to your seat.
State has exhausted two strikes, defense eight.
Juror No. 21, [redacted].
What say you for the State?
MR. MALONY: Please present Ms. [redacted].
THE CLERK: What say you for the defense?
MR. ROUTZONG: Please excuse Ms. [redacted].
THE CLERK: Please return to your seat, ma'am.
Juror No. 135 [redacted]. (White female)
What say you for the State?
MR. MALONY: Please present Ms. [redacted]
THE CLERK: What say you for the defense?
MR. ROUTZONG: Please seat Ms. [redacted]

THE CLERK: Have a seat to my left.

THE COURT: Two alternates, please.

THE CLERK: Juror No. 23, [redacted]. (Black female)

What say you for the State?

MR. MALONY: Please present Ms. [redacted].

THE CLERK: What say you for the defense?

MR. ROUTZONG: Please strike this juror.

THE CLERK: Please return to your seat.

Juror No. 128, [redacted]. (Black male)

What say you for the State?

MR. MALONY: Please present Mr. [redacted].

THE CLERK: What say you for the defense?

MR. ROUTZONG: Please seat Mr. [redacted].

THE CLERK: Have a seat to my left, sir.

Alternate No. 2. Juror No. 30, [redacted]. (Black female)

What say you for the State?

MR. MALONY: Please present Ms. [redacted].

THE CLERK: What say you for the defense?

MR. ROUTZONG: Please seat Ms. [redacted].

THE CLERK: Have a seat to my left.

THE COURT: Any motions by the State in respect to the selection of the jury?

MR. MALONY: Nothing from the State, Your Honor.

THE COURT: Mr. Routzong?

MR. ROUTZONG: I just renew my objection to -- I'm sorry to the request of the Court to strike that one juror for cause.

THE COURT: Thank you.

Now, ladies and gentlemen, as promised and represented, who were not chosen, I am now going to release you for the balance of the day. On your information list, there's a number to call back. Please call after six. There will be a message on there with instructions regarding tomorrow and/or the rest of the week. Thank you for coming. If I do not get to see you again, thank you. Everyone else remain seated except my jurors.

You may go.

(WHEREUPON the remaining portion of the jury panel left the courtroom.)

THE COURT: I'm going to let y'all step back with the bailiff. We'll call you back out in just a few minutes and we'll probably go until about 12:30 before we take a break. So step out and stretch your legs.

(WHEREUPON the jury left the courtroom at 11:37 a.m.)

THE COURT: Gentlemen and ladies, we'll take a short break. We'll do opening statements before lunch. I doubt we'll do any testimony before lunch.

Mr. Malony, sit tight for me for a few moments.

(WHEREUPON a recess was observed.)

THE COURT: All right. All right. We're back on the record. I got a note from the bailiff that Juror No. 39 wants to speak to me privately. I have not spoken to her. I'll ask her what she wants and I'll put it on the record.

Any objection by the State?

MR. MALONY: No, sir.

THE COURT: By the defendant?

MR. ROUTZONG: No, sir, Judge.

(WHEREUPON the juror came into the courtroom and was talking privately with the Court.)

THE COURT: She said she's had a friend's child who was molested and she thought she could handle it and now, obviously, she does not think she can. That's why she couldn't tell me earlier. She is obviously visibly upset, crying. I'm just not going to put her through all this. I'll just move an alternate up.

Ms. Barbara, make sure she's okay.

All right. Any objections by the State as to releasing Juror No. 39?

MR. MALONY: Nothing by the State.

THE COURT: The defendant?

MR. ROUTZONG: No, sir.

THE COURT: All right. We have two alternates. I normally draw them randomly, is there any objection by the State?

MR. MALONY: No, sir.

THE COURT: The defendant?

MR. ROUTZONG: No, sir.

THE COURT: All right. Madame Clerk, take this yellow paper and put a one and two and we'll pick it right here.

I put A1 and A2 on two sheets of paper. Who wants to draw it?

(WHEREUPON someone from the clerk's office picked one.)

THE COURT: All right. A1 has been selected. That's Mr. [redacted]. I will elevate him to the main jury.

THE COURT: Any objection by the State?

MR. MALONY: No, sir, Your Honor.

THE COURT: By the defendant?

MR. ROUTZONG: No, sir.

THE COURT: Bring the jury in, please.

(WHEREUPON the jury entered the courtroom at 11:53 a.m.)

THE COURT: Mr. [redacted]

THE JUROR: Yes, sir.

THE COURT: Move down to this chair. We're going to elevate you to a regular juror. You're no longer an alternate. Have a seat over here. Right over here, sir.

OPENING REMARKS BY THE COURT

THE COURT: Ladies and gentlemen of the jury panel, the first thing we have to do for this case is have you sworn in once again. So if you would please stand and raise your right hand.

(WHEREUPON the jury was sworn at 11:55 a.m.)

THE CLERK: Thank you, you may put your right hand down and have a seat. Thank you.

THE COURT: Ladies and gentlemen of the jury panel, let me -- what I want to do right now is sort of give you some opening remarks about what you can expect and where you're going as far as reiterate your responsibility and my responsibility.

Let me first of all remind you that in this case, we have Mr. Cartwright who was indicted on twenty-eight indictments. As I told you earlier, there are nine of them dealing with what we call criminal sexual conduct in the first-degree; sixteen, what we call lewd act with a minor; two that we call criminal sexual conduct with a minor in the second degree; and one criminal sexual conduct with a minor in the third-degree.

Now, he has pled not guilty to each of these

indictments and under our state constitution and the United States Constitution, he is presumed to be innocent unless the State is able to prove each and every element of each and every offense listed in the twenty-eight indictments to you beyond every reasonable doubt.

Now, the State has that burden of proof. As I go around the State trying cases, I try basically, as all judges do, two types of cases. If I'm going home and somebody runs a red light and hits me and that causes me a broke neck or a broke leg or something and I sue them for monetary damages, that is a civil case where you come into the courtroom and ask for monetary damages to compensate you for your loss, medical bills, out of work, those sorts of things.

In that case, the person bringing the suit is the plaintiff and the person being sued is the defendant. Those parties come into court on equal footing. So if these were the scales of justice, they come in on equal footing. For the plaintiff to prevail and win the case, he or she has to prove their case by what we call the preponderance or greater weight of the evidence. In other words, they just have to tip the scales ever so slightly in their favor. That's a civil case, that's the burden of proof in a civil case by a preponderance or the greater weight of the evidence. The burden of proof is not nearly

as great as in a criminal case such as this.

The other type of cases we try are criminal cases, where someone is accused of committing a crime. In those cases because the constitution presumes someone to be innocent, they come in, the defendant, with the scales of justice tipped in his favor, this way. And for the State to prove his guilt, they must prove it to you not by the preponderance of the evidence but beyond -- or beyond a reasonable doubt tip the scales this way. So the State has the burden of proof of proving the case beyond a reasonable doubt.

Now, because they have the burden of proof, they present their case first. And here's the way the trial will run. When I make my opening remarks, in just a few minutes, the State, the solicitor's office, who has the burden of proof, will make an opening statement. His opening statement will be followed by the defendant's opening statement. Opening statements are not evidence in the case, so don't consider it as evidence. It's simply what the lawyers contend the facts will be, the issues will be what they're asking you to look for to keep tuned into what they intend to prove, what the case is about. It's sort of a road map as to how they're going to try the case.

The solicitor will go first with his road map so to speak, followed by the defendant. Once we have finished

opening statements, because the State has the burden of proof, they will present their testimony first, their evidence first, by way of calling witnesses and introducing relevant exhibits.

After the State has presented it's case, the defendant has the right to put up their defense, their side of the case if they choose to do so. After that is done, then the State has the right to reply to what the defendant has put up. Once all the testimony is in, the lawyers will once again make closing statements. They will argue the evidence as they see it. That is not evidence. You have already heard all of the evidence at that time. That will be their final closing arguments.

And then once they've done that, I'll instruct you or charge you what the law is dealing with the various crimes that are alleged in the indictments and some general propositions of law and then you'll be in a position at that time to receive all of the evidence, the exhibits, in the jury room as far as your deliberations.

Now, as I told you when we first started, you and I have two different functions to perform. My job is the judge in the case. I am the judge of the law. I tell you and instruct you what the law is. If you come into the courtroom with some preconceived idea about what the law is or what it should be and it does not agree with what I say,

please set that preconceived idea aside, accept the law as I give it to you by telling you or instructing you or charging you on what the law is in South Carolina. So you've taken an oath to accept that law as I instruct it to you.

My other responsibility is to make sure that whatever testimony is presented to you and/or exhibits, it comes in under our rules of criminal procedure and our rules of evidence. The lawyers have to present evidence only that's allowed by the rules; 90 percent of that evidence, 95, perhaps all of it, will be admitted into the trial of the case. One witness may say it's green, another witness may say it's purple, another one may say it's red, another one may say white. If the questions were all asked properly, it's all admitted into the trial of the case. You have to determine what color it is by judging their believability or their credibility.

So notwithstanding the facts that they may say opposite things is admitted into the trial of the case and then that's obviously when your responsibility takes over because you determine whose telling the truth, the believability of the witnesses, the credibility; and then you twelve, collectively act as one, decide what the true facts are and apply it to the law as I give it to you and you'll be in a position then to render a true and just

verdict, a verdict that speaks the truth in the case.

So that's how the system works. It's an unbelievable system when someone's accused of a crime or when they have differences with each other and we let citizens from our community make that decision. We've had our jury system since the 1700's when we won our independence from Britain and it's a system that has developed over the years and you're a part of it today.

Obviously, this is a very serious case. You'll be hearing some facts that are probably not very -- that you don't listen to on a day-in and day-out basis, but it's your civic responsibility to pay close attention and decide whose telling the truth.

Now, I try -- I do my best to run an efficient courtroom. I do not like to waste your time or anybody else's time. So we try to get the witnesses in and out and do it on a -- right down the line so we don't waste your time. But on the other side of the coin, I'll not trying to run an endurance race up here either. So if at any time during the trial of the case, you become uncomfortable, you need to use the restroom, you need to stretch, you need to stand up, you need to do anything, please do not get uncomfortable. Just raise your hand and we'll make sure whatever needs you have are addressed. You may need a glass of water or whatever.

We will run today until about 12:30 or quarter to one so that everybody can get settled and come back and probably go until about 5 unless that's an imposition to anyone. At around 5 o'clock, we'll see where we are to see when we come back in the morning. Tomorrow morning I will try to get the bailiffs to get you some refreshments: Hot coffee, perhaps some biscuits or fruit or whatever. We'll talk about that.

Tomorrow for lunch, the county will buy you lunch. We'll either walk down to the Bowery or we'll order in, depending on where we are and then we'll see how we are tomorrow as far as Thursday goes. I don't anticipate this being a real long trial. It's a very important trial. It won't be a two-week trial, it won't be a three-week trial. We will be finished probably sometime Thursday if I had to guess up here today.

I will tell you each time we take a break for lunch or for the bathroom or for just a mid-afternoon or mid-morning break, I will tell you each time, please do not start discussing or deliberating the case. You're only to do that when all the evidence is in; the lawyers have made their final arguments; and I've charged you on the law. So please do not discuss the case. You can talk about anything else you want to talk back there, but don't talk about the case until it's time.

When we come back from lunch, I will ask that before we come back out that between the twelve of you, not the alternate, I need a foreperson. So try to select someone from between you. The foreperson is simply someone who acts as the spokesperson for the jury to bring any concerns you may have to me. You head up the deliberations and you'll sign the verdict. It's not a very difficult function to perform, but if I can get one of you to serve as that, y'all just choose someone to do that for me if you would, please.

Now, as I said, in just a few seconds we'll hear the opening statements by the State and the defendant. Once again, that is not testimony in the case. The only thing that you can consider in making your decision comes from the witness stand by way of sworn testimony or by way of.

Exhibits that are relevant to the case. I ask that you pay close attention and I know it's an imposition to serve. It's not fun, but it's an important civic duty and I ask that you perform it so you'll be proud of yourself when it's over. Thank you.

Any objections to my opening remarks by the State?

MR. MALONY: No, sir, Your Honor.

THE COURT: By the defendant?

MR. ROUTZONG: No, sir.

THE COURT: All right. Mr. Malony?

MR. MALONY: Thank you, Judge, may it please the Court.

THE COURT: Yes, sir.

OPENING STATEMENTS

MR. MALONY: Mr. Routzong, ladies and gentlemen, this is a case about easy targets. That's why all of us are here today. We're all here because the defendant, Harold Cartwright chose three young, convenient, innocent targets to sexually abuse for a period of years at a time. Three targets. They called him daddy. Three daughters.

Now, like the judge said, some of the things that you're going to listen to and the facts that you're going to hear, the specifics that they're going to get into aren't going to be easy on the ears and it isn't something any of us like listening to it, but they're all important. Some of it's disgusting and revolting, but it's all extremely important.

Now, this isn't TV. This isn't on the movie screen; you're not reading this in some sick book. Unfortunately, this is real life, these are real people, these are real stories. These are real victims. Keep that in mind throughout the course of this trial.

Now, this case is a little unique in that we have three victims. You'll hear from each one of them. I think

it's important. I can't draw at all and you can't read my handwriting, I did take some time for this. I think it's important for you to see the time frame that we're going to be discussing. I think it's important that you keep it in mind throughout the course of the trial as it relates to each victim and the charges. And all of these charges are related by the girl's age.

Okay. This is the first victim you'll hear from, [redacted] [redacted] was born in 1985. You'll hear that from her and her biological father is the defendant. And you'll hear that the sexual abuse occurred at the age of 4 years old. And this occurred from four to five to six to seven to eight to nine to ten. These dates are her birthdays. These are the dates of the indictments. These are the dates when all this is said and done, when you look at each victim, they correlate to the day she was born through the last date of that age. The next birthday and the last date of that age. I think it's just important that you kind of see how we grouped these indictments together.

Now, that's as to [redacted], the defendant is charged with seven counts of criminal sexual conduct with a minor in the first-degree; and the State will be alleging and the evidence will show you that the defendant committed sexual battery in regards to [redacted], oral sex, whether

it was her performing it on him or him performing it on her. Every year from when she was four until at some point when she was ten years old and was able to leave.

Accompanied with that charge is a lewd act charge. Same time, same time frames. The only difference in the charges here is that the lewd act is the touching of a body part. The judge will tell you the exact law, this is just a heads up to have before we get going. In the end, listen to the judge if anything he says is different from what I'm saying, but it's the touching of a body part, the child's under 16 and it's to appeal to the sexual desires of either the child or the actor.

You'll also hear from the second victim, [redacted]. This is the defendant's stepdaughter. The defendant, you'll hear remarries after [redacted] mom leaves and you'll hear from [redacted] [redacted]. You'll hear her abuse starting when she was nine years old. Again, CSC first with a minor, sexual battery, oral sex, the victim was under 11. She's nine year's old. The lewd act, again, accompanies that same time frame, nine years old.

Pay attention during the trial from 2001 to 2002, excuse me, October 17th, '01 through October 16, '02, her ten-year-old indictment, when she would be ten. Notice there's no indictment. There's no allegation. Listen to why. It starts back '02, '03, '04, '04. She's 11, she's

12, she's 13, she's 14, she's 15. At some point when she's 15 years old, the evidence will show you that an actual criminal sexual conduct first-degree, not with a minor because of her age then. That's the differences in these charges, which is a sexual battery. In this case we will be alleging that the evidence is going to show that it was sexual intercourse, sex, with aggravated force. And you'll hear exactly what that aggravated force was.

And finally, you'll hear from the youngest victim, [redacted]. This is, again, the defendant's stepdaughter. Her and [redacted], you'll hear are sisters, stepsisters of [redacted]. The difference in age, you'll see. [redacted] will testify that her abuse began when she was thirteen years old and the defendant continued, as you'll hear, from thirteen to fourteen to fifteen, the lewd acts, again which is the touching. The victim under sixteen, sexual desires to appeal to them.

Then you'll hear why -- when she's fourteen years old, how it escalated. Actually the sexual battery in this case, we will be alleging sexual intercourse, with a victim of fourteen to sixteen and that he was familial custody or in custody of authority, her dad, step dad.

And finally, you'll here a CSC, third degree. This is when she turned sixteen on February 8th up until -- you'll hear the reports of February 24th, 2011. Keep that

date in mind.

Now, as the judge said, none of this is evidence. This is just a good outline I think even though probably poorly written, but a good outline to give you an idea of what to look for going into this. And as the judge stated, it's going to be your job to judge the credibility of the witnesses, which is simply who you believe or don't you believe. The truth in this case, just as in any of these cases, is in the details. In the details. Pay attention to the details. And we're convinced, Ashley Agnew and I, that when this thing is said and done, you'll go back and you'll come back with the only verdict that this evidence and these details prove and that's guilty on every count. Thank y'all.

THE COURT: Mr. Routzong?

MR. ROUTZONG: Your Honor, Mr. Malony, Ms. Agnew. My name is Michael Routzong and I have -- over there is Mr. David Hayes, we are the attorneys for Mr. Cartwright. What I'd like to first of all tell you this morning is there's really only one fact that we know right now. Maybe I can say two facts. First fact is you, all of you, just took an oath to do the right thing and to do justice for both sides; to fairly and impartially look at the evidence and come to a decision as to the facts.

And here's the other fact involved in that. As

each and everyone of you are sitting in those chairs, in spite of all those charges that Mr. Malony put on that sheet, each and everyone of you as you're sitting in this chair, must sit there with the presumption that Mr. Cartwright is innocent.

Now, what does that mean, presumption of innocence? Everybody banters that term around because you hear it all the time. I don't think -- or at least rarely, do you ever hear anybody explain to you what it means and I hope to do that right now.

What presumption of innocence means is the State, represented by Mr. Malony and Ms. Agnew are wrong and you must keep that standpoint, that viewpoint that they're wrong until you've heard all of the evidence and until you've gone back there and considered all the evidence and all of you unanimously come to a conclusion as to what the facts are. If you don't do that, you've broken your oath and justice won't be done.

The other thing presumption of innocence means integral of that is that the accusers in this case are either mistaken or untruthful. That's the position you have to take as you're sitting all the way through this trial because that's what presumption of innocence means. If they're telling the truth, he can't be innocent. If he's innocent, they can't be telling the truth or mistaken.

And as you sit here this morning and all through this trial, as you listen to everything, that has to be your viewpoint and nothing else. That's what you took an oath to do. If you don't do that, and keep it until you come to a conclusion together, after considering all of the arguments, all the evidence, if you don't do that, you've broken your oath and justice won't be done. You must understand that.

Now, this is a case, I would argue, is about revenge, people with axes to grind, so to speak, money, love -- it's all in this case. And the one thing we know as a fact right now is that the State is wrong and they're either mistaken or telling untruths. And that's where you have to start. Thank you, ladies and gentlemen.

THE COURT: Okay.

MR. MALONY: I think the first witness may take a little while, Your Honor.

THE COURT: Okay. As promised, we're through with opening statements and opening remarks and we're going to break until two o'clock and then we'll go until about five this afternoon. Y'all want me to buy your lunch? How about y'all go back in the jury room. Y'all feel like walking down to the bowery? It's pretty out. Everybody can walk?

(WHEREUPON the jurors nodded their heads.)

THE COURT: All right. We'll do that. Enjoy your lunch. If you get back and it's not yet two o'clock and you want to enjoy the air outside, then stick around outside and be back up here and ready to go about five until two. Don't discuss the case, don't let anybody discuss it with you. And please select a foreperson for me when you get back or at lunch; however you want to do it.

(WHEREUPON the jury left the courtroom at 12:18 p.m.)

THE COURT: Anything from the State before we break for lunch?

MR. MALONY: No, sir, Your Honor.

THE COURT: Mr. Routzong, anything from you or Mr. Hayes before we break for lunch?

MR. ROUTZONG: No, sir.

THE COURT: Anything I can do to help either one of you?

MR. MALONY: No, sir.

MR. ROUTZONG: I'm not aware of anything, Your Honor.

THE COURT: Okay. We got any pleas we can do or you want to just sit tight?

All right. Let's be back at quarter to two.

(WHEREUPON a recess for lunch was observed.)

THE COURT: All right. Bring the defendant out,

please.

(WHEREUPON the defendant entered the courtroom.)

THE COURT: Ms. Barbara, we got all the jurors?

THE BAILIFF: Yes, sir.

THE COURT: Ms. Agnew, where's your prosecutor?

MS. AGNEW: He's on the way up right now.

(WHEREUPON Mr. Malony entered the courtroom.)

THE COURT: The State ready to proceed?

MR. MALONY: Yes, sir. I apologize.

THE COURT: The defense ready to proceed?

MR. ROUTZONG: Yes, Your Honor.

THE COURT: Bring the jury in, please.

(WHEREUPON the jury entered the courtroom at 1:57 p.m.)

THE COURT: How was your lunch?

(WHEREUPON the jury responded.)

THE FOREMAN: Great, thank you.

THE COURT: I hate when y'all eat there because I normally have to go somewhere else. My law clerk made me go to the Cuban restaurant. I'll try not to snooze.

Mr. Malony, you may call your first witness.

MR. MALONY: Thank you.

THE COURT: Is five o'clock okay with everybody?

KEVIN N. MALONY: Thank you judge, the State calls [redacted]

///

[redacted] [redacted],

having been duly sworn, testified as follows:

THE CLERK: Please have a seat in this witness box. State your full name for the Court and spell your last.

THE WITNESS: [redacted] [redacted] [redacted]

DIRECT EXAMINATION

BY MR. MALONY:

Q [redacted], how old are you?

A Twenty-eight.

Q And when's your birthday?

A [redacted] 1985.

Q Where do you currently live?

A In Rome, Georgia.

Q And are you married?

A Yes.

Q Do you have any children?

A Yes.

Q How many children do you have?

A I have three.

Q Could you speak up, please, so the jury can hear you.

How many children? I'm sorry.

A Three.

Q And how old are they?

A Thirteen, ten and nine.
Q Okay. [redacted], explain to the jury how you're related to the defendant?
A He's my biological father.
Q And who's your mother?
A Melinda Lively.
Q Do you have any natural siblings?
A Yes.
Q And who are they?
A Jamie and Hoss Cartwright.
Q And what about step siblings?
A Yes, I have two, [redacted] and [redacted]
Q Okay. [redacted], I'm going to take you back to 1989. Where were you living during that time?
A In Clearwater on Malone Street.
Q And who were you living there with?
A My mom and Bo.
Q Now, you say Malone Street, is that in Aiken County?
A It is.
Q Now, was your mother working during that time?
A Yes, sir.
Q And what was she doing?
A She was waitressing.
Q And was the defendant working?

A Off and on.
Q In 1985?
A Off and on.
Q What type of work was he doing during that time?
A Construction.
Q Now, how old were you, again, in 1989?
A Four.
Q [redacted], explain to the jury what the defendant -- what, if anything, the defendant did to you?
A He had me perform oral sex on him.
Q Where did that occur?
A On Malone Street in our home.
Q Where in the home?
A In the bathroom.
Q Okay. When you say perform oral sex, what exactly would he do?
A He would place my hand on his penis until he ejaculated and then he would have me place my mouth on him and lick the cum off of him.
Q Did he say anything afterward?
A He told me that it tasted like candy is why he told me to do it, that it was sweet.
Q Now, did it happen more than one time when you were four years old?
A Yes.

Q How often would it occur?
A From the time I was four to ten, every year, numerous times.
Q And each time was it in Aiken County?
A Yes.
Q Now, where else would it occur other than the bathroom in that home?
A His bedroom, the living room.
Q And who would be present during these acts?
A No one.
Q Where would your mom be?
A At work.
Q Now, when you were four, five years old in 1989 -- 1990, you turned five; is that correct?
A Yes, sir.
Q Did you ever tell anyone during that time about this abuse?
A I did.
Q Who did you tell?
A My mom.
Q And as a result of your conversation with your mother during that time, did law enforcement become involved?
A No.
Q Did -- in your knowledge were they contacted?

A I don't believe so, no.
Q Why not?
A When he was approached by my mom and me, he threatened to kill us, kill her, hisself.
Q Okay. So did the abuse start back after that?
A Yes.
Q And what happened? What type of abuse?
A Just the oral sex, his touching me, having me touch him.
Q Okay. And that was when you were five?
A Yes.
Q Now, when you turned six where were you living at that time?
A On Malone still.
Q And did the oral sex continue to happen during that time?
A Yes, it did.
Q Do you remember any specific events when you were six years old?
A He took me fishing and --
Q Where?
A It was somewhere close by to our house.
Q Was it in Aiken County?
A Yes.
Q What happened? Describe what happened when he took

you fishing that day.

A We were in the truck and before we went fishing and put the boat in the water, he unzipped his pants and ejaculated in my mouth.

Q Okay. And did you go fishing after that?

A Yes.

Q How long did y'all fish?

A It wasn't really long because I was upset and crying, so it wasn't long, but we did.

Q Now, when you were six, seven, first grade --

A Yes.

Q -- do you remember ever telling anybody else about this sexual abuse at that time?

A Yes.

Q Who did you tell?

A Someone at school.

Q Okay. And at that point did you speak with DSS?

A Yes.

Q Where did you speak with them at?

A At the school.

Q And what happened after you got home from school that day?

A Bo took me off after school, told me that I dreamed it all, that it wasn't true and that's what I needed to go back to school and tell them.

Q Is that what you told them?
A Yes.
Q Where did he -- where did he have that conversation with you at?
A We were driving. I don't know where we were, if we even went anywhere. We were just driving.
Q So in a vehicle?
A Yes.
Q So after that occurred, did the sexual abuse continue?
A Yes.
Q When you were eight?
A Yes.
Q When you were nine?
A Yes.
Q After you turned ten?
A My mom left him when I turned ten.
Q Okay. At some point while you were ten years old?
A Yes.
Q And that would have been at some point in 1995?
A Yes.
Q And the oral sex that occurred, was it the same type experiences that you had from four, five, six and seven?
A Yes -- well, there was a different experience when

I was seven, that was a little different, he actually performed oral sex on me.

Q Okay. Explain to the jury how that occurred, where that occurred.

A It was in the bathroom and I was taking a bath. He came in and needed to use the bathroom. I shut the door, the glass sliding door on the tub and laid down in the water and woke up or opened my eyes to the feeling of him licking me.

Q Where was he licking you?

A My vagina.

Q How long did he do that?

A It seemed like forever, but it probably wasn't but four or five minutes.

Q Did he ever have sex with you during this period of time?

A No.

Q And was that the only time that you remember him performing oral sex on you?

A Yes.

Q Now, throughout the years, did he ever threaten you?

A Yes.

Q What type things would he do?

A He would hold guns to my head, guns to his head,

threaten to kill my mom, me, hisself.

Q And would he ever bribe you with anything throughout those years?

A He would give me money a lot of times afterwards, take me places, buy me things.

Q And did you ever tell him no during those -- from when you were four to ten years old?

A Every time.

Q And did he ever apologize at any point during those years?

A Yes.

Q And what would happen after he apologized?

A He would just start doing it again.

Q Did you say anything when he would start back.

A I would tell him that he promised he would never do it again.

Q Did he do it again?

A Yes.

Q Now, you stated it ended when you were ten. After you turned ten at some point in '95, why did it end at that point?

A My mother left with me, my brother and sister and moved to Georgia.

Q Okay. All of this abuse, all of this oral sex, touching, occurred in Aiken County? There in Clearwater?

A Yes.
Q Now, I'm going to fast forward you to April of 2011. What do you remember occurring during that time?
A I was contacted in April by the Aiken County -- some detectives from Aiken County.
Q So you didn't contact them?
A No.
Q And did come see you?
A Yes, they came to Summerville and spoke with me at my mom's residence.
Q In Georgia?
A Yes.
Q And did you give a statement that day?
A I did.
Q Did you tell them what you've told us here today?
A Yes.
Q Now, sitting here today telling these events to these thirteen strangers, how are you doing?
A I would rather be at home with my children, but it's something that needs to be done; and I'm glad I finally get to tell what happened.
Q Now, the person that you stated sexually abused you from when you were four until after some point you turned ten, do you see him in the courtroom here today?
A Yes.

Q And could you please identify him for the Court?

A Yes, it's the man sitting there on the end, Harold Cartwright, on the end.

MR. MALONY: Your Honor, may the record reflect that the witness has identified the defendant.

BY MR. MALONY:

Q Now, [redacted] from when you were four years old until after you are tenth birthday, what did you refer to the defendant as?

A Daddy.

Q Lastly, when you're talking -- you stated Bo a couple of times.

A Yes.

Q Who is Bo?

A It's Harold Cartwright.

Q The defendant?

A Yes.

Q Thank you, please answer any questions Mr. Routzong has.

THE COURT: Cross.

MR. ROUTZONG: Your Honor, may we approach?

(WHEREUPON, there was a bench conference out of the hearing of the jury and the Court Reporter.)

THE COURT: All right. Mr. Foreman, ladies and gentlemen of the jury, I've got to rule on an objection

that was held yesterday during a pretrial matter and it requires me to take up about five minutes of testimony outside of your presence so I can look and see whether to let it in or not let it in. Obviously, if I decide not to let it in, you don't need to hear it. So if you'll step out for just a few minutes, but it's going to happen about three times. This is the first time.

Don't discuss the case and don't deliberate and I'll be right back with you.

(WHEREUPON the jury left the courtroom at 2:13.)

MR. ROUTZONG: Thank you, Your Honor.

CROSS-EXAMINATION - IN CAMERA

BY MR. ROUTZONG:

Q Your mom and dad got divorced in '96?

A Somewhere around then.

Q They separated in '95?

A Yes.

THE COURT: Get to the point where we're talking about the rape shield statute that we dealt with pretrial, Mr. Routzong. Just ask her what you intend to ask on that matter.

BY MR. ROUTZONG:

Q In the year 2000 -- and you're married to Mr. [redacted] Kevin [redacted]?

A Correct.

Q And in the year 2000, he was convicted of statutory rape?

A Yes.

Q And you are the victim in that crime?

A Correct.

Q And since that time, he's had to register as a sex offender?

A Yes.

MR. ROUTZONG: That is basically the issue at hand, Your Honor.

THE COURT: You object to it?

MR. MALONY: Your Honor, I just don't know that it's relevant that her husband is a sex offender and has to register as one.

THE COURT: How is it relevant, Mr. Routzong?

MR. ROUTZONG: Your Honor, it's relevant because at the time that this event happened -- and she herself testified in the last trial that she has not talked to him since fourteen years of age. That was the time that this happened. The first few years of her children's life, obviously, her dad -- their dad was in prison. They are -- there are effects, as the Court knows, from being registered as a sex offender. It is -- it goes to the motive and the reason why she would be upset at the defendant enough to fabricate this testimony against him.

MR. MALONY: Your Honor --

MR. ROUTZONG: And more --

MR. MALONY: I'm sorry.

MR. ROUTZONG: I neglected to mention, Your Honor, the defendant is the person that pushed that prosecution. She testified in the last trial that she didn't who did it, but Mr. Cartwright -- and I believe there's some other evidence that can elicit from court documents associated with the divorce that will show that the defendant actually went into a custody dispute with his ex-wife, her mother, and that's when the -- the first time this allegation appeared was in 1999, Your Honor.

In '96, they got a divorce. There was no allegations of any sexual abuse. They had been living apart at that time for at least three or four years.

THE COURT: That's fine, but how about this -- what happened in 2000? I mean to her now husband --

MR. ROUTZONG: He pushed that prosecution, Your Honor. She's still married to him. That's the person, I presume she's been married to for at least ten years.

THE COURT: Who pushed the prosecution?

MR. ROUTZONG: The defendant. That's the -- that's the testimony I will attempt to elicit. At least she said the last time she didn't remember, but certainly the defendant can testify that he pushed that prosecution. The

jury can believe it or not, but it is a motive, Your Honor. And it has nothing to do with her chastity. I could care less. That's really what the rape shield statute is meant to protect -- from people like me dragging her through the dirt or her propensity --

THE COURT: I will allow it.

Bring the jury in.

(WHEREUPON the jury entered the courtroom at 2:17 p.m..)

THE COURT: Go ahead.

MR. ROUTZONG: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. ROUTZONG:

Q You now live in Adairsville, Georgia?

A It's inside of Rome, yes.

Q How long have you lived there?

A Over ten years.

Q During that ten year period of time, where did the defendant live? He lived in Aiken; is that correct?

A I believe so, yeah.

Q He didn't live in Rome, Georgia?

A No.

Q How were you employed during that time?

A I'm a homemaker.

Q Did you own a candy shop?

A I did at one point.
Q What happened to that?
A It shut down for the lack of business.
Q Did your husband work there as well?
A Yes.
Q And your mom's name is Melinda Lively?
A Correct.
Q And you testified that Harold's your dad?
A Correct.
Q And he married your mom in '93?
A I believe so.
Q You testified that -- in a prior hearing that you told your mom when you were in first grade that Harold was molesting you; is that correct?
A I believe -- I was a little younger than that, but --
Q You testified here today the same thing?
A Correct.
Q And you disclosed to your mom?
A Yes.
Q And you -- you've made a prior statement that you disclosed to your grandmother?
A Correct.
Q That would be his mom?
A Yes.

Q And she's deceased?
A Correct.
Q And your mom and dad separated in '95?
A Yes.
Q And they got divorced in '96?
A Correct.
Q And your mom got custody?
A Correct.
Q And your dad had visitation rights?
A He did.
Q That issue never came up in the divorce proceeding, did it?
A I don't know what went on in the divorce proceedings.

MR. MALONY: Your Honor -- Judge, I don't know if she has any idea of what came up in any divorce proceeding.

THE COURT: She just said that.

BY MR. ROUTZONG:

Q About how far away is Rome from Aiken?
A About four hours, depending on traffic.
Q You said one of the reasons that you didn't disclose is that you were afraid?
A Yes.
Q And Harold lives four hours away?
A Yes.

Q It's just you and your mom and your brother and your sister?
A Yes.
Q And from '95, '96, Harold is not there?
A Correct.
Q All the way up to 2000, 2001, you never said anything?
A Correct.
Q All the way up to one -- 2002, 2003, Harold's not there; 2004, 2005, Harold's not there. You're in Rome, right?
A Yes.
Q And in 2006, up to 2011, Harold is not there, just you and your mom and your siblings?
A Correct.
Q And they have police departments?
A Correct.
Q And at some point in time during that time, you got married?
A I did.
Q And that was what year?
A 2001, I believe.
Q 2001?
A I believe so, 2000 or 2001, I'm not sure of the exact date.

Q So you had a husband?
A Yes.
Q You don't have any doubt that he has the ability to protect you?
A Yes.
Q So all this period of time, you never said anything to anybody, but the reason that you didn't was because you were afraid of him?
A Yes.
Q I'd like to show you what I've previously marked as Defense No. 7. What year did you say you got married? 2001?
A I believe so, yes.
Q And you married [redacted] Kevin [redacted]
A Yes.
Q Is that the same [redacted] Kevin [redacted] that was convicted in 2000 for statutory rape?
A Yes.
Q And he served some prison time for that?
A Yes.
Q How many years did he have to serve?
A Three.
Q Did you have any children while he was in prison?
A Not while he was in prison, no.
Q And he's had to register as a sex offender ever

since then?
A Yes.
Q You were the victim in that case?
A Correct.
Q Isn't it true that the person who pushed the prosecution of your husband is your father, Harold Cartwright?
A I don't know that for a fact, no.
Q You don't deny that?
A I don't believe he was, no.
Q Then you do deny it?
A Yes.
Q Who were you living with when this incident of statutory rape occurred?
A With my mother.
Q And Melinda's your mom?
A Yes.
Q Are you aware that around that same time in 1999 there was a custody dispute between Harold Cartwright, your father, and your mom?
A I was not in my mother's home at that time. I found out after the fact.
Q You previously have testified that you haven't spoken to your father since you were fourteen?
A Thirteen, fourteen, yes, sir.

Q You're holding a grudge, aren't you?

A No. Only for what he done to me as a child.

Q You're --

A I don't think that's a grudge.

Q Your testimony today is your father was behind the prosecution -- this is not your testimony, but at least we're alleging that your ^ father ^ fare was the person behind --

MR. MALONY: Your Honor --

MR. ROUTZONG: The prosecution of --

MR. MALONY: Your Honor, objection.

THE COURT: Let him finish his question.

BY MR. ROUTZONG:

Q We're alleging today that your father is the person behind the prosecution of your husband for statutory rape and if that is the case, you're going to tell this Court and these jury folks that you do not hold a grudge because of that?

A I don't think he pros -- or pushed the prosecution. And that has nothing to do with why I don't speak or have anything to do with my father. I hadn't had anything to do with him for over a year before I met my husband.

Q Since the divorce in '96, up until this incident with your husband. He had visitation rights with you?

A Yes.

Q And your mother allowed that?
A Yes.
Q She didn't protest that?
A I don't believe so.
Q But she was aware of your prior allegations?
A Yes.
Q At four years old and you testified at five, six, seven years old?
A Yes.
Q All during that period of time before the divorce, then after the divorce, she allowed you without protest to have visitation rights with Harold Cartwright after you told her this?
A Yes. He stopped after we left.

MR. ROUTZONG: I don't have any other questions, Your Honor.

THE COURT: Redirect?

MR. MALONY: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. MALONY:

Q [redacted] you testified that you told multiple people as a child about this abuse?
A Yes.
Q And then Mr. Routzong brought up, you're married to Kevin [redacted] now?

A Yes.

Q And y'all's relationship began around 1999, 2000?

A '99, correct.

Q And when did law enforcement contact you about this case?

A 2011, April.

MR. MALONY: Nothing further, Your Honor.

THE COURT: You may step down.

Next witness.

MR. MALONY: Your Honor, the state calls Melinda Lively.

MELINDA LIVELY,

having been duly sworn, testified as follows:

THE CLERK: Please have a seat in the witness box, state your full name for the Court and spell your last.

THE WITNESS: Melinda Lively, L-i-v-e-l-y.

DIRECT EXAMINATION

BY MR. MALONY:

Q Melinda, do you have any children?

A Yes.

Q And did you just hear [redacted] testify?

A Yes.

Q Is that your daughter?

A My oldest daughter.

Q Your oldest daughter. Who are the other two?

A Jamie Cartwright and Hoss Cartwright.

Q Okay. And who's [redacted], Jamie and Hoss's father?

A Harold Cartwright, the defendant.

Q Okay. I'm going to take you back to 1989, 1990. Where were you living during that time?

A In -- on Malone Avenue in Clearwater.

Q And at some point during that time on Malone street in Clearwater, did [redacted] tell you that she'd been sexually abused?

A Yes.

Q Where did she say she was sexually abused at?

A In our home on Malone Avenue.

Q Where in the home?

A In the bathroom.

Q And, again, that was 1980 -- how old would she have been around that time?

A Four or five.

Q And did you contact law enforcement?

A No.

Q Did you contact law enforcement after that date?

A No.

Q Why not?

A I was scared for our life. I was threatened by there father, as [redacted] stated.

Q I need you to testify. Don't tell me what [redacted]

said. You tell me why didn't you call the police?

A He basically held us at gunpoint and threatened to kill us if we told anybody.

MR. MALONY: I don't have any further questions, Your Honor.

THE COURT: Mr. Routzong?

CROSS-EXAMINATION

BY MR. ROUTZONG:

Q Ms. Lively, you got married in '87; is that correct?

A Yes.

Q You married Mr. Cartwright?

A Yes.

Q And you guys have three children?

A Yes.

Q How well did you know Sandra Parsons and Buffy Cartwright at that time?

A I didn't know Buffy at all.

Q You knew Sandra?

A Yes.

Q How well did you know her?

A Not well. Just acquaintance.

Q And you testified that [redacted] told you about this first allegation in the '89, '90 time frame?

A Around '89, '90.

Q When did you separate from Mr. Cartwright?

A It was around '95 or '96 -- '95, I do believe.

Q So between '89, '95, '96, you didn't make any allegations to any law enforcement agencies or tell anyone what your daughter had alleged?

A No.

Q And you filed for divorce in '96. Do you admit or deny that in your complaint for divorce filed in Floyd County Georgia, March 25th, '96, that you did not make any allegations of sexual abuse of any of your children?

A I don't understand how to answer that question.

THE COURT: Did you -- in your complaint, did you make any allegations of sexual abuse when you asked for a divorce from your husband?

THE WITNESS: No.

BY MR. ROUTZONG:

Q Do you admit or deny that in your final judgment and decree of divorce -- and this was filed August 26 of '97 in Floyd County Georgia, that you were okay -- you told the Court you agreed that you were okay with visitation rights?

A Yes.

Q Yet your testimony today is that your daughter told you that Mr. Cartwright sexually molested her and you never told the Court anything at all -- your golden opportunity

to get this situation squared away with a man you said you were afraid of, yet you never said anything?

A I didn't say anything because I didn't have any evidence, and that's when -- DFACS was involved with it and I spoke to DFACS. Because there was no evidence, I had nothing. The Court's gave him visitation, not me.

Q And you didn't disagree with that?

A Yes, I did.

Q I have the -- I have the final judgment decree of divorce. Would you like to take a look at it to refresh your memory?

A No. I know that they gave him visitation.

Q And you don't disagree that in this document before that Court, you did not say anything to the Court about those allegations?

A I didn't --

THE WITNESS: I'm sorry, Your Honor. I don't -- Say that again, please.

BY MR. ROUTZONG:

Q Yes, ma'am, I sure will. I have here a final judgment and decree of divorce and it was filed in Floyd County Georgia and I'm asking you as to the visitation rights and what you agreed to, you agreed to the visitation rights?

A Yes.

Q And that was in spite of the fact that your daughter, your own daughter, [redacted], had alleged to you that Harold molested her?

A Yes.

Q And, in fact, it's true, isn't it, that you did let him visit her? You let all your kids visit?

A Yes.

Q And that would be in spite of the fact of those allegations?

A Yes.

Q I also have some other documents both from Floyd County, Georgia and from the Aiken County Second Judicial Circuit Family Court. I'll start off with Aiken County. In this particular -- motion for emergency hearing. Do you remember that in '99?

A Yes.

Q Do you remember what Mr. Cartwright alleged?

MR. MALONY: Objection, Your Honor.

THE COURT: The objection is what?

MR. ROUTZONG: I'm sorry -- what --

MR. MALONY: I'm not talking to you.

THE COURT: What's your objection?

MR. MALONY: This is all hearsay, Your Honor. He's going to enter it into evidence and he's got to lay a foundation for it and --

THE COURT: He is laying a foundation. Overruled.

BY MR. ROUTZONG:

Q My question is, do you remember what Mr. Cartwright alleged in this motion for emergency hearing that was filed in this County?

A I don't recall the exact reason or what they call it in the Court system as his allegations.

Q Isn't it true that he alleged that you were allowing an older man, her now husband, to live in your home with her and with your permission; and he alleged that you were allowing her -- I will find the exact -- at sometime in '99, Mr. Cartwright learned that you had been permitting his eldest daughter, fourteen years old, to engage in a sexual relationship with a twenty-three-year-old man. Do you remember that allegation in this complaint?

A I remember him making allegations, but we never went in front of a judge into court.

Q And you don't deny that was filed December 1st in '99, in Aiken County, South Carolina?

A No.

Q Six days later, in the Superior Court of Floyd County, Georgia, you don't deny that you filed a civil action for citation for contempt?

A I don't remember. I don't deny -- I filed.

Q This is six days after he filed his complaint. And you alleged, apparently for the first time officially, that [redacted], your fourteen-year-old daughter had been a victim of sexual abuse by the defendant. You don't deny that's the first time that you ever officially told anyone any of the Courts about what you believed happened with Mr. Cartwright?

A No.

Q And this was in a custody dispute?

A I don't deny making those allegations, but it wasn't a dispute. We never went into the Courts. That's just his allegations and he had my other two children in his custody and caused them to fail their school year and -- because he wanted everything, as always, his way.

Q Yes, ma'am. But the issue at hand is, you are the plaintiff in this citation for contempt and this is the first time you let any Court know about your allegations against him. And she first told you in '99?

A Yes.

Q And this was filed December 7th, '99?

A Yes.

Q You previously testified that you knew Sandra?

A Yes.

Q You were acquaintances?

A (Witness nodded head.)

Q And how long did you know her?
A She was just a neighbor that lived a few blocks over from where I lived.
Q And where did you live?
A On Malone Avenue.
Q And where is that?
A Clearwater.
Q Oh, in Clearwater.

MR. ROUTZONG: I don't have anything else, Your Honor.

THE COURT: Redirect?

MR. MALONY: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. MALONY:

Q Sandra Parsons, this lady that Mr. Routzong is speaking of, was she -- she was friends with the defendant?
A Yes.
Q And her husband was good friends with the defendant?
A Yes.
Q And he said DSS became involved before all this stuff that Mr. Routzong just brought up concerning your divorce before y'all left Aiken County?
A Yes.
Q And they told you to leave Aiken County with these

children?

A To take my --

MR. ROUTZONG: Objection, Your Honor, that's hearsay.

THE COURT: Sustained. Disregard that.

BY MR. MALONY:

Q In 1999 or 2000, whenever this paperwork was that he just showed you from the divorce, is that the first time that you found out or alleged that your daughter had been abused by the defendant?

A The --

MR. ROUTZONG: Objection, Your Honor, that's been asked and answered.

THE COURT: Overruled.

BY MR. MALONY:

Q In 1999 had -- previous to 1999, had you learned that your daughter, [redacted], had been abused by the defendant?

A Yes.

Q When she was four years old?

A Yes.

MR. MALONY: Nothing further, Your Honor.

THE COURT: You may step down.

Next witness.

MR. MALONY: The State calls [redacted] [redacted].

///

[redacted] [redacted]

having been duly sworn, testified as follows:

THE CLERK: Please have a seat in the witness box. State your full name for the Court and spell your last.

THE WITNESS: [redacted], [redacted]

DIRECT EXAMINATION

BY MR. MALONY:

Q [redacted] how old are you?

A Twenty-one.

Q What's your birth date?

A [redacted].

Q Where do you currently live?

A Aiken.

Q Are you working?

A Yes.

Q What type of work do you do?

A Sales associate.

Q What's your relationship with the defendant?

A He was my step father.

Q And he married your mother?

A Yes, sir.

Q Who was your mother?

A Buffy [redacted].

Q Do you have any biological siblings?

A Yes, my sister, [redacted].

Q Any step siblings?

A Yes, three, Jamie, Hoss, and [redacted].

Q And what's the age difference between you and [redacted]

[redacted]

A Seven years.

Q Seven years?

A Uh-huh, yes, sir.

Q She's older than you?

A Yes.

Q And what about you and [redacted]?

A About three years.

Q And you're --

A She's --

Q -- older than her?

A -- I'm older than her, yes, sir.

Q Now, [redacted], I'm going to take you back to the year 2000, 2001. How old would you have been at that time?

A Nine.

Q And where were you living?

A Cully Drive in North Augusta.

(WHEREUPON State's Exhibit No. 1 was marked for identification.)

MR. MALONY: Your Honor, may I approach?

THE COURT: You may.

BY MR. MALONY:

Q [redacted] I'm going to show you what's been previously marked as State's Exhibit 1 and ask you if you recognize this?

A That is our house on Cully Drive in North Augusta.

Q And is this a fair and accurate representation of how that house looked --

A Yes.

Q -- when you were living in it?

A Yes, sir.

MR. MALONY: Your Honor, at this time, the State moves to introduce Exhibit 1 into evidence.

MR. ROUTZONG: Without objection, Your Honor.

(WHEREUPON State's Exhibit No. 1 was entered into evidence.)

BY MR. MALONY:

Q Now, who lived at this residence with you between 2000 and 2001?

A Me, my sister, my mom and Bo.

Q When you say Bo, who are you referring to?

A The defendant, Harold Cartwright.

Q Okay. And what grade would you have been in at that time?

A Third grade.

Q And explain to the jury what you remember happening

when you were in the third grade, nine years old.

A He would make me give him oral sex underneath the computer desk in the computer room of our house.

Q The house --

A On Cully Drive, yes, sir.

Q -- on State's Exhibit 1?

A (Witness nodded head.)

Q Is that Aiken County?

A Yes, sir.

Q All right. Explain -- make you give him oral sex. Explain to the jury -- I know it's difficult and I apologize, but explain what you -- what happened.

A He would make me go under our computer desk and put his penis in my mouth and ejaculate in my mouth when he was finished.

Q Did he say anything to you after that?

A He would tell me to swallow it because it's good for me.

Q And did you do what he said?

A Sometimes I would swallow it, sometimes I would spit it out.

Q Did this happen more than one time when you were nine years old?

A Yes, sir.

Q How often would this occur?

A A few times a month.
Q Did he ever buy you anything or give you any gifts during this time period when you were nine?
A Yes, sir.
Q Explain to the jury what type of things he would bribe you with?
A He told me he would take me shopping. Buy me clothes or shoes; take me out to eat, somewhere I would want to go.
Q And he would do those things?
A Yes, sir.
Q Now, at some point in July of 2001, did you ever tell anyone about the sexual abuse?
A Yes.
Q Who did you tell?
A Sandra Parsons.
Q And after you told Sandra, did you speak with anyone else about it?
A Yes, sir, DSS.
Q With DSS?
A Yes.
Q Where did you do that at?
A DSS office.
Q And that would have been in 2001?
A Yes, sir.

Q And what did you tell them?
A What he was making me do is give him oral sex.
Q And did law enforcement become involved at that time?
A Yes, sir.
Q And was the defendant arrested at that time?
A Yes, sir.
Q Do you know around what time he was arrested?
A September or so, somewhere around the end of the year.
Q And that's 2001?
A Yes, sir.
Q And did he bond out of jail after he was arrested?
A The same day.
Q Okay. And so after he bonded out, does he move right back in with you?
A No, sir.
Q Where did he live?
A I believe he was staying with his brother in Clearwater.
Q Who's his brother?
A Marty Carter.
Q Okay. And while he was at his brother's house, where were you?
A With my mom and sister at the Cully residence in

North Augusta still. Same house.

Q And did anything occur during that time frame --

A No, sir.

Q -- between you and the defendant?

A No, sir.

Q All right. Was your mother still seeing the defendant during that time?

A She was seeing him away from us.

Q And again your mother is not the one we just heard from. Your mother is Buffy Cartwright?

A Yes, sir.

Q Okay. During that time period, did DSS stay involved with you?

A Yes, sir.

Q And you continued to meet with them?

A Yes.

Q And explain to the jury how the defendant ended up moving back into the residence with you?

A I had a meeting here at the courthouse with the solicitor that was involved in the case and on the way --

Q I'm sorry. Who drove you to that meeting?

A My mom.

Q And what happened on the way to that meeting?

A On the way here, my mom told me to lie to them --

MR. ROUTZONG: Objection, Your Honor. That's

hearsay.

THE COURT: Ma'am, you can't testify as to what your mama says.

Sustained.

BY MR. MALONY:

Q As a result of your conversation with your mother on the way to the courthouse, what did you tell prosecutors that day?

A That it did not happen.

Q And was that the truth?

A No.

Q And when was that done? How old were you? Do you remember?

A Ten, eleven.

Q Okay.

A Ten.

Q And who did you actually speak with here? Do you remember?

A Brenda Brisbin.

Q She was -- she was prosecuting that case in 2001?

A Yes, sir.

Q Okay. So as a result of your conversation at that time, did the defendant move back in?

A Yes.

Q How long after you spoke with them did the

defendant come back in the residence?

A Immediately. Within that month, he was -- well before that month was over, he moved in.

Q Okay. And when you say moved in, are we still talking about State's Exhibit 1?

A Yes, the same house in North Augusta.

Q You would have been eleven years old when the defendant moved back in?

A Yes.

Q Now, explain the interior of that home in State's Exhibit 1. How many bedrooms did it have?

A Three bedrooms.

Q And with regard to the computer room that you stated you were forced to perform oral sex in when you were nine, was that still the computer room when the defendant moved back in?

A No, it was now my sister's bedroom.

Q When you state your sister, which sister?

A [redacted].

Q Okay. Explain to the jury what happened whenever the defendant moved back in the house?

A No time when he moved back in he started doing what I call humping.

Q What did he call it?

A Scooching.

Q And describe what this action was?
A In the mornings he would come in my room before school about five o'clock or so. He would lay in the bed with me, take his penis out and put it on my leg. He would hump me and when he was almost done, he would take and get on top of me and put it between my thighs and ejaculate on my legs, in between my legs.
Q What time of day would this occur?
A Early morning.
Q And would anyone be up?
A No, sir.
Q Now, how would you be laying when he would do this?
A On my stomach.
Q And was your mother working during that time.
A Yes.
Q And was the defendant working?
A Yes.
Q What type of work was he doing during that time?
A Construction.
Q After the defendant ejaculated, what did he do?
A Just get up and make his coffee and go on with his day, go to work.
Q And what did you do?
A Got cleaned up and got ready for school.
Q Now when you're eleven years old, how often did

this humping occur?

A Multiple times a week. Three to seven times a week. Very often.

Q Was it always in the mornings?

A Yes.

Q Did he give you anything during this period of time? Any gifts, any bribes, anything like that?

A Yeah, he would take us shopping, out to eat.

Q Did he ever threaten you?

A Yes.

Q What would he say?

A He would threaten to kill me, kill her -- my mom and my sister. He's threatened to kill hisself.

Q Now, [redacted], of 2003, you would have been 12 years old; is that correct? It's your birthday?

A Yes.

Q Did the abuse continue during that time?

A Yes.

Q And what type of abuse?

A It was just the humping.

Q And so from when he moved back in when you were 11, you had not been forced to perform oral sex on him anymore?

A No, sir.

Q At that time?

A No, sir.

Q Did that occur at the same residence?
A Yes, sir.
Q And it was -- it was this humping, scooching action that you referred to earlier?
A Yes.
Q In the morning times?
A Yes, sir.
Q Now, did that continue when you were thirteen, fourteen?
A Yes, sir.
Q And at any point thirteen or fourteen, did he have you perform oral sex on him?
A No, sir.

MR. ROUTZONG: Objection, Your Honor, these are all leading questions.

THE COURT: They are. Sustained.

Don't ask leading questions.

BY MR. MALONY:

Q Throughout this period of time when you were eleven, twelve, thirteen, fourteen, were you still living at the 112 Cully Drive in Aiken?
A Yes, sir.
Q And again how often would this humping occur in each of those years in that residence?
A Anywhere between three to seven times a week.

Q Did it only occur in your bed?
A No.
Q Explain when it would occur elsewhere?
A There was times like on the weekends when he was off work and my mom was gone, he would call me into his bedroom and he would do it there.
Q You say do it, what do you mean?
A Hump me, except I would be in a different position. He'd make me wrap my legs kind of around his and he would always try to move my pants out of the way, but I wouldn't allow him to get in to my pants. He just humped me.
Q Okay. Other than in his bed, did it occur anywhere else?
A In a rocking chair in the living room.
Q Explain what happened there?
A There was one point in time where he would lay me down on his lap and he wouldn't allow me to get up for a matter of time of about -- we were watching the crows. It was about six or seven movies long, for hours and hours I sat on his lap. I cried. He wouldn't let me up and when he finally let me up, the back of my pants were soaking wet.
Q Do you remember him ever doing anything to you while you were in the shower?
A Yes.

Q And what did he do?

A Often he would come in and say he had to use the restroom and I really never thought nothing of it. He would always ask me if I was washing my hair or shaving my legs. And at this point in time, I was washing my hair and I seen something go over the shower curtain very, very fast, so I looked out to see what was going on and he had a camera in his hands and he said he was deleting them after he looked at them. He wasn't doing anything with. So he was taking pictures of me in the shower.

Q And this would have been thirteen, fourteen, somewhere around in there?

A Yes, sir.

Q At some point when you turned fifteen, explain to the jury what happened.

A I wanted to get my tongue pierced when I turned fifteen years old, so he agreed to take me downtown to get my tongue pierced. On the way there --

Q Downtown where?

A Augusta, Georgia. On the way there, he drove extremely slow and was telling me if he lets me get my tongue pierced, I have to agree to give him oral sex. I was saying that I didn't want to, of course. He pulled over on the Ally Street by the Mellow Mushroom and proceeded to ask me and tell me if he lets me do this, I

need to give him oral sex. I didn't want to. At this point, we still went to get my tongue pierced. I didn't want to do it then, but he -- we still got it done. On the way home --

Q I'm sorry, didn't want to do what?

A Get my tongue pierced.

Q Okay. And was it just you two there at the time?

A Yes.

Q Who paid for your tongue to be pierced?

A Bo did.

Q And when you say Bo, who are you referring to?

A The defendant, Harold Cartwright.

Q And after you got your tongue pierced, explain to the jury what happened.

A On the way home, he drove very slowly. I'd say less than 30 miles an hour and was saying, now, you remember you have something to do since I got this done for you. And we just went home and at that point, it didn't happen then. I tried to stay away from the house to refrain from doing that.

Q All right. So what happened next? When did it occur?

A A few months later when we ended up home alone. He came home for lunch or it was the weekend and he was saying I had something to do, that was to give him oral sex and I

didn't want to do it. He was getting mad, irate with me, so -- threatening me, so that's when I agreed and I did it. I gave him oral sex.

Q And where was that?

A On the chair in the living room.

Q At which residence?

A Cully Drive.

MR. ROUTZONG: Your Honor, I'm having a real hard time hearing her testimony.

THE COURT: Speak up, please.

BY MR. MALONY:

Q Please speak up, [redacted], so he can hear you and everybody else can hear you.

How old were you when you performed oral sex on him at --

A Fifteen.

Q Was that the first time since you were nine?

A Yes.

Q And what happened later that year while you were fifteen?

A I wanted to go to Six Flags with one of my friends and I needed some money to go, so he came and picked me up from a friend's house and he took me to one of his job sites and locked the doors, went to the back of the job site -- locked the doors and begged me for three or four

hours to have sex with him for the money to go to Six Flags. I wouldn't -- I kept saying no, I'm not doing it. I wouldn't agree to do it. That's when he started getting angry with me. After about three or four hours of me saying no, he took me down to the canal in Augusta, Georgia. He was driving very fast. He was very angry, saying he'll throw me in the water -- he'd kill me and throw me in the water falls. He could throw me in the canal and nobody would ever find me. So at that point is whenever, yes, I will do it. And he dropped me off -- after I agreed he acted like nothing happened. He dropped me off at Wal-Mart with my friends and he gave me the hundred dollars.

Q And what, if anything, occurred after that while you were fifteen?

A Eventually, I ended up at the house with him alone. It was a couple of months later. And he told me I told him I would have sex with him and I wouldn't do it. I told him that I'm not going to do it. That's when he goes and gets very angry with me, saying things that, oh, you'll have sex with other people, just not me. Getting mad because I kept saying no. And he got to the point when he got sober he pulled a knife on me.

Q What was the knife? What did the knife look like?

A A big buck knife with a black handle. He always

carried it on the side.
Q And where were y'all during --
A At the same house in North Augusta.
Q Where in the house?
A The living room.
Q Was anyone else home?
A No, sir.
Q And what happened after he pulled the knife?
A He kind of lunged me on the couch. I remember hitting my foot on the coffee table. He put the knife up to my throat and my stomach. That's whenever I agreed to have sex with him. And he bent me over the couch, put a condom on and had intercourse with me.
Q Was this the first time he'd had sex with you --
A Yes, sir.
Q -- actual sexual intercourse?
A Yes, sir.
Q And how old were you at this time?
A Fifteen.
Q And now, was this the first time that the defendant had actually threatened you?
A No, sir.
Q Explain throughout this whole deal how he would threaten you. What types of things would he do other than this incident?

A He would bump up at me like he was going to punch me in the face. He's pulled guns on me, put them to my head before, very angry. He's pulled guns on hisself, big shotguns saying he'd kill hisself after he kills all of us; knives, more than a couple of occasions.
Q Now ultimately -- when did you leave the residence?
A When I was 16.
Q Why did you leave?
A Because I didn't want to put up with the abuse anymore.
Q Where did you go?
A To a boyfriend's.
Q And what was his name?
A Timothy Bowman.
Q And this was when you were sixteen?
A Yes, sir.
Q And did you ever move back into the area the defendant was living in?
A For about a month I moved into a shed behind their house until I found my own place to live. That was when I was about eighteen.
Q Okay. Who were you dating at that time?
A Chris Faulkner.
Q Are you still dating him today?
A Yes.

Q And who was living at the residence when you and Chris Faulkner, your boyfriend, were in the shed out back?

A My sister, [redacted], my stepbrother Hoss, my mom, and the defendant.

Q Okay. And did you leave the shed at some point?

A Yes.

Q And where did you and Chris move to?

A New Ellenton.

Q Okay. In 2011, how did law enforcement -- how did you come in contact with law enforcement in February of 2011?

A I voluntarily went to the sheriff's department to talk to some investigators about some things I knew about Timothy.

Q Okay. When you say Timothy is that the --

A My ex-boyfriend.

Q -- boyfriend?

A Yes.

Q And boyfriend you moved out of the residence that the defendant was living in when you were sixteen?

A Yes.

Q How long had it been since you and Timothy Bowman been dating?

A At that point, it was about six months, six, eight months.

Q That y'all hadn't been dating?
A Yes.
Q And --
A That point it was about a year whenever I went and talked to the sheriffs about him.
Q Okay. And what did you tell them about Timothy Bowman? What information did you tell them?
A Just about drugs and things I knew about whenever I was living with him.
Q And did you tell eventually -- did the defendant's name come up?
A Yes.
Q Why did you even mention the defendant's name when you were there trying to help with Timothy Bowman?
A I was explaining to them the reason I moved in with Timothy was to get away from the abuse from the defendant.
Q And did you tell them at the sheriff's office that day about the sexual abuse --
A Yes.
Q -- that you had endured?
A Yes, sir.
Q Now, you stated at the very beginning of this, you had a stepsister named [redacted]?
A Yes.
Q Is that the one we heard from first today?

A Yes, sir.
Q During -- February 24th, 2011, when you went to the sheriff's office, what was your and [redacted] relationship?
A We hadn't spoken in many, many years, since we were -- I was little.
Q And what was that relationship like on that day, February 24th, 2011?
A I still hadn't spoken to her or heard from her.
Q Did you call her and tell her that you had told the sheriff's office about --
A No, sir.
Q Now, the person that you stated sexually abused you when you were nine and then starting back when you were eleven to fifteen, is he in the courtroom here today?
A Yes, sir.
Q Would you please identify him?
A He is at the end of the table in the middle with the blue shirt and the black blazer and the glasses.

MR. MALONY: Will the record reflect, Your Honor, that the witness has identified the defendant.

BY MR. MALONY:

Q And lastly, what did you refer to the defendant as the majority of your life?
A Daddy.

MR. MALONY: I have no further questions, Your

Honor.

THE COURT: Cross?

CROSS-EXAMINATION

BY MR. ROUTZONG:

Q Since these allegations arose in 2011, you've stayed in pretty constant contact with [redacted]

A No, just during this.

Q You don't talk to her on FaceBook all the time?

A She's on my FaceBook.

Q You frequently talk with her?

A No, sir.

Q The person that you say you disclosed to back in 2001 or 2000, I guess it is, was Sandra Parsons?

A Yes, sir.

Q That was your mom's friend, Buffy?

A Yes.

Q She ever babysit you?

A I believe so, yes, sir.

Q She was at the house all the time?

A She'd come to the house and -- yes, sir.

Q You had the impression that she was a good friend of your moms?

A Yes.

Q So you actually disclosed to Sandra rather than Buffy. Why would you do that?

A I believe -- I'm real sure. I think the way it happened is, I was initially asked about it because Sandra was staying with us for a week or two and things were happening that the defendant was doing to me while she was there. And I ended up telling her exactly what was going on.

Q So actually Sandra was the one that approached you?

A I don't remember a hundred percent.

Q But it wasn't your mom that approached you?

A No, no, sir.

Q Wasn't anybody else that approached you?

A No, sir.

Q Were you aware -- were you aware of the fact that your mom had made it known that she'd asked you several times about this during that first time that you had said it didn't happen?

A She never asked me several times. Never.

Q She asked you about it sometimes?

A After DSS got involved and I told Sandra, I also told my mom.

Q And you're saying it was your mom, Buffy Cartwright that ultimately convinced you to recant?

A Yes.

Q And you did recant?

A Yes.

Q I think you just testified that Harold was gone from the house during this period of time when -- right after you made this first allegation back in 2001 and he was gone for a lengthy period of time?

A Yes, sir.

Q And you said it was right before your 12th birthday? Within a month of that time?

A After he moved back in -- are you asking when he got arrested or when he moved back into the residence.

Q I think you just testified a few minutes ago that he moved back into the residence just before your twelfth birthday. I think you said within a month.

A Two thousand -- my eleventh. It was in 2002, so, yes.

Q And you recanted in December of that year?

A Yes.

Q And your birthday is when?

A [redacted] of 1991.

Q [redacted] of '91 and you said that you recanted -- I'm sorry, you said that he moved back in the house right before your twelfth birthday, within a month?

A Yes, yes, sir.

Q I'm going to refer back to prior testimony. You previously testified that Mr. Cartwright molested you almost every morning?

A Yes.

Q That wasn't exactly true because in your previous testimony, you testified that it only seemed that way?

A It seemed like it was almost every morning, but I know it was multiple times a week. Anywhere between three and seven days per week.

Q Three to seven days per week?

A Yes.

Q It didn't just seem that way?

A No, it was that often.

Q So when you said that under oath, that wasn't true?

A What I said was true, yes, it was true.

Q That it seemed that way?

A It was that way. It might not have happened every day of the week every week. Some days it may have, some days it may not have.

Q You previously testified that your stepfather, Harold, was very strict?

THE COURT: Very what?

MR. ROUTZONG: Very strict.

MR. ROUTZONG:

Q Is that correct?

A Yes, sir.

Q And he was very strict about you and your sister attending school?

A Yes, sir.

Q And you previously testified that he was very concerned about the things that you and [redacted] had on your computer?

A Yes.

Q There came a time as you've just testified to when you got in contact with the -- actually the Aiken County Sheriff asked you to come in and talk to him?

A Uh-huh.

Q And they were investigating you because they believed you were involved with drugs?

A No. They -- I told them I knew some things that may help them with their investigation. I was not involved in drugs.

Q You don't recall that you testified in your prior hearing that you were involved with drugs?

A I was talking to them about drugs and the things that I knew what was going on with my ex-boyfriend.

Q But you actually testified in the other proceeding that you were involved --

THE COURT: Well, show her what you're talking about if that's what you've got.

THE WITNESS: Please.

THE COURT: Show it to her.

(WHEREUPON the witness was looking at a document.)

THE COURT: Mr. Routzong, the rule is when you're using prior testimony, you show it to her line and verse.

MR. ROUTZONG: Yes, Your Honor, I neglected to actually mark it. That's my problem.

THE COURT: You don't have to mark it.

MR. ROUTZONG: I might have marked it on the other transcript.

THE COURT: Well, we need to move along now.

MR. ROUTZONG: Yes, sir.

Your Honor, I'm just going to move along. I didn't mark it.

THE COURT: Just ask questions.

MR. ROUTZONG: Yes, sir.

THE COURT: You know the rules. Next question. Move along.

BY MR. ROUTZONG:

Q When you recalled the interview with the investigator, you did not know whether or not you were going to be arrested?

A I know I was not going to be arrested.

Q How did you know that?

A Because I wasn't involved in anything. I was voluntarily giving them information that I knew that would help with the case with my ex-boyfriend.

Q But law enforcement did not tell you that you were

not a target of the investigation?
A I don't remember if they told me I was or not, but I don't believe I was.
Q So you were confident based on your own knowledge of what your involvement with the drugs were, but you weren't told by any law enforcement agency you were not going to be arrested?
A Correct.
Q Therefore, you didn't really know whether you were going to be arrested?
A Yeah.
Q You previously have testified that before going to speak with law enforcement, you were aware that Mr. Cartwright suspected that you and [redacted] had been involved in some things dealing with the internet?
A At this point, I did not know anything about the internet situation.
Q You were aware that Mr. Cartwright was actually interviewed on a local television station about that situation?
A No, sir.
Q You weren't?
A No, sir.
Q When did you go see law enforcement?
A February 24th. I found out after that -- that all

that internet was going on. And if anything was said to me about that, I don't remember it being before that.

Q You weren't aware that Mr. Cartwright had reported his suspicions to the North Augusta Police Department?

A No, sir, I was not.

MR. MALONY: Objection, Your Honor. I think this is of the scope of this witness's knowledge as to what Mr. Cartwright reported and what he didn't report. That's what she eluded at earlier.

THE COURT: I'm going to allow it. Let [redacted]him ask it. Move along, please.

BY MR. ROUTZONG:

Q You have your own admission about Harold being a strict father -- strike that. It was about five months from when Mr. Cartwright became suspicious of those things on the internet that you moved back in the house? Do you know?

A I'm not sure the time frame of any of that.

Q You previously testified that when you were about fourteen to sixteen years of age, you were gone two or three times a day -- I'm sorry two or three times a week from the house?

A Yes, sir.

Q And stayed away?

A Yes, sir.

Q And you testified you were kind of rebellious?
A Yes, sir.
Q Timothy Bowman was the man this you were involved with drugs?
A Yes, sir. That was involved with drugs. He was.
Q And is it true that you called Mr. Cartwright when you were threatened by Mr. Bowman?
A Yes.
Q And it's also true that after that relationship ended, you moved back into that house?
A I moved into a shed behind their house for about a month.
Q And that was your house?
A That was their house.
Q That was where you resided?
A Yes, for about a month.
Q You previously testified that you moved in with your grandmother?
A Yes, sir.
Q During this period of time? What's your grandmother's name?
A Barbara [redacted].
Q You disclosed to her?
A Not until way after the fact.
Q And you moved back out because your grandmother

wanted you to pay rent?

A That's one reason.

Q Where did you move back to?

A She wanted me to pay a phone bill and I moved back into the Cully residence in North Augusta.

Q Where did you move back to?

A In North Augusta, Cully Drive.

Q And who were you living with?

A My sister and my mom and Harold Cartwright.

Q You don't deny that you previously testified that you were being investigated for that boyfriend at the time for drugs?

A I do not deny that.

MR. ROUTZONG: I don't have anything else, Your Honor.

THE COURT: Redirect?

MR. MALONY: No redirect, Your Honor.

THE COURT: You may step down.

Mr. Foreman, ladies and gentlemen, let's take a little short afternoon break. Please do not discuss the case nor deliberate. We'll come back in, in about ten or fifteen minutes and go until about five o'clock. Everybody okay? You a little warm? I can probably find you a wrap or a jacket. Both of you. Y'all okay? I'll try to find something. Thank you. Y'all step out.

Everybody else remain seated.

(WHEREUPON the jury left the courtroom at 3:26 p.m.

THE COURT: Anything for the record before we break, Mr. Malone?

MR. MALONY: Your Honor, can take it up before we bring the jury back out. I do have one small matter concerning my next witness.

THE COURT: And what is it?

MR. MALONY: Your Honor, the State would be calling next Michelle Prince, the DSS caseworker that the last victim, [redacted] [redacted] spoke to in 2001, July 17th. The defense just opened the door, rather than being a time and place witness, Michelle Prince should be allowed to testify to exactly -- a prior consistent statement of this victim in this case because he's alleged multiple improper motives that arose after this statement was made.

The statement was made July 17, 2001. He's alleged a motive up until February 24th, 2011, in this investigation of drugs. I believe the case law is clear.

THE COURT: Well, we'll get to it and you can ask whenever questions you want to ask and if he wants to object, he can and we'll deal with it then.

MR. MALONY: Yes, sir.

THE COURT: Thank you. Anything Mr. Routzong?

MR. ROUTZONG: No, sir.

THE COURT: All right. We'll stand at ease for about ten minutes.

(WHEREUPON a recess was observed.)

THE COURT: Ma'am can y'all get the defendant out for me.

(WHEREUPON the defendant entered the courtroom.

THE COURT: State ready to proceed?

MR. MALONY: Yes, sir, Your Honor.

THE COURT: Mr. Routzong?

MR. ROUTZONG: Yes, sir.

THE COURT: All right.

THE BAILIFF: Bring the jury in.

(WHEREUPON the jury entered the courtroom at 3:43 p.m.

THE COURT: Call your next witness.

MR. MALONY: Thank you, Judge.

The State calls Michelle Prince.

MICHELLE PRINCE,

having been duly sworn, testified as follows:

THE CLERK: Please have a seat in the witness box. State your full name for the record and spell your last.

THE WITNESS: Michelle Prince, P-r-i-n-c-e.

DIRECT EXAMINATION

BY MR. MALONY:

Q Ms. Prince, where have you been employed for the

last fifteen years?
A Aiken County Department of Social Services.
Q And what did you do at -- commonly referred to as DSS?
A Yes.
Q What did you do at DSS?
A I did investigations, treatment and foster care.
Q And do you have any training to do those types --
A Yes, we go through basic training and I have advanced training in the forms of physical abuse, sexual abuse, drug abuse, and forensic interviewing.
Q Okay. Explain how DSS becomes involved in cases like -- such as the one we're involved with here today?
A Somebody calls in a report and makes a complaint and if it meets the legal statute in the State of South Carolina, we take it as a report and go interview the family.
Q All right. And what capacity were you working with DSS in July of 2001?
A In investigations and investigating allegations of child abuse and neglect.
Q And please explain to the jury how you first became involved in this case?
A I received a call from an intake supervisor saying that we had received a report of sexual abuse concerning

[redacted] [redacted] and her stepfather, Harold Cartwright. The mother is Buffy Cartwright.

Q Okay. And did you have the opportunity to meet with [redacted]?

A I did.

Q Where did you meet with her?

A At the North Augusta office.

Q And do you remember what day that would have been?

A July 17th of 2001.

Q Now, during these meetings with these children, do you take notes?

A I do.

Q Why do you take notes?

A To gather an accurate response of what the children say.

Q And did you take notes in this case?

A I did.

Q And do you actually remember meeting with [redacted]?

A Yes, I do.

Q Okay. How old was [redacted] at that time?

A She was nine.

Q And do you remember that conversation you had with [redacted]

A I do.

Q And what if anything did [redacted] tell you happened

to her?

MR. ROUTZONG: Objection, Your Honor. I'm not sure what all this testimony is relevant to. The State has already established that back in the 2000, 2001 time period, [redacted] became involved in law enforcement that resulted in an indictment. She recanted the indictment to the State. This is just cumulative, Your Honor. It's bolstering -- I guess it's bolstering the testimony that's already been offered. There's nothing to be gained here. It's not relevant. All of that is already into evidence.

THE COURT: Overruled.

MR. MALONY: Thank you.

BY MR. MALONY:

Q What did [redacted] tell you?

A That she had been sexually abused.

Q Where did she say that she'd been sexually abused?

A At her home on Cully Street in the office part of the home.

Q Excuse me, I didn't hear you, I'm sorry.

A On 112 Cully Street in North Augusta in the office.

Q Where in that residence?

A In the office part.

MR. MALONY: Thank you, Judge. I have no further questions.

THE COURT: Any cross-examination?

CROSS-EXAMINATION

BY MR. ROUTZONG:

Q Good afternoon. Who's your husband?

A Stacy Prince.

Q And where does he work?

A Aiken County Sheriff's Office.

Q And you're aware of the fact that the charges that were indicted that arise out of this conversation with you, she recanted that and they were nol prosed?

A I was not the worker when that happened. I understand that there was a recantation. I wasn't sure of the criminal charges.

MR. ROUTZONG: I don't have anything else, Your Honor.

THE COURT: Anything?

MR. MALONY: No, sir, Judge.

THE COURT: You may step down.

Next witness.

MS. AGNEW: State calls [redacted].

THE CLERK:

[redacted],

having been duly sworn, testified as follows:

THE CLERK: Please have a seat in the witness box. State your full name for the record court and spell your last.

THE WITNESS: Brandy [redacted] [redacted]

DIRECT EXAMINATION

BY MS. AGNEW:

Q Now, Ms. [redacted], you just said that your name is [redacted]. What do you go by?

A [redacted].

Q How old are you?

A Eighteen.

Q When's your birthday?

A [redacted] [redacted], 1995.

Q Are you in school?

A Yes, ma'am.

Q Where do you live right now?

A In Aiken.

Q Can you tell me about your family?

A My mom is Buffy Cartwright. I have one sister, real sister, [redacted] [redacted]; three stepbrothers and sisters, [redacted], Hoss and Jamie.

Q Okay. What's your relationship to the defendant?

A He was my stepfather.

Q What did you call him?

A Daddy.

Q How long have you known him?

A Ever since I can remember. Since I was a small baby.

Q Can you tell the jury how was your relationship with the defendant when you were a little girl?
A It was good. We -- I thought he was my father for a long time.
Q At some point did that relationship change?
A Yes, ma'am.
Q Can you tell the jury when it changed?
A It changed when I was about thirteen.
Q What grade would you have been in?
A About seventh grade.
Q Would that have been in 2008?
A Yes, ma'am.
Q Where were you living at that time?
A 112 Cully Drive in North Augusta.
Q And [redacted], I'm going to show you what's already been entered into evidence as State's Exhibit 1. Do you recognize that?
A Yes, ma'am.
Q What is it?
A Our house in North Augusta, 112 Cully Drive.
Q So that's the house that you're talking about that you were living in in 2008.
A Yes, ma'am.
Q Now [redacted], when you were living there, who else was living with you then?

A It was my sister, my mom, and the defendant, Harold Cartwright.

Q Now, you mentioned that your relationship with the defendant changed then. Can you tell the jury how it changed?

A Well, he started sexually abusing me when I was about thirteen. And it went from us having like a father/daughter relationship to me basically despising him.

Q Now, you said that he was sexually abusing you and I -- I'm going to have to ask you to be specific. Can you tell the jury specifically what you mean?

A He did -- he humped me every morning in the morning time.

Q And again, what do you mean by humping?

A He would take -- he would come in my room in the morning, take his penis out and just basically hump my legs, my bottom.

Q When you say in the morning time, are we talking mid-morning, early morning? Can you tell me what morning means?

A Early morning before I would get up and get ready for school.

Q Did it always happen in the same room?

A Sometimes whenever my mom -- like on the weekends or something, he would call me -- scream my name to come

into his room.

Q But during the school week before school where would it happen?

A My room.

Q Would anybody else be around?

A Well, my mom and sister would be in the house, but they wouldn't be around.

Q Okay. Do you know if he ever ejaculated?

A Sometimes.

Q Where would he do that?

A On me, on my bed, on my clothes.

Q Now, [redacted], when he was doing this, did you ever try to get away from him?

A Yes, ma'am.

Q What would you -- I mean -- what would happen?

A I mean when I would try to like get away from him or get up out of the bed, he would wrap his legs around me or put his arm around my body to hold me down.

Q Now, how often would this happen?

A Multiple times a week. Anywhere between four and seven times.

Q Did he ever say anything to you when he would do this?

A Not while he was doing it.

Q Would he say something to you before he was doing

it?
A No.
Q Did he ever offer you anything or promise you anything?
A He never really directly told me if you do this, I'll go buy you clothes, but, I mean, he took me shopping and he bought me stuff.
Q Was that any different than just a normal father/daughter shopping?
A I would say so.
Q Did he ever threaten you?
A Yes, but he wouldn't directly threaten me.
Q Well, can you tell the jury what you mean by that?
A Like whenever he got mad, he would hold a gun up to his head and said he was going to kill all of us and himself.
Q Did he get mad a lot?
A Yes.
Q When did you turn fourteen?
A [redacted] 2009.
Q And where were you living then?
A North Augusta, 112 Cully Drive.
Q Did anything happen with the when you were fourteen?
A The humping continued.

Q Same place?
A Yes, ma'am.
Q Same time of day?
A Yes, ma'am.
Q Was anybody else around then?
A No, ma'am.
Q Even then, did you try to get away?
A Yes, ma'am. I tried to get away basically every time.
Q Now, while you were 14, did you move to a different house?
A Yes, ma'am.
Q When did you -- when did y'all move?
A We moved the -- before school started in 2010, I think or '9.
Q Okay. Where did you move to?
A 436 Lee street, his brother's house.
Q Okay. Is that here in Aiken County?
A Yes, ma'am.

(WHEREUPON State's Exhibit No. 2 was marked for identification.)

BY MS. AGNEW:

Q Now, [redacted], I'm showing you what's been premarked as State's Exhibit 2. Do you know what that is?
A That's the defendant's brother's house.

Q So is that where y'all lived in 2009?

A Well, we lived in a shed kind of in the side yard over there.

MS. AGNEW: Your Honor, at this time, the State moves State's Exhibit 2 into evidence.

MR. ROUTZONG: No objection.

(WHEREUPON State's Exhibit No. 2 was entered into evidence.)

BY MS. AGNEW:

Q Now, you mentioned that you didn't actually live in the house, but you lived in a shed beside it. Can you explain to the jury what you mean by shed?

A Well, it was just basically a storage shed. There was a door and when you walk in the door, on the right-hand side was my stuff, my bed, my dresser and stuff; and on the left-hand side it was the defendant's and my mom's bed and a refrigerator and it was divided by a dresser in the middle.

Q So was there more than one room?

A It was just one big room.

Q Why did you move to Lee street?

A From what I understand they were -- the house was going in foreclosure.

Q Was the defendant working then?

A No, ma'am.

Q And who lived in the shed with you?
A It was me, my mom, and the defendant.
Q Where was [redacted]?
A She already moved out with her ex-boyfriend.
Q Now, you said you moved in right before school started in 2009. Were you in school that year?
A Yes, ma'am.
Q Did you stay in school?
A No, ma'am.
Q Why not?
A Because the defendant thought it was a good idea for me to be home schooled.
Q So were you home schooled?
A Yes, ma'am.
Q Where would you be all day?
A In the shed.
Q Would you go anywhere else?
A We would go to the store occasionally.
Q But for the most part, did you stay in the shed all day?
A Yes, ma'am.
Q Would anybody else be at home with you during the day?
A Just the defendant.
Q Where was your mother?

A She was at work.
Q Do you remember what her work schedule was like?
A She worked from about 7:30 in the morning to about three or four in the afternoon.
Q Now, what, if anything, happened with you and the defendant while you were alone in the shed with him all day?
A Well, at first he continued humping me for a little while and then he started to actually have sexual intercourse with me.
Q Did he ask your permission?
A No.
Q Did you ever say anything to him about it?
A No, no.
Q Where would it happen?
A Usually -- well, most of the time in my bed.
Q Do you know if he would ever ejaculate?
A He did sometimes.
Q How often would the sex happen?
A It was mostly every morning, other than the days that my mom wasn't at work. She didn't work maybe two or three days a week.
Q Do you know if the defendant ever used protection?
A I remember sometimes I would hear him opening a condom, but sometimes I didn't.

Q Now [redacted], were you on birth control?

A I got on birth control later on.

Q Why did you get on birth control?

A Well, I guess the defendant thought that since I was getting to the age --

MR. ROUTZONG: Objection, Your Honor. That's speculation.

THE COURT: Sustained. It's what you know of your own knowledge, not with respect to what other people knew.

BY MS. AGNEW:

Q Do you know why you got on birth control?

A Because --

Q Well, let me ask you this, [redacted], was it your idea?

A No, ma'am.

Q Do you know whose idea it was?

A The defendant's.

Q During this time that he was doing this, did he ever offer you or promise you anything then?

A He would -- I mean he would take me shopping, he would buy me things.

Q Did you ever get mad -- I'm sorry.

A He would offer me money.

Q Did he ever get mad while you were living in the shed?

MR. ROUTZONG: Objection, Your Honor.

THE COURT: What's the objection?

MR. ROUTZONG: I'm not sure what she's asking, but --

THE COURT: She's asking did he offer any money. Still objecting?

MR. ROUTZONG: No, sir.

THE COURT: Please ask the question.

BY MS. AGNEW:

Q Did you ever see the defendant get mad while you were living in the shed?

A Multiple times.

Q Did he get violent when he got mad?

A Very much so.

Q Can you tell the jury what you're talking about with that?

A He would hold guns to his head, say he was going to kill me, my mom, himself. He would get knives, walk around with them being very violent, just being irate.

Q When did you turn fifteen, [redacted]?

A [redacted] 2010.

Q In 2010, you turned fifteen?

A Maybe '9.

Q You were born in 1995, right?

A Yes.

Q You had a fifteenth birthday, right?

A (Witness nodded head.)
Q Were you still living in the shed when you were fifteen?
A Yes, ma'am.
Q Did the defendant continue the humping and sex when you were fifteen?
A Well, the sex --
MR. ROUTZONG: Objection, Your Honor. It's a leading question.
THE COURT: Sustained. Rephrase your question.
BY MS. AGNEW:
Q What, if anything, did the defendant do to you when you were fifteen?
A He really didn't continue on with the humping, he just -- it was just sex at that time.
Q Now, while you were fifteen, did you move out of the shed?
A Yes, ma'am.
Q Do you remember when you moved?
A It was April of that year.
Q 2010?
A Yes, ma'am.
Q Where did you move?
A To 641 Winter Place Drive.
Q Is that in Aiken County?

A Yes, ma'am.

(WHEREUPON State's Exhibits 3 and 4 were marked for identification.)

Q Now, [redacted], I'm going to show you what's been marked as State's Exhibit's 3 and 4. I want you to take a look at both of them and let me know if you know what they are?

A That was our house at 641 Winter Place Drive.

Q Is that house in both of those pictures?

A Yes, ma'am.

MS. AGNEW: Your Honor, at this time, the State would move State's Exhibit's 3 and 4 into evidence.

(WHEREUPON State's Exhibits 3 and 4 were moved into evidence.)

MR. ROUTZONG: Without objection.

BY MS. AGNEW:

Q And who was living with you at the Winter Place Drive address?

A At first it was me, my mom, and Harold Cartwright.

Q Now, you say at first, did anybody else ever move in?

A Yes, ma'am.

Q Who moved in?

A Hoss, my stepbrother.

Q Now, let me ask you this, when you moved into the

Winter Place Drive address, did you end up going back to school?

A I went back to school that following year.

Q Once you went back to school, did the defendant ever say anything about the clothes you were wearing?

A Yes, ma'am.

Q What would he say?

A He would say that I -- they didn't cover up enough, that it was inappropriate.

Q What would he do or what would he make you do?

A He would -- whenever I wore shorts or something, he would make me sit down cross legged on the floor to see if anything showed and he would make me bend over to see if you could see anything if I was to bend over.

Q Did your mother ever say anything to you about the clothes you were wearing?

A No, ma'am.

Q Did you ever get in trouble at school for the clothes you were wearing?

A No, ma'am.

Q Now, you said that Hoss eventually moved into that house. Can you tell the jury who Hoss is?

A He's my stepbrother.

Q Okay. You remember when he moved into the house?

A He moved in at the end of May, I believe.

Q Okay. Now, when Hoss moved in, did you have your own bedroom?
A Yes, ma'am.
Q Did he have his own bedroom?
A Yes, ma'am.
Q Where were y'all's bedrooms?
A They were side by side.
Q What, if anything, did the defendant do to you at the Winter Place address?
A He -- whenever Hoss moved in, he stopped the intercourse and he just started with the humping again.
Q And when would he do this?
A It would be in the mornings before school.
Q And where would he do this?
A In my room.
Q Did Hoss eventually move back out of the house on Winter Place?
A Yes, ma'am.
Q Do you know when he moved out?
A It was Christmas break of 2010.
Q Did you know he was moving out?
A Whenever he left, I didn't know.
Q Now, after Hoss moved out, did you keep -- did you stay in the same bedroom?
A No -- well, for a little while I did, but I

switched bedrooms after that.

Q How come?

A Because the bed in the other room was bigger than mine.

Q So whose room did you move into?

A Into Hoss's old bedroom.

(WHEREUPON State's Exhibit No. 5 was marked for identification.)

BY MS. AGNEW:

Q Now, [redacted], I'm showing you what's been marked as State's Exhibit 5. Do you recognize that?

A Yes, ma'am.

Q What is it?

A That's Hoss's bedroom. That's the room I moved into.

Q That's the bedroom that you moved into after he moved out?

A Yes, ma'am.

MS. AGNEW: Your Honor, at this time, the State would move State's Exhibit 5 into evidence.

(WHEREUPON the defense was looking at the exhibit.)

THE COURT: Any objection?

MR. ROUTZONG: I don't have any objection, Your Honor.

THE COURT: Thank you. Move along.

(WHEREUPON State's Exhibit No. 5 was moved into evidence.)

MR. MALONY: Your Honor, is it moved into evidence?

THE COURT: Without objection.

BY MS. AGNEW:

Q Now, [redacted], after Hoss moved out Christmas break, 2010, did the defendant's behavior toward you change in any way?

A Well, he continued -- he started back with the humping and stuff.

Q Did he have intercourse with you after that?

A I think there was a couple --

MR. ROUTZONG: Leading, Your Honor, objection.

THE COURT: Rephrase your question.

BY MS. AGNEW:

Q What, if anything, would he do beside the humping to you?

A There were a few times where he had sexual intercourse with me. But it wasn't as regular as before.

Q When that would happen, where would it be?

A In Hoss's old bedroom.

Q And --

A Where I moved in.

Q In the bedroom in State's Exhibit 5?

A Yes, ma'am.

Q And that's where you were sleeping at that time?
A Yes, ma'am.
Q When did you turn sixteen?
A [redacted] 2011.
Q Were you still living at the house on Winter Place?
A Yes, ma'am.
Q What, if anything, did the defendant do to you then?
A I remember him humping me. That's it.
Q And where would that happen?
A In the same bedroom that I moved in to.
Q In the bedroom in State's Exhibit 5?
A Yes, ma'am.
Q Now, [redacted], a few weeks after you turned 16, specifically February 19th, 2011, do you remember anything significant about that day?
A Yes, ma'am.
Q What day of the week was it?
A A Saturday.
Q Who was home?
A It was just me and the defendant.
Q Where was your mom?
A She was at work.
Q What happened?
A He -- the defendant called me in his room. He was

screaming my name about twenty times to come -- so I could come in there and he could do whatever and I wouldn't go in there. I refused. I was doing stuff around the house to make him just leave me alone. I was like washing dishes, feeding the animals outside and walking around and stuff and he just got very, very mad and --

Q What happened when he got mad?

A He was just screaming and hollering and he left and went to the store. And I assume he got alcohol. I saw him with beer.

MR. ROUTZONG: Objection, Your Honor. She's testifying to what she assumed.

THE COURT: Sustained. Disregard that, ladies and gentlemen.

Move along.

BY MS. AGNEW:

Q Did you see him with alcohol?

A Yes, ma'am.

Q Had he ever done anything like this before?

A No, ma'am.

Q Now, while this was going on, does your mom eventually come home?

A Yes, ma'am, later on.

Q What happened after she came home?

A She put her things down inside, asked me what was

going on and I told her he was mad. I didn't tell her why. She went outside to talk to him. They were outside for about an hour.

Q How long were you alone with him before she came home?

A Probably about six or seven hours.

Q Now, [redacted] at some point, did your mom and the defendant come back in the house?

A Yes, ma'am.

Q Did you hear him say anything when he came back in the house?

A Yes, ma'am.

Q Now, [redacted], I need you to tell the jury what did you hear the defendant say when he came back in the house?

A Well, him and my mom came back inside. My mom went to go use the bathroom, which was right inside of their room. He laid down in the bed, was going to sleep and he looked at my mom and asked her if she'd ever seen my lady part and she said no. And he said well, she has a pretty p-u-s-s-y.

Q Before we move on, I want to talk to you about internet stuff. At any point, has the defendant ever accused you of participating in pornography?

A Yes, ma'am.

Q Can you tell the jury how that happened?

A Well, one day I was at school and he just -- he picked me up from school, mad, saying that he had found these pictures online and said that they were me and my friends.

Q When did this happen?

A It was probably late October, November, when he first brought it up.

Q Of 2010?

A Yes, ma'am.

Q Did you see the pictures he was talking about?

A Yes, ma'am.

Q Were you in those pictures?

A No, ma'am.

Q Have you ever participated in pornography?

A No, ma'am.

Q Did you tell him it was you or wasn't you in the pictures?

A Well, at first I told him it wasn't me.

Q What happened when you told him that.

A He got very mad. He was threatening to kill all of us, my brother, me, and my mom. He -- at one point he grabbed a knife, you hold it in the middle and there's two blades that came off of it, and he grabbed that knife and went outside. And he came back inside, mad and went in the room with my mom and shut the door. And at that point I

was scared that he was going to hurt my mom or one of us. So I said the pictures were of me.

Q After you said that, did he calm down?

A Not really.

Q Now, going back to February of 2011, you told us what happened at the house February 19th. Now, I want to talk to you about that next Thursday, February 14th. What happened on February 24th, 2011?

A Well, I was at school and I got called to the office and I went up to the office and there's an investigator in one of the offices.

Q And when you say investigator, do you mean like the police?

A Yes, ma'am.

Q What did the police ask you about?

A He asked me if he had ever touched me in any way.

Q And when you say he, who are you talking about?

A Harold Cartwright.

Q When the police officer first told you about that, did you tell him what was going on?

A No, ma'am.

Q How come?

A Because I was scared. I was -- really just taken by surprise. I didn't really know what to do.

Q Well, while he was there at the school with you,

did you eventually tell him what was going on?

A Yes, ma'am.

Q After you told the police, what happened to you?

A I went to Helping Hands.

Q Can you tell the jury what Helping Hands is?

A It's basically just a group home.

Q And how long did you stay there?

A I stayed there from February 24th to May 3rd.

Q [redacted], did the defendant ever sleep in your bed?

A No, ma'am.

Q Did he ever sleep in the bed in Hoss's room that you moved into?

A No, ma'am.

Q Did the defendant and your mom ever sleep in that bed?

A No, ma'am.

Q Now, you said in the two weeks or so before the police came to your school that the sexual activity was still going on with the defendant. Who was in charge of doing the laundry in your room?

A I was in charge -- I did all of the laundry in my room.

Q Does that include your bed sheets?

A Yes, ma'am.

Q Does that include the bed sheets that were on the

bed in Hoss's room that you were sleeping on?

A Yes, ma'am.

Q The sheets in that picture?

A Yes, ma'am.

Q In that two weeks before the police came to your school, did you wash the sheets on your bed?

A Not that I can remember.

Q Did your mama wash them?

A No, ma'am.

Q Now, [redacted], the man that you said was humping you and having sex with you, do you see him in the courtroom today?

A Yes, ma'am.

Q Can you identify him for the Court by saying what he's wearing, where he's sitting?

A It's the man on the far right in the blue shirt with the glasses.

MS. AGNEW: Your Honor, let the record reflect that the witness has identified the defendant.

No further questions.

[redacted], answer any questions Mr. Routzong has.

THE WITNESS: Okay.

CROSS-EXAMINATION

BY MR. ROUTZONG:

Q Good afternoon?

A Hi.
Q Do you and [redacted] have the same father?
A No, sir.
Q Where is your father today?
A He's deceased.
Q What year was that that he passed away?
A I believe it was 2010, in January.
Q After your father passed away, you received a check from Social Security?
A Yes, sir.
Q How much was that?

MS. AGNEW: Objection, Your Honor. Relevance.

THE COURT: How is that relevant?

MR. ROUTZONG: It's relevant, Your Honor. It goes to motive.

MS. AGNEW: How?

MR. ROUTZONG: Well, if I --

THE COURT: Hold on, hold on. I'll let you ask the question.

MR. ROUTZONG: Thank you, Your Honor.

BY MR. ROUTZONG:

Q How much was that check?
A Are you talking about the first initial check or just --
Q The first check?

A I think it was around $20,000.
Q Around 20,000?
A Yes, sir.
Q And did you put that check in your bank deposit?
A No, sir.
Q Whose banking account did it go in?
A The defendant's. Not by my choice.
Q Sounds like that made you upset.
A Well, I mean, it provided a roof over my head, so not really.
Q You weren't upset by that? And did you receive checks every month after this?
A Well, my mom and the defendant did.
Q How much were those checks?
A About $850 every month.
Q Who handled all the money in the house? Your mom or Mr. Cartwright?
A Well, I think it was -- they both did their fair share.
Q He actually used some of your money from that Social Security check to buy some land and a trailer?
A He used all of it to do that.
Q And he put that in his own name?
A Yes, sir.
Q That kind of made you mad too?

A Like I said, it provided a roof over my head, so not really.

Q But you testified you didn't think it was right?

A I didn't think that it was right that some of it didn't go toward my college fund.

Q Yes, ma'am. You've already testified that sometime in the Fall of 2010, Mr. Cartwright developed suspicions about the internet?

A Yes, sir.

Q Who was living there at that time?

A At the time it first came about, it was me, my mom, the defendant, and my stepbrother, Hoss.

Q [redacted] wasn't there?

A No, sir.

Q When did she move in?

A She moved in the shed probably about August -- maybe July or August -- before that.

Q Before October 2010?

A Yes.

Q And she was living there after -- up to October 2010 when these --

A No, she moved about before the pictures came about.

Q And then she was gone for a while?

A Yes, sir.

Q And then she moved back in?

A No, she never moved back in.
Q She never did. Did you -- you never talked to your sister about the --
A About the pictures? No.
Q You never talked to her at all during that time?
A I talked to her, yes.
Q You don't deny that Mr. Cartwright actually went to law enforcement to talk about that internet allegation?
A No, sir.
Q And you don't deny that he went -- even went as far as to go on television in Augusta?
A No, sir.
Q Did you watch that program?
A No, sir. At the time, I didn't know he'd done that until afterwards.
Q But you became aware afterwards?
A Yes, sir.
Q You became aware of the fact that he was actually calling some of your friends and telling their parents about this?
A Yes, sir. Well, I was aware of one.
Q Who was that?
A My friend [redacted].
Q [redacted] He called her parents?
A I think he called her dad.

Q Did [redacted] talk to you about that?
A No, we never talked about it.
Q How did you find out about it?
A He told me.
Q Whether this was true or not, it was really a kind of immense sort of embarrassment to you, wasn't it?
A Not, really. The pictures weren't me, so I had no reason to be embarrassed.
Q That makes it worse doesn't it?
A No, I don't think so.
Q If somebody makes an allegation that you're on the internet in pornographic pictures and it's not true, that's not worse?
A I don't think so. I had no reason to be upset if they weren't me.
Q How long did he keep railing about this internet thing?
A It was from about the end of October beginning of November, until February 24th. And he's of course still --
Q So he carried on about it?
A Yes, sir.
Q Was it something that was brought up almost every night?
A Yes, sir.
Q That was irritating to you?

A Yeah.

Q Did there come a point in time when you became aware that Mr. Cartwright thought that there might be some romantic inclinations between you and your stepbrother Hoss?

A Could you say that again? I'm sorry.

Q Are you aware of any time when Mr. Cartwright thought that there might be a romance developing between you and --

MS. AGNEW: Objection to the form of the question. If he's going to ask what the defendant thought, he needs to ask her did the defendant say anything to her. She can't read a mind.

THE COURT: Your objecting because it calls for speculation?

MS. AGNEW: Yes, Your Honor.

THE COURT: Sustained.

MR. ROUTZONG: I think I actually asked, Your Honor, whether or not she was aware of this.

THE COURT: I'll let you ask that.

BY MR. ROUTZONG:

Q Were you aware of that?

A I mean, he had said something, but it wasn't like he was accusing. He wasn't -- I've never heard him accuse us of anything.

Q He never expressed his disproval to you?
A Disproval of what?
Q Any kind of romantic relationship between you and Hoss?
A There was no romantic relationship with Hoss.
Q So you deny that?
A Yes.
Q And your prior testimony in another hearing, you testified that you had never disclosed it to anyone about this before the police came to your school?
A That I never said anything to anyone until that Saturday which caused my sister to talk to the police.
Q But before that you never disclosed to anyone?
A No, sir.
Q Do you admit or deny that on March 1st -- that would have been 2011 -- that you told a forensic investigator that you disclosed to --

MS. AGNEW: Objection, Your Honor.

THE COURT: Your objection is what?

MS. AGNEW: The substance of forensic interviews isn't admissible.

THE COURT: State the question again.

BY MR. ROUTZONG:

Q Do you admit or deny that when you spoke to an investigator on March 1st 2011 that you were --

MS. AGNEW: Your Honor, before he gets to the substance of that, he's talking about a forensic interview.

THE COURT: Well, you going to open that door, Mr. Routzong?

MR. ROUTZONG: It really goes, Your Honor, to whether or not she's consistently testifying. And so --

THE COURT: That's for the jury to decide.

MR. ROUTZONG: Right. But if I can't bring out what the inconsistency is --

THE COURT: Ask the question, but you may be opening a can of worms.

BY MR. ROUTZONG:

Q Do you admit or deny speaking to that forensic investigator. On March 1st you told that investigator that you disclosed to both your sister and your grandmother?

A I honestly don't remember any -- there were so many interviews, I don't really remember.

Q You would be able -- if you're telling the truth, you'd be able to keep your story straight.

THE COURT: Is that a question?

MR. ROUTZONG: Yes, sir.

THE COURT: Sir?

MR. ROUTZONG: Yes, sir.

THE WITNESS: Could you rephrase the question?

///

BY MR. ROUTZONG:

Q If you were keeping your story straight, you wouldn't have to wonder about that.

MS. AGNEW: Objection, Your Honor --

MR. ROUTZONG: It doesn't matter how many interviews --

MS. AGNEW: That's not a question.

THE COURT: Hold on.

Your objection is what.

MS. AGNEW: He's not asking a question.

THE COURT: Ask a question, Mr. Routzong, not a statement.

MR. ROUTZONG: Your Honor, can we have a side bar?

THE COURT: You can ask the question. That's a simple thing. Just ask it. You can't just sit there and make a statement. If you make a statement, say, is this true. You just can't say --

BY MR. ROUTZONG:

Q Is it true that if your story is true, you don't have to try to remember what you told each investigator?

A Yes, that's true.

Q So if you --

MR. ROUTZONG: I'll just move on, Your Honor.

BY MR. ROUTZONG:

Q You didn't disclose to anyone prior to the police

talking to you at school; is that correct?

A Yes, sir.

Q And you're not sure whether or not you said in prior statements that you disclosed to your sister and your grandmother but not your mom? You're not sure?

A I didn't disclose to my mom. I talked to my grandmother that Saturday before, but I'd not disclosed as to what was actually going on.

Q And you don't remember if you spoke to anyone in another interview and in that interview, you said you disclosed to your mom, your grandmother, but not your sister. You don't remember that?

A I do not remember that.

Q Okay. Let me ask you about this last incident where the sheets were involved. In that incident, you told investigators that you were wearing pajamas with birds on it?

A It was penguins.

Q And you told in one report, you said you had a tank top on and in another report you said you had a Michigan t-shirt on. Is that true?

A I can't remember. You know I usually wore a tank top underneath a shirt.

Q And in those interviews, you told law enforcement that Mr. Cartwright -- that was one of those humping

sessions, I guess?

A Yes, sir.

Q Is that correct?

A (Witness nodded head.)

Q And you testified that Mr. Cartwright got on top of you and you were laying on your stomach and he would hold you down and you couldn't get up?

A Yes, sir, that's what he did, usually.

Q And that was when this humping started? He got on top of you and the humping started while he's holding you down?

A Well, he would usually lay down beside me and start humping me and then either get on top or just do whatever.

Q But in your statement to law enforcement, you told them you were on your stomach, he got on top of you and he held you down and you couldn't move?

A Yes, sir.

Q Okay. And that's the way during the whole thing, that's the position you were in?

A That time, yes, sir, that I remember.

Q Okay.

(WHEREUPON Defendant's Exhibit No. 9 was marked for identification.

Q I'd like to show you a picture that I got marked as a Defendant's Exhibit No. 8 just for identification.

MS. AGNEW: And Your Honor, I would just ask that he show it to the State.

(WHEREUPON there was a pause in the proceedings.)

(WHEREUPON Defense Exhibit No. 8 was marked for identification.)

BY MR. ROUTZONG:

Q Can you -- you don't have to say what it is, but do you know what that is?

A Yes, sir.

MR. ROUTZONG: I don't have any other questions, Your Honor.

THE COURT: Redirect?

MS. AGNEW: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MS. AGNEW:

Q Now, [redacted], Mr. Routzong talked to you a whole lot about you telling people about what happened. So let's talk about that. Did you tell your sister what was going on?

A Yes, ma'am.

Q When did you tell her?

A I told her that Saturday before the investigators came to my school.

Q And that Saturday, what else happened that Saturday?

A That was whenever he got very mad at me because I wouldn't do anything with him.
Q Had you told your grandmother at this point?
A At that point, I think so.
Q Did you tell her that Saturday?
A Well, I told her what was going on, but I didn't tell her why it was going on.
Q Did you and your sister make a plan about telling what happened?
A Yes, ma'am.
Q Tell the jury about that?
A We decided that we were going to tell my mom on her birthday, just have a girl's dinner, which was [redacted], after what happened.
Q And why did y'all decide to tell her that way?
A Because it was the only way we could get her alone without him.
Q Why did you want to get her alone without the defendant?
A Because we were very scared of him.
Q Did you get a chance to tell your mom?
A No, ma'am.
Q How come?
A Because the police came to my school and I went -- it had already happened basically.

Q Did you call the police and report it?
A No, ma'am.
Q All right. Now, [redacted], after you turned sixteen, did the defendant have sex with you?
A I can't remember anything, right now.
Q Do you remember at an earlier proceeding talking about or being asked that question?
A Yes, ma'am.
Q Would it help to review what you said last time at the other proceeding?
A Well, I remember things happening, but I can't -- I don't know the exact -- exactly what happened. It's hard to remember everything that happened.
Q Well, would it help you to remember if you read what you said before?
A Yes, ma'am.
(WHEREUPON there was a pause in the proceedings.)
BY MS. AGNEW:
Q And [redacted], if I could direct your attention, starting at line 13. The numbers are on the side. Read that and let me know when you're done reading.
(WHEREUPON the witness was reading.)
BY MS. AGNEW:
Q Did reading that help refresh your memory?
A A little bit, not really.

Q Okay. Did the defendant have sex with you after you turned sixteen?

A From reading that I --

MR. ROUTZONG: Objection, Your Honor, it's leading.

THE COURT: Overruled.

THE WITNESS: From reading that, yes, ma'am, but I can't remember when or anything.

MS. AGNEW: Thank you, [redacted].

THE COURT: You may step down.

MS. AGNEW: Your Honor at this time, the State would like to enter the testimony of Buffy Cartwright.

THE COURT: How long is that testimony?

MS. AGNEW: Probably about 30 pages.

THE COURT: Y'all come up here.

(WHEREUPON, there was a bench conference out of the hearing of the jury and the Court Reporter.)

THE COURT: Mr. Foreman, ladies and gentlemen of the jury, the next witness -- this is one that is unavailable?

MS. AGNEW: That's correct, Your Honor.

THE COURT: This next witness, both sides have agreed to stipulate -- she has a medical condition which precludes or keeps her from being here. We've received some medical reports and everybody agrees that she is unable medically to attend. When that happens, under our

rules, you can use testimony taken from a prior proceeding, as if she were here today testifying and that testimony from the prior proceeding has been preserved by way of transcript and they're going to introduce or read into the record that testimony. The lady was under oath when she gave it, so treat it just as if she were in the courtroom here today.

They're going the have someone sitting here reading her responses to the answers -- the questions will be verbatim as what was asked in the last proceeding and her responses will be verbatim. It's just a reading of a transcript from a prior proceeding.

Any objection, Mr. Routzong? Any objection by anyone? That's what we all agreed to in the pretrial; is that right?

MR. ROUTZONG: That's correct, Your Honor.

THE COURT: All right. Let's move forward.

Who's going to be reading the witness.

MS. AGNEW: Ms. Dicks.

THE COURT: Come up ma'am.

EMMA DICKS,

having been duly sworn, testified as follows:

THE CLERK: Please have a seat in the witness box. State your full name for the Court and spell your last.

THE WITNESS: Emma Dicks, D-i-c-k-s.

(WHEREUPON the testimony was read into the record as follow:)

DIRECT EXAMINATION

BY MS. AGNEW:

Q Ms. Cartwright, where do you live currently?

THE COURT: Before she starts those questions, Ms. Cartwright, who she is portraying, was also sworn under oath at the time she gave the testimony, so it's testimony that was under oath at that prior proceeding.

You may proceed.

THE WITNESS: I live in Augusta, Georgia.

BY MS. AGNEW:

Q And what is your current health situation?

A I have stage four lung cancer, metastasized into my brain and into my lymph nodes.

Q And considering that, are you feeling okay today?

A Yesterday was better. I am not feeling well today.

Q Buffy, can I call you Buffy?

A Yes.

Q Do you have any children?

A Yes, I do.

Q And what are their names?

A [redacted] and [redacted].

Q How old are they?

A [redacted] is twenty-one and [redacted] is seventeen.

Q And what is your current relationship with the defendant?

A Divorced.

Q And how long were y'all married? When did you get married?

A We got married in '99, in December of '99.

Q And when did you get divorced?

A The divorce just became final a few weeks ago.

Q And are either [redacted] or [redacted], the defendant's biological daughters?

A No, sir.

Q Buffy, I am going to move your attention to the case we're all here for today. Do you remember the house you lived in with the defendant, [redacted], and [redacted] on Cully Drive?

A Yes, sir.

Q And when [redacted] was young, what, if anything, do you remember the defendant doing with [redacted], that seemed odd to you at that time, while at that home on Cully Drive?

A Waking her up in the mornings, getting her ready, you know, for school, getting her awake for school.

Q And how would we make her up?

A He would lay in the bed with her, rub her back.

Q And how long would he stay in the bed with her?

A Ten to twenty minutes, maybe.

Q Now, were you working at that time?
A Yes, sir.
Q Okay. And around 2001, did law enforcement and yourself find out that the defendant had been molesting [redacted]
A Yes.
Q And after law enforcement became involved in September of 2001, did [redacted] eventually tell authorities that she had not been sexually abused?
A She did.
Q And where did she do that at? Where did she tell them? Where did she recant?
A That was in North Augusta. Oh, no. That was in here, in Aiken to Brenda Brisbin.
Q And who drove her? You said Brenda Brisbin. That was the solicitor that was on the case?
A Uh-huh.
Q Who drove her to meet with Brenda?
A I did.
Q And Buffy, explain to the jury, what pressure, if any, you put on [redacted] at that time period?
A I probably did put some pressure on [redacted] because he had convinced me that he had done nothing wrong.
Q So [redacted] did recant that day in December of 2002?
A Yes, sir.

Q And after that, did the defendant move back in with you guys at 112 Cully Drive?

A Yes, sir.

Q Now once he moved back in during really this whole time period -- and I realize this is a personal issue and I apologize for it, but explain to the jury what your and the defendant's intimate relationship was like during this time?

A We did not have one. We didn't have one.

Q So once he moved back in, Buffy, did he continue waking[redacted] up in the mornings?

A Yes.

Q And [redacted] eventually moved out of that residence?

A Yes, she did.

Q Okay. And at that point, where did you and the defendant and [redacted] move to?

A After we lost the house on Cully, we moved into Malone Avenue into a shed.

Q Okay. And was this around 2009?

A Yes, sir.

Q This is the shed that was in the defendant's brother's lot?

A Yes, sir.

Q Okay. Were you working during that time?

A Yes, sir, I was.

Q Where were you working?
A Manuel's Bread Cafe.
Q Where is that?
A That's Hammond's Ferry on the new development on the river.
Q What did you do there?
A I was assistant manager.
Q What hours did you work?
A They varied, but most of the time, I worked from six o'clock in the morning until three or four o'clock in the afternoon.
Q And why were you there that early?
A I had to make pastries and get everything open and ready for the day.
Q And during that time period was the defendant working?
A No, sir, he was not.
Q And what was [redacted] situation as far as school was concerned?
A At that time [redacted] was being home schooled.
Q So you would be at work in the morning around six o'clock in the morning. Who would be at the residence? Who would be at this shed?
A [redacted] and Bo.
Q Now, y'all moved out of that shed in 2010, correct?

A Yes, sir.
Q And where did y'all move to at that point?
A That's when we moved to Trenton, South Carolina.
Q Buffy, explain to the jury what you remember occurring on Saturday, February 19th, of 2011?
A I was at work that day.
Q Where were you working?
A I was working at the Bowery right downtown here in Aiken.
Q Did you leave work that day?
A Yes, sir, I did.
Q And where did you go?
A I went home.
Q And when you got to the house, what did you observe as far as the defendant was concerned?
A He was in the back of the property in his truck, drunk.
Q And did you approach him?
A Yes, I did.
Q Buffy, please tell the jury what you remember the defendant telling you at that point about [redacted] and [redacted]?
A He started crying and stated to me that maybe he did molest [redacted] and [redacted]. He didn't know for sure. That he was so sorry and he was crying.
Q Did he appear very upset?

A Very emotional.
Q And how long were y'all out there at that truck?
A Hours.
Q Okay. And after speaking with him at the truck, where did y'all go?
A We went back inside the house. I finally got him to where he would go inside.
Q And who was in the residence at that time?
A [redacted] was.
Q Just [redacted]?
A Just [redacted].
Q And tell the jury what you remember the defendant saying whenever he walked back into that home?
A She was sitting on the couch. The first thing he said to her -- and please pardon my language -- was she's got the prettiest little pussy I've ever seen.
Q What did he do after saying that?
A He went and got into the bed.
Q Now, the next week, Thursday, February 24th, 2011, do you remember when law enforcement became involved in this case?
A Yes, ma'am, I do.
Q And how did you become aware of law enforcement?
A I got a phone call at work from the school that I needed to get to the school as soon as possible.

Q Did you go to the school at that time?
A Yes, sir, I did.
Q And where did you go after leaving the school?
A I went home.
Q And later that day, did you and the defendant eventually meet up, get together?
A Yes, we did.
Q And tell the jury where y'all went?
A We went to Wrens to one of his friend's house.
Q I'm sorry, to wrens?
A Georgia.
Q Okay. And why did you go to his friend's house in Wrens Georgia?
A He was trying to get some money because --
Q Why did he want money?
A He was broke and my understanding he wanted to take off.
Q And once y'all left that residence in Wrens, Georgia where did y'all go?
A We headed back up I-20 and stopped at the River Watch Parkway Truck Stop there.
Q And did y'all have a conversation once y'all were at this truck stop?
A Yes, sir, we did.
Q How long did that conversation last?

A That conversation lasted probably a good hour.

Q What, if anything, do you remember the defendant telling you during that conversation with regards to [redacted] sheets and [redacted] clothing at the residence at Winter Place?

A He told me that when I went home to get her sheets, her bed linens and her underwear and clothes that was wearing on the bed and to wash them.

Q Did he tell I why he wanted you to wash them?

A He stated that because he had been laying in the bed with her and his DNA was in the bed.

Q Now, after that conversation, where did you go?

A I went home.

Q And did you wash the sheets?

A No, sir, I did not.

Q Did you mess with the sheets at that point in any way?

A No, sir.

Q Now, the next day, do you remember members of the sheriff's office investigators coming to your residence?

A Yes, sir.

Q And that was on February 25th, 2011?

A I believe so.

Q And at that point, did they ask you for consent to search the residence?

A Yes, sir, they did.

Q And did you tell them at that point the same thing you told us today with regards to what the defendant stated the day before?

A Yes, sir.

Q At that gas station?

A Yes, sir, I did.

MS. AGNEW: May I approach, Your Honor.

THE COURT: Yes.

BY MS. AGNEW:

Q [redacted] -- I'm sorry, Buffy, I am showing you what's been previously marked for identification State's Exhibit 6 and ask if you recognize that?

A Yes, I do.

MS. AGNEW: I'm sorry, Your Honor. Beg the Court's indulgence.

(WHEREUPON there was a pause in the proceedings.)

MS. AGNEW: And just to go back to where I was.

BY MS. AGNEW:

Q I'm sorry, Buffy, I'm showing what's been marked -- what's been previously marked for identification State's Exhibit 6 and ask if you recognize that?

A Yes, I do.

Q And what is it?

A That was the consent that I signed for them to

search my residence.

Q Is your signature on it?

A Yes, it is.

Q Is the date on it?

A Yes.

Q And is that the actual consent to search that you signed on February 25th of 2011?

A Yes, it is.

MS. AGNEW: Your Honor, at this time, the State moves to introduce Exhibit 6 into evidence.

THE COURT: Was there an objection.

MR. ROUTZONG: No objection.

BY MS. AGNEW:

Q Buffy, throughout this entire period of time, [redacted] and [redacted], the defendant's stepdaughters, what did they refer to the defendant as?

A Daddy.

Q Thank you. Please answer any questions that Mr. Harte has for you.

CROSS-EXAMINATION

BY MR. HARTE: (Read by Mr. Routzong)

Q Ms. Cartwright, in 2001, you were convinced that your husband had not molested [redacted], weren't you.

A Uh-huh, I was.

Q And in fact, you told [redacted] to tell what you

believed to be the truth, that she had not been molested?

A Uh-huh.

Q You need to answer.

A Yes, sir.

Q After that, y'all were separated for a period of time; is that correct?

A Yes, sir.

Q How long?

A It was probably a year and a half, two years.

Q Okay. And during that year and a half, two years, did he have any contact with [redacted]?

A No, sir.

Q Now, I believe that during [redacted] youth, y'all had a lot of problems with her, didn't you?

A We did have some problems, yes, sir.

Q She would sneak out and go out at night; is that correct?

A Yes, sir.

Q She was drinking; is that correct?

A I'm not positive about the drinking.

Q Do you recall giving a statement that said that she was drinking at different times?

A I don't recall.

Q Let me show you a copy of a statement given on February 28th, 2011, and ask you if that's your statement.

Is that your handwriting?
A It is my hand writing.
Q All right. If you'll look at the third line down -- or fourth line down, it talks about drinking with her friends.
A Yes, sir.
Q And you also talked about her cussing you out?
A I'm sorry?
Q You talked about her cussing you out?
A Yes, sir.
Q On a regular basis?
A Uh-huh.
Q Had trouble at school?
A Yes, sir.
Q At one time, you and Bo talked about getting her in boot camp, didn't you?
A Yes, sir, we did.
Q Or even taking her out of school for that reason; is that correct.
A Yes, sir. Can I reiterate on that?
Q Well, I mean did you talk about doing the boot camp or not?
A We had talked about the boot camp, but he was actually against it.
Q Now, during the eight and a half to nine years that

this was going on, you were living in the house the whole time?

A Yes, sir.

Q And you saw -- well, let me ask you this, you said that he would go into [redacted] room and lie in her bed and rub her back. Did you see that?

A I did on occasion.

Q And on the occasions that you saw that he was not doing anything improper was he?

A No, sir.

Q So it is -- so is it your testimony that -- I mean, you heard the girls testify yesterday?

A Yes, sir.

Q And [redacted], in particular, said that for -- altogether, we're talking about eight and a half to nine years, four to seven days a week, they're claiming he was molesting him?

A Correct.

Q And you were in the house the whole time?

A I mean, I was there, yeah.

Q You were there?

A I was living in --

Q You were living in the house the whole time?

A I was living in the house, yes.

Q So were you complacent at keeping this quiet?

A No. I mean, I didn't realize it was going on.

Q Your husband was going in your daughter's rooms almost every morning for they said up to thirty to forty-five minutes and you didn't believe anything was going on?

A Not of a sexual nature, I did not.

Q And then on September -- on February 19, 2011, you decided that something was going on?

A Uh-huh.

Q Yes?

A Yes.

Q And at that point in time, you decided that you would make amends for what, for your daughters, didn't you.

A Yes.

Q And so you helped concoct these stories and help plant evidence with regards to your husband, didn't you?

A No, I have not concocted any stories or planted any evidence.

Q Either one of two things: Wouldn't you agree you were complacent or it didn't happen? Wouldn't you agree with that?

A No, I was probably naive.

MR. ROUTZONG: I don't have any further questions.

///

///

REDIRECT EXAMINATION

BY MS. AGNEW:

Q Did you and the defendant ever sleep in [redacted] bed?

A No.

Q Are you aware of the defendant ever sleeping by himself in [redacted] bed?

A Not to my knowledge.

Q Is there any reason that the defendant's DNA should have been on [redacted] bed?

A No.

MS. AGNEW: Thank you. No further questions, Your Honor.

THE COURT: I said five o'clock. So they -- how many more witnesses do y'all have? I'm fine.

MS. AGNEW: Five.

THE COURT: 9:30 or 10? What suits y'all? Wear your coats tomorrow. Is 9:30 okay with everybody.

(WHEREUPON the jurors were nodding their heads.)

THE COURT: Okay.

(WHEREUPON there was talk about breakfast for the next morning.)

THE COURT: We can't bring it out here in the courtroom. We'll start right at 9:30, so if you want a good hot biscuit in time that you can eat that and we'll

get started right at 9:30. Everyone have a very pleasant evening.

Please do not -- I haven't seen any press in here. I don't think you'll see anything in the newspaper tomorrow or on TV tonight. If it is on there, please don't look at it. Don't discuss the case with anyone, don't do any kind of research and I will see you bright and early in the morning. Y'all have been great and paid close attention and I thank you very much and we'll see you bright and early in the morning.

Everybody remain seated.

(WHEREUPON the jury left the courtroom at 4:53 p.m.)

THE COURT: Anything for the record before we break for the evening.

MR. MALONEY: No, sir, Your Honor.

THE COURT: Mr. Routzong?

MR. ROUTZONG: Nothing from the defense, Your Honor.

THE COURT: All right. The defendant's in custody and I will see y'all -- I'll be back about 9:15. We'll start at 9:30.

(WHEREUPON this case was continued until the following day with another reporter taking the record.)

----------END OF PARTIAL TRANSCRIPT--------

State of South Carolina)
) **Certificate of Reporter**
County of Aiken)

I, THE UNDERSIGNED, Brenda J. Sigwald, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that I reported the proceedings in the captioned case in the Court of General Sessions in and for the State of South Carolina on the days of the 15th and 16th of April, 2013.

I FURTHER CERTIFY that the foregoing pages, numbered 1 through 226 constitute a true, accurate and complete transcript of said hearing.

I FURTHER CERTIFY that I am neither kin, counsel, nor of interest to any party hereto.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Aiken County, this 9th day of October, 2013.

Brenda J. Sigwald

Brenda J. Sigwald,
Court Reporter and Notary Public
For the State of South Carolina
My commission expires
January 4, 2020.

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	)	COURT OF GENERAL SESSIONS
COUNTY OF AIKEN	)	
STATE OF SOUTH CAROLINA,	)	
	)	
PLAINTIFF,	)	
vs.	)	Transcript of Record
	)	
HAROLD BENNON CARTWRIGHT, III	)	
	)	2012-GS-02-304, 306-327
DEFENDANT.	)	329-332, 1682

April 17th and 18th, 2013
Aiken, South Carolina

B E F O R E:

THE HONORABLE DOYET A. EARLY, III, JUDGE, AND A JURY.

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P R O C E E D I N G S

THE COURT: Anything for the record before we start, by the State?

MR. MOLONY: No, sir, Judge.

THE COURT: By the defendant?

MR. ROUTZONG: No, sir.

THE COURT: Mr. Routzong, y'all ready to proceed?

MR. ROUTZONG: Yes, Your Honor.

MR. MOLONY: Yes, sir.

THE COURT: All right.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: All right. Good morning. I hope you enjoyed your biscuits, and y'all must have voted back there to put all the women on the front row today except for my alternate. We have back this morning -- I'm glad to have back with me my wonderful court reporter. She's been out for a couple of days.

Welcome back.

Okay. We'll start right back up.

You may call your next witness.

MISS AGNEW: Thank you, Judge.

The State calls Hoss Cartwright.

THE COURT: Come around, Mr. Cartwright.

HOSS CARTWRIGHT, after being duly sworn, testified as follows:

CLERK: State your full name for the Court and spell your last please.

WITNESS: Hoss Cartwright. C-A-R-T-W-R-I-G-H-T.

DIRECT EXAMINATION

BY MISS AGNEW:

Q And, Hoss, how old are you?

A Eighteen.

Q When is your birthday?

A [redacted], 1994.

Q Are you in school?

A No.

Q Are you working anywhere?

A Yes.

Q Where do you work?

A Ihop.

Q Where do you live now?

A Rome, Georgia.

Q Okay. And just to make sure everybody can hear, make sure you speak up for me.

A All right.

Q Okay. How long have you been living in Rome?

A Two and a half years now.

Q Okay. Where did you live before that?

A Aiken.
Q Where did you live in Aiken?
A Winter Place Drive.
Q Who were you living with at Winter Place Drive?
A My stepmom, Buffy, Harold Cartwright, the defendant, and my stepsister, [redacted]
Q Can you tell us a little bit about or tell the jury a little bit about the Winter Place house, kind of how it was arranged?
A Yeah, it was a double wide trailer. Master bedroom, which was my dad's and stepmom's room, was on the further side of the house, and then me and [redacted] had two bedrooms side-by-side on the other side of the house, and then the kitchen and living room is separated.
Q Did you and [redacted] share a bathroom?
A Yes.
Q Now, really quickly, when did you move in at Winter Place Drive?
A Last few days of May of 2010.
Q Why did you decide to move in?
A Well, my parents got divorced when I was about six months old. So, I never really got a chance to know my dad, and I really, really wanted to have a father and know my father, and I -- so, I -- when I got old enough to decide, I was like hey, I'm gonna move in with my dad. My mom was like, all right,

you're old enough. So, go ahead. So, I just moved in so I could get to know him.

Q Now, you were talking about the arrangement of the house, that you had your own bedroom next to [redacted]

A Uh-huh. (Affirmative).

Q Y'all shared a bathroom.

Did y'all have a morning routine for getting ready?

A It wasn't really a routine, but it was kind of -- just kind of happened you know. Naturally she took longer to get ready in the morning. She would wake up about an hour before I did, take a shower, and, you know, do all her morning stuff. Then after I either heard her, you know, done or out of the shower I'd wake up. Then I'd go get ready and we'd go to school.

Q Now, during that 2010 school year, when you were living at Winter Place Drive, did you notice anything unusual involving [redacted] and the defendant?

A Yeah, every morning I'd like, since our rooms are side-by-side, they shared a wall, and it was a trailer. So, the walls were very thin. I would hear him, you know, knock on her door, and she'd be like, I'm awake, you know. He'd go in there and then be in there for a long, long, long, long, long time, and then come out and then she would go take a shower and get ready for school.

Q Did you ever say anything about it?

A No, because I just figured -- I am difficult to wake up in the morning. I just figured, you know, she was the kind of person, if you didn't just stay on her, she would fall back to sleep, be late, didn't get up. So, I really didn't think nothing of it at the time. So, I never really said anything.
Q Did anybody ever say anything to you about it?
A No.
Q While you were living at Winter Place Drive, did the defendant ever threaten you in any way?
A Multiple times.
MR. ROUTZONG: Your Honor, objection. That's leading.
THE COURT: It's leading?
That's your objection?
Overruled.
Q Can you explain to the jury how he would threaten you?
A One time he said I was getting smart with him, and he said he would knock my head right off my shoulders. At one point he said that he was about to blow the house up and he was gonna kill all of us MF'er's.
Q Did this happen often?
A Yeah.
Q Did you ever see him get violent in any way while you were living there?

A Several times.
Q Can you tell the jury about that?
A At one point I was in the living room and I heard a big commotion outside, and I was like what's going on. So, I went out on the front porch and the next thing I see is the defendant standing in the driveway with a knife about this long up to my stepsister's boyfriend's neck.
Q Now, Hoss, while you were living at Winter Place Drive, what, if anything, happened between the defendant and [redacted] regarding the kind of clothes she was wearing?
A She'd get up and get ready for school in the morning, and then he would tell her to sit in the floor, and just get in just in the weirdest positions to see if -- well, I guess if he thought they were too exposed, exposing. He would -- if he felt they were, he would not just be like hey, go change. He would be like I can see your pussy, your tits are hanging out. Just being too vulgar like a father shouldn't be.
Q Did that seem odd to you?
A Extremely.
Q Now, we've had some talk before about this, and I want to ask you, while you were living at Winter Place Drive, did anything ever come up with the defendant and pornography?
A Yes, I was -- me and my sister was sitting in German class and the intercom came on, and she's getting checked out,

and I was like why ain't I getting checked out. She was like I don't know. So, I just stayed in class and she went, I assume, back to the house and talked to him, and she came back and she was like really frazzled and upset, and I was like what happened, and she told me that---

Q Let me stop you. You can't say what somebody else told you.

But did you get a chance to talk to the defendant---

A Yes.

Q ---about pornography?

A Actually after he picked us up from school and took us both back to the house.

Q Is that on that same day?

A Yes, the same day, three o'clock, and he took us back to the house, and then I had already found out what the situation was. So, I was aware of it, and then he proceeds to tell me to come in the bedroom and take a look at the picture and see if -- see what I thought about it, if I thought it was her.

Q And when you say -- let me stop you. Sorry.

When you say the bedroom, whose bedroom are you talking about?

A His bedroom.

Q Okay. And you said that he was, wanted to show you some pictures.

A Yes.

Q Tell the jury about that.
A While he's in the room he closes the door and I -- he opens his laptop, and then the, the desktop pops up and the background was a picture of random females I've never saw and he's like -- he asked me is that [redacted] and I was like no, and then he just -- he starts getting mad and mad and just scaring me. I was like he was about to freak out on me.

So, I was -- I started to just be like, well, I -- maybe. Just in a sense I kind of agreed with him, but just kind of left it alone because I really didn't want to be involved in it. But, to me, it didn't look like her that I've ever known in my lifetime.

Q Hoss, you mentioned that you moved in at Winter Place so you could get to know your dad.
A Uh-huh. (Affirmative).
Q How long did you live at Winter Place Drive?
A Almost six months to the "T."
Q When did you move out?
A Christmas break.
Q Of 2010?
A Yes.
Q Why did you move out of the house?
A Well, I basically decided that the father I wanted to get to know wasn't the father I wanted to have. I decided that that everyday lifestyle there was not the kind of lifestyle I

was accustomed to and wanted. It was too stressful. Things were just getting too weird and hectic and violent, and honestly I was scared for my life to live there any longer than what I did.

Q What time of day did you move out?

A 3:30 is when we got picked up from the school and we was gonna meet my mother down the interstate a little ways to meet her.

Q Did you tell anybody that day you were moving out?

A Nope, I told him I was actually just gonna go visit her for Christmas and I'd be back in a week.

Q Did you ever go back?

A No.

Q Please answer any questions Mr. Routzong has for you.

THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. ROUTZONG:

Q Morning, sir.

You testified just now that you never really got a chance to know your dad, is that correct?

A For the first 13 years of my life, no.

Q You lived with Melinda most of your life?

A Uh-huh. (Affirmative).

Q And you went to Aiken High?

A For six months.

Q I think you just testified a second ago that you were scared for your life, is that correct?
A Yes.
Q And you went to Aiken High.
Did Aiken High have any resource officers there?
A Yes, they did.
Q Have principals?
A Yes, they did.
Q Teachers?
A Yes.
Q Guidance counselors?
A I assume. I never talked to them, but I assume they did.
Q Did you have any friends that had a driver's license while you were at Aiken High?
A I was a sophomore. So, I didn't have my license. So, very few of my friends probably didn't have a license either.
Q But you could of gotten to the police if you had wanted to, right?
A I had no reason to go to the police at that time.
Q You know how to dial 9-1-1?
A Yes.
Q You said that you went back home and lived with your mom in Rome, Georgia.
How far away is that?
A Four hours. But I never stated that I lived with her

when I moved back.
Q I'm sorry?
A I never stated that I lived with her when I moved back.
Q But if you're four hours away from the defendant you certainly don't have any reason to be afraid of him. I mean, after all, you're familiar with Georgia.
There is a Army base between here and Rome, isn't there, Fort Gordon?
A I'm not sure.
Q All kind of county sheriffs and Floyd County has sheriffs---
A They do, but---
Q ---and police officers?
A He's been to my mother's residence, my sister's residence, my grandmother's residence several times. He knows exactly where they're at and how to get there and he's told me several times that he's been up there without us knowing. So, I know exactly -- I know that he knows how to get there and where we live, where our bedrooms are at. So, yeah, I was, you know, kind of scared to make him mad so he might come up there.
Q You've never testified to that anywhere else?
THE COURT: Hold on a second.
(WHEREUPON, a phone rings in the courtroom at this time.)

THE COURT: You got my foreman this morning.

THE FOREPERSON: I'm sorry.

THE COURT: Everybody, just a reminder, please put your phones on silent.

A But he is my father. So, I guess to be expected he would know where I live.

Q You previously testified that your dad caught you smoking dope?

A He never caught me smoking it, no.

Q You didn't testify in the last hearing -- you didn't testify in the last hearing that you were smoking pot on occasion?

A Yeah, but I never said he caught me doing it.

Q That was right before you left the house?

A No, it was actually a month or two before.

Q You previously testified that your dad had the impression -- you had the impression that your dad had the impression that there was a romantic relationship developing between you and [redacted], isn't that correct?

A Yes.

Q Do you admit or deny that you and [redacted] were placed on no trespass notice at K-Mart in North Augusta for shoplifting condoms?

Do you admit or deny that?

A We did about a year before, but they were for her and not

me. I didn't live there at the time. I hadn't never -- I didn't know anyone. I had no reason to get them. She was going to a party that Christmas and told me that she might be, you know, you never know. And, so, she wanted to be safe if something was gonna happen. So, we stole them.

Q But it's your testimony today that she also got placed on a no trespass notice?

A Yes.

Q You previously testified that [redacted], and I think you did this morning as well, at least an hour in the previous testimony, an hour and a half to get ready, isn't that correct?

A An hour.

Q And then you would take about five minutes to get ready?

A Yeah.

Q What time did you usually get in the bathroom?

A I don't remember the exact time, but it was -- I would estimate around probably about 6:50, 7:00.

Q You've previously testified, and I think you testified again this morning, that you noticed your dad spending an excessive amount of times in [redacted] room?

A Yes.

Q You said, in previous testimony, that it was excessive, awkwardly long, and abnormal?

A Yes.
Q And then you testified previously that you didn't tell anyone because you really didn't think nothing of it at the time?
A No, I didn't because when I -- when I get woke up in the mornings that early it takes me, a lot of times a lot of talking to me and just get up, get up, get up, and I will fall back asleep and just go back to sleep. So, I -- yes, I figured that there might be other people in this world that it takes a good amount of effort to wake up in the mornings.
Q Do you admit or deny, in previous testimony, you testified, when asked, did you raise that issue or comment on it in any way about it being awkwardly long?
Do you admit or deny that you said no, I really didn't think nothing of it at the time?
A I didn't think anything of it at the time.
Q So, you admit that's true?
MISS AGNEW: Your Honor, he's already testified to that.
THE COURT: He has.
MISS AGNEW: It's not impeachment. He's testifying consistently.
THE COURT: That's correct.
Move along.
Q Mr. Cartwright, do you admit or deny that there was

any issue that your father raised with you about you and [redacted] wanting to sleep in the boat together when you were at the shed?

A We never wanted to sleep in the boat together.

Q So, you deny that?

A If that's what it is, yes. But we never wanted to sleep in the boat together.

MR. ROUTZONG: I don't have any other questions, Your Honor.

THE COURT: Anything on redirect?

MISS AGNEW: No, Your Honor.

THE COURT: You may step down.

Next witness.

MISS AGNEW: The State calls Investigator Vicky Gaskins.

VICKY GASKINS, after being duly sworn, testified as follows:

THE CLERK: Take the witness stand and state your full name for the Court and spell your last.

THE WITNESS: My name is Vicky Gaskins. Last name spelling is G-A-S-K-I-N-S.

DIRECT EXAMINATION

BY MISS AGNEW:

Q Investigator Gaskins, I'm gonna ask you to speak loud so everybody can hear you.

Can you tell the jury where you work?
A I am employed with the Aiken County Sheriff's Office.
THE COURT: Speak up please.
Q And how long have you worked there?
A Fifteen years.
Q What's your job at the Sheriff's Office?
A I'm the lieutenant over the juvenile division.
Q And what does that mean that you do on a, on a daily basis?
A I supervise six investigators who conduct investigations involving abuse and neglect of children, elderly people, major criminal domestic violence cases. I assign cases and supervise the cases.
Q Do you get involved with cases yourself?
A Yes, ma'am, I do.
Q Were you working on February 24th of 2011?
A Yes, ma'am.
Q Did you have a chance to get involved in this case?
A Yes, ma'am, I was asked to speak to a female by the name of [redacted]. She was there speaking with another investigator, and the investigator said that she had some information that he felt like needed to be handled by juvenile.
Q To your knowledge, was [redacted] under suspicion of any criminal activity when you talked to her?

A I was not aware of any investigation at that time.
Q Do you have a system to check to see if people are suspects of criminal activity?
A We do. It's the in pursuit case management system that houses all reports.
MR. ROUTZONG: Your Honor, I'm sorry. But we can't hear anything she's saying.
THE WITNESS: Sorry.
THE COURT: Speak up please, ma'am.
MISS AGNEW: Your Honor, would you like me to repeat that last question?
THE COURT: Please.
Q Lieutenant Gaskins, do you have a system that y'all can check to see if people are suspects in criminal activity?
A Yes, ma'am, we have a case management system called the in pursuit and it houses all the data involving police reports.
Q Did you check to see if [redacted] was listed as a suspect in that system?
A I did and she has no police reports where she's listed as a suspect of any sort.
Q Did you actually speak with [redacted] that day?
A Yes, ma'am.
Q And after you spoke with [redacted], did that cause you

to do anything else?
A Yes, ma'am, I asked an investigator to go to Aiken High to meet with [redacted].
Q Did you personally speak with anybody else in this case, in this case?
A Not that particular day.
Q The next day, did you speak with anybody?
A Yes, ma'am, myself and Investigator Evensen interviewed [redacted] more at length, and then we met with [redacted] mother, Buffy, and Buffy's mother, Barbara.
Q Now, as a result of speaking with all these people, what did, what did you do next in your investigation?
A Myself and Investigator Evensen traveled to the home on Winter Place, and we were given consent to search the home.
Q Was a search conducted of that home?
A Yes, ma'am.
Q What, if anything, was retrieved from that home?
A There were some clothing, some sheets, and---
THE COURT: I'm sorry. Clothing and what?
THE WITNESS: Clothing, some sheets, bed linens, and some computers.
Q Did you personally handle that evidence?
A Investigator Evensen, I helped fill out the log, but Investigator Evensen handled the evidence and placed it into the evidence.

Q Now, as a result of your investigation, did you make any criminal charges?
A The agency did, yes. Yes, ma'am.
Q And who did the agency get charges on?
A Harold Bennon Cartwright.
Q Do you know when those warrants were processed?
A The warrants were obtained on March 4th.
Q Did your investigation stop there?
A No, ma'am.
Q Well, what did you do after that?
A We had information that there possibly was another victim.
Q And who was that other victim?
A [redacted] Cartwright or [redacted].
Q Did you get a chance to speak with her?
A Yes, ma'am.
Q When did you go speak with her?
A Myself and Investigator Evensen traveled to Rome, Georgia I believe April 6th.
Q Now, did [redacted] call you?
A No, ma'am.
Q So, who initiated that contact?
A We contacted her.
Q Now, what, if anything, did you do as a result of your conversation with [redacted]

A Based on the information from [redacted] more warrants were obtained for Mr. Cartwright.
Q And do you know when those were served?
A On April 13th, 2011.
MISS AGNEW: I beg the Court's indulgence.
(Pause.)
Q No further questions, lieutenant. Please answer any questions that Mr. Routzong has for you.

CROSS-EXAMINATION

BY MR. ROUTZONG:

Q In your report, you became -- at least you record that you were told that [redacted] had called her sister because she was in fear that the defendant was trying to assault her, isn't that correct?
A During my conversation with [redacted] she gave information that [redacted] had been in contact with her.
Q And it's your understanding that's prior to the disclosure at the school?
A Correct.
Q And in your report you recorded that [redacted] said she disclosed to her grandmother and her mother.
A I believe that is correct.
Q And she -- also in your report you say that she disclosed to her uncle, a Mr. Jackson?
A I believe that is correct also, yes, sir.

Q And all of that was before you spoke to her at the school, all of those disclosures?
A Yes, sir.
Q Just to be clear, are you, are you the person who collected all the items or was it Investigator Evensen?
A Investigator Evensen.
Q And there were about nine items collected all together?
A I'm showing 13.
Q How many of those items were actually submitted to SLED?
A On this form it is showing -- on this particular form dated March 9th it is showing that a pair of underwear was sent to SLED. There may have been more, but on that particular report that's showing one piece. I believe I have the SLED report. This is the SLED report and items submitted, fitted sheets, cutting from fitted sheets, swabs which were collected at different dates. That's on that report. And then on this one is a different one, and it's a pair of panties and a fitted sheet report.
THE COURT: Please speak up, ma'am.
Q Is it your understanding that the items they collected, and I'm reading from the laboratory report, Aiken County Sheriff's Office, is a t-shirt with a Bee The Moon?

MISS AGNEW: Your Honor, I'm gonna object. If he wants to keep testifying from reports, this is all hearsay evidence. He can ask the evidence custodian these type of questions. This isn't the proper person to be asked those questions.

THE COURT: She was there when the evidence was collected. She can ask what, to her knowledge, was collected. That's a simple question. It ought to be an easy answer.

THE COURT: What was collected, ma'am, that you know of?

THE WITNESS: On the evidence collection sheet form, the Winter Place, is one navy blue t-shirt with Bee The Moon printed on the front, one navy blue t-shirt with Michigan printed on the front, a blue colored pair of pants with birds and stars printed on them, a blue in color jeans, brand 21, size 24, black in colored shorts, two white stripes in the legs, No Boundaries brand, black in color shorts single white line on legs, size 10/12, green in color women's underwear with gray trim size small, yellow in color women's underwear with pink and yellow trim size extra small, white in color women's underwear with blue trim, OP Brand, size small, one fitted sheet, Wal-Mart brand, Your Zone, black and white gray, blue sheet, Wal-Mart brand, Your Zone, black and white

gray, comforter, Wal-Mart brand, Your Zone, black and white gray, Dell laptop model PP29L with the serial number. Those were the items taken at Winter Place.

Q And it's your understanding that [redacted] told you that when that alleged incident happened she was wearing either a Michigan t-shirt or a tank top and the pajama bottoms that have penguins on them?

Is that your understanding as well?

A I did not interview [redacted].

Q It's not in your report that she was alleging that that was what she was wearing?

A I don't have, I don't have any of the reports that I documented.

Q Well, let me ask you this then.

All those items of clothing that were collected, were any stains found on them that could be connected to Mr. Cartwright?

MISS AGNEW: Your Honor, I'm gonna object. This is the improper witness to ask these questions.

THE COURT: She's, she's not been qualified to do that. She's -- sustained.

MR. ROUTZONG: I don't have anything else, Your Honor.

THE COURT: Redirect?

MISS AGNEW: No, Your Honor.

THE COURT: You may step down.

MR. MOLONY: The State, the State calls Investigator Chris Evensen.

CHRIS EVENSEN, after being duly sworn, testified as follows:

THE CLERK: Have a seat in the witness box. State your full name for the Court and spell your last please.

THE WITNESS: First name is Kristopher. K-R-I-S-T-O-P-H-E-R. Last name Evensen. E-V-E-N-S-E-N.

DIRECT EXAMINATION

BY MR. MOLONY:

Q Investigator Evensen, where are you employed?

A Aiken County Sheriff's Office.

Q What do you do there?

A I'm an investigator in the juvenile section.

Q And how long you been with the Sheriff's Office?

A Thirteen years.

Q And prior to working as an investigator what did you do?

A I was a road patrol deputy from 2000 to 2002 and a school resource officer from 2002 to 2009.

Q And in what capacity were you working on February 24th, 2011?

A Investigator.

Q And explain to the jury how you became involved in

this case.
A I received a call from my supervisor to go to Aiken High School in reference to a possible assault.
Q And did you respond?
A Yes, sir.
Q Who did you speak with when you got there?
A Miss [redacted], [redacted] [redacted].
Q And prior to you going to speak with [redacted] did [redacted], did [redacted] ever contact you?
A No.
Q Did she contact the Sheriff's Office?
A Not that I'm aware of, no, sir.
Q And after speaking with [redacted] that day, did you have the opportunity to respond to 641 Winter Place Drive in Aiken County on February 25th, the next day---
A Yes, sir.
Q ---2011?
A Yes, sir.
Q And what was the purpose of you going to that residence that day?
A We, we received information that there may be evidence of the sexual assault that I went to the Aiken High School the day before.
Q So, what did you do when you got to the residence?
A We got a consent to search signed by Mrs. Buffy

Cartwright.
Q Did you search?
A Yes, sir.
Q Where did you search?
A We searched the bedroom that we had information that [redacted] was sleeping in and also we obtained some other items out of, out of the house, but mostly the bedroom that Miss [redacted] had been sleeping in.
Q All right. Speak up for us if you can.
Your Honor, may I approach?
THE COURT: You may.
Q Investigator Evensen, I'm gonna show you what's been admitted as State's Exhibit 5, and ask if you know what this is.
A That's the bedroom that Miss [redacted] was sleeping in.
Q And is this the bedroom where you collected evidence from?
A Yes, sir.
Q Some of the evidence?
A Yes, sir.
Q Specifically what evidence did you collect from State's Exhibit 5?
A The bed linens off the bed in that room.
Q And explain what the situation was as far as the, the bed linens came from that room and the actual bedroom of

[redacted].

A The rooms are next to each other. [redacted] bedroom, if you will, has all her stuff in it, but she'd been sleeping in this room next to her "bedroom."

Q Did you actually collect the sheets from, from the bed in State's Exhibit 5 that day?

A Yes, sir.

Q And did you collect sheets or bed linens from any other bed in the residence that day?

A No, sir.

MR. MOLONY: Your Honor, may I approach?

THE COURT: You may.

Q Investigator Evensen, I'm gonna show you what's been previously marked for identification as State's Exhibit 7.

All right. Investigator Evensen, I'm gonna ask you to take a look at what's been marked as State's Exhibit 7 and ask if you recognize it.

A It's the fitted sheet I took off the bed in the room that Miss [redacted] was sleeping in.

THE COURT: I'm sorry. I can't hear you.

THE WITNESS: It's the fitted sheet off the bed that Miss [redacted] was sleeping in, in the room Miss [redacted] was sleeping in.

Q Is that the fitted sheet that you took from the residence on February 25th, 2011?

A Yes, sir.

MR. MOLONY: Your Honor, at this time the State would move to introduce Exhibit 7 into evidence.

THE COURT: Any objection?

MR. ROUTZONG: No, Your Honor.

(WHEREUPON, State's Exhibit No. 7 was received into evidence at this time.)

Q All right. So, Investigator Evensen, you, along with Lieutenant Gaskins, collected multiple pieces of evidence from the residence that day?

A Correct.

Q And what did you do with the evidence including those sheets?

A I took them to my office at the Sheriff's Office and secured them in my office.

Q Let's get this out of the way.

And you did that that day?

A Yes, sir.

Q Okay. What happened, what happened with the evidence next?

A Monday -- that was on the Friday. Monday morning I submitted them to our evidence custodian.

Q And where is that at?

A The Sheriff's Office.

Q And is that evidence room that custodians over

secure?
A Yes, sir.
Q Now, on June 21st, a couple of months later, of 2011, what, if anything, do you remember doing with that?
A I signed them out of evidence and myself and Investigator Watts ran tests on them.
Q Okay. And from that point on were they in Investigator Watts'---
A Yes, sir.
Q ---possession?
A Yes, sir.
Q Okay. Moving to October 19th of 2011.
Did you have the opportunity to respond to the Aiken County Detention Center that day?
A Yes, sir.
Q And did you meet with the defendant?
A Yes, sir.
Q Now, what, if anything, do you remember---
MR. ROUTZONG: Objection, Your Honor.
THE COURT: Sir?
MR. ROUTZONG: Can we have a side bar?
THE COURT: Yeah.
(WHEREUPON, a bench conference was held out of the hearing of the jury at this time.)
MR. ROUTZONG: That's my fault, Your Honor. I

thought we were going to talk about something else.

THE COURT: Very well.

Keep moving, counselor. He knows when to stop.

Q I'm sorry, investigator.

October 19th, did you respond to the detention center?

A Yes, sir.

Q And what was the purpose of that meeting?

A To obtain a buccal swab from Mr. Cartwright.

Q And what is a buccal swab?

A It is essentially a long Q-tip that we use to swab the inside of someone's mouth, the gumline under their tongue, to obtain a DNA sample, swab it to obtain a DNA sample.

Q And that's what you did?

A Yes, sir.

MR. MOLONY: May I approach, Your Honor?

THE COURT: Yes, sir.

Q Investigator Evensen, I'm gonna show you what's previously marked as State's Exhibits 8 and 9 and ask if you recognize them.

A State's Exhibit, State's Exhibit 9 is the consent to search that Mr. Cartwright signed on the 19th of October, 2011, and eight is the buccal swab I obtained from Mr. Cartwright that day.

Q And did the defendant sign this consent to search?

A Yes, sir.
Q And it's the same day that you did collect State's Exhibit 8?
A Yes, sir.
MR. MOLONY: Your Honor, at this time the State would move to introduce Exhibit 9 and 8 into evidence.
MR. ROUTZONG: Without objection, Your Honor.
(Whereupon, State's Exhibit Nos. 8 and 9 were received into evidence at this time.)
Q Now, on March the 1st of 2011, did you have the opportunity to meet with [redacted] again?
A Yes, sir.
Q And what was the purpose of that meeting?
A To obtain a buccal swab for Miss [redacted] so we'd have a sample for DNA.
Q The same type process you just described---
A Yes, sir.
Q ---with the defendant?
A Yes, sir.
MR. MOLONY: Your Honor, may I approach?
THE COURT: You may.
Q I'm gonna show you what's been marked as State's Exhibit 10 and ask if you recognize that.
A Yes, sir.
Q And what is it?

A It's the buccal swab from Miss [redacted].
Q Is this the buccal swab you took in March of that year?
A Yes, sir.
MR. MOLONY: Your Honor, at this time the State would move to introduce Exhibit 10 into evidence.
MR. ROUTZONG: No objection.
(WHEREUPON, State's Exhibit No. 10 was received into evidence at this time.)
Q Investigator Evensen, on March the 12th of 2012, did, did the defendant request to speak with you?
A Yes.
Q And did you go speak with the defendant?
A Yes.
Q Where did this meeting take place?
A At his attorney's office, Bob Harte.
Q Speak up please.
THE COURT: Speak up please.
THE WITNESS: I'm sorry.
I went to the jail myself. Investigator Trusdale picked him up and took him to his attorney's office, Bob Harte.
Q And what was the purpose of this meeting?
A He wanted to show us pictures that he found on the internet of Miss [redacted], pornography pictures.

Q And did he have the opportunity, at that time, to do so?
A Yes.
Q How long were you there with him?
A Approximately an hour.
Q And after he searched for an hour, did you do any further investigation into [redacted] being on these pornographic websites?
A No, sir.
Q Why not?
A I didn't believe any of the pictures that he showed me was [redacted] They just were not her.
Q And lastly, Investigator Evensen, the residence that you retrieved those sheets from, that's in Aiken County?
A Yes, sir.
MR. MOLONY: Nothing further, Your Honor.
THE COURT: Mr. Routzong.

CROSS-EXAMINATION

BY MR. ROUTZONG:

Q Morning, sir.
You became aware of the existence of those sheets because Buffy Cartwright called you?
A I spoke with Buffy and obtained that information.
Q You testified that you collected a buccal swab from [redacted]?

A Yes, sir.
Q The reason that you collected that was because she had been sleeping in those sheets where the State's alleging semen was found, and you would expect her DNA to be on those sheets as well?
A It's possible her DNA would be on those sheets.
Q And the pajama bottoms that you collected that had penguins on them, those were the same pajama bottoms she told you she was wearing when this, this alleged assault occurred?
A Correct.
Q And it's your understanding she hadn't washed those sheets?
She had been sleeping in those sheets for several days?
A Correct.
Q Just one other question, Investigator Evensen.
The Michigan shirt, shirt that you collected, that was the shirt she said she was wearing when that assault took place?
A She said she believed she was wearing that shirt the last, the last time the alleged incident occurred.
Q Thank you, sir.
THE COURT: Redirect.
MR. MOLONY: No, sir, Your Honor.

THE COURT: You may step down.

Next witness.

MR. MOLONY: The State calls Investigator Sage Watts.

SAGE O'GRADY-WATTS, after being duly sworn, testified as follows:

THE CLERK: Have a seat in the witness box. State your full name for the Court and spell your last please.

THE WITNESS: Mary Frances O'Grady-Watts.

O-'G-R-A-D-Y - W-A-T-T-S.

DIRECT EXAMINATION

BY MR. MOLONY:

Q Investigator O-Grady-Watts, where are you employed?

A I'm employed with the Aiken County Sheriff's Office.

Q And how long have you been there?

A Since January of 2005.

Q What are your duties at the Sheriff's Office?

A I am part of the forensics unit. I am one of the investigators.

Q What types of training did you undergo in order to work in that capacity?

A Basically you -- it's a continual process of learning, but I have 800 and over 16 hours of training in various types of areas concerning forensics in addition to normal law enforcement responsibilities.

Q And were you working in that capacity on June 21st of

2011?
A I was.
Q And what, if anything, did you do with regards to the evidence in this case on that day?
A We actually, Investigator Evensen and I, looked at some of the evidence that he had pertaining to the case. We wanted to see if there was anything in particular that stood out on the, the actual sheets or any clothing before we sent it to SLED for further analysis.
Q And did you perform any test on those items that day?
A We used a forensic light source to see and basically what certain substances will do. They'll either fluoresce on different types of fabrics, and that's what we were basically looking for was to see if anything actually was on the different types of fabrics.
Q And at that time do you know exactly what it is on the fabric?
A No.
Q What did you do with those items that did have some sort of shiny white stuff on them?
A We actually repackage them separately, and those were the items that were submitted to SLED for analysis.
MR. MOLONY: May I approach, Your Honor?
THE COURT: Yes, sir.
Q Investigator Watts, I'm gonna show you what's been

entered as State's Exhibit 7 and ask if you recognize it.
A It's one of the bed sheets that we actually looked at that day.
Q And would this have been the bed sheets that was one of the items sent to SLED?
A Yes.
Q Thank you. Please answer anything that Mr. Routzong has.
THE COURT: Mr. Routzong, any questions?

CROSS-EXAMINATION

BY MR. ROUTZONG:

Q Good morning.
A Good morning.
Q A couple of the items that you collected was a Michigan t-shirt---
A I didn't collect any of them.
Q ---or you looked at them rather. Excuse me.
The items that you looked at---
A No, that was not mine.
Q That was not one of them?
A The ones that I looked at I think were only -- are you talking about the ones we collected or the ones that I examined?
Q They collected, at least on one report, it's about nine items and apparently, I'm assuming it was you, did a

test with that light you were referring to and there were no stains indicated?

A Because there were two. There's two of us. There is Chris Johnson, who I believe actually went to the scene, and there is myself who actually looked at certain items, and the ones that looked at pertained to just this report right here.

Q Yes, ma'am.

Well, you deal with these kind of issues all the time. One of the important things you would want to look for would be hair?

A Yes.

Q And can you explain to the jury what touch DNA is?

A Any time -- depending on the substance that you would touch, whether it be wood, it could be fabric, it could be types of rope, what you will do is you will shed skin cells and inevitably, depending on how much you will deposit on the particular substance, you may or may not glean a DNA profile from that object or that fabric.

Q And sometimes just someone who's accused of a crime, if they're even touching the clothes, there's enough DNA off -- a sweat, maybe saliva?

It just takes a few skin cells to actually make a profile, is that correct?

A How many I do not know. But if there is enough, I'd say if you're talking about multiple people touching a certain

object, yeah, you may actually get different people identified on one particular object.

Q Would you say that the longer you touch something the more likely it is that touch DNA will result?

A Yes.

MR. ROUTZONG: I don't have anything else, Your Honor.

THE COURT: Redirect?

MR. MOLONY: No, sir.

THE COURT: You may step down.

Next witness.

MR. MOLONY: Your Honor, the next witness may take us a little while.

THE COURT: That's fine. Let's go.

MISS AGNEW: The State calls Doctor Alicia Benedetto.

MR. HAYES: Judge, I have an objection.

THE COURT: Well, she hasn't got up here yet.

MR. HAYES: Well, Judge, as to my memo earlier---

THE COURT: I understand.

MR. HAYES: ---I object to her being called as a witness.

THE COURT: But I don't know what she's gonna say.

MR. HAYES: Okay.

THE COURT: So, let her come on.

MISS AGNEW: Doctor Benedetto.

THE COURT: Everybody okay over there?
Bathrooms?
Everybody fine?
(Jurors respond affirmatively.)
MR. HAYES: Judge, just for clarity on the record---
THE COURT: You will be able to make your objection. I don't know what she's gonna be qualified as and what she's going to say. If she gets into some evidence that we did in a pretrial, we'll do a proffer and you'll be protected.
MR. HAYES: Just for clarity on the record, you're overruling, you're overruling my objection to her testimony period?
THE COURT: No, I am not.
MR. HAYES: For her being called as a witness.
THE COURT: Yes.
MR. HAYES: Thank you.
THE COURT: She can be called. I don't know whether she'll be allowed to testify.
DOCTOR ALICIA BENEDETTO, after being duly sworn, testified as follows:
THE CLERK: Have a seat in the witness box. State your full name for the Court and spell your last please.
THE WITNESS: My name is Alicia Benedetto. A-L-I-C-I-A. B-E-N-E-D-E-T-T-O.

DIRECT EXAMINATION

BY MISS AGNEW:

Q Now, Doctor Benedetto, where do you work?

A I work at the Assessment and Resource Center known as The ARC, which is a children's advocacy center, and a program of the South Carolina Department of Mental Health.

Q And where is The ARC?

A The ARC is in Columbia.

Q How long have you worked there?

A Since 2001. So, 12 years.

Q And can you tell the jury what your position is at The ARC?

A Sure. At present I'm the director of The ARC. I was made the director in December of 2012. Prior to that I was chief psychologist there for the 11 years preceding that.

Q And you recently became director.

Can you tell the jury kind of what you do on a daily basis?

A Sure. Most of what The ARC does is conduct forensic interviews when there are allegations of abuse. In addition, provide medical exams to children and we provide some therapeutic interventions. So, that's what I was doing, providing forensic interviews, training, and consultation on matters related to child abuse, and I still maintain all of those duties, and, in addition, have taken on some

administrative duties as the director.
Q And can you tell the jury about your educational background?
A Sure. I attended New York University and got my Bachelor of Arts there in psychology and then my Master's and my Ph.D are from St. Johns University, which is also in New York.
Q And do you have any professional licenses or certifications?
A Yes, I'm a licensed clinical psychologist in the State of South Carolina.
Q Now, being a psychologist, does that require any special training or continued training?
A Sure. Following my educational components at St. Johns University I had to complete a one year internship, which I completed at the William S. Hall Psychiatric Institute through the Department of Mental Health in South Carolina. That was a one year program. And, in addition, I have to maintain continuing education credits and participate in ongoing learning opportunities. So, I do that as well.
Q And what's the purpose of those continuing education?
A To make sure that, as a psychologist, I stay abreast of all the most current research in particular in the area of child abuse.
Q Now, do you actually conduct any trainings yourself?

A Yes, I do actually. The ARC provides a five day training to child abuse professionals statewide. It's known -- it was originally known as Finding Words and now it's called Child First, and it is a training for law enforcement professionals, DSS caseworkers, solicitors, and other professionals who may have occasion to come across instances of child abuse in their work, and we train them on all aspects of how to best question children, child development principles, dynamics of child sexual abuse, issues about memory and suggestibility. There -- as I said, it's a five day course. So, it's very intensive, and we do that three to four times a year.

Also we provide an advanced course where individuals who successfully completed that course, and it does require successful completion. You have to actually go through a test and pass it in order to complete the course.

In addition, for those individuals who do complete it, we provide an advanced training with ongoing training in best practices keeping those individuals up on the newest literature and research in the field of child abuse.

Q And, doctor, you've mentioned child abuse several times.

What type, what type of child abuse are we talking about here?

A Well, at The ARC we see all forms actually of, of child abuse. Cases come to us when they've been referred by other law enforcement or DSS, and the majority of what we see are child sexual abuse cases. We also see a fair amount of physical abuse and some psychological abuse and neglect as well.

Q And, doctor, are you a member of any professional organizations related to child sexual abuse?

A Well, I belong to the American Psychological Association, and I'm on the Richland County Multidisciplinary Team for child sexual abuse. That's a team that meets with local law enforcement and our solicitors and our physicians every three weeks to discuss open cases of child abuse and to coordinate efforts to provide services.

Q And have you had any practical experience actually working with children?

A Yes.

Are you -- do you mean in terms of my own role at The ARC?

Q Well, just in your career, I mean.

Is all of your experience based on books or have you actually worked with children?

A Oh, no, I, I interview children every day. That's basically what, what I do. So, at The ARC, I conduct forensic interviews on a daily basis. I've done that for the past 12

years. I also provide some therapeutic interventions and trained in various therapy modalities to work with children.

Q Doctor, do you have any idea how many children you've met with in your career?

A It is probably somewhere between 1,500 to 2,000 for forensic interviews.

THE COURT: I'm sorry. 1,600 to 2,000?

THE WITNESS: 1,500 to 2,000 I would estimate, Your Honor.

Q And, doctor, you mentioned the dynamics of child sexual abuse.

Have you ever testified in Court before regarding child sexual abuse dynamics?

A Yes.

Q How many times have you testified?

A I have not actually kept track of the number, but it is a considerable number. I would estimate that I do it about 10 or 12 times a year. So, it's in excess of 100 times.

Q Have you ever been qualified as an expert in child sexual abuse dynamics?

A Yes.

Q About how many times have you been qualified as an expert?

A All of the times that I've been called to testify I've been qualified as an expert.

Q Have you testified in different types of Court?
A Yes, Family Courts, Criminal Courts, Courts Marshal for the military as well.
MISS AGNEW: Your Honor, at this time the State would offer Doctor Alicia Benedetto as an expert in child sexual abuse dynamics.
THE COURT: All right. You want to cross-examine her on her qualifications?
MR. HAYES: Yes, sir.
THE COURT: You may do so.
CROSS-EXAMINATION
BY MR. HAYES:
Q Doctor Benedetto, you, you've said multiple times child abuse dynamics.
What exactly is that?
A Child abuse dynamics refers to how children experience abuse, and that's oftentimes what, what I'm qualified in.
Q And that's an empirical study?
A There are many empirical studies of it. Many -- there's a large body of research on various aspects of how children respond to abuse. So, yes, that's true. That's true.
Q So, there's been multiple studies.
You said you were a member of the American Psychological Association?
A Yes.

Q Are you familiar with their articles of disclosure of child sexual abuse and what research tells us about this weighs?

THE COURT: Mr. Hayes, at this point in the game your cross is limited to her qualifications. Not to the substance of her testimony.

MR. HAYES: Yes, sir.

THE COURT: So, if you are, if you are objecting to me qualifying her as an expert, you need to cross-examine her on her qualifications. When I make that determination, if I allow her to testify, then you can cross-examine her at the appropriate time on the science.

MR. HAYES: Yes, sir.

Q Doctor Benedetto, you said you've done studies and you've, you've watched over children.

How many studies have you done involving child abuse dynamics?

A I'm not a researcher. I'm a clinician. So, I conduct interviews. I don't conduct the studies.

Q So, you've never done any studies on child abuse dynamics?

A No, I've not conducted the research.

MR. HAYES: Nothing further, Your Honor. At this time I do have a motion.

THE COURT: Well, I'll be glad to hear from you.

MR. HAYES: Judge, at this time I would object to her being qualified as an expert. Child abuse dynamics is an empirical study that is based on the study of children and observing and watching their behaviors. She's testified today that she's done interviews in forensic settings. She has trained forensic examiners, officers and solicitors. And when I questioned her, I asked her if she had done any of the actual studies herself. She has indicated she has not. As to -- and that will go to the subject matter and expert qualification. And, again, Judge, she'd have to show that it is a reliable study, a reliable science.

THE COURT: All right. I will deny your motion. I find that, based on her training, education, clinical experience, her various memberships in organizations, that she will be qualified as an expert in the trial of this case. She'll be allowed to give opinion testimony dealing with sexual abuse dynamics.

Now, Mr. Foreman, ladies and gentlemen of the jury, what, what we're doing here is normally, under our rules of evidence, a witness, like all the witnesses we've had in this case, are only able to testify about things that they observed or they know firsthand knowledge of. They can't give opinions. That's being speculative.

Our rules of evidence has an, has an exception to

that allowing or not allowing opinion testimony. If someone, because of training, experience, education, is trained in a particular field or scientific field, medical field, psychological field, chemical field, engineering field, legal field, whatever, our rules allow that particular witness to render an opinion.

So, this witness has been qualified as an expert in clinical psychology, and she will be allowed to render opinions on sexual abuse dynamics. I will instruct you, at the end of the case, on how you handle or what you're allowed to do in handling an expert's testimony. So, she will be allowed to give opinions in this particular field.

You may move forward, ma'am.

CONTINUED DIRECT EXAMINATION

BY MISS AGNEW:

Q Doctor Benedetto, before we go any further I'm just gonna ask you to move that microphone right there, right in front of you so everybody can hear you.

Now, Doctor Benedetto, other than the fact that the allegations in this case involve sexual abuse, do you know anything about the facts of this case?

A No.

Q Have you talked to any witnesses or victims in this case?

A No, I have not.

Q Have you read any police reports or reviewed any documents in this case?
A None at all.
Q Now, doctor, are you familiar with Child Sexual Abuse Accommodation Syndrome?
A Yes.
Q And I know that's a lot of big words.
So, can you explain to the jury what that means?
A Sure. The whole area of child sexual abuse dynamics really comes down to trying to understand how a child experiences abuse because, as adults, we think like adults and we think that if something happened to us we might respond in a certain way. And, so, understanding child abuse dynamics helps us understand, from the child's perspective, what the experience is like.
Child Sexual Abuse Accommodation Syndrome is a descriptive syndrome, and that's important to understand that it's not a diagnostic syndrome. It doesn't diagnose child sexual abuse, but it's a pattern of behaviors that help us understand behaviors that a child may engage in that would otherwise seem to not make sense to us.
Q Now, doctor, do children always respond to sexual, sexual abuse in the same ways that adults do?
A No, children are not little adults. They have a different understanding of the world. They have a different

understanding of their power to make things happen in the world. And, so, they do not respond the same way that adults do.

Q If a child doesn't respond to sexual abuse the same way that an adult does, does that mean that the abuse didn't happen or that the child's untruthful?

A No. No.

Q Now, I want to go and ask you about a couple of the different phenomena identified in this syndrome.

Can you explain to the jury what grooming means?

A Sure. So one of the elements of Child Sexual Abuse Accommodation Syndrome is the idea of secrecy and that it's very important to the abuser that it remain a secret. It's done in secret, and the abuser is obviously very invested in keeping it a secret.

And, so, what we often see is a pattern of what we call grooming or gradually getting the child more comfortable with increasing levels of abuse. The abuser actually also grooms a family also, and what I'm talking about here is interfamilial abuse, abuse that takes place within a family. The abuser will often need to sort of groom other adults in the home as well to get them to trust him or her so that they can have continued access to the child and opportunity to abuse them.

Q Is it typical for abuse to get worse as time goes on?

A In interfamilial abuse I would say that that is the case. Not so much obviously in a case of a stranger assault. But if you're talking about interfamilial abuse where that individual wants to maintain that secrecy with the child, it is very common for there to be a gradual escalation.

Q And you talk about trying to or the abuser trying to keep things a secret.

Would that include making promises or giving gifts to the person being abused?

A Sure. It can include a range of things. It could certainly include giving gifts or bribes of various sorts, engaging in various kinds of tactics to manipulate the child. It can also be very subtle things. Like withholding affection can be a way that an abuser can manipulate a child as well.

Q Is it typical for an abuser to have a, like a favorite age?

MR. HAYES: Objection. Leading.

THE COURT: Overruled.

A It is. They're all different kinds of situations where, where children or teenagers are abused. But, yes, we do often see situations where there's a particular age range that an abuser is particularly interested in.

Q And how would that relate to an abuser targeting different children at different times?

A Well, sometimes a child will age out of the abuser's zone

of interest, and he may move on to another child in the family or that child may leave the home for some reason, and it may be a matter of opportunity with another child.

Q Now, what, if any, role does fear play in Child Sexual Abuse Accommodation Syndrome?

A Children are afraid of a range of things when they are being sexually abused. They are in a situation where they feel, where they may feel powerless and helpless to change the situation. They may be afraid for their own safety or the safety of siblings or the safety of the other parent in the home.

They may be afraid that the abuser will get in trouble and they may have a relationship with that person and not want him to get in trouble. They may fear that they will not be believed or that they themselves will get in trouble and abusers will often manipulate that particular fear to make the child feel as though he or she has been complicit somehow in the abuse, like he or she may get in trouble if somebody finds out, which further entrenches the idea of keeping it a secret.

Q Would threats or violence in the home have any effect on that?

A Certainly. What we often see is that there are different kinds of what we call adverse experiences taking place in a home, and obviously domestic violence or any other kind of

violence in the home against an adult or a, or a child would be something that a child might look to and think if I tell this might happen to me or if I don't keep it a secret he's going to get angry and hurt my mom.

Q What if the abuser makes threats to harm him or herself?

A That would also be a situation. I've certainly heard children tell me that they were very fearful that the---

MR. HAYES: Objection. Hearsay.

MISS AGNEW: Your Honor, it's not going -- I mean it's not a statement made---

THE COURT: To prove the truth of the matter asserted.

MISS AGNEW: True.

THE COURT: It is just what she's dealing with. Overruled.

A In my experience I have heard children tell me that they were fearful that somebody that they cared about might hurt himself or herself because -- if, if, if they told. So, they would, again, keep it a secret.

Q Now, this syndrome that we're talking about, does it also acknowledge isolation?

A Yes. When I started I talked about the fact that children are not little adults and they experience things differently. As adults, we can think of all kinds of things

that we might do if someone sexually assaulted us. Lots of avenues we could take, and if one didn't work, we might take another.

Children, however, are in a situation where they are not very powerful and they don't really know the world and what they can do to change things. And, so, within the home, if they don't feel that they may be supported there, they may feel that they have no other way out. They may feel that, for some reason, this is happening to them, but all they can do is tolerate it, put up with it, make the best of it rather than try to seek a way out.

Q Now, doctor, I want to talk to you about the actual reporting of abuse.

Can you tell the jury what delayed disclosure means?

A Sure. Delayed disclosure is another important element of the Child Sexual Abuse Accommodation Syndrome. What we know is that children routinely delay reporting. They don't tell immediately.

Again, as adults, we think if somebody sexually assaulted us we would immediately say something, yell, seek out help, do something. What we know is that children don't. They think very carefully about what has happened, and this depends on the age of the child, the developmental level.

A young child may not even know that he or she has

been abused for a period of time. That grooming can go on for a long time until the child kind of realizes maybe this is not okay.

But children routinely do not tell. It is more than norm for a child not to tell immediately than it is for a child to, to immediately tell.

Q What are some of the reasons for a child to delay disclosure of sexual abuse?

A Well, again, with a young child, may not realize quite what's going on. Children may weigh the consequences depending on the age.

So, an older child may think about well, what might happen if I tell?

Am I going to be believed?

Am I gonna get in trouble?

If I'm not believed, and nothing happens, then I'm stuck here with the abuser and that could be very bad for me.

I've heard children worry about financial concerns as well. If the abuser isn't there, and the abuser is a bread winner in the home, they may worry about that. I've heard children talk about the fact that they are worried that the other parent cares about that person and loves them, and so that was one of the reasons they didn't tell because they didn't want to hurt that non-offending

parent.

It's a whole range of reasons, and each child has their own mixture of reasons, and part of what we try to do is help identify those in interviews.

Q If the abuser is a figure of authority in the child's life, how might that affect it?

A Certainly. If it's an individual to whom the child looks up or has been taught to respect or look up to, it makes it very difficult for a child to tell because there's a power differential and the child does not feel that his or her word may, you know, may not mean anything in comparison to that, the abuser's word because, of course, the abuser is going to deny it and then the child may not feel she's going to be believed.

Q How can -- and you, you talked about this a little bit earlier about another parent, another sibling, another relative.

How can other family members affect disclosure?

A Well, what we know is that if a child senses that they aren't going to be supported, that that can cause them to maintain the secret if they feel that they're not going to be believed or if they feel like the person to whom they would be going is not very powerful within the home, might not be able to do anything about it, that may cause them to, to keep the secret.

Q Now, what effect, if any, can physical or emotional abuse have on disclosure?
A Those would be other elements that would cause fear in a child. If a child is worried about the physical safety of anyone in the home, that would certainly be a, a strong motivator to keep something a secret and to try to keep the status quo to keep things calm in the home. So, that would, would be another motivation not to tell.
Q And how long can kids delay disclosing abuse?
A Children can delay for hours, days, weeks, months, or years. Many, many individuals do not disclose until they are adults out of the home and in a different setting where perhaps it comes out with either a therapist or with a very trusted friend or with a spouse or someone that's important to them. But many individuals do not actually tell during childhood at all.
Q If a child delays disclosure, does that mean that the abuse didn't happen?
A No, certainly not.
Q Now, we just talked about delayed disclosure.
Can you tell the jury what partial disclosure is?
A Sure. Partial disclosure is sometimes also called tentative disclosure, and that occurs when a child takes sort of the first tentative step to try to let somebody know what's been going on. And, so, they may tell a small part of it to

sort of we call it testing the waters to see what's going to happen.

How is the system gonna react?

Do all the bad things that the abuser said might happen actually transpire?

Do they get taken into foster care?

Do they -- does their mother not believe them?

So, they may tell just a little bit to see what's gonna happen.

Q Now, I guess my question is they tell a little bit to see what's going, what's going to happen.

How can the results of telling affect the partial disclosure?

A Well, if the child tells and they are supported and believed, they will often, at that point, go into what we call active disclosure and be able to tell more about their situation. If the child is not supported or believed or some of the negative repercussions actually transpire, the child may take back what they've said, may begin to, to deny it, or kind of back pedal from what they disclosed.

Q Okay. Now, do children always remember every detail of sexual abuse?

A No. As you might imagine, children are trying very hard not to remember the abuse as it's taking place. Unlike adults who might perhaps think this is important to remember so that

I can go to the authorities and tell them, children don't think that way at all, and they, they will go to elaborate lengths to avoid thinking about and remembering what happened to them, and some children are better at it than others. But they do make a conscious effort, most children, to avoid thinking about it and remembering it.

Q Now, how, if at all, can chronic or ongoing abuse affect a child's ability to remember all the details of abuse?

A Well, when we talk about memory, we, we think about abuse in terms of either episodic memory, which is when a child can describe a particular episode of, of abuse versus a more chronic or script memory kind of abuse, which is when it's been happening for years and it's kind of always the same sort of situation, and the child is just kind of -- goes into a script disclosure of well, this is what he would always do or he would always say this or he takes me in this room wherein you can hear that it's a multiple, multiple events are being described, and that they're talking about how things usually went.

Q Now, doctor, just a minute ago you were saying that if a child tries to tell and they're not believed or supported that they may try to take that back.

If a child takes back what they said or says that abuse didn't happen, does that mean that the child was

making this whole thing up?
A No. Neither, of course, does it mean that they weren't. But what we know to do, as professionals, is to investigate what were the circumstances of that recantation, what happened after the child made their initial disclosure, and try to assess whether there might be factors that had an impact on, on a child's willingness to maintain the disclosure.

Certainly we're open to the possibility that it is a true recantation, but we also know that many times a child recants because of what happens after they tell. And, so, we want to be sure not to miss those cases.
Q And what can cause a child to take back what, talking about the abuse?
A Sure. The, the biggest factors are not feeling supported by the other parent, not being believed by that parent, and then, to a lesser extent, any of the negative outcomes that, that may come with disclosing abuse. So, such as going into foster care, having to change schools. You know, anything that the child feels has affected their life cause, again, this is from a child's perspective. That can be a very big deal to a child, and anything that the child feels is just too high a cost to pay may cause a child to recant.
Q Now, if a child's been sexually abused, what, if any ways, can that affect the child's own behavior?
A There's a whole range of, of ways that child sexual abuse

can affect an individual. Not all individuals are affected in the same way. There's no one pattern of behaviors that is diagnostic of sexual abuse or no one pattern of behaviors that, that we can say is gonna be a definite outcome. But there are many many ways in which sexual abuse can affect a child both behaviorally, emotionally. A few examples, depression, anxiety, eating disorders, sexual reactivity or sexual withdrawal, sexual problems in general.

There can be health ramifications as well. Children can try to escape what is happening through means such as alcohol or drugs as, as adults often try to escape negative situations in their lives. So, there's a whole range of ways it could affect a child.

Q Is it unusual for a child to act out after being sexual abused?

A It is not unusual. Not all children necessarily act out. It depends on a number of factors. Again, with the support that they receive, the services that they receive. If a child has been particularly chronically sexually abused, and also particularly if it is by someone that they trusted, it's important to put interventions in place, therapy interventions to help that child process the incident so that it doesn't become something that overshadows the rest of their personality, and kind of shapes them in, in a very negative way.

Q Now, we were talking about the ways that children can react because as of sexual abuse. You mentioned reacting emotionally.

Do children that have been abused always react emotionally the same way?

A No, there's, there's a large range really of how children react. Quite often we see actually disassociation, which is when an individual can't escape a painful or difficult situation. Physically they will try to escape, emotionally, and that's called disassociation, and what it looks like is actually kind of a lack of emotions or what we call a blunted affect, which, you know, if you're not used to seeing that may look as though a child doesn't have any feelings about the incident, but really that's just a self-protective technique to, to just shield one's self from the, the very strong emotions that, again, do need to get processed at some point in therapy.

Q So, if a child doesn't get all upset, if a child shows a lack of emotion about being sexually abused, does that necessarily mean that this abuse didn't happen?

A No, it does not necessarily mean that, no.

MISS AGNEW: I beg the Court's indulgence.

(Pause.)

Q No further questions, doctor. Please answer any questions that the defense attorney has for you.

THE COURT: Mr. Foreman, ladies and gentlemen, we're gonna take our morning break right now. Please do not discuss the case. Do not deliberate.

I may have one of the bailiffs come back. I'm trying to be the most -- use our time most efficiently today. If I send y'all to lunch it takes us about an hour and a half or 45 minutes.

What if I order in today?

That would cut it down a little bit, and would that suit y'all to order in a sandwich, pizza?

Ms. Barbara will give you some choices, and y'all make that decision while you're back there on this break.

Ms. Barbara, if they want to order from the Bowery give them a menu. If they want a pizza, I don't know what else you got back there, but those are the two most efficient ways.

THE BAILIFF: I will.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: Doctor, I'm gonna let you step down.

Mr. Hayes, your objection to the testimony of the doctor for her being allowed to testify at all was basically the same objection you made in your motion in limine.

Do you need to add anything to that to protect

yourself for the record?

MR. HAYES: Judge, I would ask to protect myself that I make a copy of my motion, memo in support of, a Court Exhibit because I have referred to it several times while we were making our argument --

THE COURT: You may.

MR. HAYES: -- as well as in my pretrial hearing.

THE COURT: You may make that a part of the record. Just give it to Mrs. Davenport at the break. But my ruling is, was basically the same as I told you I was going to rule on the motion in limine. But I think this type of testimony is clearly allowed under our case law. Particular the same case I quoted or cited in the motion in limine, State versus Weaberlig, W-E-A-B-E-R-L-I-G, has an excellent discussion on this type of case, this type of testimony, i.e., behavioral evidence testimony, behavioral characteristics of sexual assault victims, and the range of responses to sexual assault encounters.

They say that is admissible. They cite a number of cases, and I find and reiterate my reasonings which I expressed at the motion in limine relying on that case in particular, and I stand by my ruling. I just wanted to make sure you were protected. If you needed to do anything else to protect you, your client, and/or the record.

MR. HAYES: Thank you, Your Honor.

THE COURT: All right. When we come back, obviously you'll be allowed full cross-examination on her on the subject of her testimony.

(WHEREUPON, the memorandum was marked as Court's Exhibit No. 3 for identification purposes only at this time.)

(WHEREUPON, a short recess was taken at this time.)

THE COURT: All right. Anything for the record before we start back?

MR. MOLONY: No, sir, Your Honor.

MR. ROUTZONG: No, sir.

THE COURT: Bring the jury in please.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: All right. Everybody ready?

Mr. Hayes.

MR. HAYES: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. HAYES:

Q Doctor Benedetto, I forgot where I was going earlier.

Child abuse dynamics, what exactly is it?

A As I said, it refers to how children experience abuse.

Q Okay. And we talked about that's an empirical study where people observe the children's behaviors?

A There are a number of studies of components of elements of child sexual abuse. Obviously we can't put children in a situation and watch them get abused and then, you know, look at their reactions. But there are a lot of studies of elements of child sexual abuse dynamics such as studies of memory and suggestibility, studies of how children keep secrets in various situations, that sort of thing.

Q And this is all based off of something that Roland Summit came out with it in 1983?

A Roland Summit was the originator of the term Child Sexual Abuse Accommodation Syndrome, that's correct.

Q And you, you said a little earlier that it was decided that it was solely a clinical or it's an empirical study?

It's not a diagnostic?

A What I said is it's not a diagnostic syndrome. It's a descriptive syndrome.

Q Are you familiar with Roland Summit's work in 1992?

A Yes.

Q Okay. On his article in 1992 that was published by the American Psychological Association and is referenced in the article disclosure of child abuse, what does the research tell us about the ways the child, about the abuse that children tell?

MISS AGNEW: Your Honor, is that a question?

THE COURT: I don't know.
MR. HAYES: It's referenced there.
Isn't it true though---
THE COURT: That's not how you use a---
MR. HAYES: I'm sorry.
THE COURT: That's not how you use a reference works.
Q Are you familiar with the American Psychological Association?
A I am familiar with it. I haven't read it for some time, but I have read it.
Q And are you aware that was published---
A Yes.
Q ---in 2005?
A I couldn't tell you the year it was published.
Q Okay. You said you are familiar with it?
A I have read it. If, if you're going to ask me specific questions I would want to review it again. But I am familiar with Roland Summit's subsequent article if that's what you're asking.
Q Okay. In this subsequent article, isn't it true that he said that it should be understood, without analogy, that the Child Sexual Abuse Accommodation Syndrome is a clinical opinion, not a scientific instrument cited at Page 156?
A If you're quoting from the article, I'm sure that's

accurate. I can explain perhaps what Doctor Summit was trying to, to point out.

THE COURT: You may.

A Doctor Summit was concerned that people were using it as a diagnostic instrument, and he wanted to be very clear that that was never what it was intended for. So, in other words, just because a child keeps something a secret and feels helpless in a situation and trapped and delays disclosure, just because all those elements you can see in a situation, that doesn't prove that a child was sexually abuse. But it does help describe a pattern of behavior. So, he was clarifying to make sure that his earlier article did not get misunderstood and misused.

Q So, what he was saying is he was concerned with, with the lack of, at the time, or the issue of not knowing whether children were being honest or dishonest when they were disclosing, and what the data was resulting in and somebody turning around and using that to diagnose or prove sexual assault?

A I don't believe he was so much -- he was concerned that his article or that his work not get misused and he wanted to clarify so that it got used correctly. So, it was often getting questioned in a way that made it sound like, like because somebody was talking about those elements they were saying that it proved sexual abuse, and he wanted to make it

clear that that was not the case.
Q So, in other words, it's not dispositive that there was a sexual abuse just because these elements are present?
A That is correct.
Q Isn't there also studies underneath child abuse dynamics where there are allegations and concerns of false allegations of abuse?
A Yes, certainly. As interviewers, one of the things -- the most important thing that we're trying to do is to help elicit what really happened. So, we're very concerned with the research on false allegations, what might a false allegation look like, what might cause one, how can we help differentiate the two. That's very much a part of what forensic interviewers do.
Q And that's part of what your actual training is, is how to question children?
A That is correct.
Q And that, that training is to help prevent false allegations or suggestibility in the questions?
A That's correct. It's -- our questioning process is meant to minimize the possibility that, that there would be a, an allegation that is untrue that gets investigated.
Q Isn't it not uncommon to find allegations of sexual assault in domestic disputes?

A It is -- certainly, certainly that happens, yes.
Q And in that situation there, the focus or concerns go to parental motives?
A Yes, there can be situations where there are adult motives to alleged abuse. That is true.
Q And, and some of those factors are when there is a child custody visitation issue?
A That can sometimes be a factor, yes.
Q Revenge?
A Pardon me?
Q Revenge would be another one?
A Yes.
Q A misguided or distorted belief?
A That's correct.
Q Are monetary issues?
A Sure. There would be a whole range of issues that, that, that would need to get eliminated in the forensic interviewing process to help determine what really happened.
Q And I believe you did testify earlier that you, you had not interviewed Mr. Cartwright --
A That's correct. I did not interview Mr. Cartwright.
Q -- or any of the victims or witnesses in this case?
A Correct.
Q And that you have absolutely no familiarity with anything involved with this particular situation?