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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Colleton County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RICKY D. EDWARDS, JR.

APPELLANT

APPELLATE CASE NO. 2022-000892

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PROCEEDINGS*********MONDAY, JUNE 13, 2022****WALTERBORO, SOUTH CAROLINA**

(The following proceedings were heard in open court. The defendant was present along with his attorney as well as the attorney for the State of South Carolina.)

*********JURY SELECTION**

THE COURT: Well, good afternoon, ladies and gentlemen. Now maybe you can hear me. Good afternoon. My name is Carmen Mullen, I am one of the two Presiding Judges here in the Fourteenth Judicial Circuit, which includes not only Colleton County and Jasper, Hampton and Allendale, but in Beaufort County, which is my home Circuit. As you-all know, Bobby Bonds is your resident Circuit Judge here, but we have switched cases this week. And at this point, I'm down to one case this week, which is good news, because it is a relatively short case I'm being told by both the Solicitor's Office and defense counsel. Ladies and gentlemen, I will tell you that when I pull this jury, you will be given the trial of this case tomorrow morning, and we'll finish, at the very latest, on

1 Wednesday.

2 I tell you all this, because there are good weeks to
3 serve, and there are better weeks to serve. This is a very
4 good week to serve, ladies and gentlemen, so we will get
5 this finished by Wednesday morning if at all possible. I
6 tell you all this, because you need to know that you will
7 not be here Thursday or Friday, if you get chosen for the
8 jury in the trial of this case, all right?

9 So for scheduling purposes, I just want to make sure
10 you understand what your service includes. Ladies and
11 gentlemen, I'm required to ask you a number of questions
12 under the oath that you've taken, in regards to jury
13 services, they're very general questions.

14 After this I'm going to ask more specific questions to
15 the case that's going to be tried here over the next couple
16 of days, all right?

17 So with that said, ladies and gentlemen, if there are
18 any questions you need to respond to, I simply need you to
19 stand and give me your name and juror number, if you would,
20 and it should be on your badge, I appreciate it. Give me
21 your name and juror number, and then respond to my
22 question.

23

24

1 This is a court of record, and anything that is said
2 by anyone in this courtroom is being taken by my Court
3 Reporter, Kymberlee Williams, excuse me, so if I ask you to
4 speak up, please don't be offended, it just means
5 that I'm having a hard time hearing you, and I'm worried
6 she is as well, all right?

7 So with that said, ladies and gentlemen, I'm going to
8 go ahead and begin my questioning. Is there any member of
9 the jury panel that is not a citizen of the United States?
10 If so, please stand. Is there any member of the jury panel
11 who's not a resident and citizen of Colleton County? If
12 so, please stand. Yes, sir.

13 THE PROSPECTIVE JUROR: Austin Bonsworth, Juror
14 Number 88, I live in Charleston, South Carolina.

15 THE COURT: All right, sir, when did you move?

16 THE PROSPECTIVE JUROR: I moved there about two
17 years ago.

18 THE COURT: Two weeks ago now?

19 THE PROSPECTIVE JUROR: Two years ago now.

20
21 THE COURT: Have you changed your driver's
22 license?

23 THE PROSPECTIVE JUROR: No, I have not.

24 THE COURT: Do you intend on it?

1 THE PROSPECTIVE JUROR: I do, but I'm also going
2 to be moving again, so --

3 THE COURT: All right. Well, sir, what I can do
4 is this, one or two things, you can stay here and
5 serve, or you can get your driver's license changed.
6 Are you going to be moving in the next 30 days?

7 THE PROSPECTIVE JUROR: I am.

8 THE COURT: All right, well, I'm gonna go ahead
9 and excuse you then, and make sure, if you do stay in
10 Charleston, or wherever you move to, get your driver's
11 license changed, all right? And remind me, again,
12 your number, sir?

13 THE PROSPECTIVE JUROR: My number is 88.

14 THE COURT: All right, thank you, sir, you are
15 excused. Yes, ma'am, where do you live?

16 THE PROSPECTIVE JUROR: I'm Juror 198, I live in
17 Summerville.

18 THE COURT: Okay, one second. And how long have
19 you lived there?

20 THE PROSPECTIVE JUROR: Like three years now.

21 THE COURT: All right, you haven't changed your
22 driver's license?

23 THE PROSPECTIVE JUROR: No.

1 THE COURT: Is it a permanent residence? Do you
2 have any relatives here?

3 THE PROSPECTIVE JUROR: Uh-huh.

4 THE COURT: Is that a yes for the record?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: Is that who you stay with while
7 you're here?

8 THE PROSPECTIVE JUROR: No, I drove down here.

9 THE COURT: You drove down today?

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: Well, ma'am, you have one of two
12 options. You've got to change your driver's license
13 by Friday, or I need you to stay with me, which one?

14 PROPSECTIVE THE JUROR: I'll stay.

15 THE COURT: All right, I appreciate it, thank
16 you. Anybody else? Ladies and gentlemen, the rule is
17 that you're supposed to change your driver's license
18 within 30 days, if moving to a different address.

19 All right, do I have anyone here who's unable to
20 read, write, speak or understand the English language?
21 If so, please stand. If you can't understand the
22 English language, I have no idea how you're supposed
23 to respond to that question, but I'm required to ask
24 it. Ladies and gentlemen, does anyone here have a

1 less than a sixth grade education or its equivalent?
2 Now, if you have held a job, raised a family, paid
3 your bills, you've got more than a sixth grade
4 education.

5 I just want to make sure you feel comfortable
6 accepting the evidence in this case. Does anyone have
7 a concern about this question? If so, please stand.
8 Ladies and gentlemen, is there any member of the jury
9 panel who is unable, because of mental or physical
10 infirmities, to render efficient jury service, and
11 you've brought yourself a doctor's note?

12 If so, please stand.

13 Has any member of the jury panel been convicted,
14 by guilty plea or a trial in a State or Federal Court
15 of record punishable by imprisonment for more than one
16 year, and your civil rights have not been restored by
17 pardon or amnesty?

18 Ladies and gentlemen, this not does not count
19 driving offenses, this is simply something that maybe
20 is in your past and has a potential sentence of more
21 than a year, and you'll have a conviction on your
22 record for it? Do I have anyone that's in that
23 situation? If so, please stand.

1 Is any member of the jury panel a Clerk or Deputy
2 Clerk of Court, Constable, Sheriff, or other
3 commissioned law enforcement officer, Probate Judge,
4 County Commissioner, Magistrate or other County
5 officer, employed within the walls of any courthouse?
6 If so, please stand. Do I have any member of this
7 jury panel who has previously served on jury duty up
8 here in Circuit Court, not City Court, Magistrate's
9 Court or Federal Court, during the last calendar year?
10 If so, please stand.

11 excused, okay? So sit tight and she'll look you
12 up. All right, ladies and gentlemen, do I have anyone
13 who has served as a member of the Colleton County
14 Grand Jury during the past several years? If so,
15 please stand. We now lead to what are called jury
16 exemptions. State law provides for several exceptions
17 to jury service. An exemption does not mean you are
18 not qualified to serve, it means you get to choose not
19 to serve, however, if you're inclined to stay with us,
20 ladies and gentlemen, we would love to have you.

21 Do I have anyone here who is 65 years of age, or
22 older, who does not wish to serve with me on jury duty
23 this week? If so, please stand. Yes, ma'am, give me
24 your juror number.

1 THE PROSPECTIVE JUROR: Number 10.

2 THE COURT: Give me your Juror Number.

3 THE PROSPECTIVE JUROR: Number 10.

4 THE COURT: I'm sorry?

5 THE PROSPECTIVE JUROR: Ten.

6 THE COURT: Number 10? Well, ma'am, you do not

7 look to be 65, so I'm not so sure I can take your

8 word, but I will. Do you want to be excused?

9 THE PROSPECTIVE JUROR: I'm sorry?

10 THE COURT: Do you want to be excused?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: All right, ma'am, you are excused.

13 Thank you. That's Ms. Combs. Yes, ma'am?

14 THE PROSPECTIVE JUROR: Juror number 4, I'm 67,

15 and I do have a medical problem, I'm a diabetic.

16 THE COURT: Okay.

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: All right, well, you look good too,

19 so I'm not so sure, but I will go ahead - if you have

20 a diabetic problem, as well, ma'am, I'm gonna excuse

21 you --

22 THE PROSPECTIVE JUROR: Okay.

23 THE COURT: -- as well but thank you for being

24 here. You said you were number -- I'm sorry?

1 THE PROSPECTIVE JUROR: Thank you, Your Honor.

2 THE COURT: What number was she, again?

3 THE CLERK: Four.

4 THE PROSPECTIVE JUROR: Four.

5 THE COURT: Four, thank you, ma'am. Anyone else?
6 Another exemption concerns prior jury service.

7 No person is required to serve up here and
8 General Sessions or Circuit Court more often than once
9 every three calendar years. That's why I'm checking
10 on this man back here, because he probably makes the
11 exemption, as well as the exception, so, yes?

12 THE PROSPECTIVE JUROR: Yes, ma'am.

13 THE COURT: All right, sir, in the very back, I
14 apologize, it's Mr. Winthrow.

15 Sir, do you want to be excused?

16 THE PROSPECTIVE JUROR: Sure.

17 THE COURT: You are excused, sir, thank you.

18 Do we have anyone else who has served as a Grand
19 Juror here in Colleton County during the last five
20 calendar years? If so, please stand.

21 The next exemption deals with those of you that
22 have legal custody of young children, and I
23 respectfully ask that you listen carefully to the

1 questions, it has multiple parts, all of which must
2 apply for you to be able to claim this exemption.

3 You may be exempted from jury service, if you
4 have a child under the age of seven, that you have the
5 legal custody of that child or children, and you have
6 the principal care, custody and control of that child
7 or children, and, lastly, you are unable to make
8 arrangements for the adequate care of your child or
9 children, while you're performing jury duty.

10 Ladies and gentlemen, remember, you're already
11 here today, it will be tomorrow and Wednesday at the
12 very latest, so we're talking about from, roughly,
13 9:30 in the morning until 5:00 or 5:30 in the
14 afternoon on Tuesday and Thursday, potentially. I
15 don't know if we're gonna go that late on Wednesday,
16 I'm just telling you on the very outside.

17 Do I have anyone here who has children under the
18 age of seven who needs to be home, and does not have
19 any coverage for them, if you're required to perform
20 jury duty here?

21 Sir, yes?

22 THE PROSPECTIVE JUROR: Juror number 85. My
23 daughter had surgery. She's about turning three, she
24 had surgery on her teeth, so --

1 THE JUDGE: This is not gonna be for you. All
2 right, sir, again, your number?

3 THE PROSPECTIVE JUROR: 85.

4 THE COURT: 85?

5 THE PROSPECTIVE JUROR: Yes, ma'am.

6 THE COURT: All right, sir, what I'm gonna do is,
7 I'm gonna transfer your service * down the line, don't
8 worry about it. Well, you'll get the notice to come,
9 but I'm gonna excuse you from this week, okay?

10 THE PROSPECTIVE JUROR: Thank you.

11 THE COURT: Go take care of your daughter, sir.

12 THE PROSPECTIVE JUROR: All right, I appreciate
13 it.

14 THE COURT: Absolutely. Anyone else? Yes, sir?
15 Your name and number?

16 THE PROSPECTIVE JUROR: Juror 100. My wife's 32
17 weeks pregnant, we have a ten-month-old to take care
18 of.

19 THE COURT: Okay.

20 THE PROSPECTIVE JUROR: She currently has
21 bronchitis, so it's hard for her to take care of the
22 baby.

23 THE COURT: It's hard for -- I understand. All
24 right, sir, I'm gonna do the same thing, I'm gonna

1 transfer you as well. We're gonna try to do it well
2 after this baby comes, and she probably won't have no
3 rest then either, but we'll try to get you out as far
4 as we can, okay?

5 THE PROSPECTIVE JUROR: All right, thank you.

6 THE COURT: Good luck to you, sir.

7 PROSEPCTIVE THE JUROR: Thank you.

8 THE COURT: Anyone else?

9 Also, ladies and gentlemen, do I have anyone here
10 who is the primary caretaker of a person who is 65
11 years of age or older, or someone that has a severe
12 disability, or is a special needs person, and it's
13 very hard for you to find coverage for those people,
14 if you have to perform jury duty over the next couple
15 of days? Do I have anyone that's in that situation?
16 If so, please stand. Yes, ma'am, your number?

17 THE PROSPECTIVE JUROR: 238. I just want to make
18 you aware that I am a caretaker for two. I do have
19 coverage right now, but you never know if something
20 with them would happen.

21 THE COURT: Okay.

22 THE PROSPECTIVE JUROR: Like --

23 THE COURT: Do you have coverage for Tuesday and
24 Wednesday?

1 THE PROSPECTIVE JUROR: I do have coverage, and
2 it's reliable coverage.

3 THE COURT: It is reliable?

4 THE PROSPECTIVE JUROR: Yes, ma'am.

5 THE COURT: Good.

6 THE PROSPECTIVE JUROR: But, you know, when you
7 have an elderly person, I don't know what their bodies
8 are gonna do.

9 THE COURT: I understand. All right, well, give
10 me your number again, if you would?

11 THE PROSPECTIVE JUROR: 238.

12 THE COURT: All right, ma'am, I appreciate you
13 staying with us, and thank you for letting me know
14 that. Okay. Anyone else?

15 Also, ladies and gentlemen, do I have anyone here
16 who is attending school at this time, or working in
17 some capacity with the school, and this is just a
18 really bad time for you to serve? What I can do,
19 ladies and gentlemen, is transfer your jury service to
20 a term of court that doesn't conflict with your school
21 responsibilities.

22 In other words, a break, maybe Christmas break,
23 holiday break, spring break, that type of thing.

1 So do I have anyone here who is in school, or
2 works at a school that cannot serve this week, as a
3 result of your school involvement? If so, please
4 stand.

5 Yes, ma'am, give me your number.

6 THE PROSPECTIVE JUROR: Juror number 96, Robin
7 Fish. I'm actually one of the program coordinators.

8 THE COURT: All right, and it's already started,
9 I assume, yes?

10 THE PROSPECTIVE JUROR: I'm sorry?

11 THE COURT: Has the program already started/

12 THE PROSPECTIVE JUROR: Yes, we're in the second
13 week, but we're doing some new things that require my
14 attention.

15 THE COURT: Okay, and, ma'am, is it -- you said
16 your number 96; is that correct?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: All right, thank you, I'll go ahead
19 and excuse you.

20 THE PROSPECTIVE JUROR.

21 THE COURT: Thank you. Okay.

22 Is there anyone here who is employed with the
23 Department of Corrections at a penitentiary? If so,
24 please stand. Is there anyone here who performs

1 services for a business, commercial or agricultural
2 enterprise, which are so essential to the operation of
3 that business or enterprise, that if you are required
4 to sit here on jury duty during the next two days,
5 that business or enterprise would have to close its
6 doors, or shut down?

7 Ladies and gentlemen, that is a long way around
8 saying, do I have anyone here it would be a great
9 financial hardship, if you don't go to work over the
10 next two days, you don't get paid, and you're pretty
11 much working paycheck to paycheck, and it would be a
12 disadvantage to your family? Is anyone in that
13 situation? If so, please stand.

14 Ladies and gentlemen, that concludes the
15 statutory list of qualifications and exemptions for
16 jury service. Now, it may be that you are qualified
17 to serve, and you know the exemption applies to you,
18 however, it's the very worst week in all 52 of the
19 year you could have been summoned.

20 For instance, the gentleman who had a child who
21 is having surgery, I certainly understand that. Do I
22 also have anyone else here who maybe has a doctor's
23 appointment that was very hard to come by, and that
24 you cannot reschedule, or this is just a very, very

1 bad week. Ladies and gentlemen, general
2 inconveniences is not an excuse to be disqualified
3 from jury duty.

4 I know there is many other things that you
5 probably would need to be doing, but I need jurors
6 here to serve, and we certainly appreciate you being
7 here, and I can tell you, if you sat in my seat,
8 certainly, to look at a jury box of 13 or 14 people,
9 that decide that this is important to the County, you
10 would want the good citizens here of Colleton County
11 decide t

12 hat, rather than just a single Judge, all right?
13 So do I have anyone here, just for any reason
14 whatsoever, cannot serve Tuesday and Wednesday of this
15 week on jury duty? Yes, ma'am, I'll need your number,
16 and name first.

17 THE PROSPECTIVE JUROR: 198, Chris Burgess, I
18 just started a job today.

19 THE COURT: Just started a job today, so you're
20 working the next two days?

21 THE PROSPECTIVE JUROR: Yes, ma'am.

22 THE COURT: All right, ma'am, what I'm gonna do
23 is transfer your jury services, and, hopefully, you'll

1 have a little bit more time in, okay? And that was
2 number 198, Ms. *Burgess, okay?

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: Sir, the man in the striped shirt,
5 give me your number.

6 THE PROSPECTIVE JUROR: My number is 64.

7 THE COURT: Yes, ma'am.

8 THE PROSPECTIVE JUROR: I have my grandson from
9 Denver, Colorado, and I have no childcare whatsoever.
10 My daughter's watching him today, but she attends
11 classes at Technical College of the Low Country on
12 Tuesday, Wednesday and Thursday.

13 THE COURT: All right, and how long --

14 THE PROSPECTIVE JUROR: And I have him at supper
15 time, and I won't have anybody to watch him.

16 THE COURT: How long is here with you?

17 THE PROSPECTIVE JUROR: Three weeks.

18 THE COURT: Fabulous, and how old is he?

19 THE PROSPECTIVE JUROR: Eight.

20 THE COURT: All right, go home and enjoy him.

21 I'm going to transfer your service.

22 THE PROSPECTIVE JUROR: Thank you.

23 THE COURT: That's number 64. Sir, your number?

24 THE PROSPECTIVE JUROR: Juror number 234 --

1 THE COURT: Yes.

2 THE PROSPECTIVE JUROR: I suffer from a
3 respiratory condition, and it causes extreme coughing
4 fits.

5 THE COURT: Okay.

6 THE PROSPECTIVE JUROR: And it will be very
7 disruptive to everyone.

8 THE COURT: Did you bring a doctor's note?

9 THE PROSPECTIVE JUROR: I have not been to the
10 doctor's for it yet, but I am trying to get a
11 appointment to a specialist.

12 THE COURT: How long have you been having these
13 problems?

14 THE PROSPECTIVE JUROR: Three or four weeks.

15 THE COURT: Goodness. All right, and you are
16 number 217?

17 THE PROSPECTIVE JUROR: 234.

18 THE COURT: 234. I apologize, sir. What I'm
19 going to do is this, I am going to transfer your
20 service. Hopefully, you will get a diagnosis, and get
21 it taken care of, and, hopefully, get some relief,
22 sir, but just whenever you get the next notice come on
23 in, okay?

24 THE PROSPECTIVE JUROR: All right.

1 THE COURT: Good luck to you, sir.

2 THE PROSPECTIVE JUROR: Thank you.

3 THE PROSPECTIVE JUROR: Juror number 157, I've
4 got a doctor's appointment on Wednesday.

5 THE COURT: What time is that?

6 THE PROSPECTIVE JUROR: 11:15.

7 THE COURT: Okay. Sir, give me your number,
8 again?

9 THE PROSPECTIVE JUROR: Sure, 187.

10 THE COURT: All right, sir, I am going to go
11 ahead and transfer you as well. When you get your
12 next notice, just come on back, okay, sir? Yes, sir.

13 THE PROSPECTIVE JUROR: Juror number 23.

14 THE COURT: Uh-huh.

15 THE PROSPECTIVE JUROR: I'm actually due to work
16 in Summerville as a lead assistant, and, in fact, I'm
17 the only assistant in our office.

18 THE COURT: Okay. And are you getting any more
19 employees?

20 THE PROSPECTIVE JUROR: As of now, we're not.

21 THE COURT: Well, if it's just a bad time for
22 you, I can transfer you, but I also need to tell all
23 these people, I can only transfer you once.

1 So next time you get called, you can't get
2 transferred again, so do you need to get transferred
3 for these two days? All right, that's number 23, sir,
4 you are transferred. Yes, ma'am.

5 THE PROSPECTIVE JUROR: Juror number 72.

6 THE COURT: Okay, number 72?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: So do you have custody of that child?

9 THE PROSPECTIVE JUROR: Through DSS, I've had her
10 for about five years now.

11 THE COURT: All right. You're 72. How old is
12 she?

13 THE PROSPECTIVE JUROR: She is -- she'll be ten
14 in August.

15 THE COURT: All right, ma'am, I'm gonna go ahead
16 and excuse you from your service. Thank you for being
17 here. Anyone else? All right, are we sure?

18 All right, ladies and gentlemen, it looks like
19 this panel qualified. I may get the Solicitor to
20 call the case, and they're going to ask you questions
21 specific to this case, all right?

22 Just like you did during this question and answer
23 period, if you need to respond, you need to stand up

1 and come forward, all right? So, Solicitor, whenever
2 you are ready.

3 MS. KEENEY: Judge, may we approach the jury?

4 THE COURT: You may. All right, can I see Juror
5 number 38? Can I see Juror number 38? Come on up,
6 sir. Juror number 38 is excused. Can I see Juror
7 number 172? Juror number 172? Juror number 172 is
8 excused. And may I see Juror number 102? All right,
9 number 102 is excused as well, okay? All right,
10 Solicitor, would you like to please call your case?

11 MS. KEENEY: The State calls Ricky Devon Edwards,
12 Jr., Indictment Number 2021-GS-15-01073, criminal
13 sexual conduct with a minor in the third degree.

14 THE COURT: Thank you, Solicitor. Ladies and
15 gentlemen, at this time, we are about to begin the
16 trial of the case entitled the State of South Carolina
17 v. Ricky Devon Edwards, Jr., who is charged by the
18 bill of indictment in this Court with criminal sexual
19 conduct with a minor in the third degree.

20 Ladies and gentlemen, to begin with, I'm going to
21 ask that the attorneys introduce themselves at counsel
22 table, and then, additionally, I'm gonna ask defense
23 counsel to introduce himself, as well as his client
24 all right?

1 So, Ms. Keeney, if you would begin?

2 MS. KEENEY: Yes, Your Honor, my name is Julie
3 Keeney, I'm a prosecutor here in Colleton County. I
4 also prosecute cases in Beaufort County, Allendale
5 County, Beaufort County, Jasper County, Hampton
6 County, Colleton at the Fourteenth Circuit Solicitor's
7 Office. Sitting with me is Seth Utsey.

8 MR. UTSEY: Good afternoon, Your Honor.

9 MS. KEENEY: He's also a prosecutor.

10 THE COURT: Thank you. All right, so Mr.
11 Smaldone.

12 MR. SMALDONE: All right, good afternoon, my name
13 is Grant Smaldone. I'm an attorney. I have an office
14 in Charleston. I'm self-employed and have been doing
15 that for about eight years.

16 This is my client; this is Ricky Edwards.

17 THE COURT: Thank you, gentlemen.

18 Ladies and gentlemen, under the oath you took
19 earlier, are there any members of the jury panel, who
20 are related by blood, or connected by marriage with
21 the Defendant, Mr. Ricky Devon Edwards, Jr.? If so,
22 please stand.

23 Are any members of this jury panel a close
24 personal friendship, or share a special relationship,

1 or a business or professional relationship with the
2 Defendant, Mr. Edwards? If so, please stand.

3 Also, you've been introduced to the attorneys in
4 this case. Ladies and gentlemen, my question is going
5 to be very lengthy, very broad, multiple, compounded,
6 bear with me.

7 Is there anyone here that is related by blood, or
8 connected by marriage, or have a close personal
9 relationship, friendship, or professional relationship
10 with any of the three attorneys that are trying this
11 case? If so, please stand.

12 Also, ladies and gentlemen, does anyone have a
13 close relationship, a neighbor, or someone you'd pick
14 up the phone and call, as far as any of these three
15 attorneys, or have you ever worked for their offices,
16 or ever been represented by, or prosecuted by their
17 offices? If so, please stand.

18 Sir, give me your number first.

19 THE JUROR 205: Number 205.

20 THE COURT: Number 205. Give me a second, number
21 205, there we go, sir. All right, sir, who do you
22 know?

1 THE JUROR 205: Seth, who's sitting right there.
2 I've worked for the Solicitor's Office about five
3 years ago.

4 THE COURT: About five years ago. My question,
5 sir, is, can you be fair and impartial in the trial of
6 this case?

7 THE JUROR 205: Yes, ma'am.

8 THE COURT: Are you sure?

9 THE JUROR 205: Yes, ma'am.

10 THE COURT: And, sir, you didn't do any work on
11 the case of Ricky Devon Edwards, Jr., did you?

12 THE JUROR 205: No, ma'am.

13 THE COURT: All right. And you have no
14 independent knowledge about this case whatsoever, do
15 you?

16 THE JUROR 205: No, ma'am.

17 THE COURT: All right, sir, you may be seated.
18 Yes, ma'am, give me your number and name again.

19 THE PROSPECTIVE JUROR: No, ma'am, I don't have
20 an answer to that question, I was just going to tell
21 you --

22 THE COURT: Okay, and I am so sorry, I did not --
23 thank you very much, ma'am.

1 All right, I just want to make sure you kind of
2 heard the introduction of the lawyers and the
3 Defendant in this case, I just want to make sure that
4 no one has a relation to any of these attorneys, if
5 they've ever been represented by them, work for their
6 offices to be prosecuted, anything along those lines.
7 If so, please stand.

8 Ladies and gentlemen, the following is a list of
9 potential witnesses in this case, and, again, these
10 are just potential witnesses. These people will all
11 necessarily testify, but I do want to know whether or
12 not you're related by blood, connected by marriage,
13 have a close personal relationship, special
14 friendship, or a professional relationship with any of
15 these people. And the first is Bayleigh Ty Edwards,
16 Tabitha Edwards of the Colleton County DSS, Stephanie
17 Owens, Shelby Pruitt, Shannon Thomason of the Colleton
18 County Sheriff's Office, Teska, I'm sorry, excuse me,
19 Tessa Trask, Casandra Williams, Katelyn Barwick,
20 Rhonda Edwards, Ricky Edwards, Jr., and Ricky Edwards,
21 Sr.

22 Again, is anyone here related by blood, connected
23 by marriage, have a close personal relationship,

1 special friendship, know these people? Sir, give me
2 your number
3 THE JUROR 13: Juror 13.
4 THE COURT: Sir, who do you know?
5 THE JUROR 13: Katelyn Barwick.
6 THE COURT: How do you know Ms. Barwick?
7 THE JUROR 13: We're related.
8 THE COURT: You're related?
9 THE JUROR 13: Yes, my last name's Barwick.
10 THE COURT: Thank you, sir, I apologize. Your
11 number again?
12 THE JUROR 13: 13.
13 THE COURT: 13. What is your relationship to
14 her?
15 THE JUROR 13: Cousins.
16 THE COURT: Cousins?
17 THE JUROR 13: Yes.
18 THE COURT: All right, sir, I'm gonna excuse you
19 from the trial of this case, but I appreciate you
20 being here. That's number 18 -- I'm sorry, 13. All
21 right, ma'am, all the way over here, what is your
22 number, please?
23 THE JUROR 58: 58.
24 THE COURT: 58. Who do you know, ma'am.

1 THE JUROR 58: Katelyn Barwick.

2 THE COURT One more time?

3 THE JUROR 58: Katelyn Barwick.

4 THE COURT: All right, and how do you know her?

5 THE JUROR 58: We used to be real close friends.

6 THE COURT: Okay. Used to be very close friends?

7 THE JUROR 58: Yes, ma'am.

8 THE COURT: Do you still talk to her?

9 THE JUROR 58: Not really.

10 THE COURT: When's the last time you saw her?

11 THE JUROR 58: It's been a few years.

12 THE COURT: All right. My question is, can you
13 be fair and impartial in the trial of this case?

14 THE JUROR 58: Yes, ma'am.

15 THE COURT: Are you sure?

16 THE JUROR 58: Yes, ma'am.

17 THE COURT: All right, and, ma'am, give me your
18 number one more time.

19 THE JUROR 58: 58.

20 THE COURT: Thank you. Yes, ma'am?

21 THE JUROR 56: I'm Juror number 56. I know the
22 DSS caseworker.

23 THE COURT: Okay, how do you know them?

1 THE JUROR 56: I work for her in a professional
2 capacity.

3 THE COURT: Okay. And, sir, give me your number?

4 THE JUROR 95: Juror number 95.

5 THE COURT: Who do you know, sir?

6 THE JUROR 95: Katelyn Barwick.

7 THE COURT: And how do you know her?

8 THE JUROR 95: Very close mutual friends, and my
9 wife plays softball with her.

10 THE COURT: Okay. Can you be fair and impartial
11 in the trial of this case, knowing she is a potential
12 witness?

13 THE JUROR 95: Yes, Your Honor.

14 THE COURT: And your number, again?

15 THE JUROR 95: 95.

16 THE COURT: 95? Sir, you may be seated. Ladies
17 and gentlemen, in this case the allegation is just
18 that, an allegation, was in Colleton County on or
19 about October 1st, 2016 through October 10th of 2016.
20 The Defendant, Mr. Edwards, did, while he was over the
21 age of 14 willfully and *did commit or attempt to
22 commit a lewd or insidious act upon the body parts of
23 Christian -- or Christian D [REDACTED], who was under 16
24 years of age at the time of the offense. Ladies and

1 gentlemen, I want to know, based on the nature of the
2 allegation, that being an alleged criminal sexual
3 conduct with a minor in the third degree, is there
4 anyone here who does not feel that you could be fair
5 and impartial in the trial of this case, simply based
6 on the allegations?

7 Obviously, you know nothing about the case, but
8 there are some people that are more predisposed
9 towards one side or the other in these types of cases.
10 I need to know whether or not someone feels they
11 cannot be unbiased. Anyone in that situation? If so,
12 please stand. Further, ladies and gentlemen, I'm
13 gonna ask you some more detailed questions, in regards
14 to sexual assaults. If you do not feel comfortable
15 simply standing up and answering my question in front
16 of all your fellow jurors, what I'm gonna do is invite
17 you to -- you can simply just ask, and say, "May I
18 approach?" And then you and I are gonna have a
19 conversation over here, and I have to tell you, it's
20 only relative private, because I'm required to put it
21 on the record, and the attorneys trying this case are
22 entitled to hear, all right?

23 But I don't want anyone to get emotional, or have
24 problems, as a result of questions I'm asking, but,

1 ladies and gentlemen, if they are directed to you and
2 they apply, you need to answer, all right? So is
3 there any member of this jury panel or any member of
4 your immediate family currently or previously ever
5 been prosecuted by the Fourteenth Circuit Solicitor's
6 Office, which includes the counties of Allendale,
7 Beaufort, Colleton, Hampton and Jasper? If so, please
8 stand.

9 Again, the question is, is there any member of
10 this panel, or any member of your immediate family
11 that is currently or in the past been prosecuted by
12 the Fourteenth Circuit Solicitor's Office for any
13 offense? If so, please stand. Is there any member of
14 the jury panel, or any member of your immediate family
15 ever been accused of, investigated for, or arrested
16 for, or a victim of any crime of a sexual nature? If
17 so, please stand.

18 THE COURT: It's a long day. All right, ladies
19 and gentlemen, bear with me, I have a few more
20 questions to ask.

21 Do I have anyone here, or any member of your
22 immediate family that is presently or in the past ever
23 been a member of a federal, state, county, city or
24 military police department? If so, please stand.

1 So I want to know if any of you have ever worked
2 in law enforcement, or any of your immediate family
3 members, and that includes your husband, your wife,
4 your father, your mother, your children or your
5 grandchildren, okay? Now, if I call on you, I need
6 you to tell me who it is, I need you to tell me what
7 agency they've worked at, if it's local, or if it's in
8 New York, you can say whatever it is, if it's a
9 Trooper, or whomever, and you need to tell me if
10 they're currently working there, or if they are
11 retired or left there, okay?

12 All right, ma'am, so I'm going to start with you,
13 because you seem to know what I'm going to ask, so
14 we've got a head nod. Yes, give me your number first.

15 THE JUROR 127: 127.

16 THE COURT: Yes, ma'am, who is it?

17 THE JUROR 127: My son is the Police Chief in *
18 Nebraska, and before that worked in Fayetteville,
19 North Carolina. And another son is a detective in *
20 County, North Carolina, before that he was a * in
21 North Carolina.

22 THE COURT: Okay, all right. Thank you, ma'am, I
23 appreciate it, you may be seated. Yes, ma'am, that
24 just stood up. Yes.

1 THE JUROR 52: Juror number 52.

2 THE COURT: Uh-huh.

3 THE JUROR 52: My husband was a -- previously a
4 Peace Officer in Beaufort.

5 THE COURT: Okay, and how long ago did he retire?

6 THE JUROR 52: Gosh, I could not tell you. I
7 think it was maybe two years ago or more.

8 THE COURT: Okay, that's fine, thank you. Yes,
9 sir?

10 THE JUROR 147: Juror 147.

11 THE COURT: Yes, sir?

12 THE JUROR 147: My father was a police officer in
13 the City of North Charleston, he's retired.

14 THE COURT: Thank you, sir.

15 THE JUROR 147: And my mother was a Clerk of
16 Court in North Charleston.

17 THE COURT: Oh, when did she retire?

18 THE JUROR 147: In 1990.

19 THE COURT: Very good. All right, thank you,
20 sir. All right, yes, ma'am?

21 THE JUROR 56: Juror number 56, Cynthia Chapman -
22 -

23 THE COURT: Uh-huh.

1 THE JUROR 56: I used to be employed at the
2 Colleton Sheriff's Office.

3 THE COURT: Tell me what you did for them.

4 THE JUROR 56: *Creative writing.

5 THE COURT: Creative writing?

6 THE JUROR 56: Yes.

7 THE COURT: Very good, thank you. All right,
8 yes, sir?

9 THE JUROR 46: Juror number 46. My ex-wife was a
10 Beaufort County Sheriff.

11 THE COURT: All right, sir, thank you. Yes, sir?

12 THE JUROR 113: Juror number 113. I worked five
13 years for the Department of Corrections.

14 THE COURT: Okay, thank you, sir. I'm sorry,
15 yes, sir.

16 THE JUROR 61: Juror 61, my brother is a Colleton
17 County Deputy Sheriff.

18 THE COURT: Okay, it's your brother?

19 THE JUROR 61: Yes, ma'am.

20 THE COURT: Okay. Give me your number one more
21 time.

22 THE JUROR 61: 61.

23 THE COURT: All right, yes, ma'am.

1 THE JUROR 65: I have a son-in-law who is a
2 Dorchester County Police Correction Center, and then I
3 have a son that's a Special Agent for the State of
4 North Carolina.

5 THE COURT: Okay, thank you, ma'am. Ma'am, what
6 was your number again?

7 THE JUROR 65: 65.

8 THE COURT: I appreciate it. Bear with me for a
9 second now. Before I get the rest of you, can I see
10 the attorneys real quick, please?

11 (Bench conference.)

12 THE COURT: All right, Juror 61, sir?

13 THE JUROR 61: Yes, ma'am.

14 THE COURT: I'm going to excuse you.

15 THE JUROR 61: All right.

16 THE COURT: Thank you. All right, sir, give me
17 your number, please?

18 THE JUROR 166: 166, Robert McDowell. I had a
19 sister a police officer in Lake City, Florida.

20 THE COURT: Okay. Thank you, sir. Yes, sir?

21 THE JUROR 110: Juror number 110, I've got a
22 sister who works for the Colleton County Sheriff's
23 Department.

24 THE COURT: Right now?

1 THE JUROR 110: Yes, ma'am.

2 THE COURT: What's your sister's name?

3 THE JUROR 110: Grant.

4 THE COURT REPORTER: Wait a minute, I didn't hear
5 that.

6 THE COURT: Did you say Ms. Grant?

7 THE JUROR 110: Yes.

8 THE COURT: All right, sir, I'm gonna excuse you
9 as well. Thank you.

10 THE CLERK: What's his number again?

11 THE COURT: What was your number again?

12 THE JUROR 110: 110.

13 THE COURT: Thank you, sir. Okay. Ladies and
14 gentlemen, is there anyone here who's related by
15 blood, or marriage, or a close personal friend of
16 anyone that works at the Fourteenth Circuit
17 Solicitor's Office? If so, please stand. Other than
18 the ones that have been disclosed that they are
19 friends with -- I apologize, Ms. --

20 THE CLERK: Bartlett.

21 THE COURT: Yes, Bartlett, I apologize. Yes,
22 yes, sir, who do you know?

23 THE JUROR 41: Jerry Phillips, I believe he works
24 at the Jail, he's my cousin.

1 THE COURT: He does?

2 THE CLERK: What Juror number are you, sir?

3 THE JUROR 41: 41.

4 THE CLERK: 41.

5 THE COURT: All right, sir, I'm going to excuse
6 you. Anyone else? Do I have anyone here who's
7 related by blood or marriage to any prosecutor of the
8 South Carolina Attorney General's Office? Ladies and
9 gentlemen, is anyone here who's a member of or a
10 financial contributor to any police organization, or a
11 law enforcement organization, or any other similar
12 group; and that would include groups like South
13 Carolina Trooper's Association, South Carolina Law
14 Enforcement Officers' Association, a County Sheriff's
15 Association, or the Fraternal Order of Police. If so,
16 please stand.

17 Is there anyone here who has ever appeared in a
18 criminal trial as a witness for either the prosecution
19 or the defense in a criminal case? If so, please
20 stand.

21 Yes, ma'am, give me your number.

22 THE JUROR 160: I'm sorry, 160.

23 THE COURT: Yes, ma'am, what kind of case was it?

24 THE JUROR 160: It was a murder.

1 THE COURT: And what kind of witness were you?

2 THE JUROR 160: I saw it.

3 THE COURT: Were you an eyewitness or an expert
4 witness?

5 THE JUROR 160: Eyewitness.

6 THE COURT: Okay.

7 THE JUROR 160: Yes, ma'am..

8 THE COURT: Okay, so you were an eyewitness then,
9 all right, ma'am. Let me ask you, obviously, that has
10 nothing to do with this case.

11 THE JUROR 160: No.

12 THE COURT: Completely different charges, nothing
13 even close. I want to make sure you can separate that
14 experience from what we're doing here; do you
15 understand that?

16 THE JUROR 160: Uh-huh.

17 THE COURT: Can you?

18 THE JUROR 160: Yes, absolutely.

19 THE COURT: All right, thank you, you may be
20 seated. Yes, ma'am?

21 THE JUROR 56: I testified in criminal cases in
22 my previous employment.

23 THE COURT: All right. Give me your number,
24 again.

1 THE JUROR 56: 56.

2 THE COURT: All right, thank you. Sir?

3 THE JUROR 106: Juror 106. I served as an expert
4 witness.

5 THE COURT: All right, and tell me what is your
6 expertise in?

7 THE JUROR 106: I'm a Latin American specialist.

8 THE COURT: A Latin American specialist?

9 THE JUROR 106: Yes.

10 THE COURT: All right, so anything about that
11 process that would affect your ability to be and
12 impartial in the trial of this case?

13 THE JUROR 106: No, ma'am.

14 THE COURT: Thank you. And, ma'am, I meant to
15 ask you as well, based on what you just disclosed,
16 again, are you sure you can be fair and impartial in
17 the trial of this case?

18 THE JUROR 56: Yes. Yes, Your Honor.

19 THE COURT: And give me your number one more
20 time?

21 THE JUROR: 56.

22 THE COURT: Thank you.

23 THE JUROR 56: You're welcome.

24 THE COURT: All right.

1 Do I have anyone here who has any training or
2 experience in medicine, criminology, psychology,
3 psychiatry, sociology, nursing, teaching or daycare?
4 If so, please stand. All right, these are just
5 attempted to elicit responses, ladies and gentlemen.
6 I'm going to start over on my far left. I just need
7 you to give me your number, and I need you to tell me
8 what areas of training you have, okay?

9 THE JUROR 153: 153.

10 THE COURT: Yes.

11 THE JUROR 153: Is a psyche nurse, my job.

12 THE COURT: You're a psyche nurse?

13 THE JUROR 153: Yes, ma'am.

14 THE COURT: Where at?

15 THE JUROR 153: I was supposed to start today
16 actually, but I got called for jury duty.

17 THE COURT: Okay.

18 THE JUROR 153: Yes.

19 THE COURT: Thank you, I appreciate it, you may
20 be seated. Yes, ma'am, right here in the front, yes?
21 Your number?

22 THE JUROR 8: Juror number 8. It's been over 20
23 years ago, but as an assistant.

1 THE COURT: Thank you, I appreciate it. Yes,
2 ma'am?

3 THE JUROR 50: Number 50, a Registered Nurse
4 Practitioner.

5 THE COURT: Thank you, you may be seated. Yes?

6 THE JUROR 66: Number 66, a hospice nurse.

7 THE COURT: Thank you. Yes, ma'am?

8 THE JUROR 3: Number 3, teacher.

9 THE COURT: Thank you. All right, yes, ma'am?

10 THE JUROR 140: Juror 140, I was registered with
11 Colleton County.

12 THE COURT: Thank you. All right, I'm gonna say
13 the very far left in the corner, your number?

14 THE JUROR 58: 58.

15 THE COURT: Yes?

16 THE JUROR 58: An elementary schoolteacher.

17 THE COURT: Thank you. Yes, ma'am.

18 THE JUROR 65: 65, and teacher for 15 years.

19 THE COURT: Thank you. Sir?

20 THE JUROR 16: 16, political science college
21 professor.

22 THE COURT: Political science college professor.
23 Where are you a professor at?

24 THE JUROR 16: IT Tech Community College.

1 THE COURT: Okay, thank you, sir, you may be
2 seated. Yes, ma'am?

3 THE JUROR 238: Juror number 238, I was a
4 Registered Nurse, specializing in geriatrics for 17
5 years.

6 THE COURT: Thank you, ma'am. Yes.

7 THE JUROR 56: Juror number 56, I currently
8 employed as an EMT at Colleton Medical Center. I'm
9 also a former DSS investigator.

10 THE COURT: Thank you, you may be seated.

11 Ladies and gentlemen, has any person on this
12 juror panel ever commented on any social media site,
13 that would indicate a bias for or against the
14 Defendant in this case, and that would be with cases
15 with such content as believe the victim's, times up,
16 me too, anything along those lines?

17 Do I have anybody here who is active on those
18 sites, in regards to any victim issues? If so, please
19 stand. Ladies and gentlemen, does anyone know any
20 reason whatsoever you cannot be fair and impartial to
21 the State of South Carolina and the Defendant in this
22 case, Mr. Edwards? If so, please stand.

23 Ladies and gentlemen, if you get chosen on your
24 jury, you are going to hear me repeatedly say that

1 your job, as a juror, is to determine the facts of
2 this case. And, ladies and gentlemen, you determine
3 the facts from what you hear in this courtroom, not
4 through any other outside source, all right? I just
5 want to make sure that everyone understands and is
6 able to do that. Does anyone have any concern, if
7 they're to be chosen as a juror, that that would be
8 difficult for them? If so, please stand.

9 Is there anything further requested from this
10 panel from the State?

11 MS. KEENEY: Nothing from the State.

12 THE COURT: From the defense?

13 MR. SMALDONE: Nothing from the defense.

14 THE COURT: All right. Ladies and gentlemen,
15 what is going to happen now is, all of you have been
16 qualified, and your name is being placed into the
17 computer. It is going to draft me a random list.
18 What is going to happen is, is when your name is
19 called, you're gonna simply stand in place.

20 You're not going to do or say anything. Each
21 side has an opportunity to accept you as a juror, or
22 excuse you as a juror. If both sides accept you as a
23 juror, I'm gonna say, "Come on forward," and I want
24 you to bring all your belongings with you, and you're

1 gonna take a seat, or sit in the box over here,
2 correct, Becky, we're sitting in the box over here,
3 correct?

4 We're sitting on this side, correct?

5 THE CLERK: Yes.

6 THE COURT: Yeah. So, ladies and gentlemen,
7 you're gonna come take a seat, you'll be directed by
8 the Deputy where to go, all right? This may take us a
9 couple minutes, ladies and gentlemen, to draft this
10 list, because I did excuse a good amount of people.
11 And the strikes are five to ten, okay?

12 Ladies and gentlemen, your Clerk of Court is
13 always mindful of taking good care of everybody,
14 suggested that maybe I give you all a bathroom break,
15 because we've been going for two hours. So do not
16 leave the building, ladies and gentlemen, no smoke
17 breaks. As soon as you get in here, I'm gonna get this
18 jury, I'm gonna pull it, and I'm gonna send everyone
19 home, all right, but you're welcome to go refresh
20 yourselves, just be back, ladies and gentlemen, in ten
21 minutes at the very most.

22 (Recess.)

23 THE COURT: All right, ladies and gentlemen,
24 again, just wait and listen to your number and name

1 being called. Again, simply stand in place, and give
2 both sides the opportunity to accept you or excuse
3 you, but, ladies and gentlemen, if you have been
4 excused by one side or the other, just please take
5 your seat, okay, don't leave, because I still need
6 you, okay? Okay.

7 THE CLERK: All right, Juror 58, Taylor Art
8 Christopher. What say you for the State?

9 THE CLERK: You can come up.

10 THE COURT: No, no, no, Lori, I told them to
11 stand in place.

12 THE CLERK: Oh, okay.

13 THE COURT: Yeah, I just told them to stand in
14 place.

15 MS. KEENEY: Please excuse this juror.

16 THE CLERK: You're excused.

17 Juror 66, Amy Covington. What say you for the
18 State?

19 MS. KEENEY: Please present this juror.

20 THE CLERK: What say you for the Defendant?

21 MR. SMALDONE: Please seat the juror.

22 THE CLERK: If you'll come on up front, bring all
23 your belongings with you. Juror 56, Tiffany Chapman.
24 What say you for the State?

1 MS. KEENEY: Please present this juror.

2 THE CLERK: What say you for the Defendant?

3 MR. SMALDONE: Please excuse the juror.

4 THE CLERK: You may be seated. Juror 50,
5 Kathleen Castle. What say you for the State?

6 MS. KEENEY: Please present this juror.

7 THE CLERK: What say you for the Defendant?

8 MR. SMALDONE: Please seat the drawer.

9 THE CLERK: If you'll come forward please, bring
10 all your belongings.

11 Juror 8, Deborah Avant. What say you for the
12 State?

13 MS. KEENEY: Please present this juror.

14 THE CLERK: What say you for the Defendant?

15 MR. SMALDONE: Please excuse the juror.

16 THE CLERK: You may be seated. Juror 71, Patrick
17 J. Cromer. What say you for the State?

18 MS. KEENEY: Please present this juror.

19 THE CLERK: What say you for the Defendant?

20 MR. SMALDONE: Please seat the juror.

21 THE CLERK: If you'll bring all of your
22 belongings please, have a seat up front. Juror number
23 3, Anette S. Adams. What say you for the State?

24 MS. KEENEY: Please present this juror.

1 THE CLERK: What say you for the Defendant?

2 MR. SMALDONE: Please seat the juror.

3 THE CLERK: If you'll come up front, please,
4 bring all of your belongings with you. Juror 244,
5 Chasity L. Williams. What say you for the State?

6 MS. KEENEY: Please present this juror.

7 THE CLERK: What say you for the Defendant?

8 MR. SMALDONE: Please excuse the juror.

9 THE CLERK: You may be seated. Juror 46, John
10 Canitano. What say you for the State?

11 MS. KEENEY: Please present this juror.

12 THE CLERK: What say you for the Defendant?

13 MR. SMALDONE: Please seat the juror.

14 THE CLERK: If you'll bring all your belongings
15 and come up front. Juror 65, Karla S. Combs. What
16 say you for the State?

17 MS. KEENEY: Please present this juror.

18 THE CLERK: What say you for the Defendant?

19 MR. SMALDONE: Please excuse the juror.

20 THE CLERK: You may be seated. Juror 119, Austin
21 M. Hantz. What say you for the State?

22 MS. KEENEY: Please excuse this juror.

23 THE CLERK: You may be seated. Juror 165,
24 Priscilla Gail McCormick. What say you for the State?

1 MS. KEENEY: Please present this juror.

2 THE CLERK: What say you for the Defendant?

3 MR. SMALDONE: Please seat the juror.

4 THE CLERK: If you'll bring all your belongings
5 and come up front please. Juror 101, Jamane N.
6 Gadsden. What say you for the State?

7 MS. KEENEY: Please present this juror.

8 THE CLERK: What say you for the Defendant?

9 MR. SMALDONE: Please seat the juror.

10 THE CLERK: If you'll bring all your belongings
11 and come up front. Juror 140, Patricia D. Hunt. What
12 say you for the State?

13 MS. KEENEY: Please present this juror.

14 THE CLERK: What say you for the Defendant?

15 MR. SMALDONE: Please excuse the juror.

16 THE CLERK: You may be seated. Juror 77, Mindy
17 Davis. What say you for the State?

18 MS. KEENEY: Please present this juror.

19 THE CLERK: What say you for the Defendant?

20 MR. SMALDONE: Please seat the juror.

21 THE CLERK: If you'll bring all of your
22 belongings up front, please. Juror 181, Teresa
23 Newton. What say you for the State?

24 MS. KEENEY: Please present this juror.

1 THE CLERK: What say you for the Defendant?

2 MR. SMALDONE: Please seat the juror.

3 THE CLERK: Please bring all your belongings up
4 front. Juror 159, Naomi Lowenthal. What say you for
5 the State?

6 MS. KEENEY: Please present this juror.

7 THE CLERK: What say you for the Defendant?

8 MR. SMALDONE: Please excuse the juror.

9 THE CLERK: You may be seated. Juror 135, Roger
10 Hiott. What say you for the State?

11 MS. KEENEY: Please present this juror.

12 THE CLERK: What say you for the Defendant?

13 MR. SMALDONE: Please seat the juror.

14 THE CLERK: If you'll please come up front.
15 Juror 39, Michelle G. Bryant. What say you for the
16 State?

17 MS. KEENEY: Please present this juror.

18 THE CLERK: What say you for the Defendant?

19 MR. SMALDONE: Please excuse the juror.

20 THE CLERK: Please be seated.

21 THE COURT: Sit down right in your spot, yeah.

22 THE CLERK: Juror 18, Perry D. Bingley. What say
23 you for the State?

24 MS. KEENEY: Please excuse this juror.

1 THE CLERK: You may be seated. Juror 210, Jacob
2 Sharp. What say you for the State?

3 MS. KEENEY: Please present this juror.

4 THE CLERK: What say you for the Defendant?

5 MR. SMALDONE: Seat the juror.

6 THE CLERK: If you'll please come forward and
7 have a seat up front. Juror 182, Gail Nusser. What
8 say you for the State?

9 MS. KEENEY: Please present this juror.

10 THE CLERK: What say you for the Defendant?

11 MR. SMALDONE: Please seat the juror.

12 THE CLERK: If you'll please come forward and
13 have a seat in our jury box. Your Honor, that's a
14 jury of 12.

15 THE COURT: Okay, let's go ahead and pull two
16 alternates, the strikes are one and two.

17 THE CLERK: For the first alternate, Juror 147,
18 Michael Jordan. What say you for the State?

19 MS. KEENEY: You may present this juror.

20 THE CLERK: What say you for the Defendant?

21 MR. SMALDONE: Please seat the juror.

22 THE COURT: Come on forward.

23 THE CLERK: Please come forward. Juror 106,
24 Timothy Golob. What say you for the State?

1 MS. KEENEY: Please excuse this juror.

2 THE CLERK: If you'll have a seat, please. Juror
3 162, Ronald A. Martin. What say you for the State?

4 MS. KEENEY: Please present this juror.

5 THE CLERK: What say you for the Defendant.

6 MR. SMALDONE: Please seat the juror.

7 THE CLERK: If you'll please come forward and
8 have a seat in our jury box. Your Honor, those are
9 the alternates.

10 THE COURT: Are there any * we need to take up
11 with our jury selection process from the State?

12 MS. KEENEY: Not from the State.

13 MR. SMALDONE: Not for us, no.

14 THE COURT: All right, ladies and gentlemen,
15 those of you that are sitting here, you're my jury, if
16 you'll just sit tight for a few minutes, I'm gonna
17 excuse you in just a minute. For the rest of you,
18 ladies and gentlemen, that are out here, I will
19 release you with my thanks. I appreciate it, you
20 excused for the remainder of the week, thank you.

21 Do you want to hold them?

22 THE CLERK: Yes.

23 THE COURT: Okay, hang on one second, you-all, I
24 apologize. Okay, come on back up.

1 Do you want to check? You said one isn't feeling
2 okay? No, sir? Do you have a problem?

3 THE JUROR *: No, ma'am, just a little tired.

4 THE COURT: I need to make sure that all of you-
5 all are okay, because you're my jury for the trial of
6 this case.

7 THE JUROR: Yes, ma'am.

8 THE COURT: Yes, ma'am?

9 THE JUROR: I just had something happen this
10 morning. I broke a blood vessel in my eyes, so I
11 don't know if it's gonna get worse, or if the doctor
12 said it was okay, I could go, so I just -- and he
13 said, "It's gonna get worse, before it gets, you know
14 --it needs to be resolved.

15 THE COURT: Okay.

16 THE JUROR: So --

17 THE COURT: I understand that, and that's why we
18 have alternates, obviously --

19 THE JUROR: Yes.

20 THE COURT: -- if you have issues; but I also
21 tell people too during this age of COVID, and because
22 people do have issues, it's often very likely that the
23 alternates will become actual jurors in the trial of
24 this case, but I need to know and make sure that

1 everyone else is okay, and is willing to sit in this
2 case.

3 Do I have anyone that has an issue with that?
4 Are you sure? No? Anyone? All right, ladies and
5 gentlemen, this is the only time the lawyers have to
6 present their cases, it's very important, and I want
7 to make sure that everyone understands the importance
8 of that issue.

9 You're not chosen to serve as jurors very often,
10 and the proper performance of that duty really does
11 require you to reach the height of freeing your mind
12 of all improper influences. I know people are tired,
13 I know people have other things they need to be doing,
14 but I need to make sure that everyone here is focused
15 100 percent on the trial before them. Does anyone
16 have an issue with that? Because if you do, I need
17 you to tell me now. All right. And if your eye
18 worsens, you let me know.

19 THE JUROR: Okay.

20 THE COURT: Don't worry about it.

21 THE JUROR: Okay.

22 THE COURT: Just if it worsens, you let me know,
23 okay? All right. Ladies and gentlemen, the panel
24 back here, what I'm going to ask you to do is, I'm

1 going to ask you to call in tomorrow after 6:00 p.m.,
2 just to make sure I don't need you, that I don't have
3 anything else. I don't think I'm going to, ladies and
4 gentlemen. Just out of an abundance of caution, I'm
5 going to ask you to call the juror line.

6 Ladies and gentlemen, until then go about your
7 business, do whatever you need to do. Also, go to
8 work, if you want to, do whatever you have to do, but
9 if it does say come back on Wednesday morning for some
10 reason, it will -- if it does say that, it'll say,
11 please come back Wednesday morning at 9:30 or 10:00,
12 please just follow the instructions. If you have a
13 real problem, you need to call the Clerk of Courts
14 Office, and ask to talk directly to Becky to --
15 directly to the Clerk of Court, Becky Hill, and while
16 she can't excuse anyone, she turns around and calls
17 me, and then if I can see if it's something I can
18 excuse you for, of course, I will, but if not you will
19 be called in for another matter.

20 All right, so I'm just going to ask, if you can
21 call tomorrow night after 6:00 p.m. on the jury line,
22 okay, those of you out there that are excused. Thank
23 you.

24 (Unselected jury venire exits the courtroom.)

1 THE COURT: Can we get that door shut? Thank
2 you, is the door shut? All right, thank you, I
3 appreciate it.

4 Ladies and gentlemen, again, welcome, I'm Judge
5 Carmen Mullen, I'm trying this case with you here this
6 week. I'll also tell you that I'm the Chief
7 Administrative Judge for the Fourteenth Circuit for
8 criminal cases, and I think I have been that for --
9 since we've had our latest Chief Justice, which has
10 been about four years or so.

11 So it's my privilege and honor, certainly, to be
12 with you in serving this week, and handling this case.
13 I need to give you a few ground rules though before we
14 start. Ladies and gentlemen, first off, you must not
15 discuss this case with anyone, and that includes each
16 other, until you've heard all the evidence, you've
17 heard the closing arguments from the lawyers, and
18 you've heard my charge on the law. And the reason is
19 this, someone's going to try to tell you something
20 about something, when they know nothing about this
21 case, all right?

22 So to avoid that, I'll tell you not to discuss
23 it. The only thing you're permitted to say when you
24 go home to a family member, a colleague, a neighbor,

1 "I've been chosen as a juror in the trial of a
2 criminal case." You cannot say the charges, you
3 cannot say the Defendant's name, you cannot say any
4 potential witnesses, all right?

5 Additionally, you are not to do any independent
6 research, whether by computer, or anything along those
7 lines. You are going to have everything you need to
8 decide this case right here in this courtroom, and it
9 would be highly inappropriate for you to be influenced
10 in any other outside way, such as in the newspaper,
11 ladies and gentlemen, but I can assure you that
12 anything that is in the newspaper is not factual.

13 Again, you will have everything presented to you
14 for your determination. In this case, your job is
15 going to be to determine the facts. I'm gonna give
16 you the law at the end of the case, and your job is
17 going to be to determine the facts and apply them to
18 the law, as I give it to you, and from there, you're
19 going to render a verdict. So that's going to be your
20 job, and, again, you don't need any outside help or
21 influence.

22 And to that end, ladies and gentlemen, we ask
23 that you keep your cell phones back in your cars, or
24 at home while you're here, and the only reason is,

1 that you can get so much information off of a Smart
2 phone these days, I don't want anyone tempted, all
3 right? So just leave it back in your car. If you're
4 worried about being able to reach someone emergently
5 while you're here, we've got phones, simply ask the
6 Deputies to go to a phone, and they will take you to a
7 phone.

8 If you have a family member that maybe might need
9 to call you while you're up here, if there's any
10 issues, just tell them to call the Clerk of Courts
11 Officer here, and tell them you're a juror.

12 This is the only jury trial going on, ladies and
13 gentlemen. We've only got this main courtroom for
14 their cases, and, again, I'm gonna immediately come
15 talk to you, because she's gonna come to me, okay?

16 Also, the attorneys, the witnesses, the parties
17 in this case have been instructed in coming and going
18 from the courthouse, not to speak with you, and the
19 reason is this, even just an innocent conversation of,
20 "It's so hot outside," is going to be reported, and
21 I'm going to have to ask you about it. So out of the
22 abundance of caution, I just tell them not to speak
23 with you in coming and going, which is why you always
24 have your orange badges, when you're walking around.

1 Also, ladies and gentlemen, you're not permitted to
2 speak to me either.

3 And so if you have any issue whatsoever about
4 anything, the first thing I need you to do is, in
5 private, go to the Clerk of Court. First tell the
6 Deputy, and say, "I need to go speak with Ms. Hill
7 about something," but I don't want you to talk to the
8 other jurors. Again, I don't want anything to
9 contaminate a jury panel, that's why we have
10 alternates.

11 So for some reason I have someone who I have to
12 release, I don't want everyone else knowing, you know,
13 that something else was going on, okay? Is everyone
14 fine with that, all right?

15 The last thing I need you to do, ladies and
16 gentlemen, is elect a Foreperson, and then you're
17 going to do that when I send you back to your jury
18 room. The Foreperson doesn't have anymore say than
19 anyone else, they're simply the person that
20 communicates with me about scheduling, which is going
21 to be our next issue, about scheduling in this case;
22 and they're also the person that when I send this case
23 to you for your deliberations, they're going to make
24 sure everyone is participating, and they're also going

1 to sign the verdict form and date it at the very end,
2 all right?

3 That leads me to my last point, when we talk
4 about promptness. Ladies and gentlemen, I can't start
5 until all 14 of you are here, and the attorneys and
6 the parties and everyone else, so you need to be
7 timely. I need to know if you-all would prefer to
8 start at 9:00 a.m. or 9:30. I can tell you that I'm
9 gonna be here a lot earlier than that, but I need to
10 know schedule-wise, I just don't know what your
11 schedule is.

12 Does anyone have a strong preference for later at
13 9:30? And it's fine, it does not matter. I know
14 we're all willing to be here, it's completely up to
15 you. I will tell you that we're typically going to
16 run for about an hour, hour and a half or so, and take
17 a break. You'll have coffee, coke, you'll have
18 snacks, things to keep you going, and we're gonna run
19 until probably our lunchbreak, which at the courthouse
20 is usually around 1 o'clock. It really depends on the
21 witnesses, and how tired you look to me, because my
22 job is, I sit here and watch you, and see how
23 exhausted everybody is. So we'll break around 1
24 o'clock or maybe a little bit before that.

1 During your lunch hour you are free to go grab a
2 bite to eat, and I'd like to get you out of the
3 courthouse if I possibly can. And I anticipate
4 tomorrow absolutely I will tell you, go out and grab
5 some lunch. I typically only feed you in the
6 courthouse, if I think it's gonna get us through
7 something faster that we want to get in, if that makes
8 sense.

9 So I just want you to anticipate that. I also
10 need to know if anyone needs to be somewhere at a
11 specific time tomorrow afternoon, because I know you
12 didn't know you were going to be chosen, and you
13 didn't know how late we were gonna run. So do I have
14 anyone that say needs to be somewhere at 5:00 or 5:30
15 tomorrow? And I can run as long or as short as you-
16 all are willing to do, but I will tell you my
17 experience doing this, it's a hard job you-all have.
18 You have to sit there, you have to listen to everyone,
19 but you can't ask questions, and you can't talk, and
20 you can't leave unless you raise your hand, and ask me
21 to go, if you want to go leave.

22 So, ladies and gentlemen, again, I appreciate
23 that, and I try very hard to look at my jurors to
24 figure out who's tired, what you need. If at any

1 point you need anything, please wave me down.
2 Actually, Deputies or any of the women up here, and I
3 can tell you, you just do this, I'll know you need a
4 break, okay, and we'll take one. So is that
5 acceptable to everybody?

6 So the only thing I ask is, when you go back to
7 your jury room, elect that Foreperson, that person's
8 gonna take this very front seat, so I know who I'm
9 communicating with.

10 I need my alternates to stay where they are, but
11 the rest of you as you are coming and going from the
12 trial of this case, you're welcome to move your seats
13 around, all right? If you are too hot, too cold, you
14 need to let Ms. Hill know, but I always suggest in the
15 courthouse, and this is in every courthouse in the
16 State, because we go from sweltering to freezing, it's
17 *, so I tell people to bring at least one layer, just
18 in case we get real cold, but if you do have a real
19 problem and you're getting real cold, let us know,
20 because I'm sure we can gather up some blankets, and
21 figure out something, okay? But I'd just suggest it,
22 don't laugh, we do it in the courthouses, we actually
23 have blankets and umbrellas.

1 So, ladies and gentlemen, the only thing I'm
2 gonna ask is -- go home and get a good night's sleep.
3 9:00 or 9:30, someone --

4 THE JUROR: 9 o'clock.

5 THE COURT: Pardon?

6 THE JUROR: 9 o'clock.

7 THE COURT: Thank you. Is that okay? Ladies and
8 gentlemen, I will tell you, that if we begin at 9
9 o'clock, I'm sure we will be done well before 5:00
10 tomorrow, it's just only so long that you can go. I
11 mean it's difficult to sit, so -- and I appreciate
12 that. And I can tell you that in talking to jurors
13 over the years, and even my friends who sit on jury
14 duty, they get tired, they say it's hard.

15 So anyway, so let's start at 9 o'clock. If
16 anyone falls ill, or has a serious problem over the
17 evening, I need you to call to the Clerk of Courts
18 Office and leave a message, and call and get ahold of
19 someone, and tell me what your problem is. If it's
20 car trouble, we're gonna come pick you up. If you
21 have a sick child, that's a different story, we're
22 gonna have to send an alternate, or if it's something
23 you fall ill, that's another issue during this time of

1 COVID, I want to try real hard not to get everybody
2 sick, and we've been very lucky.

3 I have not had a juror get sick yet, which I am
4 super grateful for, but I know it's happened a couple
5 of times in our State. So with that issue, ladies and
6 gentlemen, just make sure you let us know if you feel
7 sick, if you do feel sick, call in, or at a minimum
8 come in with a mask, but don't go back in that jury
9 room and sit with your other jurors, okay, and we'll
10 deal with you, okay?

11 Ladies and gentlemen, again, I appreciate it.
12 I'm gonna excuse you back to your jury room. They are
13 gonna want the best contact number for you, in case
14 anything changes, we want to be able to contact you
15 directly, all right? And I look forward to seeing you
16 all at 9:00 a.m. tomorrow, and we'll begin the trial
17 of this case. I know we'll be done by Wednesday,
18 there's no question in my mind, so you're gonna be
19 free the rest of the week, okay?

20 Thank you, ladies and gentlemen, I'm gonna excuse
21 you back. I know that Judge Buckner took that back
22 jury room, right, so --

23 THE BAILIFF: He took one of them.

1 THE COURT: He took one of them, okay. So I've
2 been working with Judge Buckner for a lot of years, so
3 your other jury room's gonna be back here. He's gonna
4 take you back there right now and get some phone
5 numbers, and then they're gonna release you.

6 Again, I'll see you tomorrow at 9:00 a.m., okay?
7 Thank you.

8 (Jury exits courtroom.)

9 THE COURT: I'm waiting for them to close the
10 door. Thank you.

11 So what do we have in the way of pretrial
12 motions?

13 MS. KEENEY: Judge, we have a Jackson v. Denno
14 hearing. My officer is in SRO training and is
15 planning on being here in the morning. I think it
16 will take about 10 minutes. I don't plan on playing
17 his actual interview. So a very quick 10 minutes.

18 THE COURT: Okay. Anything else we need to do
19 pretrial?

20 MR. SMALDONE: I can't think of anything, Your
21 Honor, that I know of. It might unfold with hearsay
22 and stuff like that, but nothing yet.

23 MS. KEENEY: I do have a motion though.

24 THE COURT: What?

1 MS. KEENEY: About Juror 101.

2 THE COURT: Okay.

3 MS. KEENEY: I watched him yell, or I heard him
4 yell, "Are you shitting me?"

5 Well, he was already on the jury. You were about
6 to make comments, and you were releasing the jury
7 pool. He yells, "Are you shitting me?"

8 I asked to approach. You asked if everything was
9 okay. He said, "No."

10 THE COURT: No. He didn't say "no." He shook
11 his head. There is a difference. I asked him. I
12 looked straight at him and I said, "Are you okay?"

13 Are you sure?" He said, "I'm tired." I told him
14 to go to sleep. Go home. Let's just see how he is in
15 the morning.

16 If I have to replace him, I can. Let's just see
17 how he does. Once he knows that something was said or
18 - he knows that - I didn't hear him say, you know, the
19 "S" word, but I believe you 100%.

20 So let's just see how he does.

21 MS. KEENEY: Just very briefly. The only other
22 concern was when you said, both parties have waited a
23 long time for this. You all have to pay attention,
24 then he shook his head. So those are the things I

1 observed that I wanted to bring to the Court's
2 attention. I have never seen someone so adamant about
3 not being on the jury.

4 THE COURT: All right. So we will be doing
5 Jackson v. Denno in the morning, and you will have
6 your officer ready to go?

7 MS. KEENEY: Yes, Your Honor.

8 THE COURT: Okay. We will see you all in the
9 morning.

10 (At 4:53 p.m. the proceedings were continued to
11 the following day without interruption.)
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1 PROCEEDINGS

2 ***

3 TUESDAY, JUNE 14, 2022

4 WALTERBORO, SOUTH CAROLINA

5 (The following proceedings were heard in
6 open court. The defendant was present along
7 with his attorney as well as the attorney for
8 the State of South Carolina.)

9 ***

10 JACKSON v. DENNO HEARING

11 THE COURT: Good morning. We are doing the
12 Jackson v. Denno this morning. Solicitor, do
13 you have your officer here?

14 MS. KEENEY: The State calls Shannon Thomason.

15 SHANNON THOMASON

16
* * *

17 being first duly sworn, testified as follows:

18 THE COURT: Good morning.

19 MS. THOMASON: Good morning.

20 THE COURT: All right, can we briefly -- let's
21 just kind of move this along. Just give us your name
22 for the record, give me your background. And when I
23 say your background, just give me who you work for.

24 MS. THOMASON: Shannon Thomason, and I work for
25 the Colleton County Sheriff's Office.

VOIR DIRE EXAMINATION

BY MS. KEENEY:

Q. Officer Thomason, what's your position?

A. I am a Sergeant.

Q. Okay, and what was your position, what was your role at the Sheriff's Office in July 2017?

A. I was an Investigator.

Q. And were you assigned to investigate this case that we're here for today?

A. Yes, ma'am.

Q. Okay, and on August 2nd of 2017, did you have an opportunity to interview the Defendant, Ricky Edwards, Jr.?

A. Yes, ma'am.

Q. Okay, and when you interviewed him, was he under arrest, or what was the situation with that?

A. Yes, ma'am, he was under arrest.

Q. Okay, and when -- before you asked him any questions, did you advise him what we call the Miranda rights?

A. Yes, ma'am.

MR. KEENEY: Your Honor, may I approach?

THE COURT: You may.

1 (Court Reporter marks State's Exhibit Number 1,
2 Miranda Rights form, as attached hereto.)

3 BY MS. KEENEY:

4 Q. I'm gonna show you what's marked as Court's
5 Exhibit Number 1, and ask you, if you recognize this?

6 A. Yes, ma'am, I do.

7 Q. What is that document?

8 A. This is going to be the Miranda rights that I
9 went through with him.

10 Q. And did the Defendant initial that he
11 understood each of those rights?

12 A. Yes, ma'am.

13 Q. And did the Defendant sign at the bottom
14 indicating that he wished to waive those rights?

15 A. Yes, ma'am.

16 MS. KEENEY: And, Judge, for purposes of time,
17 I'm not gonna have her read through those, I'll just
18 hand it up to you for review, the standard Miranda
19 form.

20 BY MS. KEENEY:

21 Q. At any time did he wish to terminate the
22 interview?

23 A. No, ma'am.

24

1 Q. Okay, and at any time did you threaten him
2 into making a statement?

3 A. No, ma'am.

4 Q. At any time did you promise him anything in
5 exchange for a statement?

6 A. No, ma'am.

7 Q. And did he appear to be under the influence
8 of any alcohol or drugs, to the extent that it would
9 impair his ability to understand what was going on?

10 A. No, ma'am.

11 Q. And how long was the interview,
12 approximately?

13 A. Approximately, 40 minutes.

14 Q. Where was the interview done at?

15 A. At the Sheriff's Office.

16 Q. In an investigator room?

17 A. Yes, ma'am.

18 Q. Okay, and did the Defendant make statements
19 to you?

20 A. Yes, ma'am.

21 Q. Can you briefly tell us what he said about
22 the night of the incident?

23 A. Yes, ma'am. He denied any sexual abuse with
24 Kirstian. He also said that he gave Kirstian and

1 Bayleigh a Lemon Drop. He said that he gave it to
2 them, as a placebo to keep them calm, but he claimed
3 that it didn't have any alcohol in it.

4 He said that Kirstian went into her room in the
5 middle of the night, and then him, his mom, and
6 father, and Bayleigh stayed on the couch.

7 Q. Okay, and Tabitha as well?

8 A. Yes, ma'am.

9 Q. Okay.

10 MS. KEENEY: That's all, Your Honor.

11 THE COURT: Okay. Anything from defense counsel?

12 MR. SMALDONE: Honestly, no, Your Honor.

13 THE COURT: Okay, thank you.

14 All right, you may step down, thank you.

15 WITNESS: Thank you.

16 THE COURT: All right. Any argument from defense
17 counsel? No?

18 MR. SMALDONE: Nothing, Your Honor.

19 THE COURT: Okay, all right.

20 MS. KEENEY: Who has the Court's exhibit?

21 THE COURT: I do.

22 MS. KEENEY: Oh, okay.

23 THE COURT: It's right here. I'm sorry.

24 Any other motions for this morning?

1 MR. SMALDONE: None.

2 THE COURT: Any sequestration motion? Anything
3 else?

4 MS. KEENEY: No, Your Honor, the only issue --

5 THE COURT: Yes.

6 MS. KEENEY: -- that I think that we might have
7 is for -- the defense has some text messages that he
8 plans on prosecuting the victim with.

9 THE COURT: Okay.

10 MS. KEENEY: I'm afraid that her response is
11 gonna elicit maybe some prior incidents. If you want
12 to see the text messages --

13 MR. SMALDONE: Sure.

14 MS. KEENEY: -- do you have them for her?
15 They're between her and her mother, they're really
16 Facebook messages.

17 THE COURT: Okay, you need to mark them and admit
18 them for Court's ID right now, as defense exhibits,
19 something.

20 MR. SMALDONE: Right.

21 THE COURT: Okay?

22 MR. SMALDONE: It's the ones from earlier.

23 THE COURT REPORTER: Yes, sir, how many do you
24 have?

1 MR. SMALDONE: Two.

2 THE COURT REPORTER: Okay.

3 MR. SMALDONE: Unless -- does each page need to
4 be marked and stapled?

5 THE COURT REPORTER: No, sir.

6 MR. SMALDONE: Okay, then two.

7 THE COURT: Yes, sir.

8 (Court Reporter marks Defendant's Exhibit Number
9 1, as attached hereto.)

10 (Court Reporter marks Defendant's Exhibit Number
11 2, as attached hereto.)

12 THE COURT: Oh, can I see them? Okay, so I'm not
13 quite sure, as far as --

14 MS. KEENEY: There's a part where it says, "For
15 what I did, I don't want to scare the family -- was
16 the last minute."

17 THE COURT: Okay.

18 MS. KEENEY: So when he -- he's the cross-
19 examiner saying that she's basically compliant, as far
20 as she made it up.

21 THE COURT: Uh-huh.

22 MS. KEENEY: Her response is, she's sorry for
23 making the disclosure, and, basically, breaking the

1 family apart, and with that part about, "I don't want
2 to be around that family anymore," --

3 THE COURT: Yeah.

4 MS. KEENEY: -- she is referring to all the drugs
5 and, you know, physical abuse that occurred in that
6 house. And so I would just pray that -- I mean I
7 understand, it's hard to explain this in order for her
8 to explain what she meant by that.

9 THE COURT: It's gonna open the door --

10 MS. KEENEY: Yes.

11 THE COURT: -- by doing this, yeah. Let me ask
12 you, when was this done? This looks a little strange
13 up here to me on the top. It almost looks like the
14 second message is cut off, and it may not be, it's
15 just the way I'm looking at it.

16 Do you see what I'm saying?

17 MS. KEENEY: It is, and I have it from the
18 victim's side, it looks a little different.

19 THE COURT: Can I see that?

20 MS. KEENEY: Yes, ma'am.

21 THE COURT: Okay.

22 MS. KEENEY: That's the rest of the -- I haven't
23 marked that yet, but --

24 THE COURT: Okay.

1 MS. KEENEY: That top message is half --

2 THE COURT: Okay, this is here. Okay, so that's
3 the full message?

4 MS. KEENEY: Yes.

5 THE COURT: Okay.

6 MS. KEENEY: So he admits, and I was going to
7 admit the top part of the contents.

8 THE COURT: And is he just, "Okay, hey," or is
9 that her?

10 MS. KEENEY: I gave you my phone, so I --

11 THE COURT: You gave me your copy. I'm just not
12 understanding he was -- so this looks like this is a
13 girl, this is the girl, this is a picture of the girl,
14 right? So --

15 MS. KEENEY: Yes.

16 THE COURT: -- it's that girl.

17 MS. KEENEY: That's Tabitha.

18 THE COURT: Who's the K?

19 MS. KEENEY: The victim.

20 THE COURT: Okay.

21 MS. KEENEY: -- nis the --

22 THE COURT: Who is Tabitha?

23 MS. KEENEY: The Defendant's wife.

24 THE COURT: Thank you.

1 MS. KEENEY: Mom of the victim.

2 THE COURT: That's what I need to understand.

3 Okay, here I'm gonna give this back to you.

4 So from defense counsel, you are gonna open up
5 the door, but I think you have to live with what
6 you're asking, because you're trying to use this for
7 something else, so I just want to make sure that you
8 understand that.

9 MS. SMALDONE: I do understand. I would like
10 some kind of limiting -- and I get that there will be
11 a door opened. I'd rather not -- I'd rather some
12 mitigation though, rather than her get into every
13 single bad act that's ever happened.

14 THE COURT: I don't think she needs to say every
15 bad act, I think she can just, in general, say what
16 she was referring to, and she doesn't want to be
17 around that family. I think she can say the drugs at
18 that house, as well as the physical abuse, it's not
19 one specific bad act.

20 It's even not attributed to a single person, it's
21 just the house in general, and I think she can say
22 that.

23 MR. SMALDONE: Honestly, me too.

24 THE COURT: Okay.

1 MR. SMALDONE: As long as we don't get into one
2 time --

3 THE COURT: Specific bad acts by him.

4 MR. SMALDONE: Right.

5 THE COURT: Okay?

6 MR. SMALDONE: Yes, that's what I agree to.

7 MS. KEENEY: I'm just making sure she understands
8 that that's all you mean, drugs and physical abuse,
9 and what happened with that. I just didn't want to
10 cause a mistrial, so that's --

11 THE COURT: And I appreciate that, okay.

12 MS. KEENEY: The State's ready, Your Honor.

13 THE COURT: Okay. You ready, sir?

14 MR. SMALDONE: Yes, Your Honor.

15 THE COURT: Let's bring the jury in, please

16 THE CLERK: Yes, ma'am.

17 (The jury enters the courtroom.)

18 THE CLERK: Good morning, if I could have you
19 stand real quick. I'm gonna swear you in as the jury,
20 if you'll raise your right hand for me?

21 (Jury duly sworn and empaneled)

22 THE COURT: Good morning, ladies and gentlemen.

23 THE JURORS: Good morning.

1 THE COURT: It is a pleasure to see you-all,
2 thank you. Ladies and gentlemen, what I'm now going
3 to say to you is intended to serve as an introduction
4 to the trial of this case. These remarks are not a
5 charge on the law. I'm going to instruct you on the
6 law that's applicable to this case at the very end of
7 the trial.

8 Ladies and gentlemen, this is just an explanation
9 of the procedure that we're gonna follow, so you can
10 better understand what's going on. Now, in this case,
11 ladies and gentlemen, the Defendant, Mr. Edwards, has
12 been charged by a bill of indictment filed in this
13 Court, with the offense of criminal sexual conduct
14 with a minor in the third degree. Again, the elements
15 of which I will explain to you at the end of this
16 trial.

17 Ladies and gentlemen, an indictment is simply the
18 charge by which a case is brought into the courtroom,
19 and it is not in any sense evidence of the allegations
20 that it contains.

21 Now, in this case, the Defendant, Mr. Edwards,
22 has pled not guilty to this indictment. The State,
23 therefore, has the burden of proving each of the
24 elements of the indictment, beyond a reasonable doubt,

1 and it's your duty, as jurors, ladies and gentlemen,
2 to decide whether or not the State has met that
3 burden.

4 Now, your purpose as jurors is to find and
5 determine the facts. You, the jury, are the sole
6 judge of all facts in this case. If at any time I
7 make any comment, regarding the facts of this case,
8 you must disregard it, and you are to determine the
9 facts in this case, from the testimony you're gonna
10 here right here from the witness stand, as well as any
11 other evidence that's introduced into this case.
12 Ladies and gentlemen, please understand that it is
13 especially important that you perform your duty in
14 determining the facts diligently and conscientiously,
15 because, ordinarily, there's no way to correct an
16 error as to determination of facts by a jury.

17 The same law, ladies, and gentlemen, that makes
18 you, the jury, the Judge of facts, makes me the Judge
19 of the law. The law, as given by the Court is the
20 only law you may consider. I cannot tell you what the
21 facts in this case are, and you cannot disagree with
22 me about what the law is, or what you think the law
23 ought to be.

1 At the end of this trial your job is to take the
2 law, as I give it to you, and apply it to the facts,
3 as you find them, and from there render a true and
4 just verdict.

5 Now, until I tell you to begin your
6 deliberations, you must not discuss this case with
7 anyone, and that includes each other, until you've
8 heard all the evidence, you've heard the closing
9 arguments, and you've heard my charge on the law. I
10 also told you that I've instructed the parties, the
11 attorneys, and the witnesses in coming and going from
12 the courthouse, if they run into you, that they are
13 not to speak to you.

14 Again, please understand that if they don't even
15 smile or say hello, they're not being rude, they're
16 simply following my orders.

17 Also, ladies and gentlemen, I don't think there's
18 gonna be anything in the newspaper, or the news, or
19 anything over the lunch hour on this case, but, again,
20 out of an abundance of caution, I'm required to tell
21 you that you are not to read, watch, listen to, or do
22 any independent research about this case, or about the
23 subject of this case. Your verdict must be based
24 solely on the evidence that's presented to you here in

1 this courtroom, and the law that I'm going to give you
2 at the end of the trial.

3 Now, ladies and gentlemen, in just a moment the
4 Solicitor is going to make what's called an opening
5 statement, in which the Solicitor is gonna explain to
6 you the issues in this case, or what she believes to
7 be the issues in this case. And then the defense
8 counsel's also going to make an opening statement,
9 although he's not required to do so. Please
10 understand what these lawyers tell you in their
11 opening statements is not evidence in the case.

12 Again, it's just their contentions, what they
13 believe the issues are in this case. I'll remind you,
14 evidence comes from the witness stand, as well as what
15 is actually entered in the trial.

16 And I want you to know that from time-to-time you
17 may hear the lawyers say something like, "Your Honor,
18 there's a matter of law we need to take up," or I may
19 motion them to come talk to me at the bar, where we
20 have a conference to decide the bar. I may even send
21 you out of the jury -- or out of the courtroom to the
22 jury room. I want you to understand something, we're
23 not hiding anything from you. Oftentimes, when I have
24 to rule, as a matter of law, whether or not certain

1 testimony is admitted, I may make comments on the
2 facts of the case, and because I would never want
3 anything I do to influence you, in your determination
4 of the facts, out of an abundance of caution we just
5 do it outside your presence.

6 Now, in determining what the facts are in a case,
7 you must decide whether or not the testimony of the
8 witnesses is believable. It's my responsibility to
9 rule, as a matter of law, whether or not certain
10 evidence is admitted, or testimony is not admitted,
11 but once it is admitted, whether or not you believe
12 it, is for you to determine. In deciding whether to
13 believe a witness, you have the right to consider the
14 interest of any witness, the bias of any witness, and
15 you can look at the opportunity that witness had to
16 have seen the things and matters about which they're
17 testifying, and you can also look at the way the
18 witness acts on the witness stand.

19 You have the right to consider anything that is
20 in the record to help you determine the facts in this
21 case. And I respectfully ask you to play close
22 attention to the witnesses, ladies and gentlemen, so
23 at the very end of the trial you can accurately
24 remember their testimony.

1 Now, I understand from the Clerk of Court that
2 you've requested to be able to take notes, and we've
3 provided you with notepads and pens. Ladies and
4 gentlemen, first, I want to make sure you understand
5 you are not required to take notes. Some people are
6 notetakers, some people are not. Also, ladies and
7 gentlemen, some people are better notetakers than
8 others. At the very end of this trial you're going to
9 hear me say that you are not to consider notes by
10 another juror, simply because that juror took notes.

11 Again, I'm gonna tell you that you need to rely
12 on your own independent recollection. And I can tell
13 you that coming and going from the courtroom, I'm
14 sorry, I keep pointing back this way, because I'm new
15 to the courthouse, the jury room's back there, yours
16 is over here, but you're going to leave your notepads
17 in your seats; but at the very end of the trial, when
18 you go back there for your deliberations, you will
19 have them with you, all right.

20 So you can take them, but until then I'm asking
21 you keep them here. And I'm hoping that you had to
22 put a number on them, or a name somehow, so,
23 certainly, an identifier on there. Do you people
24 remember your juror numbers, put that on, okay? Just

1 write the juror number in a corner, like, somewhere,
2 okay?

3 Ladies and gentlemen, we're going to go ahead and
4 begin the trial of this case with the opening
5 statements. Any exceptions or additions from the
6 State?

7 MS. KENNEY: No, Your Honor.

8 THE COURT: From the defense?

9 MR. SMALDONE: No, Your Honor.

10 THE COURT: Ladies and gentlemen, we can go ahead
11 and begin the trial. Give the Solicitor your
12 attention, please.

13 MS. KENNEY: May it please the Court?

14 THE COURT: Yes, ma'am.

15 ***

16 OPENING STATEMENT BY MS. KEENEY

17 MS. KEENEY: On October 7th of 2016, the night
18 Hurricane Matthew hit, that same night, while everyone
19 else was asleep, 35-year-old Ricky Edwards, Jr. tried
20 to have sex with his 14-year-old stepdaughter. This
21 occurred in their home in Cottageville.

22 Now, at the time, the victim, Kirstian, she was
23 living at the home with her biological mother, Tabitha
24 Edwards, the Defendant, who's her stepdad, the

1 Defendant's parents, Rhonda and Ricky Edwards, Sr.,
2 and her half-sister, Faith, who also was there.

3 Now, the Defendant had been in Kirstian's life
4 practically her whole life, he helped raise her, but
5 instead of being the stepfather that stepped up, he
6 was the father from a nightmare.

7 Now, you're going to hear from the victim in this
8 case, and she's gonna tell you exactly what happened
9 that night. She's gonna tell you exactly what the
10 Defendant did, and she's gonna tell you what she did.
11 And what's interesting is, what she did was, she
12 pretty much immediately told her mother, Tabitha.

13 Tabitha is over there with the curly hair,
14 sitting on the Defendant's side. She told her mom
15 what happened. Her mom in return confronts the
16 Defendant. The Defendant calls her a liar, and then
17 when everyone wakes up the next morning pretends it
18 didn't happen. Swept it under the rug like nothing
19 happened at all.

20 Kirstian's gonna tell you that when she went back
21 to school after what I call the hurricane break, when
22 all the kids go back to school, like everyone goes
23 back to work, she told one of her friends, a girl
24 named Shelby Pruitt what happened; but it wasn't until

1 July, 2017 when she finally told the right person.
2 She told her aunt, Stephanie Owens, what the Defendant
3 did.

4 And when Stephanie heard what happened, she did
5 what an adult was supposed to do. Her and her other
6 sister they called law enforcement, got the law
7 enforcement involved, because they knew that this is
8 not something you sweep under the rug. You don't just
9 pretend that a grown man, who just tried to have sex
10 with a 14-year-old didn't happen. You don't try to
11 wipe that away.

12 So they called law enforcement, law enforcement
13 gets involved, they investigate, DSS gets involved.
14 And as a result, Kirstian who had to go live with
15 Stephanie, and, initially, Bayleigh, her half-sister
16 has to go to live with Stephanie, and they're
17 separated from their mother.

18 Their mother to this day stands by her man. She
19 took those vows for better or for worse, she's
20 standing by her man. And you might question, why
21 would mom do that? I don't know. All I know is, that
22 I've been a prosecutor for ten years, and Tabitha
23 Edwards, she's not the first woman to do this, and
24 she's certainly won't be the last; but here's the

1 thing we're not here about Tabitha's bad parenting,
2 we're here about the 35-year-old man trying to have
3 sex with a 14-year-old girl, that is why we're here.

4 The Defendant is charged with criminal sexual
5 conduct with a minor third degree. And there's a
6 bunch of words in it, but, basically, it means that
7 someone that's over the age of 14, which he is, he was
8 35 at the time, he commits what we call a lewd act on
9 someone under the age of 16, so Kirstian was 14 at the
10 time. And a lewd act means, basically, an indecent
11 act, and it had to have the intent, like a sexual
12 intent, if that makes sense.

13 So you're gonna hear about the different body
14 parts the Defendant touched, and about what he said to
15 her, about how he were to have sex with her. And so
16 simply put, he didn't have sex with her, he tried, she
17 kind of stopped it, and then she told her mom, and so
18 that's what a lewd act is, an act that nobody wants to
19 be here to hear about.

20 I believe that there's probably a million other
21 things to do -- that you want to do than have jury
22 duty; but the good news for you is, is that this case
23 will be very quick, and you won't have to be here all
24 week, you'll be here pretty in and out, and then you

1 won't have to worry about jury duty for another four
2 years.

3 So please pay careful attention, because the
4 victim -- she's waited six years to hold him
5 accountable, that's a long time. And so this is her
6 week, and we are asking that you pay close attention,
7 and that you find him guilty. Thank you.

8 THE COURT: Thank you.

9 ***

10 OPENING STATEMENT BY MR. SMALDONE

11 MR. SMALDONE: Good morning. Ladies and
12 gentlemen of the jury, first of all, thank you-all for
13 being here. As you've heard from the Solicitor, as
14 you've heard from the Judge this will be a real short
15 week.

16 I appreciate you being here today, I'm sure the
17 State appreciates you being here today, and Ricky
18 appreciates you being here for this day. I do
19 emphasize the word they. As you heard, it's gonna be
20 a short trial. Why is it gonna be a short trial?
21 Well, the State's not really gonna be able to show you
22 anything, right? We have an indictment, as you-all
23 heard that contains an accusation, right? And every
24 criminal case pretty much begins with an accusation,

1 saying so and so did such and such. That is the
2 beginning of a criminal investigation, that's the
3 beginning of a criminal case, an accusation. And what
4 happens? The cops investigate, you get evidence, you
5 collect any forensics, anything like that, you follow-
6 up on things, and then maybe if there's enough
7 evidence, we make an arrest, and then once there's an
8 arrest you may follow-up, tie up some loose ends, and
9 then it's your day for trial. In this case it seems
10 like we skipped about all of the steps, because what
11 we have is a story by a young girl, who didn't want to
12 live at home anymore, so she blamed and did target
13 Ricky, and the story that is impossible to prove.
14 Ricky was arrested ten months after this supposedly
15 happened, and has waited six years for his day in
16 court. And on the way here I was driving -- I live
17 out in West Ashley in Charleston, I was driving, and I
18 saw a cop. And I drive a red car, so like I'm always
19 a little worried about, you know, the cops there,
20 because they don't show me any favors, no offense to
21 them, but I worry a little bit. You know, I want a
22 good driving record. I saw a cop and he -- I wasn't
23 going too fast, but I was definitely going over the
24 speed limit, I'll be honest, and then I saw him make a

1 U-turn behind me this morning, I'm like, "Oh, oh."
2 Fortunately, I didn't get pulled over, but I think to
3 myself, what would happen if instead of me getting
4 pulled over then, I get a speeding ticket in the mail
5 ten months from now, that says your court date's in
6 six years? Is that justice that we want? Is that due
7 process? That's what Ricky's had to deal with.
8 Because as you think to yourself who's on trial today?
9 Whose day in court is this? Whose big day is this?
10 Whose time to shine is this? Picture that image in
11 your head.

12 If you picture Ricky Edwards, you're wrong.
13 Today is the day the State of South Carolina is on
14 trial. Like I said, they handed you that indictment,
15 the Judge has the indictment, and that indictment is
16 like a check. I could write you-all each a check for
17 a million dollars right now, you're welcome, and that
18 indictment is a check.

19 And throughout the course of this trial you're
20 gonna hear whether or not there's no evidence for the
21 State of South Carolina to be able to cash that check
22 for you. You're not gonna hear much. Every day on
23 the trial you're not gonna hear much.

1 At the end of the day that check is gonna bounce,
2 and when that bounces, Ricky's gonna be found not
3 guilty. Look, the accusations in this case are
4 serious, no question. And you were each selected as
5 jurors, and you-all each answered a series of
6 questions, to make sure that your biases, emotions and
7 things like that don't get in the way of this.

8 Because everyone, you know, you read the
9 newspaper, and you say such and such arrested, and
10 what is the natural reaction, as a human being? Such
11 and such arrested, good, case solved, and that's
12 normal, and that's okay, that's human, right? Okay,
13 such and such arrested for murder, they got their guy,
14 good news. That's okay, I think it too, but the
15 difference between me, and a newsreader, and a
16 citizen, and a juror is, a juror, that is the start of
17 the case. As a juror, you say such and such arrested,
18 okay, prove it. That's why you're here, not out
19 there, sorry about that, but that's why you're here
20 and not out there.

21 As a juror, you're called to a higher standard,
22 because innocent until proven guilty really means
23 something. As a juror, it doesn't matter what the
24 crime is, it's speeding, like I said, and something

1 much more serious which Ricky's here for. You have to
2 consider whether or not the State meets their burden
3 to prove Ricky guilty, beyond a reasonable doubt, and
4 they won't. They won't, because it didn't happen,
5 it's a story. And the reason there's no proof for it
6 is because it didn't happen. At the end of the day,
7 you, as jurors, will do the right thing, go back
8 there, consider all the evidence very carefully,
9 probably won't take you long because there won't be
10 much, but still consider what little there is very
11 carefully, and come to the only verdict that's just
12 and fair for Ricky and everyone here, and that is a
13 not guilty verdict. I thank you-all for your time. I
14 ask that you pay close attention, and I know you will,
15 and I'll talk to you again in this case. Thank you.

16 THE COURT: Thank you. Call your first witness.

17 MS. KEENEY: The State calls Stephanie Owens.

18 * * *

19 STEPHANIE OWENS

20 * * *

21 being first duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MS. KEENEY:

1 Q. Ms. Owens, just make sure you talk nice and
2 loud, okay?

3 A. Okay.

4 Q. If you need to get closer to the microphone,
5 that's fine. Ms. Owens, how old are you?

6 A. 31.

7 Q. And where do you live?

8 A. [REDACTED] Shearwater Drive in Ladson.

9 Q. In Ladson? Okay. And do you have any
10 children of your own?

11 A. Yes, I have two boys.

12 Q. And how old are they?

13 A. 14 and eight.

14 Q. You have a 14-year-old and an 8-year-old.
15 And who lives with you?

16 A. Me, my boyfriend, Nuno Fields, and both -- my
17 son, Ryan [REDACTED], and my son, Kayden [REDACTED].

18 Q. Okay. And who are your parents?

19 A. Robert Owens and Lashaw Owens.

20 Q. And do you have any brothers and sisters?

21 A. I have two sisters.

22 Q. Who are your sisters?

23 A. Tabitha Edwards and Casandra Wiggins.

1 Q. Okay, so Tabitha Edwards is your biological
2 sister, correct?

3 A. Yes.

4 Q. Do you see her in the courtroom today?

5 A. I do.

6 Q. What does she look like? What -- can you
7 describe --

8 A. She's over there with the curly hair,
9 glasses, in the white dress.

10 Q. Okay, so Tabitha, who is she married to?

11 A. Ricky Edwards.

12 Q. Junior or Senior?

13 A. Junior.

14 Q. And do you see him in the courtroom?

15 A. I do.

16 Q. Where is he at?

17 A. He's sitting next to his lawyer in the blue
18 shirt with the bald head.

19 Q. Okay.

20 MS. KEENEY: Let the record reflect that she
21 identified the Defendant.

22 BY MS. KEENEY:

1 Q. So Tabitha and Ricky, Jr., the Defendant,
2 they have been married -- do you know about how long?
3 Is it a long time, or --

4 A. Since I was in elementary school.

5 Q. So they've been married a good while?

6 A. Yes.

7 Q. Okay. And does Tabitha have any children?

8 A. Yes, she has two.

9 Q. Who are her children?

10 A. Bayleigh E [REDACTED] and Kirstian D [REDACTED].

11 Q. Okay, so Kirstian and Bayleigh are your
12 nieces, correct?

13 A. Yes.

14 Q. Okay. And do Kirstian and Bayleigh have the
15 same father?

16 A. No.

17 Q. Who is Kirstian's father?

18 A. Donnie.

19 Q. Okay, and he's in the courtroom?

20 A. Yes, ma'am.

21 Q. Okay, and then Bayleigh's father is who?

22 A. Ricky Edwards, Jr.

23 Q. Okay, so we've got Tabitha with two children,
24 what we're calling the victim, Kirstian, and then

1 Bayleigh; and that Bayleigh is the biological child of
2 Tabitha and the Defendant, correct?

3 A. Yes.

4 Q. Okay. And back in 2016, 2017, how was your
5 relationship with Tabitha?

6 A. It was great, we were hanging out constantly.

7 Q. So you-all were friends?

8 A. Yes.

9 Q. Okay, and how often would you see Kirstian?

10 A. The summer of 2017 I almost seen her every
11 day, because she was my babysitter for the summer.

12 Q. Okay. So you kind of relied on Kirstian to
13 be a babysitter?

14 A. Yes. She stayed with me during the week, or
15 her mother would bring her back and forth.

16 Q. Okay, so everything was good --

17 A. Yes.

18 Q. -- before 2016?

19 A. Yes.

20 Q. Okay. So on July 10th of 2017 did Kirstian
21 make a disclosure of sexual abuse to you?

22 A. She did.

23 Q. Okay. Without going into any details, did
24 she tell you when the abuse happened?

1 A. She did.

2 Q. When did she say the abuse happened?

3 A. During Hurricane Matthew.

4 Q. Okay. Did she say where the abuse happened?

5 A. She did.

6 Q. Where did the abuse happen?

7 A. In her bedroom.

8 Q. Okay. Do you know what address that Kirstian
9 lived at?

10 A. [REDACTED] Addison --

11 Q. And --

12 A. -- and that's Cottageville,

13 Q. I'm sorry. Cottageville, South Carolina?

14 A. Yes, ma'am.

15 Q. Do you know what county Cottageville's in?

16 A. Colleton County.

17 Q. Thank you. And at the time of Hurricane
18 Matthew how old would have Kirstian been?

19 A. 14.

20 Q. And at the time she told you she would have
21 been 15, correct?

22 A. 15, yes, ma'am.

23 Q. Okay. And on October 7th of 2016, the night
24 Hurricane Matthew hit, what, I know this sounds like a

1 silly question, but would the Defendant have been over
2 the age of 14-years-old?

3 A. Yes.

4 Q. Okay. He would have been like mid-30s,
5 correct?

6 A. Yes, ma'am.

7 Q. Okay. As a result of Kirstian making a
8 disclosure to you, what did you do?

9 A. I immediately called my sister, my older
10 sister, Casandra Williams.

11 Q. Okay, and you talked to Casandra, and what
12 did you-all do after that?

13 A. We called the police as soon as she got to my
14 house.

15 Q. Okay, so you-all called law enforcement the
16 same day that Kirstian told you what happened?

17 A. Yes, ma'am.

18 Q. And I'm assuming law enforcement came out and
19 took a report, took a statement?

20 A. Yes, ma'am.

21 Q. Or at least a verbal statement?

22 A. Yes, ma'am.

23 Q. Okay, and did DSS respond?

24 A. Yes, ma'am.

1 Q. What happened with Bayleigh and Kirstian?
2 Like where did they live after Kirstian came forward?

3 A. Kirstian immediately lived with me. Her
4 mother signed her rights over to me, but not to
5 anybody else.

6 Bayleigh lived with her paternal grandparents,
7 and her mother and father until DSS took her out about
8 a month or so later.

9 Q. Okay, so Kirstian -- did Bayleigh come and
10 live with you for a little bit the first --

11 A. Yeah, not right away. They had to wait on
12 the drug test results to come in before they took her
13 out of the home, and gave her to me. They called me
14 in the middle of the workday, and I had to drop
15 everything and go get her.

16 Q. Okay, so you had to take in Bayleigh and
17 Kirstian at some point --

18 A. Yes.

19 Q. -- after this came out?

20 A. Yes.

21 Q. And so you're 31, so you would have been
22 probably what, mid-20s when this happened?

23 A. Yeah.

1 Q. Okay, so you're in mid-20s with your own
2 kids, correct?

3 A. Yes, ma'am.

4 Q. And they are 14 and eight now, so you would
5 have had a two-year-old --

6 A. Yes, ma'am.

7 Q. -- and -- I'm horrible in math, 14, a eight-
8 year-old?

9 A. Yeah, something like that, yes, ma'am.

10 Q. Okay, so you had an eight-year-old and a two-
11 year-old, and now you've got to take in two kids that
12 aren't yours, correct?

13 A. Yes, ma'am.

14 Q. You have a 14-year-old --

15 A. Four kids, four different schools.

16 Q. Four kids, four different schools?

17 A. Yes, ma'am.

18 Q. Not an easy time I bet.

19 A. No, it was not.

20 Q. Okay. And Bayleigh also goes by Ty, correct?

21 A. Yes, ma'am.

22 Q. Did Ty -- is she younger or older than
23 Kiersten?

24 A. Younger.

1 Q. Do you know about how much younger?

2 A. I don't -- oh, gosh.

3 Q. A couple years?

4 A. Yeah, about four or five years, I think.

5 Q. Okay. And, obviously, Kirstian is 20 now?

6 A. Yes, ma'am.

7 Q. So she is -- you don't have custody of her
8 anymore, because she's an adult.

9 A. No, she's an adult now, yeah.

10 Q. Yeah. Did you have custody of her up until
11 she became an adult, 18?

12 A. Yes, ma'am.

13 Q. And who has custody of Bayleigh?

14 A. She is with her paternal grandparents now.

15 Q. So Ricky's parents, correct?

16 A. Yes.

17 Q. But not living with Tabitha or Ricky?

18 A. No that -- not of my knowledge.

19 Q. Okay. After Kirstian came forward, what did
20 Tabitha do? Did she take anything away from Kirstian?

21 A. Yes, she wouldn't give us any of her clothes
22 at first. We had to go through DSS and police
23 officers to get her items. She cut off her phone on
24 us. We had to, you know, get another phone put on.

1 She really didn't offer no help. She didn't call and
2 check in. She didn't -- anything, until I actually
3 got Bayleigh was when she actually stepped in, and
4 tried to help out at all.

5 Q. Okay. And what about -- at this time, when
6 you took Kirstian in, where were you living? Were you
7 still living in Ladson?

8 A. No, ma'am.

9 Q. Where were you living?

10 A. [REDACTED] West Medina Street in Ladson, South
11 Carolina.

12 Q. What was that town?

13 A. Or Summerville, South Carolina, but it's
14 considered Ladson.

15 Q. Okay, so the Summerville area?

16 A. Yes, ma'am.

17 Q. So what happened with Kirstian's schooling
18 situation, because -- where was she going to school
19 before this?

20 A. She was going to school in Dorchester, which
21 is all the way down Dorchester Road. It's about 30
22 minutes from our house --

23 Q. Yeah.

1 A. -- so we were having to take her to and from
2 almost every day, with the help of my father, my
3 mother and her boyfriend at the time parents.

4 Q. Okay, so what -- did she get to stay at the
5 school that she was originally --

6 A. She finished the first school year out, but
7 after that we did have to switch her school, it was
8 beginning to be way too much, especially when I got
9 the Bayleigh, with them being in four different
10 schools, by the time I got Bayleigh it was a lot to
11 track to get them --

12 Q. Okay.

13 A. -- situated.

14 Q. Kirstian had to switch schools?

15 A. Yes. That would have been her ninth or tenth
16 grade year.

17 Q. Did she want to switch schools?

18 A. Oh, no.

19 Q. She had friends at her --

20 A. Yes.

21 Q. -- previous school?

22 A. Friends, boyfriend, everything she knew was
23 at that previous school.

1 Q. Do you know if Kirstian and Tabitha have any
2 type of relationship now?

3 A. They did. They were speaking. I don't know
4 if they still are, but as a few months ago they were
5 speaking.

6 Q. Okay, just kind of a rift in it, because of
7 everything that's --

8 A. Yeah, I think they were just trying to do
9 like lunch dates, you know, kind of slowly try to --
10 she wants a relationship with her mother, you know,
11 that's --

12 MS. KEENEY: Beg the Court's indulgence. No
13 further questions for this witness.

14 THE COURT: Sir?

15 ***

16 CROSS-EXAMINATION

17 BY MR. SMALDONE:

18 Q. All right, good morning.

19 A. Good morning.

20 Q. I just want to clarify, this -- you first
21 heard this in July of -- what was it, 2017?

22 A. Yes, that's --

23 Q. Right.

24 A. -- correct.

1 Q. And that would be about -- that would be ten
2 months after Hurricane Matthew, correct?

3 A. Yes, that's correct.

4 Q. Okay, and just to clarify, to make sure we
5 all understand, you were not there during Hurricane
6 Matthew, right?

7 A. No, I was not.

8 Q. And you did not personally witness anything,
9 right?

10 A. No, I did not.

11 Q. Okay, that's all I have.

12 MR. SMALDONE: No further questions.

13 MS. KEENEY: No further questions.

14 THE COURT: All right, you may step down. Thank
15 you.

16 MS. KEENEY: The State calls Kirstian D [REDACTED].
17 Come forward.

18 * * *

19 KIRSTIAN D [REDACTED]

20 * * *

21 being first duly sworn, testified as follows:

22 MS. KEENEY: Thank you, may it please the Court?

23 THE COURT: Yes.

24 ***

DIRECT EXAMINATION

BY MS. KEENEY:

Q. Kirstian, how old are you?

A. I am 20 years old.

Q. What's your birthday?

A. April [REDACTED], 2010.

Q. Okay. Do you work, or go to school?

A. I work with my aunt.

Q. You work for Aunt Stephanie?

A. Yes.

Q. Okay, just checking. And where do you live?

A. I live with my grandparents.

Q. What town is that?

A. Summerville.

Q. You live in Summerville. Who are your
biological parents?

A. My dad, Don Donofrio, and my mom, Tabitha
Edwards.

Q. Okay. And who is Tabitha married to?

A. Ricky Edwards.

Q. Okay, do you see Ricky Edwards in the
courtroom?

A. Uh-huh.

Q. Can --

1 THE COURT: Can you say yes for the record?

2 BY WITNES:

3 A. Yes.

4 Q. And can you point him out?

5 A. He has a blue shirt on.

6 Q. And does he have hair, or is he bald?

7 A. He's bald.

8 Q. Okay.

9 MS. KEENEY: Let the record reflect that she's
10 identified the Defendant.

11 BY MS. KEENEY:

12 Q. And Ricky, he's technically Ricky Edwards,
13 Jr., correct?

14 A. Uh-huh, yes, ma'am.

15 Q. And Senior is his father, correct?

16 A. Yes, ma'am.

17 Q. Okay. And about how long has Ricky been in
18 your life? How long have him and Tabitha been --

19 A. Since I was about two years old.

20 Q. Okay, so he was in your life for a very long
21 time, correct?

22 A. He was a father figure to me.

23 Q. He was a father figure to you?

24 A. Uh-huh.

1 Q. Okay, and just make sure you yes or no for
2 the -- because she's typing everything down, so when
3 you say uh-huh, uh-uh, she can't get that, okay?

4 A. Yes, ma'am.

5 Q. Okay, so who -- Ricky and Tabitha, do they
6 have any children together?

7 A. Yes, my sister Bayleigh E [REDACTED].

8 Q. Okay, and Bayleigh also goes by Ty, correct?

9 A. Yes.

10 Q. So -- and how -- is Bayleigh or Ty younger or
11 older than you?

12 A. She's younger.

13 Q. About -- do you know how much younger she is?

14 A. About three or four years.

15 Q. Okay, so she's a couple years younger. I
16 want to take you back to October 7th of 2016, the
17 night of Hurricane Matthew. Where were you living at
18 the time?

19 A. I was living with my parents and with my
20 sister's grandparents, the house in Cottageville.

21 Q. And you're say parents, but -- because you
22 really classified the Defendant as your parent,
23 correct?

24 A. Well, stepfather.

1 Q. Stepfather?

2 A. Uh-huh.

3 Q. Okay. And so you lived in Cottageville with
4 mom, Tabita, the Defendant, Bayleigh, Ricky, Sr.,
5 grandpa, correct?

6 A. Yes.

7 Q. And then Rhonda Edwards, correct?

8 A. Yes.

9 Q. Which are Ricky's parents, correct?

10 A. Yes.

11 Q. And was that the address, [REDACTED] Addison Road in
12 Cottageville?

13 A. Yes, ma'am.

14 Q. In Colleton County?

15 A. Yes.

16 Q. And was that the address, [REDACTED] Addison Road in
17 Cottageville?

18 A. Yes, ma'am.

19 Q. In Coleton County?

20 A. Yes, ma'am.

21 Q. Okay. And at the time of Hurricane Matthew,
22 you were 14 years old, correct?

23 A. Yes, ma'am.

1 Q. Tell me -- walk me through that night. What
2 happened?

3 A. It was something to do with my sister's
4 birthday, because of the hurricane, and it couldn't
5 happen, so we decided to do a thing inside, and they
6 decided to give her an alcoholic drink. It was like
7 Vodka and lemon I think. And I was getting one,
8 because I was older, that's what I was told. And --

9 Q. And who gave you the drink?

10 A. Ricky.

11 Q. Okay. And when you say Ricky, the Defendant?

12 A. Yes.

13 Q. Okay. So he gave you and Bayleigh both --

14 A. Yes, he gave my sister one, and I think he
15 gave me about two at the time. And then we decided to
16 play a board game, and he decided to give me a Bud
17 Light. And my mom looked at him, and, basically, gave
18 him a face like, you shouldn't be giving my daughter
19 that. And he was like, "It's fine, it's fine, like,
20 it's just one beer."

21 And so I took like a few sips off of it, and put
22 it down, and then we finished the board game, and then
23 I go back into my room. I was talking on the phone
24 with my friend, Shelby, and a few other friends. And

1 about this time it's probably like 11:00 at night, and
2 my stepdad came in, and told me that I need to put my
3 phone up, it was time to go to bed.

4 So I put my phone up, and I laid there, and I
5 tried to fall asleep. And this is when he came into
6 my room, and he stood at the end of my bed in pitch
7 darkness, and just stood there and stared at me. And
8 I didn't say anything, because it was kind of weird, I
9 didn't know what he was doing. And my mom was sitting
10 on the couch, and she was still awake. I'm not sure
11 if my sister was awake, I don't -- I don't know. But
12 she was like, "What are you doing in there? Like, you
13 need to get out of that room."

14 And he walked out, and I think he closed my door.
15 And then after my mother fell asleep, and my sister
16 was asleep, he came back into the room, and he came up
17 to my beside, and he, basically, said, "You," he was
18 like, "I want to have sex with you."

19 Q. Had he been drinking?

20 A. Yes.

21 Q. Did he appear to be intoxicated?

22 A. Not that I could tell, but I'm sure he was.

23 Q. Okay. And what happened next, when he's by
24 your bedside, saying he wanted to have sex with you?

1 A. I'm thinking he thought I was drunk, and I
2 was completely sober, and he said that he wanted to
3 have sex with me, and that it'll feel really good, and
4 it would be my first time. And he got on top of me,
5 and started to kiss me, and I blocked it like that.

6 Q. You blocked it?

7 A. I blocked it, like I did that, but I didn't
8 know what else to do.

9 Q. What, you blocked his tongue from coming in
10 your mouth?

11 A. Yeah.

12 Q. Okay. What happened next?

13 A. And he slowly put his hands down to my
14 breasts, and he tried to move a little further, and I
15 turned to my side, so he couldn't do anything to me.

16 Q. Okay. When you said he tried to move it kind
17 of further, what -- where are you talking about on
18 your body?

19 A. Like he, basically, put his hand all the way
20 down, and when I noticed he was doing that, I switched
21 over to my side to protect myself.

22 Q. Okay.

23 A. Because I didn't know what else to do. And
24 as I was doing that, I was saying, "No," over and over

1 again, because I was in shock, and I didn't know what
2 else to do. And as I was saying, I was trying to do
3 it -- but no one ever did.

4 Q. And what happened next?

5 A. As I was getting louder, he backed off,
6 because I guess I got too loud. And he was like,
7 "Okay, okay, fine." And then he left and went out of
8 the house.

9 Q. Okay.

10 A. And then I laid there for a minute, and I was
11 in shock, and I didn't know what to do.

12 Q. And so when he was touching you, he
13 definitely touched your breast, correct? Did he touch
14 your vagina or not?

15 A. No, I blocked him from it.

16 Q. Okay. So he attempted to, but he was not
17 successful? And he left the room, and you said you
18 were kind of shocked.

19 A. I had laid there crying, I was in shock. And
20 then I quickly texted my mom, and I told her that I
21 need to tell her something. I was scared to get up,
22 because I was scared he was gonna do something to me.

23 Q. Okay. And I'm gonna stop you right there,
24 okay?

1 MS. KEENEY: May I approach the witness?

2 THE COURT: You may.

3 (Court Reporter marks State's Exhibit Number 1,
4 Text Message, as attached hereto.)

5 BY MS. KEENEY:

6 Q. I am showing you what's been marked as
7 State's Exhibit Number 1, and ask you, if you
8 recognize this?

9 A. Yes, this is where I told my mom.

10 Q. Okay.

11 A. That night.

12 Q. And so that's the message you sent your mom,
13 correct?

14 A. Yes.

15 Q. And is that -- what is that, Facebook
16 Messenger?

17 A. Messenger, yes, ma'am.

18 Q. Okay, so you message your mom. Does that
19 have a date on there?

20 A. Yes, it is October 8th, or --

21 Q. October -- could you read that right?

22 A. Or October 7th.

1 Q. October 7th, 2016. And this is a fair and
2 accurate representation of the message you sent your
3 mom that night?

4 A. Yes, ma'am.

5 MS. KEENEY: At this time the State moves to
6 admit State's Exhibit Number 1 into evidence.

7 THE COURT: Any objection?

8 MR. SMALDONE: No objection.

9 THE COURT: Without objection, it's in evidence.

10 MS. KEENEY: Okay, and permission to publish?

11 THE COURT: You may.

12 BY MS. KEENEY:

13 Q. Okay, so October 7th, 2016 at 10:33 p.m. what
14 -- you're the blue message, correct?

15 A. Uh-huh.

16 Q. You've got to say yes or no, I'm sorry.

17 A. Yes.

18 Q. And what did you say to your mom?

19 A. I said, "Mom, there's something I need to
20 tell you."

21 Q. Did your mom reply?

22 A. Yes. She said, "Are you okay?"

23 Q. And what time did your mom reply?

24 A. At 1:45 a.m.

1 Q. So hours later your mom replies?

2 A. Uh-huh.

3 Q. And you said your mom was sleeping in the
4 living room, correct?

5 A. Yes, ma'am.

6 Q. Okay. Okay, so this was your message to your
7 mom, and trying to tell her what Ricky did, correct?

8 A. Yes.

9 Q. Okay, and your mom says, "Are you okay," at
10 1:45 a.m., correct?

11 A. Yes.

12 Q. And then did you respond to her, or what
13 happens next?

14 A. I think I fell asleep for an hour, and I
15 remember her coming into my room, and turning on the
16 light, and was -- she asked me what was wrong. And I
17 told her what happened, and she looked like she was so
18 done, and she stormed out, and got into a big fight
19 with my stepdad.

20 And then I think he stormed out again, and she
21 brought in his parents into my room, and they were
22 talking. And my mom told me, she was like, "Do you
23 feel safe in this house?" And I said, "No." And she

1 was like, "Do you feel safe around him?" And I said,
2 "No."

3 Q. Okay, and what --

4 A. And his dad told me that I just did not need
5 to be around him when he was drunk.

6 Q. Okay, so what happened next

7 A. I was told to put on a tee-shirt, and a long
8 dress, or pants, or whatever. And I was told to go
9 sit on the couch, and I sat with my mom crying, and
10 Ricky came back in, and, basically, told me that I was
11 a liar, and "I would never do that to you." And I
12 kind of just sat there crying, and my mom told me to
13 go into the spare bedroom, which is connected to his
14 parents' room, and told me to go sleep in there, and
15 that's what I did.

16 And I slept through the whole night, and I woke
17 up, and I went to see my parents, and they pretended
18 like nothing happened.

19 Q. Everything was fine, basically?

20 A. Yeah, everything was fine, and I had no idea
21 what to do.

22 Q. And you said that you had to sleep in the
23 spare bedroom that's connected to Rhonda and Ricky,
24 Sr.'s room?

1 A. Yes, ma'am.

2 Q. Okay. And did your mom, to your knowledge,
3 contact law enforcement?

4 A. No.

5 Q. Okay. And he never -- he, obviously, never
6 tried anything before this, correct?

7 A. No.

8 Q. Okay, and nothing happened after this,
9 correct?

10 A. No.

11 Q. And then it was just this one time with the
12 sexual stuff, correct?

13 A. Yes.

14 Q. And after everyone pretended nothing
15 happened, did you, eventually, have to go back to
16 school?

17 A. Yes.

18 Q. I call it the hurricane break, because that's
19 -- because we were out of work for a while, and I was
20 living in Hilton Head, and so I call it the hurricane
21 break, and so when you-all go back from the hurricane
22 break to school, did you tell anyone what happened?

23 A. Yes. I told my friend Shelby Pruitt.

1 Q. Okay, so you told Shelby what happened. On
2 July 10th of 2017, you went over to Aunt Stephanie's
3 house, correct?

4 A. Yes.

5 Q. And kind of just had a breakdown; is that
6 right?

7 A. Yes.

8 Q. And did you tell her what happened that day?

9 A. Yes.

10 Q. And what did Stephanie do?

11 A. She broke down and started crying.

12 Q. Okay, and did she -- did somebody contact law
13 enforcement?

14 A. Yes.

15 Q. And what happened with your living situation?

16 A. I ended up moving in with my aunt.

17 Q. Okay, where did Bayleigh go?

18 A. I don't know, I think she was still living
19 there with his parents, so my stepdad's parents.

20 Q. Okay. And do you remember you had to go --
21 what we call a forensic interview; do you know what
22 I'm talking about?

23 A. Yes, ma'am.

1 Q. Where some lady from Hopeful Horizons, like
2 asked you about what happened?

3 A. Yes, ma'am.

4 Q. Okay, and so you told them what happened,
5 correct?

6 A. Yes.

7 Q. And tell me about your relationship with your
8 mom. Do you like your mom? Do you love your mom?

9 A. I love my mom.

10 Q. Okay. And after you came forward and told
11 Stephanie and law enforcement was involved, how did
12 your mom react? Like what happened?

13 A. She threw me aside.

14 Q. She --

15 A. She told me I was lying, and nothing happened
16 that night.

17 Q. Okay. And until this day she's still with
18 him, correct?

19 A. Yes.

20 Q. And tell me about your school situation. Did
21 you have to change schools?

22 A. Yes.

23 Q. What school were you going to before?

24 A. I went to Fort Dorchester.

1 Q. And that's where you went when you told
2 Shelby, correct?

3 A. Yes.

4 Q. So you had friends at this school, correct?

5 A. Yes.

6 Q. Did you have a boyfriend at the time?

7 A. Yes.

8 Q. Where did he go to school?

9 A. He went to the same school as me.

10 Q. Okay. And then after you had to move in with
11 Stephanie, and you finished out the school year at
12 your previous school, you had to switch schools,
13 correct?

14 A. Yes.

15 Q. What school did you go to?

16 A. I went to Summerville.

17 Q. And did you know anyone at Summerville?

18 A. No.

19 MR. SMALDONE: Your Honor, I'll object at this
20 point, to the relevance.

21 MS. KEENEY: I'm moving on.

22 THE COURT: Pardon?

23 MS. KEENEY: I will move on.

24 THE COURT: Okay.

1 BY MS. KEENEY:

2 Q. Do you still talk to your mom?

3 A. Uh-huh.

4 THE COURT: You need to say yes or no for the
5 record.

6 BY MS. KEENEY:

7 Q. Can you say yes?

8 A. Yes.

9 MS. KEENEY: No further questions.

10 ***

11 CROSS-EXAMINATION

12 BY MR. SMALDONE:

13 Q. All right, good morning. I just need to ask
14 you a few questions about your testimony earlier. You
15 stated that this was Hurricane Matthew?

16 A. Yes.

17 Q. All right, and that was, what, 2016?

18 A. Yes.

19 Q. Okay. And you admit that the first time that
20 police got involved and things like that was July of
21 the next year?

22 A. Yes.

1 Q. Okay. And in July of 2017 right afterwards,
2 you had a text message conversation with your mother,
3 correct?

4 A. Yes.

5 Q. Okay, and that text message -- do you recall
6 a text message -- it might have been Facebook, but a
7 cell phone message of some sort that said -- when your
8 mother says, "I wish you were here with me, you
9 haven't been away like this forever."

10 Do you recall that sort of message?

11 A. Yes.

12 Q. All right, and do you recall saying, "I'm
13 sorry?" Do you recall that?

14 A. Yes.

15 Q. All right, and she said, "Sorry for what, K?"

16 A. Yes.

17 Q. And do you recall, "Sorry for what I did. I
18 just don't want to be around that family. Grandpa
19 didn't put anything in my mind, it was all me, grandpa
20 didn't know until last minute?

21 A. Yes.

22 Q. Okay. And also let me show this to you.

23 A. Okay.

1 Q. Yeah, and this. All right, and does that
2 look familiar to you?

3 A. Yes.

4 Q. Is that an accurate representation of the
5 conversation you had?

6 A. Yes.

7 (Court Reporter marks Defendant's Exhibit Number
8 1, Text Message, as attached hereto.)

9 MR. SMALDONE: At this time, Your Honor, I'll
10 move defense 1 into evidence.

11 THE COURT: Okay. No objection?

12 MS. KEENEY: No objection.

13 THE COURT: Without objection.

14 MR. SMALDONE: And I'd move to publish it.

15 THE COURT: You may.

16 MR. SMALDONE: Okay, I'll just --

17 BY MR. SMALDONE:

18 Q. And so you recognize -- that looks -- when
19 you apologize, that looks pretty suspicious, you'd
20 admit that, right?

21 A. No.

22 Q. Okay. So when you said, "Sorry for what I
23 did --"

1 A. I was sorry because my mom was paying for all
2 my clothes, paying for my lunch and everything, and I
3 felt sorry for her, so I said, "I'm sorry."

4 Q. Okay, but you said, "I'm sorry for what I
5 did," remember that?

6 A. And I said that because I felt like I was in
7 trouble for putting -- or saying that, and I was just
8 nervous I guess, because of my mom.

9 Q. Okay. And -- but you recognize when you say,
10 "Sorry for what I did," you didn't say anything else
11 like that in the text message, you just said, "Sorry
12 for what I did," right?

13 A. Uh-huh.

14 Q. Okay. And so after this happened -- or now
15 you live with your grandparents now; is that right?

16 A. Yes.

17 Q. Okay, and is that Tabitha's parents?

18 A. Yes.

19 Q. Okay. Do you recall a conversation in April
20 with Tabitha's father by text message? And I'll so
21 you this.

22 (Court Reporter marks Defendant's Exhibit Number
23 2, Text Message, as attached hereto.)

24 MR. SMALDONE: May I approach?

1 THE COURT: Uh-huh.

2 MR. SMALDONE: All right, and I'm sorry for the
3 quality of this, it's a photograph of a photograph of
4 probably a photograph.

5 BY MR. SMALDONE:

6 Q. All right, do you recall that conversation?

7 A. Yes.

8 Q. Okay, is that an accurate conversation of
9 what took place between you and -- was that your
10 grandfather?

11 A. Yes.

12 Q. And that was Tabitha's dad?

13 A. Yes.

14 Q. Okay. And that was April of 2017, correct?

15 A. Yes.

16 Q. Okay, and that was before you came forward
17 and told Stephanie, right?

18 A. Yes.

19 Q. All right. And in that conversation you say
20 you call Ricky dad, and his parents grandma and
21 grandpa, right?

22 A. Yes.

1 Q. And then Tabitha's mom says, "He's not your
2 grandpa, and he's not your dad." Do you remember
3 that, or is that in that conversation?

4 A. My grandpa says that.

5 Q. I'm sorry, what was that?

6 A. My grandpa says that.

7 Q. Right, right, your grandfather says that.
8 And I think I'm missing a page.

9 MR. SMALDONE: All right, I move to admit defense
10 2 into evidence.

11 MS. KEENEY: No objection.

12 MR. SMALDONE: All right.

13 THE COURT: Without objection, it's in evidence,
14 you may publish it.

15 MR. SMALDONE: Okay, I'll just hand this.

16 BY MR. SMALDONE:

17 Q. Have you seen that entire thing?

18 A. Yes.

19 Q. Okay. All right, and in the message your
20 grandfather says, "Have they hit you, Kirstian,"
21 right?

22 A. Yes.

23 Q. And you say, "Grandma and dad, and, no, at
24 least not that I know of," right?

1 A. Yes.

2 Q. And -- I'm sorry. You said, "Yes," oh sorry,
3 he said, "Do you want out, Kirstian," right?

4 A. Yes.

5 Q. All right, and then you say, "Yes, I can't do
6 this anymore," right?

7 A. Yes.

8 Q. And then he says, "I will get this going in
9 the morning," right?

10 A. Yes.

11 Q. And then you say -- afterwards you say, "I'm
12 fine now, but next time I won't, everything is fine
13 now," right?

14 A. Yes.

15 Q. Okay. And that is about two or three months
16 before you told Stephanie about this, right?

17 A. Yes.

18 Q. That you wanted -- in this you said you
19 wanted out, right?

20 A. Yes.

21 Q. Okay. And then two months later you get out,
22 right?

23 A. Yes, but it was for the wrong reasons, it was
24 for the right reasons. Because of the abuse and the

1 drugs in that house, I did not need to be around that.
2 It was not mentally or physically healthy for me to be
3 there.

4 Q. Okay, and that's why we're here, isn't it?

5 A. Yes.

6 Q. Okay.

7 MR. SMALDONE: I beg the Court's indulgence.

8 BY MR. SMALDONE:

9 Q. Oh, to clear up, you said, at one point, that
10 after this Ricky had stormed outside, right?

11 A. Yes.

12 Q. Okay. Do you know how long he was gone for?

13 A. He just kept going in and out.

14 Q. Okay, and outside? Was there like a yard
15 outside?

16 A. Yes.

17 Q. Okay. So he's out in the backyard or the
18 front yard?

19 A. Yes.

20 Q. Okay. And this was October 7th, right --

21 A. Yes.

22 Q. -- were them text messages? All right, but
23 you said that he was gone for a while and stormed
24 outside, right?

1 A. Yes.

2 Q. Okay. And do you recall -- you said earlier
3 that you went to an interview, and you talked to
4 someone named Tessa at the Center, right?

5 A. Yes.

6 Q. And I don't know -- do you remember that
7 interview mostly?

8 A. Not really.

9 Q. Okay. Do you remember that you didn't tell
10 her anything about kissing, specifically?

11 A. I don't remember.

12 Q. All right. All right. And just,
13 specifically, you said that you told your mother that
14 night, right?

15 A. Yes.

16 Q. And did you tell your -- Ricky's parents at
17 some point?

18 A. Yes.

19 Q. Okay, and you told both of them, or just one?

20 A. Yes, I told both of them, yes.

21 Q. Okay, and your testimony is, "They said you
22 shouldn't be around him when he's drunk?"

23 A. Yes.

1 Q. Okay. Was that the next morning, or that
2 night?

3 A. That night.

4 Q. Okay.

5 MR. SMALDONE: No further questions.

6 ***

7 REDIRECT EXAMINATION

8 BY MS. KEENEY:

9 Q. The first set of text messages that the
10 defense entered about the I'm sorry messages, you had
11 the rest of that conversation, correct?

12 A. Uh-huh, yes.

13 Q. And so you, at my request, pulled up the rest
14 of those Facebook messages?

15 A. Yes.

16 Q. I want to show you --

17 MS. KEENEY: Can I staple these?

18 (Court Reporter marks State's Exhibit Number 3,
19 Text Messages, as attached hereto.)

20 MS. KEENEY: May I approach the witness?

21 THE COURT: You may.

22 BY MS. KEENEY:

1 Q. I'm going to show you what's been marked as
2 State's Exhibit Number 3. And do you recognize those
3 messages?

4 A. Yes.

5 Q. Okay, and on the second page of this are the
6 remaining messages that the defense entered, correct?

7 A. Yes.

8 Q. So the first page is when you pulled up the
9 rest of the messages, and the second page is from
10 Tabitha's side?

11 A. Yes.

12 Q. Okay, and is this a fair and accurate
13 depiction of a more complete version of those text
14 messages between you and your mom?

15 A. Yes, ma'am.

16 Q. Okay, so I want you to -- you are blue,
17 correct?

18 A. Yes.

19 Q. Okay. Please read what Tabitha wrote right
20 here.

21 A. "Okay, because I didn't want you to -- about
22 you mentioned in a few weeks back."

23 Q. And what did you say?

24 A. I said, "K."

1 Q. And then she's talking about like clothes,
2 and like --

3 A. She's talking about putting money on my
4 account and my cell phone being paid and stuff.

5 Q. Okay, and you said, "Okay," and then what is
6 the next message that Tabitha sends?

7 A. It just say, "I'm sorry."

8 Q. Wait, no, hold on. Can you read this
9 paragraph right here, and read it nice and loud.

10 A. "I will make sure that you have money on your
11 account and cell phone is paid for now until whatever
12 happens, but I wish you were home with me. I haven't
13 been this far for -- been away from you like this
14 ever."

15 Q. Okay, so your mom is, you know, saying, "I
16 haven't been away from you this long, I wish you were
17 with me," correct?

18 A. Yes.

19 Q. And what is your response to that?

20 A. I said, "I'm sorry."

21 Q. Okay, you're sorry, because you didn't really
22 want to be away from your mom, did you?

23 A. No.

1 Q. And then flipping to the next page, your mom
2 asked, "Sorry for what," correct?

3 A. Yes.

4 Q. And you said, "For what I did." Are you
5 saying that you're sorry for like making this up, is
6 that --

7 A. No.

8 Q. Were you saying that you were more sorry for,
9 basically, coming forward and telling people?

10 A. No, I just felt pain for my mom, because I
11 knew that she was gonna be stuck there, and I just
12 told that to her, and I just wanted her to be with
13 me.

14 Q. You wanted to be with your mom? Is that a
15 yes?

16 A. Yes.

17 Q. Okay, and this part about, "Grandpa didn't
18 put me up to anything," is that because your
19 grandpa --

20 A. They were saying that my grandpa was putting
21 things in my head, and that was not the case at all.

22 Q. In fact, you said he was the last person to
23 even know about it, correct?

24 A. Yes.

1 Q. Okay. And your mom says, "I love you,"
2 correct?

3 A. Yes.

4 Q. Now, with respect to the second set of text
5 messages that's entered from April, 2017 -- so the
6 second text set of text messages, where your grandpa's
7 asking you, if they hit you, you say, "Grandma and
8 dad."

9 A. Yes.

10 Q. And so that's referring to --

11 A. To my stepfather and his mother.

12 Q. That they hit you before?

13 A. Yes.

14 Q. And you said, "No, and, no, at least not that
15 I know of."

16 A. That was referring to a text message that was
17 sent before.

18 Q. Okay, so something that your grandpa asked
19 you before?

20 A. Yes.

21 Q. And he asked, "Do you want out?" And you
22 said -- basically, you just said, "Okay," right?

23 A. Yes.

1 Q. So in April your grandpa's asking if you want
2 out, but you don't get out at that point, do you? You
3 still have to live with them, correct?

4 A. Uh-huh.

5 Q. And when you tell, in the first set of text
6 messages, that you can't live there anymore, it's
7 basically just a bad house to live in, correct?

8 A. Yes.

9 Q. From sexual abuse, physical abuse, drug
10 abuse?

11 A. Yes.

12 Q. Kirstian, did your grandpa tell you to make
13 this up?

14 A. Uh-uh.

15 Q. Did you make this up?

16 A. No.

17 Q. Thank you.

18 MS. KEENEY: No further questions.

19 THE COURT: Anything further, any recross?

20 MR. SMALDONE: All right, you may step down.

21 MS. KEENEY: The State calls --

22 THE COURT: Ladies and gentlemen, we're gonna
23 take a very brief recess.

24

1 Do not discuss this case back in the jury room.
2 I need you to put your number, or your name somehow,
3 or your initials on your pad, and we'll be right back
4 with you shortly. Grab a coffee, a drink, whatever
5 you need.

6 Again, do not discuss this case, and we'll get
7 you right back here. Madam Foreperson, when
8 everyone's refreshed themselves, if you knock on the
9 door, so they'll know you-all are ready to come back
10 here?

11 FORELADY: Sure thing.

12 (Jury exits courtroom.)

13 THE COURT: All right, we're gonna be at ease for
14 about ten minutes, if you-all will be back at 20 'til
15 11:00, and we're going to continue, all right? Thank
16 you.

17 (Recess.)

18 PROCEEDINGS CONTINUED

19 * * *

20 SHELBY PRUITT

21 * * *

22 being first duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. KEENEY:

1 Q. Shelby, how old are you?

2 A. I am 20.

3 Q. So you're the same age as Kirstian, correct?

4 A. Yes.

5 Q. And where do you live?

6 A. I live at [REDACTED] Waverly Place Lane.

7 Q. And what area, is that Walterboro or
8 Charleston?

9 A. It's North Charleston.

10 Q. And do you work? Are you at school?

11 A. Yes, I work.

12 Q. And do you know Kirstian?

13 A. I do.

14 Q. How do you know her?

15 A. She was my friend in high school.

16 Q. So what high school did you-all go to?

17 A. We went to Fort Dorchester High School.

18 Q. Okay. Are you-all still close?

19 A. No.

20 Q. Okay. You-all just kind of grew apart?

21 A. Yes.

22 Q. And I want to take you back to around
23 October, 2016 after Hurricane Matthew hit, okay?

24 A. Okay.

1 Q. And you eventually went back to school after
2 the hurricane break, correct?

3 A. Yes.

4 Q. Okay, and when you got back to school, did
5 Kirstian make a disclosure of sexual abuse to you?

6 A. Yes.

7 Q. And did she say when the sexual abuse
8 happened?

9 A. Yes.

10 Q. When did she say it happened?

11 A. The night of Hurricane Matthew.

12 Q. Okay. Did she tell you where it happened?

13 A. Yes.

14 Q. Where did it happen?

15 A. In her room.

16 Q. Okay, in her room. And she told you that
17 right when the hurricane break -- when you-all got
18 back from the hurricane break, correct?

19 A. Yes.

20 Q. So in October, 2016 after Hurricane Matthew,
21 she told you about the sexual abuse?

22 A. Yes.

23 Q. Thank you, no further questions.

24 THE COURT: Anything, sir?

1 MR. SMALDONE: Nothing from the defense.

2 THE COURT: All right, you may step down, thank
3 you.

4 MS. KEENEY: May this witness be excused?

5 THE COURT: You may

6 MS. KEENEY: Thank you. The State calls
7 Bayleigh Ty Edwards.

8 * * *

9 BAILEY TY E [REDACTED]

10 * * *

11 being first duly sworn, testified as follow:

12 MS. KEENEY: May it please the Court?

13 THE COURT: Yes.

14 DIRECT EXAMINATION

15 BY MS. KEENEY:

16 Q. Bayleigh, how -- I'm gonna call you -- do you
17 want me to call you Ty?

18 A. Yeah.

19 Q. Okay.

20 A. Please.

21 Q. Ty, how old are you?

22 A. I'm 16.

23 Q. What grade are you in?

24 A. I am in -- I'm going into the eleventh grade.

1 Q. Okay, you're on summer break right now?

2 A. Yeah.

3 Q. So you're going into eleventh?

4 A. I am, yes, ma'am.

5 Q. What school do you go to?

6 A. Fort Dorchester High School.

7 Q. Who do you live with?

8 A. I live with my grandparents.

9 Q. Who are your grandparents?

10 A. Ricky and Wanda Edwards.

11 Q. Do you live with Ricky, Sr.?

12 A. Yeah.

13 Q. And who are your parents?

14 A. Tabitha and Ricky Edwards.

15 Q. Junior?

16 A. Junior, sorry.

17 Q. Do you see your dad in the courtroom?

18 A. Yes, he's the man in the blue shirt over
19 there.

20 MS. KEENEY: Let the record reflect she's
21 identified the Defendant.

22 BY MS. KEENEY:

23 Q. Do you have any brothers or sisters?

24 A. I have a sister, her name is Kirstian.

1 Q. Okay, and is she, you know, like a half-
2 sister?

3 A. Oh, yeah, she's my half-sister.

4 Q. Okay, so you-all don't share the same dad?

5 A. Correct.

6 Q. But you-all have the same mom?

7 A. Yes, ma'am.

8 Q. And that's Tabitha?

9 A. Yes, ma'am.

10 Q. Okay, and is Kirstian older than you or
11 younger?

12 A. She's older than me.

13 Q. By a couple of years?

14 A. Yes, ma'am.

15 Q. Okay. So, Bayleigh, I want to take you back
16 to the night of Hurricane Matthew, October 7th, 2016,
17 okay? Can you tell me what you-all did that night?

18 A. Well, we -- my parents gave me some -- they
19 did give me a Lemon Drop, which is the alcohol drink,
20 me and my sister that -- then we played some games, I
21 think it was Uno, and then we went to sleep. And then
22 there was an argument, and then -- well, I went to
23 sleep in the living room, then there was an argument.

1 I heard an argument, so I ran to my grandparents' room
2 with my sister, and we slept in there.

3 Q. Okay, you heard an argument between who?

4 A. My parents.

5 Q. Okay. And so you heard your mom, Tabitha,
6 and --

7 A. Uh-huh.

8 Q. -- the Defendant arguing about something,
9 correct?

10 A. Yes, ma'am.

11 Q. And as a result of that argument, where did
12 you end up having to sleep?

13 A. Um, my grandparents' room. Oh, yeah, my
14 grandparents room.

15 Q. So you slept in your grandparents room. And
16 so your dad gave you some alcohol that night?

17 A. My parents did, yeah.

18 Q. Okay, and did Kirstian get alcohol from --

19 A. Yes.

20 Q. -- him too? Okay. Where did Kirstian sleep,
21 initially? Where was she at?

22 A. She was in her bedroom.

23 Q. Okay, alone?

24 A. Yeah.

1 Q. And you were in the living room?

2 A. Yes, ma'am.

3 Q. Who was in the living room with you; do you
4 remember?

5 A. I -- honestly, I thought my mom was sleeping
6 in her room, and I remember sleeping in the living
7 room alone, but I'm not completely sure, because it
8 was a long time ago.

9 Q. All right, that's fair. But Kirstian was
10 definitely in her room?

11 A. She was definitely in her room.

12 Q. Until an argument broke out --

13 A. Yeah.

14 Q. -- between your mom and the Defendant?

15 A. Yeah.

16 Q. And --

17 MS. KEENEY: No further question.

18 ***

19 CROSS-EXAMINATION

20 BY MR. SMALDONE:

21 Q. All right, good morning, Ty.

22 A. Good morning.

23

24

1 Q. I know this must be tough for you, but I want
2 to make sure that we understand everything that you
3 remember from that night.

4 A. Yes, sir.

5 Q. Where did you say you were sleeping?

6 A. I was sleeping in the living room, initially,
7 and --

8 Q. Okay.

9 A. -- then I slept in my grandparents' room.

10 Q. Okay. And where did Kirstian sleep?

11 A. She was sleeping in her bedroom, initially,
12 and then she -- we both slept in our grandparents'
13 room.

14 Q. Okay. And you said you heard them argue?

15 A. Yes, yes.

16 Q. All right. You didn't hear what it was
17 about?

18 A. No, I did not.

19 Q. Okay. And other than having drinks and
20 playing Uno, you did not witness anything happen,
21 right?

22 A. No, sir.

23 Q. Okay. And you didn't hear about anything
24 happening, right?

1 A. No, sir.

2 Q. Okay. And did everyone seem okay the next
3 day?

4 A. It was -- I kind of remember it being like a
5 little bit awkward, but like everybody kinda just did
6 -- we didn't talk about it.

7 Q. Okay. And did you see -- were you asleep --
8 I'm sorry, withdraw. Where were you while they were
9 arguing?

10 A. Well, I was, initially, in the living room.
11 I heard yelling, and I got scared, so I ran to my
12 grandparents' room.

13 Q. Okay.

14 MR. SMALDONE: No further questions.

15 MS. KEENEY: No questions. May this witness be
16 excused, if she wants to leave?

17 THE COURT: Yes, of course.

18 WITNESS: Thank you.

19 THE COURT: Call your next witness.

20 MS. KEENEY: The State calls

21 * * *

22 TERRON LAIRSON

23 * * *

24 being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. KEENEY:

Q. Terron, where do you work?

A. I work at Colleton County DSS, Department of Social Services.

Q. And what's your position there now?

A. Currently, I'm an Adult Protective Services Case Manager.

Q. Okay, back in July of 2017, when this case came out, you know, to law enforcement, what was your position then?

A. I was a Child Protective Services Investigator.

Q. Okay, so you worked on the children's side looking into certain allegations, correct?

A. Yes.

Q. Okay. On July 10th of 2017, did you get involved in this case?

A. Yes.

Q. And where did you respond to?

A. I went to [REDACTED] Addison Lane in Cottageville.

Q. Okay, what county is that in?

A. It's Colleton.

1 Q. Okay, and whose home is that, or whose home
2 was that?

3 A. That was the home of Ricky, Jr. and Tabitha
4 Edwards, and Ricky Edwards, Sr., and his wife.

5 Q. Rhonda?

6 A. Right.

7 Q. And were there any kids that lived there?

8 A. Yes, Bayleigh and Kirstian.

9 Q. Okay. And you responded because there was a
10 report of sexual assault, correct?

11 A. Correct.

12 Q. And the Defendant, he was not the biological
13 father of Kirstian, correct?

14 A. No.

15 Q. But Tabitha was the biological mother?

16 A. Yes.

17 Q. Okay. When you responded, what was Ricky,
18 Sr., Ricky, Jr., Tabitha, Rhonda's initial kind of
19 like reactions?

20 A. They were a little loud and animated at the
21 reason I was there.

22 Q. Okay. And did the Defendant make any
23 statements to you, about what happened the night of
24 Hurricane Matthew?

1 A. Yes.

2 Q. What did he say?

3 A. Ricky, Jr. stated that he had given Bayleigh
4 and Kirstian some alcohol, but not enough to get them
5 drunk.

6 Q. Okay, did he indicate where people slept the
7 night of hurricane?

8 A. Yes. He also stated that Bayleigh and
9 Kirstian were sleeping in the living room.

10 Q. Okay, so he said that they were -- that
11 Bayleigh and Kirstian slept in the living room that
12 night?

13 A. Uh-huh.

14 Q. Is that a yes or no?

15 A. Yes, I'm sorry.

16 Q. At some point, a forensic interview had to be
17 scheduled, correct?

18 A. Yes.

19 Q. And I think we talked about it before, that's
20 just people that are trained in questioning children.
21 They interview children whenever there's abuse
22 allegations, correct?

23 A. Correct.

1 Q. What was Tabitha's response to taking the
2 girls to a forensic interview?

3 A. Tabitha did not wish to do that.

4 Q. She didn't want to do that?

5 A. No.

6 Q. She didn't want to cooperate?

7 A. No, ma'am.

8 MS. KEENEY: No further questions.

9 THE COURT: Anything further from the defense?

10 ***

11 CROSS-EXAMINATION

12 BY MR. SMALDONE:

13 Q. Just to clarify, what was your date
14 involvement with this?

15 A. July the 10th.

16 Q. Okay, so that -- and do you know the alleged
17 incident date?

18 A. Yes. Well, I mean I know that -- I don't
19 know exactly, it's during Hurricane Matthew.

20 Q. So it was about ten months?

21 A. Yes.

22 Q. All right, and pretty -- would you say it
23 might be normal for people to forget some things in
24 the course of ten months?

1 A. Possibly, yes.

2 Q. Okay.

3 MR. SMALDONE: The Court's indulgence. No
4 further questions.

5 THE COURT: All right. Are you good?

6 MS. KEENEY: No further questions. May this
7 witness be excused?

8 THE COURT: You may step down. Any objection to
9 her being excused?

10 MR. SMALDONE: No objection.

11 THE COURT: You are excused, thank you.

12 MS. KEENEY: The State calls Shannon Thomason.

13 * * *

14 SHANNON THOMASON

15 * * *

16 being first duly sworn, testified as follow:

17 DIRECT EXAMINATION

18 BY MS. KEENEY:

19 Q. Ms. Thomason, where do you work?

20 A. I work for the Colleton County Sheriff's
21 Office.

22 Q. How long have you been there?

23 A. About -- approximately nine years.

24 Q. Okay, and what's your current position?

1 A. I'm the SRO supervisor.

2 Q. Is that --

3 A. School Resource Officer supervisor, excuse
4 me.

5 Q. Okay. What was your position in July of
6 2017?

7 A. I was an Investigator.

8 Q. Okay. On July 10th of 2017, did you get a
9 call about a sexual assault?

10 A. Yes, ma'am.

11 Q. And how did you get involved in this case?
12 What was your role?

13 A. I was the investigator for it. I was
14 assigned to that case.

15 Q. Was there a suspect developed?

16 A. Yes, ma'am.

17 Q. Who was the suspect?

18 A. Ricky Edwards, Jr.

19 Q. Do you see him in the courtroom?

20 A. I do.

21 Q. What does he look like?

22 A. He's wearing a blue-collared shirt, with a
23 bald head.

24 Q. Okay.

1 MS. KEENEY: Let the record reflect she's
2 identified the Defendant.

3 BY MS. KEENEY:

4 Q. Who was the victim?

5 A. Kirstian D [REDACTED].

6 Q. And what was your relation to the Defendant?

7 A. He was her stepfather.

8 Q. And did you interview any witnesses?

9 A. I spoke to Ms. Stephanie Owens.

10 Q. Okay, and that's the aunt of the victim?

11 A. Yes, ma'am.

12 Q. And what was your next step? What did you
13 do?

14 A. She requested a forensic interview, so I
15 called for one.

16 Q. Okay. And so a forensic interview, Hopeful
17 Horizons does that, correct?

18 A. Yes, ma'am.

19 Q. That's like a child advocacy center?

20 A. Yes, ma'am.

21 Q. And the Sheriff's Office's general policy is
22 that, basically, if there's children who will be
23

1 involved, you-all have the children interviewed
2 by Hopeful Horizons?

3 A. Yes, ma'am.

4 Q. They get specialized training on how to ask
5 questions to children?

6 A. Yes, ma'am.

7 Q. Okay. And so you scheduled that interview.
8 Did you go to that forensic interview?

9 A. I did.

10 Q. And which children were interviewed?

11 A. Kirstian and Bayleigh was interviewed.

12 Q. Okay. And during the course of Kirstian's
13 interview, did she make a disclosure of sexual abuse?

14 A. She did.

15 Q. Did she say where the abuse happened?

16 A. She did.

17 Q. Where?

18 A. She said it happened at [REDACTED] Addison Road in
19 Cottageville, which is in Colleton County.

20 Q. Okay.

21 A. In her room.

22 Q. Thank you. And did she say when the sexual
23 abuse occurred?

1 A. She said it occurred during Hurricane
2 Matthews in October, 2016.

3 Q. Thank you. So the night of Hurricane
4 Matthew?

5 A. Yes, ma'am.

6 Q. Okay, and, eventually, the Defendant was
7 arrested, correct

8 A. Yes, ma'am.

9 Q. And you arrested him on August 2nd of 2017;
10 does that sound right?

11 A. That's correct.

12 Q. Did you have a chance to interview him?

13 A. I did.

14 Q. Okay, so he was under arrest when you
15 interviewed him?

16 A. He was.

17 (Court Reporter marks State's Exhibit Number 2,
18 Miranda Rights Form, as attached hereto.)

19 MS. KEENEY: May I approach the witness, this is
20 labeled State's Number 2.

21 BY MS. KEENEY:

22 Q. I'm going to ask you if you recognize State's
23 Exhibit Number 2.

24 A. Yes, ma'am, I do.

1 Q. What is that document?

2 A. This is the Miranda rights that I read to him
3 prior to the interview.

4 Q. Is that a fair and accurate copy of the
5 Miranda Rights form that you presented to the
6 Defendant?

7 A. Yes, ma'am, it is.

8 MS. KEENEY: At this time the State moves to
9 admit State's Exhibit Number 2.

10 THE COURT: Without objection?

11 MR. SMALDONE: Without objection.

12 THE COURT: Without objection, it's in evidence.
13 (State's Exhibit 2 admitted into evidence.)

14 MS. SMALDONE: Permission to publish.

15 THE COURT: You may.

16 BY MS. KEENEY:

17 Q. Okay, the top part is just identifying
18 information, correct?

19 A. Yes, ma'am.

20 Q. Just to say who you're interviewing?

21 A. Yes, ma'am.

22 Q. And there's a case number assigned to every
23 Sheriff's Office case, correct?

24 A. Yes, ma'am.

1 Q. And there's a section that says Miranda
2 Rights, correct?

3 A. Yes, ma'am.

4 Q. And very quickly, can you read number one
5 through five?

6 A. Yes, ma'am.

7 Q. Five, yes.

8 A. Number one is, "You have the right to remain
9 silent Number two is, "Anything you say can and will
10 be used against you in a court of law." Three is,
11 "You have the right to talk to a lawyer, and have him
12 with you while you are being questioned."

13 Four is, "If you cannot afford to hire a lawyer,
14 one will be appointed to represent you before
15 questioning." And number five is, "You can decide at
16 any time to exercise these rights, and not answer any
17 questions or make any statements."

18 Q. Okay, and to the left of number one through
19 five, are there initials on there?

20 A. Yes, ma'am.

21 Q. Whose initials are there?

22 A. Ricky Edwards, Jr.

23 Q. Did you put those initials on there, or did
24 he?

1 A. He did.

2 Q. So he initialed that he understood all those
3 rights?

4 A. Yes, he did.

5 Q. And he signed underneath, correct?

6 A. Yes, ma'am.

7 Q. And there's a waiver of right section,
8 correct?

9 A. Yes, ma'am.

10 Q. What is the waiver of right say?

11 A. "I have read and had read to me the above
12 statement of my rights, and I understand each of these
13 rights. Have those rights in mind, I waive them and
14 willingly make a statement.

15 Q. Okay. And did he sign that?

16 A. He did.

17 Q. So he indicated to you that he did wash to
18 talk to you?

19 A. Yes, ma'am.

20 Q. Okay, and that form is dated August 2nd,
21 2017, correct?

22 A. Correct.

23

24

1 Q. Okay, so you get a statement from him, and
2 what does he say? Well, before you start that, how
3 old is he at the time of the interview?

4 A. At the time of the interview he was 36.

5 Q. Okay. How old would he have been in October
6 of 2016?

7 A. He would have been 35 years old.

8 Q. Okay. Did you threaten him in any to make a
9 statement?

10 A. No, ma'am.

11 Q. Did you promise him anything in exchange for
12 a statement?

13 A. No, ma'am.

14 Q. Did he appear to be under the influence of
15 any alcohol or drugs, that it would impair his ability
16 to understand what was going on?

17 A. No, ma'am.

18 Q. How long did the interview last,
19 approximately?

20 A. Approximately 40 minutes.

21 Q. Ultimately, he denied any wrongdoing,
22 correct?

23 A. He did.

24 Q. He denied trying to have sex with Kirstian?

1 A. Yes, ma'am.

2 Q. Okay. What other statements did he make
3 about that night?

4 A. He did admit to giving the girls, Kail,
5 excuse me, Bayleigh and Kirstian a Lemon Drop. He
6 advised that it was a placebo to keep them calm, but
7 he claimed that it didn't have any alcohol in it.

8 Q. Okay, so he said no alcohol in the Lemon
9 Drops?

10 A. Yes.

11 Q. Okay, and did he indicate to you where
12 everyone slept that night?

13 A. Yes, said that Kirstian went in her room in
14 the middle of the night, and that him, Bayleigh, his
15 mom and dad stayed -- and Tabitha stayed on the couch.

16 Q. Okay. And during the course of your
17 investigation, did Tabita ever try to make statement
18 to you about that night?

19 A. No, ma'am.

20 Q. Did Ricky, Sr. ever try to make a statement?

21 A. No, ma'am.

22 Q. Did Rhonda ever try to make a statement?

23 A. No, ma'am.

1 Q. So nobody on his side was beating down doors
2 at the Sheriff's Office to try to, you know, give a
3 statement for him?

4 A. No, ma'am.

5 Q. Okay. Thank you, no further questions.

6 THE COURT: Cross?

7 ***

8 CROSS-EXAMINATION

9 BY MR. SMALDONE:

10 Q. All right, good morning.

11 A. Good morning.

12 Q. All right, during your investigation in this
13 case, did you attempt to talk to Tabitha?

14 A. I don't recall. I don't -- no, I don't think
15 so.

16 Q. Okay, do you recall if you attempted to talk
17 to Ricky's dad, Mr. Ricky Edwards, Sr.?

18 A. No.

19 Q. Do you recall if you attempted to talk to
20 Rhonda Edwards --

21 A. No.

22 Q. -- and that's his mother?

23 A. No.

24

1 Q. Okay. When you say you don't recall, do you
2 not recall, or did you not --

3 A. I did not.

4 Q. You did not talk to them?

5 A. No, I did not.

6 Q. Okay. Did you visit the location on Addison
7 Road?

8 A. No, I did nt.

9 Q. Okay, you didn't photograph the layout or
10 anything?

11 A. No.

12 Q. Okay. Obviously, you didn't visit. Did you
13 have like a blueprint of how the rooms are laid out?

14 A. No.

15 Q. Okay. So -- and you never talked to
16 Kirstian, which I understand is the policy, so you
17 talked to one person in this case, right?

18 A. Yes, Ms. Stephanie Owens.

19 Q. Okay, and CSC third to minor is a crime,
20 correct?

21 A. It is.

22 Q. All right, and where a crime occurs is a
23 scene, right?

24 A. It is.

1 Q. All right. So is it fair to say you did not
2 visit the crime scene in this case?

3 A. I did not.

4 Q. Okay, so do you know what type of house it
5 was?

6 A. I do not.

7 Q. Okay.

8 MR. SMALDONE: The Court's indulgence.

9 THE COURT: Uh-huh.

10 BY MR. SMALDONE:

11 Q. And just to be clear, your discussion with
12 Ricky denied that this happened, right?

13 A. He did.

14 Q. Okay. He never slipped up, and admitted that
15 it happened later on?

16 A. He did not.

17 Q. Or never cried and said, "Oh, it's me,"
18 right?

19 A. He did not.

20 Q. Okay. So is it fair to say you have her word
21 and his word, right?

22 A. I have her word, yes.

23 Q. Okay, and that's really it, right?

24 A. Yes.

1 Q. All right.

2 MR. SMALDONE: No further questions.

3 MS. KEENEY: Briefly.

4 THE COURT: Yes.

5 ***

6 REDIRECT EXAMINATION

7 BY MS. KEENEY:

8 Q. You talked to DSS too during your
9 investigation?

10 A. I did.

11 Q. And so according to your report, you already
12 knew that Tabitha didn't even want to take the kids to
13 a forensic interview, correct?

14 A. Yes, ma'am.

15 Q. So she didn't appear to be too cooperative,
16 did she?

17 A. She did not.

18 Q. Okay, and this happened in October of 2016,
19 correct?

20 A. She did.

21 Q. You don't get involved until July, correct?

22 A. Yes, ma'am.

23 Q. And there's no allegation that he ejaculated,
24 correct?

1 A. No, ma'am.

2 Q. So would there any type of physical evidence
3 to collect from the scene?

4 A. No, ma'am.

5 MS. KEENEY: No further questions.

6 THE COURT: Anything further?

7 MR. SMALDONE: Nothing further.

8 THE COURT: Any objection to this witness
9 stepping down?

10 MS. KEENEY: No objection?

11 THE COURT: Mr. Smaldone?

12 MR. SMALDONE: No objection.

13 THE COURT: Thank you.

14 MS. KEENEY: At this time the State rests.

15 THE COURT: All right. Ladies and gentlemen of
16 the jury, the State has rested their case. I'm gonna
17 send you back to your jury room, there's a matter of
18 law I need to take up with them. I need to remind you
19 do not discuss this case, it wouldn't be appropriate
20 to do so. All right? Thank you.

21 (Jury exits courtroom.)

22 THE COURT: All right, are there any motions?

23 MR. SMALDONE: Your Honor, at this time, defense
24 would move for a directed verdict. I do not believe

1 the State has met their burden in this matter.
2 There's really no evidence in this matter for them to
3 meet the burden. And the Court's indulgence for me to
4 check on it. That's all I have, Your Honor, a
5 directed verdict motion.

6 THE COURT: Okay. Yes, ma'am?

7 MS. KEENEY: I believe the standard is light most
8 favorable to the State, and here every element has
9 been testified to. He's over 14, she's under 16. He
10 tried to have sex with her, it happened in Colleton
11 County, and he's over 16. Thank you.

12 THE COURT: All right, respectfully, based on the
13 evidence presented, I'm gonna deny your motion for a
14 directed verdict.

15 Are you gonna put up anything?

16 MR. SMALDONE: I believe that that was it, Your
17 Honor, yes.

18 THE COURT: Well, then maybe now is a very good
19 time to go through your client's rights with him.

20 MR. SMALDONE: Uh-huh.

21 THE COURT: It's only 11:15, so I can keep going.
22 It looks to me like we can probably get all the
23 testimony in, break for lunch, and then come back and
24 do the charges I hope.

1 BY THE COURT:

2 Q. So, sir, would you stand up and raise your
3 right hand?

4 A. Yes.

5 Q. Do you swear or affirm the testimony you give
6 will be the truth, so help you Go?

7 A. Yes, Your Honor.

8 Q. You can put your hand down, sir. No, you
9 need to keep standing.

10 A. I'm sorry.

11 Q. Mr. Edwards, we've come to the time in a
12 trial, where you are permitted to put on your defense.
13 That means, sir, that you have the right to testify or
14 not testify on your own behalf. The Fifth Amendment
15 to the Constitution states, in part, "That no person
16 in a criminal trial is required to be a witness
17 against themselves."

18 In other words, no one can make you testify in
19 this case; however, you do need to understand, you
20 have the right to testify, if you choose to. I do
21 want you to know that whether you do choose to
22 testify, the State is going to be able to ask you
23 questions and cross-examine you on anything I deem
24 relevant to this case.

1 Do you understand that?

2 A. Yes, Your Honor.

3 THE COURT: Also, does he have any criminal
4 convictions in his past that could be used against him
5 or be asked about?

6 MS. KEENEY: He does not have any to impeach him,
7 although --

8 THE COURT: Okay.

9 MS. KEENEY: -- although he has denied drug
10 abuse, he does have drug convictions that do not fall
11 by to impeach him, it's a six-month sentence.

12 THE COURT: I understand, okay.

13 MS. KEENEY: Yeah.

14 THE COURT: I appreciate that.

15 BY THE COURT:

16 Q. All right, sir, so I just want to make sure,
17 obviously, you understand, again, anything that I deem
18 relevant you can be cross-examined on, and we're going
19 to tell you, you need to answer, if you choose to take
20 the stand. Do you understand that?

21 A. Yes, Your Honor.

22 Q. Do you also understand this right to testify,
23 or not to testify is your decision alone. I expect
24 you to discuss this with your lawyer, but also, sir,

1 your choice to testify or not testify is completely up
2 to you.

3 Do you understand that?

4 A. Yes, Your Honor.

5 Q. Sir, do you wish to testify in this case?

6 A. No.

7 Q. All right, and that is your decision?

8 A. Yes, ma'am.

9 Q. I find that it's freely and intelligently
10 made, and I appreciate it, you can be seated, sir.

11 THE COURT: All right. Let's go ahead and take
12 five minutes. I say we come back -- and who's your
13 first witness ?

14 MR. SMALDONE: I would probably call Tabitha
15 first.

16 THE COURT: Okay.

17 MS. KEENEY: Your Honor, I couldn't hear.

18 THE COURT: Tabitha.

19 MS. KEENEY: Okay.

20 THE COURT: Okay, all right. He's not going to
21 testify is what he said, okay? So let's just take a
22 quick five minutes. I would like to bring the jury
23 out. Once we get them back out here, let's get this
24 testimony done and then rest.

1 I'm gonna need you to tell me after they've
2 rested, whether or not you anticipate putting on any
3 rebuttal testimony, before I send them to lunch, or do
4 anything along those lines, okay? Just so I know,
5 okay?

6 All right, let's just be at ease, and I really
7 mean five minutes. Just go refresh yourselves and
8 let's get back, okay, and keep going, okay? Thank
9 you.

10 (Recess.)

11 ***

12 PROCEEDINGS CONTINUED

13 (Jury enters the courtroom.)

14 THE COURT: All right, if the defense will call a
15 witness.

16 MR. SMALDONE: Defense would call Ms. Tabitha
17 Edwards.

18 * * *

19 TABITHA EDWARDS

20 * * *

21 being first duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. SMALDONE:

24 Q. Ms. Edwards, good morning.

1 A. Good morning.

2 Q. How are you today?

3 A. About as good as I can be.

4 Q. All right, are you nervous?

5 A. Yes.

6 Q. I understand. Just how are you related to
7 everyone here? How are you related to Ricky?

8 A. Ricky is my husband.

9 Q. Okay. How are you related to Kirstian?

10 A. Kirstian is my first born.

11 Q. All right, and what about Ty?

12 A. Ty is my second child.

13 Q. Okay, and you have sisters, right?

14 A. I do, Cassie Wiggins, and Stephanie Owens.

15 Q. All right, and you heard Stephanie Owens
16 testify earlier today, correct?

17 A. Yes.

18 Q. Is it fair to say this puts you in a touch
19 spot?

20 A. Yes.

21 Q. Okay. How long have you been with Ricky?

22 A. We celebrated 17 years April 1st this year.

23 Q. Okay. Do you-all have a good relationship?

24 A. It's been rocky off and on.

1 Q. Okay.

2 A. I mean nobody's relationship is perfect.

3 Q. Right. Do you-all agree a lot?

4 A. We used to a lot more than we do now.

5 Q. Okay, so you're working on things?

6 A. Yeah.

7 Q. All right. Where are you from, originally?

8 A. I was born in Norfolk, Virginia, I moved here
9 when I think I was around ten, and we lived in
10 Summerville-Ladson area.

11 Q. Okay, how long did you live in the Colleton
12 area?

13 A. Five or six years.

14 Q. Okay. Were you living there the night of
15 Hurricane Matthew?

16 A. Yes.

17 Q. All right. Do you remember that night pretty
18 well?

19 A. No.

20 Q. Okay. Do you remember that night a little?

21 A. A little.

22 Q. Okay. Were you drinking that night?

23 A. I had one drink.

24 Q. All right.

1 A. I'm not very much of a drinker.

2 Q. Okay. Well, I'll get into it, do you
3 remember what happened that night?

4 A. No.

5 Q. Okay. Do you remember Kirstian telling you
6 anything that night?

7 A. No.

8 Q. Okay. Did she tell you anything that night?

9 A. No.

10 Q. Okay. When was the first time you heard
11 about this?

12 A. About 6 o'clock, July 10th, when Kirstian's
13 biological dad's father called and threatened to kill
14 my husband over the phone.

15 Q. Okay. And did you know what that was over?

16 A. No. I immediately called my sister,
17 Stephanie Owens, and called Kirstian repeatedly, got
18 no answer, then finally got word. I took off to go to
19 them, and then I was detained by, I believe,
20 Dorchester County Sheriff's Office.

21 Q. Okay, all right, so you remember that pretty
22 well?

23 A. Yes.

24 Q. Okay.

1 A. I was pretty heated.

2 Q. All right. So do you remember the sleeping
3 arrangements of that Hurricane Matthew night?

4 A. Vaguely.

5 Q. Okay, what do you remember?

6 A. I mean our rooms are pretty close together.
7 Basically, one end of the house is Ty's, Kirstian's,
8 ours. There's a bathroom that separates ours and
9 Ty's.

10 Q. Okay.

11 A. And then I know that we played games. I know
12 that the girls were given alcohol, and they were not
13 given very much at all. And then me and Ricky spent
14 some time outside up underneath the carport. He
15 smokes cigarettes, which I have started back, but
16 other than that --

17 Q. Okay.

18 A. -- sorry.

19 Q. That's all right. Okay, so we have that
20 night. You said there was a little bit of alcohol
21 given?

22 A. Yes.

23 Q. All right, was that Lemon Drops?

24 A. Yes.

1 Q. All right. Do you remember how many?

2 A. One.

3 Q. Okay, and was this for Ty's birthday?

4 A. Yes.

5 Q. All right. When's her birthday?

6 A. October 7th.

7 Q. Okay.

8 A. She seems to have bad luck of birthdays. The
9 year before we had a flood.

10 Q. Oh, okay. You described a little bit about
11 the house. What type of house is it?

12 A. It's a doublewide trailer.

13 Q. Okay, and how close is Kirstian's room to
14 where you were?

15 A. Like two body lengths of me.

16 Q. What was that?

17 A. Like two body lengths. See, I'm not really
18 good with measurements.

19 Q. Okay, so just maybe ten feet; is that fair?

20 A. Yeah.

21 Q. Okay.

22 A. I'm 5'4", so --

23 Q. Are the walls thin?

24 A. Yes.

1 Q. Okay. Did you hear anything suspicious
2 happen that night?

3 A. No.

4 Q. Okay. Do you remember her calling you, or
5 texting you that night?

6 A. No.

7 Q. Okay. When did you first find out what
8 happened, or when did that memory first get jogged in
9 your mind?

10 A. When I was notified by somebody on the other
11 side of the family, I honestly couldn't tell you who
12 told me there was a text message.

13 Q. Okay, and that text message is her saying
14 there's something you need to talk about?

15 A. Yeah.

16 Q. Okay.

17 A. And I had no idea. This was -- I didn't find
18 out about anything. I was not told. They called the
19 police and did everything behind my back, basically.
20 Didn't even call and have the nerve to ask me
21 anything. It was ten months later. I mean I don't
22 know how anybody really remembers ten months prior.

23 Q. Right. Well, is that unusual for you-all to
24 talk like that?

1 A. Who?

2 Q. You and Kirstian.

3 A. Me and Kirstian talked all the time. I mean
4 if you look back on our messages, I'm texting her
5 while she's in school telling her to get her damn
6 grades, excuse me, get her grades up.

7 Q. Okay, all right. You-all talk all the time?

8 A. Yes.

9 Q. Okay.

10 A. We did, yes.

11 Q. So a text message wouldn't be out of the
12 ordinary --

13 A. No.

14 Q. Okay.

15 A. And it's all different times of the day that
16 we would talk.

17 Q. Would you-all sometimes talk while you're in
18 the same house?

19 A. Yes. Oh, yeah, my kid doesn't -- neither one
20 of my kids get up, they text.

21 Q. Okay, all right. So is it fair to say you're
22 not going to remember what that was over?

23 A. I have no recollection of that.

1 Q. Okay. Did she ever tell you what it was
2 over?

3 A. No. We actually never really discussed
4 anything.

5 Q. Okay. And, again, are you positive that she
6 didn't tell you anything?

7 A. I am 100 percent positive I was not told.

8 Q. Okay. If you were told, what would you have
9 done?

10 A. Called the police.

11 Q. Okay.

12 A. Well, yeah.

13 Q. All right.

14 A. That's -- yeah.

15 Q. Is it fair to say that you'll had -- you said
16 earlier you and Ricky's relationship was rocky, right?

17 A. Yes.

18 Q. At times, right?

19 A. Yes.

20 Q. Is it fair to say that you-all both in the
21 past struggled with maybe using drugs?

22 A. Yes, that's correct.

23 Q. All right, and sometimes -- you found out
24 later that the children knew about that, right?

1 A. Yes.

2 Q. Okay, all right. How does that make you
3 feel?

4 A. Not something I'm proud of.

5 Q. Okay, all right. Do you have any reason to
6 lie today?

7 A. No.

8 Q. Okay. Do you -- I mean has anyone threatened
9 you, or coerced you, or anything like that?

10 A. No.

11 Q. And everything you've said today is the
12 truth?

13 A. Yes.

14 Q. Okay. No further questions for you.

15 MS. KEENEY: May it please the Court.

16 ***

17 CROSS-EXAMINATION

18 BY MS. KEENEY:

19 Q. You and Kirstian would message on Facebook
20 Messenger, correct?

21 A. That's correct.

22 Q. Okay, and so those messages that you provided
23 the defense attorney, that was Facebook Messenger,
24 correct?

1 A. Between me and her, yes.

2 Q. Okay.

3 MS. KEENEY: Do you have the exhibits?

4 THE COURT REPORTER: Yes, ma'am.

5 MS. KEENEY: Okay.

6 BY MS. KEENEY:

7 Q. So State's Exhibit Number 1, I'm going to
8 hand this to you. You're saying you don't recognize
9 those messages, correct?

10 A. I don't recall these messages.

11 Q. Okay, you don't recall it?

12 A. No.

13 Q. But that is your Facebook Messenger that --

14 A. Yeah.

15 Q. -- she's --

16 A. That's 100 percent me.

17 Q. And you said, "You okay?" Correct?

18 A. Correct.

19 Q. Okay, so you did say that?

20 A. Uh-huh.

21 Q. And you do admit that Kirstian said, "Mom,
22 there's something I need to tell you," on October 7th
23 of 2016 at 10:33 p.m., correct?

24 A. Yes.

1 Q. Kirstian sent you this?

2 A. Yes.

3 Q. So, clearly, Kirstian wanted to tell you
4 something the night of Hurricane Matthew, correct?
5 But -- is that correct?

6 A. Yes.

7 Q. And you don't respond until a couple hours
8 later, correct?

9 A. Yes.

10 Q. Because you were sleeping, correct?

11 A. No, I don't know if that's true. We were
12 outside a lot during the --

13 Q. Did you ever fall asleep?

14 A. Probably.

15 Q. Okay. But you're not disputing that these
16 are --

17 A. Yeah, I'm not disputing anything about that.

18 THE COURT: Okay, you-all need to slow down,
19 you're talking over each other, and my Court Reporter
20 can't take it down. You ask your question, wait until
21 she's finished, then you can answer, all right?

22 BY MS. KEENEY:

1 Q. So you're not disputing that these are
2 messages between you and Kirstian the night of
3 Hurricane Matthew?

4 A. No.

5 Q. Thank you. So for Bayleigh's eleventh
6 birthday you-all gave an 11-year-old alcohol to
7 celebrate?

8 A. It wasn't for her birthday.

9 Q. Okay, but you and Ricky gave an 11-year-old
10 and a 14-year-old alcohol?

11 A. Yes.

12 Q. Okay. And you said that if Kirstian had told
13 you what happened, you would have called the police,
14 correct? That's what --

15 A. That is correct.

16 Q. Okay. Well, you did find out what happened
17 in July, correct?

18 A. July.

19 Q. And you refused to even take the girls to a
20 forensic interview, so --

21 A. That's --

22 THE COURT: Let her finish.

23 BY WITNESS:

24 A. Uh-huh.

1 Q. You refused to take the girls to a forensic
2 interview, just so that law enforcement could look
3 into that.

4 You wouldn't even cooperate, would you?

5 A. That is not true. I cooperated with DSS and
6 did everything that they asked.

7 Q. Yet, you still don't have your children, do
8 you?

9 A. I don't have my children per the Judge order.

10 Q. Okay. And through all these years you have
11 lost Kirstian, correct?

12 A. I haven't lost either one of them.

13 Q. Okay, because Kirstian loves you, doesn't
14 she?

15 A. Yes, and I love her too.

16 Q. In fact, you-all still go to lunch together,
17 correct?

18 A. Yes, that is correct.

19 Q. Even though you think your daughter's a liar,
20 you still go to lunch with her?

21 A. I will always be there for my child.

22 Q. Okay.

23 A. And always do things with her. As long as
24 she wants me in her life, I will always be with her.

1 Q. Was your memory a little fuzzy the night of
2 Hurricane Matthew?

3 A. I mean I was only told about the allegations
4 ten months afterwards, so Hurricane Matthew is just --
5 it was a day, and a lot of it's a lot of hearsay from
6 everybody else talking about me.

7 Q. But it's kind of a notable day, isn't it,
8 because there's a Hurricane hitting South Carolina,
9 and it's your daughter's eleventh birthday, correct?
10 That's kind of something you would remember, correct?

11 A. I mean birthday, yes, but hurricane, no, it's
12 South Carolina, look it's our weather.

13 Q. Okay, and the defense attorney asked you if
14 there's been some struggles with drug addiction,
15 correct?

16 A. Yes.

17 Q. And, in fact, within a week when this
18 happened, Hurricane Matthew, you had some struggles
19 with some addiction, didn't you? There was an arrest
20 for drugs.

21 A. That was months later.

22 Q. October 14th, 2016.

23 A. I was not arrested October 14th.

24 Q. Okay.

1 A. I was never arrested in October, that was
2 April -- end of March.

3 Q. From Summerville Police Department?

4 A. 2017.

5 Q. Okay. So you said that you-all spent some
6 time outside, you and Ricky, correct?

7 A. Yes, underneath the carport.

8 Q. So the weather wasn't like crazy the --

9 A. I know it was windy.

10 Q. It was windy?

11 A. Uh-huh.

12 Q. But not crazy, where you couldn't go outside,
13 correct?

14 A. No, it was nice out there, and, plus, we
15 smoke cigarettes, and so that's where we -- we don't
16 smoke cigarettes in the house.

17 Q. You told your attorney that you have no
18 reason to lie, correct?

19 A. That's correct.

20 Q. And you love that man, don't you?

21 A. I do.

22 Q. You're standing by that man, correct?

23 A. I'm standing by the truth. I was not told
24 about these allegations.

1 Q. You're standing by this man despite losing
2 your children, correct?

3 A. Repeat that?

4 Q. You're standing by this man even though
5 you've lost your four because of this, correct?

6 A. I haven't lost my children.

7 Q. Lost custody.

8 A. Okay, lost custody.

9 Q. Thank you.

10 THE COURT: Anything further?

11 MR. SMALDONE: Nothing further.

12 THE COURT: You may step down.

13 WITNESS: Thank you.

14 MR. SMALDONE: Defense will call Ms. Rhonda
15 Edwards.

16 THE COURT: Come on forward, Ms. Edwards.

17 * * *

18 RHONDA EDWARDS

19 * * *

20 being first duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. SMALDONE:

23 Q. Good morning, Ms. Edwards, how are you today?

24 A. Pretty good.

1 Q. All right, tell us a little bit about
2 yourself. Where are you from, originally?

3 A. I'm a true North Carolinian. I grew up in
4 North Carolina in the southeastern part, and shortly
5 after my husband I got married 43 years ago we moved
6 to South Carolina here in Charleston. So we live in
7 -- I'm a teacher at Eagle Nest Elementary in
8 Dorchester too.

9 For 28 years I've been teaching, and I'm a
10 grandma, mom, sister, mother. I don't know what else
11 you need, sir.

12 Q. No, that's all.

13 A. I do live at [REDACTED] Addison Road in
14 Cottageville.

15 Q. What kind --

16 A. My husband and I bought 40 acres about six
17 years ago to bring the family together, to raise the
18 girls in the country like we were raised.

19 Q. Okay. I'll get right to it, do you remember
20 the night of Hurricane Matthew?

21 A. I do remember Hurricane Matthew, because I've
22 been through Hurricane Hugo, so I'm a terrible person
23 when it comes to hurricanes.

1 Q. I bet. And do you remember -- I mean what
2 occurred that night? Do you remember if it was a
3 birthday celebration?

4 A. Poor Ty's birthday has always been terrible
5 since we moved to Cottageville. Every year some kind
6 of storm happens, and so it was Ty's birthday.

7 I know we spent the day trying to get everything
8 ready for the hurricane to come through, make sure
9 nothing was in the woods that would fly away.

10 And then everybody got home, and I know everybody
11 keeps talking about Lemon Drops, but Rick and Tabitha
12 looked at me and winked, and said there was no alcohol
13 in it, and it was pretty much just to get everybody
14 kind of calmed down because of what was going on.
15 Because I'm a silly person, and I do get very scared
16 when that happens, so --

17 Q. Okay.

18 A. -- it's mostly just -- I don't know, but,
19 yeah, we did that. And then at some point in the day
20 or the night I remember I got ready for bed. I
21 remember that -- well, the house, we have five
22 bedrooms.

23 So when you come into the main part of the house,
24 you have the living room, and then the kitchen is a

1 part of it, so that would be the center area. And
2 then our kind of apartment, mine and Ricky's, is off
3 of that end of the house.

4 We have a bedroom and a bathroom, and then we
5 have what we call my mother -- my late mother, she
6 just passed, her bedroom. And then we have the living
7 room, and the kitchen, and then a huge living area,
8 where we usually play cards, or sit and watch TV
9 together, as a family. And then Rick and Tabitha's
10 part was back, where they had their bedroom, there's a
11 bathroom here.

12 Ty had her bedroom, and then Kirstian's bedroom
13 is on the other side. So we're very close, we just
14 kind of try to give Rick and Tabitha their space, and
15 then Ricky and I have ours. We were kind of isolated,
16 you know, when you get ready to go to bed at night.

17 Q. Okay. So are you saying that yours is on
18 kind of the other end of the house?

19 A. Yes, we are.

20 Q. Okay.

21 A. We try to have enough room for privacy for
22 everyone --

23 Q. Right.

1 A. -- because there were a lot of us in the
2 house.

3 Q. I understand. Do you remember about what
4 time you went to bed?

5 A. I do not remember about what time it was, but
6 I do remember that when I went to bed, Ty was in the
7 couch in the living room sitting close -- she likes
8 the edge where the long sofa is, so she can stretch
9 out, which is close to Kirstian's bedroom, and then
10 Bayleigh's bed -- or Ty's, and then Tabitha and Rick's
11 room is right there, so she was there. Tabitha and
12 Rick, I think, had already gone to bed, or were
13 whatever, and then Kirstian was in her room.

14 So I just went to bed --

15 Q. Okay.

16 A. -- to try to just wait out the storm.

17 Q. Okay. Before you went to bed, or afterwards,
18 did you see or hear anything unusual or strange or
19 suspicious?

20 A. The only thing I remember is later, after I
21 had been asleep, the girls came into the room to sleep
22 with us, but that was not unfamiliar.

1 I mean they spend a lot of time with us. Ty uses
2 our bathroom, or did use our bathroom to get ready
3 every morning --

4 Q. Okay.

5 A. -- for school, because we drive to school
6 each morning. They -- the girls went with me to
7 school, and Kirstian was with me in the morning, and
8 she walked over to the middle school --

9 Q. Right.

10 A. -- so --

11 Q. So Kirstian would drive with you every
12 morning to school?

13 A. Morning and afternoon, yes, sir.

14 Q. All right. Was that also after Hurricane
15 Matthew too?

16 A. Oh, yeah.

17 Q. Okay.

18 A. Yeah, until Kirstian was taken from us.

19 Q. All right. Did Kirstian ever tell you that
20 night, or the next day about Ricky Edwards acting
21 inappropriately?

22 A. Kirstian never came to me and told me
23 anything that had happened, because if she had come to
24 me, not only as a grandmother and a mother, we were

1 supposed to go to the police; but as a teacher too,
2 those are signs you look for with children, if they've
3 been mentally, physically abused.

4 Q. Okay. Did you see any of those signs about
5 sexual abuse --

6 A. No.

7 Q. -- like that night?

8	A. No.
---	--------

9 Q. And during her rides to school, did she
10 ever --

11 A. She never spoke to me about anything.

12 Q. Okay. All right, and I have no further
13 questions for you. Please answer any the State might
14 have.

15 A. Yes, sir.

16 ***

17	CROSS-EXAMINATION
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18 BY MS. KEENEY:

19 Q. So Tabitha told you that there was no alcohol
20 in that drink, correct?

21 A. I don't remember one or the other telling me.
22 They looked at me and kind of winked like there wasn't
23 any alcohol.

24 Q. That there was or wasn't?

1 A. That there wasn't.

2 Q. Wasn't?

3 A. Yes, ma'am.

4 Q. Okay. So they lied to you about that,
5 correct?

6 A. I --

7 Q. You just heard Tabitha testify that they gave
8 them alcohol.

9 A. But she winked at me, and that made me think
10 that there wasn't any in there, because we had talked
11 about children having alcohol, and the fact that when
12 -- back in the old days how they sometimes put a
13 little bit in the bottle, when a baby couldn't sleep.
14 And we talked about how, you know, they were under
15 age, but they were home with us, and I didn't have --
16 I honestly don't know. I just --

17 Q. So you don't --

18 A. -- went by the wink.

19 Q. You don't know?

20 A. I do not know whether or not there was
21 alcohol in the drink.

22 Q. Okay. And you said you're a teacher,
23 correct?

24 A. Yes, ma'am, been teaching --

1 Q. So that would make you --

2 A. -- 20 years.

3 Q. I'm sorry, let me finish.

4 A. I'm sorry.

5 Q. -- a teacher?

6 A. Yes, I am.

7 Q. And that would make you, what we call, a
8 mandatory reporter --

9 A. Yes.

10 Q. -- correct

11 A. I'm a mandatory reporter.

12 Q. So you know that if Kirstian told you, you
13 could --

14 A. Yes.

15 Q. -- get in trouble for not reporting it,
16 correct?

17 A. Yes, I do know that.

18 Q. But you love your son, correct?

19 A. Yes.

20 Q. Yeah.

21 A. But I love Kirstian too.

22 Q. Okay. And Kirstian's room, you said, is on
23 the other side of that house of yours, correct?

24 A. Yes, it is.

1 Q. You don't know what happened in that room?

2 A. No, I was not there.

3 Q. You don't know what happened?

4 A. I can only go by what I was told, or what I
5 saw.

6 Q. Okay. Was Ricky drinking that night?

7 A. He may have had a drink because it was there.

8 Q. So we've got 11-year-olds and 14-year-olds
9 drinking, but he wasn't drinking?

10 A. I -- ma'am, you asked me, and I said I don't
11 know, probably he did. I don't monitor him, he's 35.

12 Q. Thank you.

13 MS. KEENEY: No further questions.

14 THE COURT: Any redirect?

15 MR. SMALDONE: Nothing further.

16 THE COURT: You may step down.

17 Anything further from the defense?

18 MR. SMALDONE: The defense would rest at this
19 time.

20 THE COURT: All right. Anything further from the
21 State?

22 MS. KEENEY: No, Your Honor.

23 THE COURT: All right, ladies and gentlemen, the
24 defense has also rested their case. There are some

1 matters of law I need to take up with the attorneys.
2 What I'd like to do in this case is, hear opposing
3 arguments from the lawyers, and I need to charge you
4 on the law that's applicable to this case.

5 I am going to ask that you be back in your jury
6 room at 1 o'clock, after a lunch break, and we're
7 gonna go ahead and complete this trial of this case,
8 all right?

9 Ladies and gentlemen, I need to remind you that
10 although you have heard all the evidence in this case,
11 you haven't heard the closing arguments from the
12 attorneys, and you haven't heard my charge on the law,
13 and it would be inappropriate for you to discuss this
14 case, again, not only with each other, but with anyone
15 else.

16 Also, you're not do any kind of research. Ladies
17 and gentlemen, just go outside, get a little fresh
18 air, grab a bite to eat, and if you'll be back in your
19 jury room at 1 o'clock, we'll go ahead and continue
20 with the trial of this case, all right? Thank you.

21 (Jury exits the courtroom.)

22 THE COURT: Any motions?

23 MR. SMALDONE: I would renew the directed verdict
24 motion previously argued at this time.

1 THE COURT: Okay. Based on --

2 MS. KEENEY: I'll just -

3 ***

4 CHARGE CONFERENCE

5 THE COURT: All right, again, based on the
6 evidence, and like I said, that this jury could
7 determine the Defendant guilty of CSC with a minor in
8 the third degree, and I'm going to send it to the
9 jury.

10 So let's talk about the jury charge, okay?
11 Anyone have anything specific to add to the charge?

12 MR. SMALDONE: No, Your Honor.

13 THE COURT: Anything specific you can think of
14 from the State?

15 MS. KEENEY: No, Your Honor.

16 THE COURT: I will go through for you-all, if
17 you'd like, just, generally, what my charge is going
18 to include. First, that, obviously, we preponderance
19 of evidence. Reasonable doubt.

20 The duty of the jury is to find the facts. The
21 Judge is the judge of the law. Direct and
22 circumstantial evidence. A charge on a juror's notes.
23 The credibility of witnesses. The fact that the
24 Defendant did not testify is not be spoken of back in

1 the jury room. He's not required to prove himself
2 innocent.

3 Okay, and then this case is only one offense, and
4 it's charges with criminal sexual conduct with a minor
5 in the third degree. And it states, "A person is
6 guilty of criminal sexual conduct with a minor in the
7 third degree, if the aggressor is over 14 years of
8 age, and the actor willfully and lewdly commits, or
9 intends to commit a lewd or lascivious act upon or
10 with a body, or its parts, of a child under 16 years
11 of age, with the intent of arousing, appealing to or
12 gratifying the lust passions or sexual desires of the
13 actor, or the child.

14 Anything else?

15 MR. SMALDONE: I cannot think of anything else
16 that is reasonable.

17 THE COURT: Okay.

18 MS. KEENEY: Okay.

19 THE COURT: It's straightforward, okay. All
20 right, so let's do this, if you-all go take about an
21 hour, and if you'll be here at about eight, ten
22 minutes before 1:00, we'll go ahead and conclude the
23 case, okay, when the jury all gets back, and I'll go

1 ahead and tell you what I'm using for definitions for
2 lewd and lascivious behavior, okay?

3 MS. KEENEY: Thank you.

4 THE COURT: All right, thank you.

5 (luncheon recess.)

6 (The following proceedings were held in open
7 court. All parties present.)

8 PROCEEDINGS CONTINUED

9 ***

10 THE BAILIFF: All rise.

11 THE COURT: Thank you, please be seated.

12 All right, can you see if the jury's all back?

13 On the juror's form it's just a straight one charge.

14 As to the charge of criminal sexual conduct with a
15 minor in third degree, we find the Defendant, Ricky
16 Devon Edwards, Jr. either not guilty or guilty, it is
17 straightforward.

18 And I'm gonna tell you what I did as far as the -
19 - I'll have someone bring it to you in just a second.
20 As far as the criminal sexual conduct with a minor, to
21 prove this charge, the State must first prove beyond a
22 reasonable doubt that the Defendant was over the age
23 of 14."

1 Next the State must also provide a reasonable
2 doubt the Defendant willfully and lewdly committed or
3 attempted a lewd or lascivious act on, or with a body,
4 or body parts of a child under the age of 16 years. A
5 lewd or lascivious act must be done with the intention
6 to arouse, appeal, to, or gratify the lust, passions,
7 or sexual desires of the defendant or the child.
8 Actor simply means a person accused of criminal sexual
9 conduct, willfully means voluntarily and
10 intentionally, with the specific intent to do
11 something the law forbids, lewd means obscene,
12 lustful, indecent, and lascivious means to intend to
13 incite lust, pretending to deprave the morals and
14 respect to sexual arrangements, all right?

15 MS. KEENEY: That sounds right.

16 THE COURT: Also, the question I had for defense
17 was, do you also want a specific charge on intent?

18 MR. SMALDONE: Yes, I always ask for an intent
19 charge.

20 THE COURT: Okay.

21 MR. SMALDONE: So --

22 THE COURT: So the standard one I always use is
23 that, you know, in order to establish criminal
24 liability, criminal intent is required. It's the

1 mental state, obviously, so it's just the standard
2 one. Criminal intent is a mental state, a conscious
3 wrongdoing, okay? So it's the standard one.

4 It's the one that says, you know, there's no way
5 to prove intent to a mathematical certainty and get in
6 someone's mind. Obviously, you just see by the
7 circumstances surrounding intent, okay? So I put that

8 in there as well. Any objection to the verdict
9 from you've already seen from the State?

10 MS. KEENEY: Not from the State.

11 THE COURT: Defense?

12 MR. SMALDONE: None from the defense.

13 THE COURT: Okay. All right, anything before we
14 begin?

15 MS. KEENEY: Nothing from the State.

16 THE COURT: Let's bring the jury in.

17 (Jury enters the courtroom.)

18 THE COURT: Welcome back, ladies and gentlemen, I
19 trust you-all had a good lunch. At this time what
20 we're gonna do is hear the closing statements from the
21 attorneys, and then I'm gonna charge you on the law
22 that's applicable to this case, all right?

23 MS. KEENEY: May it please the Court?

24 THE COURT: Yes, ma'am.

CLOSING ARGUMENT BY MS. KEENEY

MS. KEENEY: A parent's job is to protect children, not prey on them. What this case boils down to is whether or not they failed Kirstian. It's that simple. If you believe what she said is true, that the Defendant came into her room, and tried to have sex with her, and touched her breasts, and attempted to touch her private part, then he is guilty.

So let's examine Kirstian's testimony and the evidence in this case. So why should you believe Kirstian? Well, there's literally no reason to make it up. When you think about it, she had everything to lose. She loves her mother, she told you that, and even Tabitha told you that.

She didn't want to be separated from her mother, and, certainly, not for six years. This happened in October of 2016, we are six years down the road, and she's telling the same story that she told on October 7th of 2016. She had nothing to gain for making this up. She had to switch schools, she had to leave her friends behind at her old school to go to a new school, leave her boyfriend behind, she had to leave her sister behind.

1 And she didn't even know anybody at the school in
2 Summerville when she had to leave. Children don't
3 want to switch schools, when they've got friends and a
4 boyfriend at the old school, to go to a school where
5 they know absolutely no one. It literally makes no
6 sense for her to make it up. Moreover, she had to sit
7 in this courtroom today, and watch her own mother sit
8 up there, and defend that man. What child would want
9 to do that? There's nothing to gain.

10 So why should we believe Kirstian? Well, if you
11 look at the evidence in this case, and you look at
12 State's Exhibit Number 1, these are the case of
13 messages from the night of the hurricane between
14 Kirstian and Tabitha.

15 Tabitha, herself, told you that these are the
16 messages between her and Kirstian from the night of
17 hurricane, there's no dispute about that. Kirstian
18 sent this message the night of the hurricane at 10:33
19 p.m.

20 And you'll get this back in your jury room, and
21 you can look at it. It's at the bottom, and she says,
22 "Mom, there's something I need to tell you," and it
23 wasn't until hours later when Tabitha responded and
24 said, "Are you okay?" And there's no other message

1 from there, because Tabitha went into her room, and
2 figured out what happened. Why else would you believe
3 Kirstian?

4 Well, you heard from Shelby Pruitt, who was her
5 friend at school at the time. And what does Shelby
6 Pruitt tell you? She tells you that right when they
7 came back from the hurricane break, Kirstian disclosed
8 to her about the sexual abuse.

9 She told her when and where it happened, and she
10 told Shelby. And guess what? Shelby's got no reason
11 to lie to you, she's not even friend with Kirstian
12 anymore, they grew apart. Do you want to know why
13 they grew apart? Well, probably because Kirstian had
14 to move schools. She got torn from her friends and
15 boyfriend from the first school. Shelby's got no
16 reason to lie.

17 So what else do we have? We've got Bayleigh, who
18 goes by Ty, she is the half-sister of the victim, and
19 what does she tell you? She tells you -- she
20 corroborates with Kirstian's statement, which was that
21 these parents over here gave two minor girls, an 11-
22 year-old and a 14-year-old alcohol the night of the
23 hurricane; and she tells you that Kirstian was

1 sleeping in her room alone until a fight broke out
2 between her mother and her father, the Defendant.

3 And what happens after the fight? She doesn't
4 know what the fight's about, but she knows that a
5 fight breaks out that night. And what happens is both
6 girls are forced to go into the room connected to the
7 grandparents. Let's think about that logically. Why
8 would they be forced to go into the room connected to
9 the grandparents?

10 To stay away from that man, so that there will be
11 grandparents that will protect those girls, if he
12 tried to do something else that night. That is why
13 they went to that room. And what else does Bayleigh
14 tell you? She tells you that the next morning things
15 are really awkward, and that nobody wants to talk
16 about it.

17 And that's kind of a theme in this case, right?
18 From the moment that Kirstian tells, nobody wants to
19 talk about it, they want to sweep, sweep, sweep it
20 under the rug, pretend it didn't happen, and maybe
21 they justified in their minds by saying, "Well, he
22 didn't actually have sex with her, so, you know, we'll
23 just keep it in. Wear some more clothes, stay away
24 from him when he's drunk." Maybe that's how they

1 sleep at night, but she told you it was awkward, and
2 no one wanted to talk about it.

3 Let's talk about the Defendant's statements. He
4 lied throughout this investigation. He told DSS one
5 thing, and then told law enforcement another. He told
6 DSS that he gave the girls alcohol, but not enough to
7 get them drunk. But guess what? He then goes and
8 tells law enforcement, "Oh, no, no, it was just a
9 placebo, you know, I'm not trying to, you know, I was
10 just trying to like ease their mind, no alcohol in
11 it." He lied. You heard from Tabitha they gave them
12 alcohol. What else does he lie about? He lies about
13 where people were sleeping that night, and that is
14 important.

15 So he initially tells DSS that the victim and
16 Bayleigh were sleeping in the living room the night of
17 the hurricane, and we know that's not true, because
18 Bayleigh, who by all means, she's I guess could say on
19 their side, because that's her biological dad, and you
20 want to believe your dad, I get that. And Bayleigh
21 told you, "No, no, no, Kirstian slept in her room.
22 She slept I her room up until the fight broke out."
23 And so why is that important? Because he is lying
24 about the events that led up to the sexual assault.

1 Now, Tabitha, she admits that her memory is not
2 that great from that night. She doesn't really
3 remember when the hurricane hit, and she doesn't
4 really remember her 11th daughter's birthday, other
5 than there was some, you know, shots involved between
6 her 11-years-old and 14-year-olds, but she did admit
7 to you that State's Exhibit 1, text messages from the
8 night, or the Facebook messages from the night of the
9 hurricane were between her and Kirstian.

10 She told you that -- well, think about what she
11 did not tell you. She didn't try to explain about the
12 fight that took place that Bayleigh told you about.
13 Bayleigh told you there was a fight, right? She
14 didn't even try, attempt to explain what her and Ricky
15 were fighting about that night, because she knows what
16 they were fighting about.

17 They were fighting about him trying to have sex
18 with a 14-year-old. She told you that she would have
19 called the police, if Kirstian had told her that
20 night. But if you watched her from the stand, you
21 know what she said? "I would have called the police,
22 well," and then she stopped herself.

23 And you know how we know that's not true?
24 Because when all of this broke out, and law

1 enforcement did get involved in July of 2017, Tabitha
2 wouldn't even cooperate with the police. She wouldn't
3 even take the girls to a forensic interview, so that
4 they could try to figure out what happened.

5 She wanted no part of it, because from day one,
6 she was standing by her man, better for worse.

7 And, Rhonda, the Defendant's mom, she's got a lot
8 to lose by telling the truth, okay? She's a teacher,
9 she's a mandatory reporter, so she would get in
10 trouble, if she came into this courtroom and admitted
11 to you that Kirstian told her about the sexual abuse,
12 and she did nothing.

13 She would, literally, get arrested for that. You
14 know what else she has to lose, and probably more
15 important to her, is her son. She's got everything to
16 lose.

17 Moreover, she told you that Kirstian's room is on
18 the other side of the house, so she didn't really know
19 what happened. Now, let's talk about the
20 investigation. You've heard that law enforcement
21 brought Kirstian in for a forensic interview, and
22 Kirstian, once again, said, "You know, this is what
23 happened, this is what he did to me." She said it
24 back in 2017 -- she said it back in 2016, when she

1 told her mama, she told it in 2017 when she told the
2 people in the forensic interview, and she's telling it
3 in 2022, six years later, still consistent about what
4 he did.

5 And what else did the officer tell you? "Hey,
6 nobody from this family beating down the doors with
7 the Colleton County Sheriff's Office trying to defend
8 this man, saying, "Oh, no, Kirstian never told me, oh,
9 no, that couldn't happen, because we were all in the
10 room." No one ever said that. None of them were
11 beating down the doors at the Sheriff's Office to get
12 those witness statements in, because they know what
13 happened. They can't defend it.

14 Let's talk about physical evidence, which you'll
15 probably see on TV, you know, about DNA, fingerprints,
16 all that stuff. Well, let me tell you this, I know
17 the defense has made a big deal about, "Well, it's ten
18 months later." Well, if you want the face to blame
19 for why it's ten months later? You're looking at it
20 right over there on that second row, those two,
21 because, specifically, Tabitha, because as a mom, her
22 job was to protect that child, and she did absolutely
23 nothing she covered it up.

1 And so if you want to blame anyone for why it
2 didn't get to court until ten months later, you can
3 blame Tabitha. Because that little girl she might be
4 20 now, but she was 14 when this happened, she told
5 her mom. Who else was she supposed to tell?

6 The one person that was supposed to protect her
7 did nothing, and not only did nothing, she took up for
8 the man. And so regardless though, had Tabitha been
9 the mother that she should have been, and called law
10 enforcement that same night, when she found out, there
11 would never have been any of this. Because not once
12 did Kirstian come in here and try to tell you that he
13 put his penis in her, or that he ejaculated in her, or
14 he did any of that.

15 So there never would have been that, even if law
16 enforcement responded that night. She just told you
17 she didn't try to oversell anything, she told you what
18 he did. He felt her up, and he tried to go to her
19 private part, but she knew and was saying no, and
20 finally gave up.

21 Now, let's talk about the text messages the
22 defense brought up. So we've got -- we'll look at my
23 text messages that I admitted in State's Exhibit 3,

1 because it's a more complete representation of their
2 conversation.

3 So Tabita says, "Okay, good to hear, because I
4 didn't want you to buy, you mentioned it a few weeks
5 back." Kirstian says, "Okay." Tabitha says, "I will
6 make sure you have money on your account, and cell
7 phone is paid from now until whatever happens, but I
8 wish you were home with me.

9 I haven't been away from you like this forever."
10 And Kirstian says, "I'm sorry." Because you know
11 what? She is sorry that her and her mom are separated
12 because guess what? She does love her mom, and she's
13 sorry that all this has happened, to the point that
14 she's sorry that this man did this to her, to the
15 point where it separated her and her own mother.

16 And then Tabitha says, "Sorry for what, K?" And
17 Kirstian says, "For what I did. I just don't want to
18 be around that family.

19 Grandpa didn't put anything in my mind, it's all
20 me. Grandpa didn't know until last minute."

21 So what does that say? She's sorry for coming
22 forward. She's sorry that they're separated. She's
23 sorry that the mom's having a tough time, and she
24 doesn't -- she wanted to be around her mom. Like at

1 the end of the day they're making a big deal that she
2 wanted out of that house, and that's why she did.

3 Yeah, she probably did want out of that house.
4 We've already heard about the physical abuse, drug
5 abuse and sexual abuse. Anybody would want out of
6 that house, but at the end of the day she loved her
7 mama, and she's sorry that her mom is upset that
8 they're separated.

9 And you know what? They want to make this out to
10 be like, oh, this is her admitting that she lied about
11 it, or something like that, and that's what they're
12 trying to sell you on. But even Tabitha didn't take
13 it that way, because her response was, "I love you K."
14 So if Tabitha took this as, oh, this is Kirstian
15 admitting to me that she made the whole thing up,
16 wouldn't Tabitha's response be, "Well, then just tell
17 the truth, tell them it didn't happen."

18 No, she didn't say that. She knew what Kirstian
19 meant, which is, she's sorry about the situation.

20 And it's really sad that Kirstian even has to say
21 that, because she's 14-years-old, and she's having to
22 apologize for what a 35-year-old man did to her.
23 She's trying to apologize for her own mother not

1 supporting her, and doing what she should have done,
2 which is call the police the night of.

3 Now, the defense also admitted some text
4 messages, Defense Exhibit 2, where Kirstian's
5 grandfather, not Ricky's dad, but the other grand,
6 Tabitha's dad, is asking, "Have they hit you? Have
7 they hit you?" And she's says, "Grandma and dad," and
8 then she is responding to something else, because they
9 didn't have the complete messages, and says, "Not that
10 I know of." And, honestly, I don't really know the
11 complete relevance of this, other than, you know, her
12 grandpa is asking her, "Do you want out of the house,"
13 is basically what he's asking, and that he'll help her
14 get out of the house.

15 There's physical abuse, drug abuse, whatever, I
16 mean I think what grandpa should want to help someone
17 get out of the house, but he's not telling her to make
18 anything up. And do you know why we know that?
19 Because Kirstian tells you in State's Exhibit, or
20 Number 3, "Grandpa didn't tell me to say any of this,
21 he didn't even know about it." He was the last person
22 that she even told.

23 She told Tabitha, she told Ricky's parents, and
24 then she told Stephanie, and Stephanie then told

1 Casandra, which is Stephanie and Tabitha's sister, and
2 that's how law enforcement found out. Grandpa's the
3 last to know, and I'd be willing to bet that if
4 grandpa was the first to know, we probably wouldn't be
5 here today.

6 I'm going to leave you with this, six years ago,
7 she's been telling the same story for six years.
8 Tabitha and Rhonda won't admit -- they're not gonna
9 come in here and admit to you that she told them,
10 because they've got too much to lose; but you know who
11 has nothing to lose, and nothing to gain? Shelby
12 Pruitt. Shelby Pruitt has nothing to gain from any of
13 this, because she told you that Kirstian told her
14 about it in October of 2016.

15 And I don't know if you recognize this, but it's
16 not exactly a good time to have to come into a
17 courtroom and testify against the man that pretty much
18 raised you, with your own mother sitting back there
19 standing by him, not supporting you, calling you a
20 liar. It's not really anybody's idea of a good time.
21 And you can see her demeanor on the stand, she
22 literally has tears coming down her face talking about
23 this incident.

1 And you know what? She's got absolutely nothing
2 to gain by making this up, because they want to tell
3 you that, "Oh, she's made this up, because she wanted
4 out of the house." Well, guess what? She's 20-years-
5 old now, she's out of the house, right? She's not
6 living with them, she's an adult, she can live
7 wherever she wants. She's out of the house, and she's
8 still telling you the same thing, which is, that that
9 man tried to have sex with her, and she's out of the
10 house.

11 There's nothing to gain. We're not in civil
12 court, this is -- she can't make any money by this.
13 The only thing that happens here today, you-all are
14 going to deliberate, and you-all are gonna come up
15 with a verdict, as to whether or not he's guilty or
16 not guilty, and then a sentence, or not sentence, if
17 he's found not guilty.

18 So he's not -- there's no money to gain here,
19 there's nothing to win. The only thing here is that
20 she had everything to lose. She's got a mother who
21 doesn't support her, a sister she doesn't get to see,
22 and she gets to come in here and talk about how a 35-
23 year-old man touched her breasts and tried to touch
24 her private part.

1 And I don't see her making that up, to be honest
2 with you. And so I ask that you review all the
3 evidence, look at all the text messages, think about
4 what they said, and I ask that you find him guilty.
5 Thank you.

6 THE COURT: Yes, sir.

7 MR. SMALDONE: May it please the Court?

8 THE COURT: Yes, sir.

9 ***

10 CLOSING ARGUMENT BY MR. SMALDONE

11 MR. SMALDONE: Ladies and gentlemen of the jury,
12 good afternoon. At the beginning of this case I spoke
13 to you and told you what to expect. I told you you'd
14 hear an allegation, and then a bunch of question
15 marks, and then the State asking you to find Ricky
16 Edwards guilty, right? And that's really all we've
17 heard today, and I mean today, because it was one day.

18 So all we heard is a story, a bunch of question
19 marks, and then the State wants you to find Ricky
20 guilty. You heard, in this case, testimony from
21 Kirstian, right? She says all this happened, right?
22 Didn't want to talk about the text messages though.
23 Text messages are important. I don't know where they
24 are, but they're somewhere.

1 The text messages you'll have them in the jury
2 room, says, "I'm sorry for what I did." That's pretty
3 plain and simple, "I'm sorry for what I did." I
4 understand now she wants to put some context to it,
5 and she wants to spin it, and say, "Oh, I really meant
6 this." Well, if you meant it, why didn't you say it,
7 instead of, "I'm sorry for what I did." And the other
8 text messages that are important are the ones that the
9 State briefly talked about. It was between Kirstian
10 and the grandfather, right?

11 The reason that's important is, because that was
12 before her disclosure, that was before she told her
13 aunt. This was in, I believe, April, the disclosure
14 was in early July. The disclosure happened then, and
15 this happened a few months before.

16 So the reason those are important is, because
17 she's saying she wants out. And then she says -- she
18 kind of backs up, says she doesn't want out, mind you,
19 this is after this, supposedly, happened, doesn't want
20 out. And then she said, "Maybe next time," right?
21 And the grandfather, "I can get something going in the
22 morning. I can make this happen."

23 I don't know if he had anything to do with this
24 accusation. I don't know the guy. Look, I'm sure he

1 loves his granddaughter, like, there's no doubt about
2 that, and he was looking out for what's best for her.
3 And you've heard some testimony that, "Look, I like
4 Ricky, I like Tabitha, I think they're good people."
5 You've heard some testimony that they might not be
6 parents of the year.

7 You heard about drugs, you briefly heard about
8 maybe some physical abuse, but you didn't really hear
9 much specifics, but maybe it's not the best
10 environment, so of course she wanted to get out.
11 That's what she said. That's what's in the text
12 messages, of course she wanted to get out. And she's
13 been on that side of the family since then, that's her
14 side, she chose the side to the other side.

15 Of course, she's not gonna come back and say,
16 "Actually, sorry, I ruined the family, I made it all
17 up." That's why she's sticking to it. Of course,
18 she's sticking to it.

19 She's had consequences because of that, and now
20 she can't go back. You heard a lot about why would
21 she lie, and all this stuff, because of the
22 consequences afterwards, right? She had to switch
23 schools, stuff like that, which is sad, I had to
24 switch schools, it's not fun; but keep in mind, that

1 was all after she supposedly disclosed, or she did say
2 that something happened.

3 It wasn't her idea to switch schools, she might
4 not have known that would happen. This was not her
5 idea, this is just things that happened as a result of
6 what she said. It was not her idea to say, "Hey, I'll
7 go to this other school," leave behind the boyfriend,
8 or whatever, that just happened to happen to her
9 because of all this.

10 So it's not like she knew that beforehand, and
11 said, "I'll switch schools, do this, and then I'll go
12 forward." That is just something that happened as a
13 consequence, right?

14 So what else have you heard? You heard Tabitha,
15 Tabitha says, "Look, I don't know anything about this,
16 I didn't hear it." Again, she might not be mother of
17 the year, but you've heard she still has a
18 relationship with her daughter, she still has a
19 relationship with Ricky. You kept hearing the phrase,
20 stand by her man; yeah, she's sitting behind him,
21 because she knows nothing happened.

22 She was there, I wasn't, the State wasn't, none
23 of you-all were. She was there, she thinks nothing
24 happened. Ricky's mom was there, she testified, "I

1 didn't hear anything." Remember the reason that's
2 important is, because the complaining witness in this
3 case said, "That I told her," right? She says, "I
4 told both my grandparents." I can't remember if it
5 was that night, or that morning, but she said, "I told
6 both my grandparents." Mrs. Edwards says, "That
7 didn't happen," she said. And then the State says,
8 "Well, of course she lied, she's a mandatory
9 reporter." Would you rather her be like a homeless
10 person or something? I mean she is a mandatory
11 reporter. I submit to you that's why that makes her
12 more credible, not less credible. She's a teacher,
13 that's her granddaughter, she didn't hear anything,
14 and she was there, I wasn't, the State wasn't. Law
15 enforcement never was, by the way, they didn't even
16 visit the home, so that's a whole other thing.

17 So everyone who was there, except her, multiple
18 people, nothing happened. Another point that was
19 talked about was his family didn't knock down the
20 doors of law enforcement ten months later to -- I'm
21 not sure what that meant, but they didn't voluntarily
22 go to law enforcement right away to talk to them.
23 Thankfully, we live in a country, where you don't have
24 to prove yourself innocent.

1 They did not have to testify today, but they did.
2 I submit to you they're knocking down the doors of the
3 courtroom to tell you what really happened. And you
4 heard that the cops didn't even try to talk to them.
5 They didn't talk to any of the witnesses.

6 So we have a he said -- I'm sorry, we have a she
7 said, they said, and then like I told you at the
8 beginning, it's an allegation, it's a story, so I kind
9 of think that's like a seed, right? It's like I have
10 a garden this year, I needed a hobby, so I have a
11 garden. So you start with a seed, and then it
12 eventually grows into a plant, and maybe you get a
13 tomato, if you're lucky. This is still a seed, this
14 is the beginning of an investigation that never
15 happened, this is a story.

16 A story that they want you to come back with a
17 check and cash it. The check's gonna bounce, there's
18 no evidence. Another word for evidence is proof,
19 there is no proof. Think to yourself, what is the
20 proof of this? Dot, dot, dot, question mark, question
21 mark, there's none, right? It's a story, no proof.
22 Why would she lie? I don't know, people lie all the
23 time. I've seen it in the news recently, Johnny Depp
24 and all that, I don't know. I don't know why she

1 lied, other than possibly to get out of that home,
2 like she said in black and white. Mostly that's
3 black, because I used a bad printer, but you'll see
4 there's motive right there.

5 So get to an alternate universe for a second,
6 let's assume that she really did tell these people,
7 she really did tell whoever, Tabitha, she really did
8 tell her friend, all that stuff, I submit to you she
9 didn't tell Tabitha, didn't tell any of those people,
10 and we have proof of that, but let's assume that
11 happened. What else -- still, what else do we have,
12 other than that story? What corroborates that story?
13 Still nothing.

14 Even in the light most favorable to the State,
15 there is still nothing there. Ladies and gentlemen of
16 the jury, you'll hear the Judge instruct you on the law
17 shortly. You've all seen it on TV, the standard in
18 criminal cases, the highest standard of proof we have.
19 Different courtrooms -- or, sorry, different types of
20 cases have different levels of proof, right? So
21 there's a few, there's reasonable suspicion is kind of
22 the lowest level of proof, that's to get pulled over,
23 if the cop thinks something sketchy might be going on,

1 he can start an investigation, that's reasonable
2 suspicion.

3 And then there's probable cause, which means the
4 cops, you know, law enforcement has reason to maybe
5 get a warrant, a search warrant, maybe an arrest
6 warrant. That's kind of another pretty low standard.
7 Then in civil court, you know, if you're suing
8 somebody, you have preponderance of the evidence, and
9 I call that the 51 percent rule. That means the
10 scales tip one way, goes a little bit, you know, if
11 you kind of believe one person more than the other,
12 you rule for that person, that's in civil court, if
13 this was a lawsuit, all right? And then there's clear
14 and convincing evidence, which is used in Family
15 Court, and then this highest standard is reasonable
16 doubt, proof beyond a reasonable doubt.

17 And that first word proof is something we really
18 haven't heard or seen at all in this case. There's
19 nothing there, other than a story. And the question,
20 unlike what the State wants you to think, the question
21 is, it's not do you believe her over Ricky, it's not
22 is her story probably true, it's not I'm pretty sure
23 she's right, it's not that, that's not the standard in
24 a criminal case. The standard is did her story, and

1 pretty much her story alone meet the standard of
2 beyond a reasonable doubt?

3 It's the State's job to give you all the evidence
4 in this case, and investigate the case, and give you
5 everything you need to find him guilty, that is their
6 job. And in this case you just heard a story over and
7 over again, and what they have proof is, well, she
8 told her story to other people. That's still -- it
9 still comes back to just a story, there's nothing
10 there. She said, they said. I would thinking today,
11 and I guess one way of describing reasonable doubt is,
12 if someone knocked on your door, let's say a 15-year-
13 old knocked on your door, or a 20-year-old, knocked on
14 your door, and said, "Hey, someone hit a tree in front
15 of your house."

16 Would you go back and call police right away?
17 Would you maybe peek your head out the window first?
18 Would you peek outside, and see if this really
19 happened? What kind of tree is it? What kind of car
20 hit the tree? Would you hesitate? Would you look and
21 see what happened? Because right now we heard -- we
22 have the knock, we hear something happened, something
23 terrible, I don't want to, you know, I don't want to
24 be flippant about that. The accusation is bad. I

1 talked to you about that in the beginning, it can be
2 emotional, I get that.

3 It's a bad accusation, but we have a knock at the
4 door, "Hey, this happened." But when you stick your
5 head out the window, and look out the window, look out
6 the door, there's nothing there. There's just that
7 story, there's nothing to back it up. So at the end
8 of the day you have to think, did the State prove
9 beyond a reasonable doubt this case? You might like
10 her, you might like Tabitha, you might not like
11 Tabitha at all, you might not like Ricky's mom, you
12 might like her, it doesn't matter, because Kirstian is
13 actually not on trial today.

14 The State of South Carolina is on trial, and your
15 only job is to see whether or not -- and determine and
16 judge whether or not they proved Ricky Edwards guilty
17 beyond a reasonable doubt. And if you think there's
18 no way he did it, that's a not guilty. If you think
19 he might have done it, that is still a not guilty. If
20 you think he probably did it, that's a not guilty. It
21 might -- like I talked to you before, as a human, you
22 might -- the instinct isn't to do that, but as a
23 juror, that is what you must do, you think all those
24 things. Because there's no way the State of South

1 Carolina has met their burden of proof, beyond a
2 reasonable doubt with just a story.

3 So, ladies and gentlemen, I ask you to go back
4 there, after the Judge reads the law, after you hear
5 from all of us, and go back there, and find the only
6 verdict that the evidence and lack of evidence
7 supports, and that is a verdict of not guilty verdict.
8 Thank you.

9 MS. KEENEY: May it please the Court?

10 THE COURT: Yes, ma'am.

11 ***

12 FINAL CLOSING ARGUMENT BY MS. KEENEY

13 MS. KEENEY: The defense wants to know where's
14 the proof, where's the corroboration, State's Exhibit
15 1, and that messages don't lie. She wanted to tell
16 her mom what happened that night, so she sent the
17 message, and then her mom came to her room, and told
18 her -- and she told her mom what happened. Messages
19 don't lie, but witnesses do, Tabitha did, the
20 Defendant did, when he had his interview with DSS and
21 with law enforcement.

22 Where's the corroboration? Bayleigh. Bayleigh
23 told you that Kirstian was sleeping in her room until
24 a big fight broke out, and the girls were forced to go

1 sleep in grandma's room, or the room connected to
2 grandma. Where's the other proof? Shelby. The
3 witness that has nothing to gain, no dog in this
4 fight, only what Kirstian told her the week when the
5 hurricane break ended. News flash, we're not here for
6 an armed robbery at a McDonald's.

7 We're not gonna have video surveillance. When
8 people prey on children, it happens in the privacy of
9 their own room. You don't do this in front of
10 witnesses. You don't try to go have sex with a 14-
11 year-old in front of a bunch of people. You're not
12 gonna have witnesses like that. You're not gonna have
13 DNA in a case, where he didn't even ejaculate. So
14 this case comes down to whether or not you believe
15 Kirstian, who has no reason to lie, or whether you
16 believe someone that told lies throughout the
17 investigation, and a family of witnesses who have got
18 everything to lose, their son, their husband. Because
19 it's clear that Tabitha didn't care about losing her
20 kids.

21 When she says she didn't lose -- I'm sorry, she
22 lost custody of the kids because of this, she don't
23 care. Now, the defense told you about reasonable
24 doubt, and that is true, I have to prove to you beyond

1 a reasonable doubt he committed this crime, but let me
2 tell you this, beyond a reasonable doubt does not mean
3 beyond every single doubt a person might have. That
4 is not in the rule. If that was the law, no one in
5 this world would be convicted of anything.

6 That there's no way to prove beyond every single
7 doubt that something happened, it's a reasonable
8 doubt. And so what that means is, that if you're
9 firmly convinced that he did this, if you're firmly
10 convinced of that, then he's guilty, it's that simple.
11 It's been six years. She's waited six years for this
12 day. So I ask that you think about this carefully,
13 and you go back into your deliberation room, and you
14 find him guilty. Thank you.

15 ***

16 JURY CHARGE

17 THE COURT: Ladies and gentlemen, it is now my
18 duty, as the Trial Judge, to charge you on the law
19 that's applicable to this case. I will tell you that
20 you're gonna have an exact copy back in the jury room
21 of what I'm now going to read to you, all right?
22 Madam Foreperson, members of the jury, you have
23 followed very patiently and listened very attentively

1 to the evidence in this case, and I want to thank you
2 for that.

3 It now becomes the duty of the Trial Judge under
4 the Constitution of this State, to charge and instruct
5 you in the law applicable to this case, and it's your
6 duty as jurors to accept and apply the law as the
7 Court will now state it to you. As jurors, it is your
8 exclusive duty to decide all the issues of fact in
9 this case. Both the State and the Defendant have a
10 right to expect that you will carefully consider and
11 evaluate the evidence and apply the law of the case to
12 the evidence. And by doing that, both the State and
13 the Defendant will receive a fair and impartial trial
14 in this case.

15 Now, the State of South Carolina, by the Bill of
16 Indictment in this case, charges the Defendant, **Ricky**
17 **Devon Edwards, Jr.**, with one count of Criminal Sexual
18 Conduct with a Minor in the Third-Degree. Now, I remind
19 you that the fact the Defendant was arrested, charged
20 and indicted in this case is not evidence in this case
21 and cannot be considered by you as evidence of guilt in
22 this case, nor does it create any presumption or
23 inference of guilt.

24 An indictment is simply the formal written

1 instrument which contains the charge made against the
2 Defendant. It is the formal document by which this case
3 is brought into this Court.

4 **PRESUMPTION OF INNOCENCE**

5 The Defendant has pled not guilty to this
6 indictment, and that plea puts the burden on the State
7 to prove the Defendant guilty beyond a reasonable doubt.
8 A person charged with committing a criminal offense in
9 South Carolina is never required to prove himself
10 innocent.

11 I charge you that it is an important rule of law
12 that a Defendant in a criminal trial, no matter what the
13 seriousness of the charge may be, will always be presumed
14 innocent of the crime for which an indictment was issued,
15 unless guilt has been proven by evidence satisfying you,
16 the jury, of that guilt beyond a reasonable doubt. This
17 presumption of innocence does not end when you begin
18 your deliberations, but it accompanies the Defendant
19 throughout the trial until you reach a verdict of guilt
20 based on evidence satisfying you of that guilt beyond a
21 reasonable doubt.

22 The presumption of innocence is like a robe of
23 righteousness that's placed about the shoulders of the
24 Defendant, and it remains with the Defendant until it

1 has been stripped away by evidence satisfying you of the
2 Defendant's guilt beyond a reasonable doubt.

3 The presumption of innocence is not mere legal
4 theory. It is not just a legal phrase. It is a
5 substantial right to which every Defendant is entitled
6 unless you, the jury, are satisfied, from the evidence
7 of the Defendant's guilt beyond a reasonable doubt.

8 **REASONABLE DOUBT**

9 So, what is a reasonable doubt in the law? A
10 reasonable doubt is the kind of doubt that would cause
11 a reasonable person to hesitate to act in their most
12 important decisions.

13 The State has the burden of proving the Defendant
14 guilty beyond a reasonable doubt. The term reasonable
15 doubt must be given its plain and ordinary
16 meaning. However, to the extent that I may define it
17 for you, again, a reasonable doubt is the kind of doubt
18 that would cause a reasonable person to hesitate to act
19 in the most important of their personal decisions. The
20 Defendant is entitled to every reasonable doubt arising
21 in this case. If, upon any issue of fact essential to
22 a conviction, you have a reasonable doubt, as to how
23 that issue should be resolved, you must resolve that
24 reasonable doubt in favor of the Defendant.

1 Some of you may have served as jurors in civil
2 cases, where you were told that it is only necessary to
3 prove that a fact is more likely true than not true,
4 such as by the greater weight or what we call the
5 preponderance of the evidence. In criminal cases, the
6 State's proof must be more powerful than that. It must
7 be beyond a reasonable doubt.

8 Suspicion, no matter how strong, is insufficient to
9 convict a person charged with a crime. That the facts
10 and circumstances presented may seem suspicious and the
11 Defendant's guilt may seem probable, this is not
12 sufficient in the law to convict.

13 Proof beyond a reasonable doubt is proof that
14 leaves you firmly convinced of the Defendant's guilt.
15 There are very few things in this world that we know
16 with absolute certainty, and in criminal cases the law
17 does not require proof that overcomes every possible
18 doubt. If, based on your consideration of the evidence,
19 you are firmly convinced that the Defendant is guilty of
20 the crime charged, you must find the Defendant guilty.
21 If, on the other hand, you think there is a real
22 possibility that the Defendant is not guilty, you must
23 give the Defendant the benefit of the doubt and find him
24 not guilty.

DUTIES OF JURY AND TRIAL JUDGE

I remind you that, during this trial, you and I have certain duties to perform. As the Judge, it is my responsibility to preside over the trial of this case, and I also have the duty to rule on the admissibility of the evidence offered during this trial. You are to consider only the competent evidence before you. You are to consider only the testimony which was presented from this witness stand and any exhibits which have been made a part of the record in this case.

I have the additional duty to charge you the law applicable to this case. I am the sole judge of the law of this case, and it is your duty as jurors to accept and apply the law, as I now state it to you. If you have any idea as to what the law is or what the law ought to be and it does not agree with what I now tell you the law is, you must abandon this idea, because you are sworn to accept the law and apply the law exactly as I state it to you.

In every case tried in this Court before a jury, the jury becomes the sole and exclusive judge of the facts. A Trial Judge cannot intimate, comment on, or make any statement to a trial jury about the facts in a case. Since you, the jury, are the sole judge of the

1 facts in this case, you are not to infer from what I
2 have said during the progress of this trial, in ruling
3 upon the admissibility of evidence, or otherwise, or
4 anything that I say now during the course of this
5 instruction to you that I have any opinion about the
6 facts in this case. The law does not allow me to have
7 an opinion about the facts in this case. This is a
8 matter solely for you, the jury, to determine.

9 **DIRECT AND CIRCUMSTANTIAL EVIDENCE**

10 There are two types of evidence which are generally
11 presented during a trial: direct evidence and
12 circumstantial evidence. Direct evidence is the
13 testimony of a person who claims to have actual knowledge
14 of a fact, such as an eyewitness. It is evidence which
15 immediately establishes a main fact to be proved.
16 Circumstantial evidence is proof of a chain of facts and
17 circumstances indicating the existence of a fact. It is
18 evidence which immediately establishes collateral facts
19 from which the main fact may be inferred. Circumstantial
20 evidence is based on inference and not on personal
21 knowledge or observation.

22 Crimes may be proven by circumstantial evidence.
23 The law makes no distinction between the weight or value
24 to be given to either direct or circumstantial evidence.

1 However, to the extent the State relies on
2 circumstantial evidence, all of the circumstances must
3 be consistent with each other, and when taken together,
4 point conclusively to the guilt of the accused beyond a
5 reasonable doubt. If these circumstances merely portray
6 the Defendant's behavior as suspicious, the proof has
7 failed.

8 The State has the burden of proving the Defendant
9 guilty beyond a reasonable doubt, and this burden rests
10 with the State, regardless of whether the State relies
11 on direct evidence, circumstantial evidence, or some
12 combination of the two.

13 **THE JUROR'S NOTES**

14 In this case, I have permitted you to take notes.
15 Your notes should be used only as aids to your memory,
16 and should not be allowed to take precedence over your
17 independent memory of facts. The notes are only for the
18 juror's personal use, in refreshing recollection of the
19 evidence. When in deliberations at the end of the case,
20 do not rely on the recollection of a juror who took notes
21 about the testimony of a witness solely because the juror
22 took notes. You should not be unduly influenced by the
23 notes of other jurors. As we all know, notes can be
24 wrong. Notes are not entitled to any greater weight

1 than each juror's memory of the evidence. Those jurors
2 who do not take notes should rely on their independent
3 recollection of the evidence and not be influenced by
4 the fact that another juror has taken notes.

5 **CREDIBILITY OF WITNESSES**

6 Ladies and gentlemen of the jury, it is your duty
7 to determine the credibility of witnesses who have
8 testified in this case, and credibility simply means
9 believability. It becomes your duty as jurors to analyze
10 and to evaluate the evidence, and determine which
11 evidence convinces you of its truth.

12 In determining the believability of witnesses who
13 have testified in this case, you may believe one witness
14 over several witnesses or several witnesses over one
15 witness. You may believe a part of the testimony of a
16 witness and reject the remaining part of the testimony
17 of that same witness. You may believe the testimony of
18 a witness in its entirety or reject the testimony of a
19 witness in its entirety. You may consider whether any
20 witness has exhibited to you any interest, bias,
21 prejudice, or other motive in this case. You may also
22 consider the appearance and manner of a witness while on
23 the witness stand.

24 **DEFENDANT DID NOT TESTIFY**

1 I instruct you and emphasize that the fact the
2 Defendant did not testify is not a factor to be
3 considered by you, in any way, in your deliberation and
4 in your consideration on the question of the guilt or
5 the innocence of the Defendant. It must not be
6 considered by you in any manner whatsoever. A Defendant
7 has the constitutional right to remain silent, and the
8 assertion of this right must not be considered by you in
9 your deliberations. I repeat, under your oath, you are
10 to draw no conclusion whatsoever from the fact that the
11 Defendant in this case did not testify. The fact that
12 this Defendant did not testify should not even be
13 discussed in the jury room. The burden of proof, as
14 I've told you, is on the State. The Defendant is not
15 required to prove his innocence. The burden of proof
16 remains on the State to prove guilt beyond a reasonable
17 doubt.

18 **CRIMINAL SEXUAL CONDUCT WITH A MINOR, THIRD-**
19 **DEGREE § 16-3-655(C)**

20 Now, in this case, ladies and gentlemen, the
21 Defendant is charged with one offense, and that is
22 criminal sexual conduct with a minor in the third degree.
23 To prove this offense, the State must first prove beyond
24 a reasonable doubt that the Defendant was over the age

1 of fourteen. Next, the State must also prove beyond a
2 reasonable doubt that the Defendant willfully and lewdly
3 committed or attempted a lewd or lascivious act on, or
4 with the body or body parts of, a child under the age of
5 16 years. The lewd or lascivious act must be done with
6 the intent to arouse, appeal to, or gratify the lust,
7 passions, or sexual desires of the Defendant or the
8 child.

9 Ladies and gentlemen, actor simply means a person
10 accused of the criminal sexual conduct. Willfully means
11 voluntarily, intentionally, with the specific intent to
12 do something the law forbids. Lewd means obscene,
13 lustful, indecent or lecherous. Lascivious means tending
14 to incite lust or tending to deprave the morals in
15 respect to sexual relations.

16 ***Intent***

17 In order to establish criminal liability in a
18 case, criminal intent is required. For example, the
19 mental state required to be proven by the State for a
20 particular crime must be purpose, intent, or
21 knowledge. Criminal intent must be proven by the
22 State beyond a reasonable doubt. Criminal intent is
23 always a matter that must be determined by the jury
24 from the circumstances surrounding the situation.

1 There is no way to prove intent to a mathematical
2 certainty. There is no way medical science can
3 dissect a person's brain, and determine what the
4 person had in mind, so the law says that criminal
5 intent may be inferred from the circumstances shown to
6 have existed.

7 This is how you make a determination of whether
8 the element requiring intent was present. It is not
9 necessary to establish intent by direct and positive
10 evidence, but intent may be established by inference
11 in the same way as any other fact by taking into
12 consideration the acts of the parties and all the
13 facts and circumstances of the case.

14 Criminal intent is a mental state, a conscious
15 wrongdoing. It is up to you to determine what the
16 Defendant intended to do, based on the circumstances
17 shown to have existed.

18 **FAIR AND IMPARTIAL TRIAL**

19 Now, Madam Foreperson, and members of the jury, as
20 you retire to begin your deliberation, I wish to express
21 the hope that each of you will be mindful of your
22 responsibility here today. You're not called upon very
23 often to serve as jurors very often, and the proper
24 performance of that duty requires each of you to reach

1 the height of freeing your mind of all improper
2 influences.

3 Please do not get the idea that I am trying to
4 intimate to you how I might think you should decide this
5 case. As I have already told you, under the laws of the
6 State of South Carolina, you, the Jury, are the sole
7 judge of all questions of fact. It would be highly
8 improper for me to influence you in the performance of
9 that duty.

10 Ladies and gentlemen, however, as the Presiding
11 Officer of this Court, I am vitally concerned that
12 whatever verdict you reach will be the result of your
13 going into your jury room and confining your
14 consideration to the evidence and the law that you have
15 heard in this courtroom, weighing it fairly and
16 impartially, as I have every confidence that you will.

17 Madam Foreperson, I remind you that your verdict
18 must be unanimous. It must be the verdict of all 12
19 jurors. And to that end, my Law Clerk has prepared a
20 verdict form. It simply has the case caption with the
21 indictment number, and there is only one question you
22 must answer.

23 It says, "As to the charge of criminal sexual
24 conduct with a minor in the third degree, we find the

1 Defendant, Ricky Devon Edwards, Jr., and then there is
2 a line for not guilty, and another line for guilty.
3 Ladies and gentlemen, please don't infer the order that
4 we put guilty and not guilty, in every trial we just
5 reverse them. And to that, Madam Foreperson, it says,
6 "That I certify that this is the unanimous decision of
7 the jury. It is the decision of all 12 jurors." And
8 then there is a place where the foreperson signs their
9 name, and also dates this form. Madam Foreperson, when
10 the jury has reached a verdict, I need you to knock on
11 your jury room door, and they're going to accept you
12 back in the courtroom to take your verdict, all right?
13 Ladies and gentlemen, also I want you to know that while
14 you know my Court Reporter's been here taking down
15 everything that has been said during the trial of this
16 case, there is no written transcription of what's
17 happened with this testimony.

18 If there is certain testimony you want played back,
19 what I can do is bring you back into the courtroom, and
20 I can play the audio tape of that witness' testimony.
21 The only thing I need to make sure you understand is,
22 that if you request a certain witness' testimony to be
23 played back, I'm required to play that witness' entire
24 testimony. In other words, direct exam, the cross-exam,

1 any redirect, or any recross, all right? Also, lastly,
2 ladies and gentlemen, I will tell you that you are gonna
3 have back in the jury room the charge that I just read
4 you on the law, you're gonna have the verdict form, and
5 you are gonna have the evidence that was entered into
6 this case.

7 Ladies and gentlemen, if you don't have it back
8 there in the jury room with you as evidence, you're not
9 entitled to it. Often times I'll have a jury send me a
10 note that says, "We want to know this or this." I can't
11 tell you, if it didn't come into evidence, and I'll
12 remind you again, evidence came in either through
13 testimony, or through actual documents. So, again, if
14 there's something that you think, or a question you have,
15 you can't have it, if it wasn't entered into the case,
16 all right? Ladies and gentlemen, for the very last time
17 I'm gonna send you back to your jury room, and I'm gonna
18 tell you not to begin discussing this case.

19 If there's anything further on the law the lawyers
20 want me to charge you, I will bring you back out here,
21 and I will charge you further. However, what I believe
22 is gonna happen is, that there's gonna be nothing
23 further, and I'm gonna send you, again, the verdict form
24 on top, the charge, and the evidence that was entered

1 into the case. That will be your signal to begin your
2 deliberations, all right?

3 Also, ladies and gentlemen, you are welcome to take
4 your pads back with you, your notepads, all right, at
5 this time. All right, so Madam Foreperson, again, do
6 not begin discussing this case until you've received all
7 the evidence, the charge and the verdict form, and that
8 will be your signal to begin, okay? Thank you, ladies
9 and gentlemen.

10 (The jury exits the courtroom.)

11 THE COURT: Any exceptions or additions from the
12 State?

13 MS. KEENEY: None from the State.

14 THE COURT: From the defense?

15 MR. SMALDONE: None from defense.

16 THE COURT: All right, y'all, lets make sure we
17 have the evidence put together that's going back. Okay.

18 THE COURT: All right, we're ready to go, yes,
19 please. We're gonna be at ease until we hear back from
20 the jury in this case.

21 (Recess.)

22 THE COURT: Ladies and gentlemen, you have stated
23 that you've been unable to agree on a unanimous verdict
24 in this case. When a matter is in dispute, it is not

1 always easy for even ten people to agree, so when 12
2 people must agree, it becomes even more difficult. In
3 most cases absolute certainty cannot be reached or
4 expected, however, you have a duty to make every
5 reasonable effort to reach a unanimous verdict.

6 In doing this, you should consult with one another,
7 express your own views, and listen to the opinions of
8 your fellow jurors. Tell each other how you feel, and
9 why you feel that way. Discuss your differences with
10 open minds. Although the verdict of the jury must be
11 unanimous, every one of you has the right to your own
12 opinion. The verdict you agree to must be your own
13 verdict, the result of your own convictions, and you
14 should not give up your firmly held beliefs merely to be
15 in agreement with your fellow-jurors. However, you
16 should carefully consider and respect the opinions of
17 each other, and reevaluate your position for
18 reasonableness, correctness, and impartiality. You must
19 lay aside all outside matters and influences, and
20 reexamine the evidence before you, based on the law
21 that's applicable to this case.

22 If you do not agree on a verdict, I must declare a
23 mistrial. In that case, it doesn't mean that anybody
24 wins, it just means that at some future time I or another

1 Judge will try this case before another jury sitting
2 where you sit right now. The same participants would
3 come, and the same lawyers would ask, basically, the
4 same questions, and get, basically, the same answers,
5 and we would go through the whole process again.

6 You were selected in the same manner and from the
7 same source as any future jury will be, and there is no
8 reason for me to suppose that the case will ever be
9 submitted to 12 more intelligent, impartial,
10 conscientious and competent jurors than you; or that
11 more clear evidence will be produced on one side or the
12 other. I, therefore, respectfully ask you, Madam
13 Foreperson, and members of the jury to return to your
14 deliberations and attempt to reach a unanimous verdict.
15 If you are unable to, you can then tell me you are, all
16 right?

17 So I'm gonna send you back to your jury room, ladies
18 and gentlemen, and continue to begin your deliberations
19 again. If you need anything, I need you to let me know,
20 as far as food is concerned. Also, sometimes I do have
21 a jury, when they do get tired say, "We want a break,"
22 and come back the next day, and continue our
23 deliberations.

24 MADAM FOREPERSON: Can we do that?

1 THE COURT: That's acceptable as well, but it needs
2 to be the agreement of all the jurors. So what I'm gonna
3 ask you to do is, that you-all go back to your jury room,
4 and decide if that is what you would like to do, and let
5 me know, all right? And let me know through the
6 Deputies, as well, okay? Thank you. You-all are excused
7 back to your jury room. And if anyone else needs to use
8 a phone, I know it's getting late, if you need to call
9 someone, simply ask the Deputies, and you can use the
10 phones, okay?

11 (The jury exits the courtroom.)

12 THE COURT: All right, anything from the State?

13 MS. KEENEY: Nothing from the State.

14 THE COURT: Anything from the defense?

15 MR. SMALDONE: No, Your Honor.

16 THE COURT: All right. Lori, can you stay up here,
17 just to wait to see if they come back, or Becky's here,
18 can someone? I just need for someone to be here, I've
19 got to organize the week. Becky can come get me when we
20 hear from the jury to see what they want to do.

21 MS. HILL: Sure.

22 THE COURT: All right? Is that okay?

23 (Recess.)

24

1 READING OF THE VERDICT

2 THE COURT: All right, Mr. Smaldone, you guys come
3 up.

4 MR. SMALDONE: Yes.

5 THE COURT: I understand our jury's reached a
6 verdict. All right, ladies and gentlemen, before I come
7 back out, and the jury announces the verdict, I just
8 want to make sure that everyone can contain themselves.
9 I can't have any outbursts.

10 If you believe you cannot remain quiet and contain
11 yourself, I'm gonna ask you right now to remove yourself
12 from the courtroom, because if anyone has any type of
13 outburst, where there's a word said, when we read the
14 verdict, I'm gonna have to take you into custody, and I
15 don't want to do that.

16 So if you really know you can't do it, I'm gonna
17 invite you right now to go out of the courtroom, all
18 right? So I want to make sure, if you're staying,
19 everyone stop themselves, okay? All right. Let's bring
20 the jury in.

21 (The jury enters the courtroom.)

22 THE COURT: All right, Madam Foreperson, I
23 understand the jury's reached a verdict?

24 MADAM FOREPERSON: We have.

1 THE COURT: Would you please give it to the Clerk,
2 please? If you-all will rise. In the case of the State
3 of South Carolina v. Ricky Devon Edwards, Jr., as to the
4 charge of criminal sexual conduct with a minor in the
5 third degree, we find the Defendant, Ricky Devon
6 Edwards, Jr., guilty, and is signed by our Foreperson.
7 You may be seated. Would you like me to poll this jury?

8 MR. SMALDONE: Yes, please poll.

9 THE COURT: Ladies and gentlemen, what I'm going to
10 do is, I'm gonna call your juror number, and for some
11 reason no one responds to that, I'm going to then say
12 your name, and I'm going to ask if this is your verdict,
13 the answer's yes or no, and is this still your verdict,
14 yes or no, all right? And I would appreciate when I
15 call your number, if you'd give me a little wave, so I
16 know who I'm addressing, okay? Juror number 66. Ma'am,
17 is this your verdict?

18 THE JUROR 66: Yes.

19 THE COURT: Is this still your verdict?

20 THE JUROR 66: Yes.

21 THE COURT: And I need you-all to speak up for me,
22 okay? Juror number 50. Ma'am, is this your verdict?

23 THE JUROR 50: Yes.

24 THE COURT: Is it still your verdict?

1 THE JUROR 50: Yes.

2 THE COURT: Juror number 71. Sir, is this your
3 verdict?

4 THE JUROR 71: Yes.

5 THE COURT: Is it still your verdict?

6 THE JUROR 71: Yes.

7 THE COURT: Juror number 3. Is this your verdict?

8 THE JUROR 3: Yes.

9 THE COURT: Is it still your verdict?

10 THE JUROR 3: Yes.

11 THE COURT: Thank you. Juror number 46. Sir, is
12 this your verdict?

13 THE JUROR 46: Yes.

14 THE COURT: Is it still your verdict?

15 THE JUROR 46: Yes.

16 THE COURT: Thank you, sir. Juror number 165. Is
17 this your verdict?

18 THE JUROR 165: Yes.

19 THE COURT: Is it still your verdict?

20 THE JUROR 165: Yes.

21 THE COURT: Thank you. Juror number 101. Sir, is
22 this your verdict?

23 THE JUROR 101: Yes.

24 THE COURT: Is it still your verdict?

1 THE JUROR 101: Yes, ma'am.

2 THE COURT: Juror number 77. Is this your verdict?

3 THE JUROR 77: Yes.

4 THE COURT: Is it still your verdict?

5 THE JUROR 77: Yes.

6 THE COURT: Juror number 181. Is this your verdict?

7 THE JUROR 181: Yes.

8 THE COURT: Is it still your verdict?

9 THE JUROR 181: Yes.

10 THE COURT: Juror number 135. Sir, is this your

11 verdict?

12 THE JUROR 135: Yes.

13 THE COURT: Is it still your verdict?

14 THE JUROR 135: Yes.

15 THE COURT: Thank you. Juror number 210. Sir, is

16 this your verdict?

17 THE JUROR 210: Yes.

18 THE COURT: Is it still your verdict?

19 THE JUROR 210: Yes.

20 THE COURT: Juror number 182. Ma'am, is this your

21 verdict?

22 THE JUROR 182: Yes.

23 THE COURT: Is it still your verdict?

24 THE JUROR 182: Yes.

1 THE COURT: Thank you. Is anything further required
2 from this jury, from the State?

3 MS. KEENEY: Nothing from the State.

4 THE COURT: From the defense?

5 MR. SMALDONE: Nothing from the defense.

6 THE COURT: Ladies and gentlemen, I want to thank
7 you for resolving this case for us. Obviously, you've
8 taken care of this case. Additionally, I have a number
9 of cases that I started with on the roster, and the
10 simple fact that we have people here willing to serve
11 help me resolve cases, and many other matters. What I
12 have left to do in this case is, I am going to go ahead
13 and sentence Mr. Edwards. I always tell juries your
14 responsibility, of course, is to determine whether or
15 not someone is guilty, based on the facts as you fine
16 them and apply them to the law, my job is the sentencing.
17 I accept that as my role. I will also tell you that we
18 are here today doing other bonds, other motions, and
19 then I will be here I know, at a minimum, all day
20 tomorrow taking a lot of guilty pleas. We dispose of
21 many cases that way. I could never try all the cases
22 that we have on our docket.

23 So at this time I am going to excuse you, ladies
24 and gentlemen, and thank you. And I'm excusing you for

1 the remainder of the week, but I appreciate it. And at
2 this time when you go home, you are allowed to speak
3 about the case, if you want to talk to someone at home,
4 that's fine. Sometimes the attorneys or an investigator
5 may want to ask you about it, you're not required to
6 talk about it. Certainly, if you have no interest in
7 speaking about it, just say, "No, thank you," and move
8 on, all right; but if you want to, you are permitted to,
9 all right? So with that said, ladies and gentlemen, I
10 am going to go ahead and excuse you. Thank you.

11 (Jury exits the courtroom.)

12 ***

13 SENTENCING HEARING

14 THE COURT: All right, you are getting a sentence
15 issued; is that correct?

16 MS. KEENEY: Yes. Yes.

17 THE COURT: And then I'm going to need his record.

18 MS. KEENEY: Judge, he just has possession of
19 uncontrolled substance from 2017.

20 THE COURT: From what year? I apologize.

21 MS. KEENEY: It's either 2016 or 2017. The
22 disposition didn't get put on the rap sheet, but I looked
23 it up in the public index.

1 THE COURT: Okay. Okay. And also, Mr. Smaldone,
2 when he was arrested --

3 MR. SMALDONE: Yeah, I believe it was three weeks,
4 but --

5 THE COURT: You need to check with him.

6 MR. SMALDONE: Yes, I'll check it. It says 21 days,
7 I'll check on the public index to verify.

8 THE COURT: Okay.

9 MR. SMALDONE: In addition, Judge, he has been on
10 home detention for three years and ten months.

11 MS. KEENEY: He's been on what? I'm sorry.

12 MR. SMALDONE: Home detention.

13 It was 28 days in custody.

14 MS. KEENEY: Possession of a controlled substance
15 in 2019 also.

16 THE COURT: Thank you.

17 Okay. All right, I am now ready to hear from anyone
18 that would like to speak on behalf of Kirstian's family,
19 or the victim herself. I guess she's testified, but now
20 we're at the point where we are to consider sentencing
21 Mr. Edwards, so anything that they would like to --

22 MS. KEENEY: The victim would like to speak
23 regarding sentencing.

24 THE COURT: All right. Yes, ma'am.

1 Yeah. What would you like to tell me?

2 THE VICTIM: I want him to be punished for what he
3 did to me.

4 THE COURT: Anything else?

5 THE VICTIM: That's all.

6 THE COURT: Okay, thank you.

7 THE VICTIM: Thank you.

8 THE COURT: Is there anyone else?

9 MS. KEENEY: No, Your Honor, that's all from the
10 State. I just want to point out the Defendant is not on
11 an ankle monitor for house arrest, that's not like a
12 discretionary, because if he's on an ankle monitor and
13 on house arrest, then the Judge has discretion --

14 THE COURT: Right.

15 MS. KEENEY: -- but he was not.

16 THE COURT: All right. So --

17 MR. SMALDONE: May it please the Court?

18 THE COURT: Yes, sir.

19 MR. SMALDONE: Your Honor, early on in my career I
20 learned to never really go against the jury's
21 verdict --

22 THE COURT: Uh-huh.

23 MR. SMALDONE: -- because the verdict means truth,
24 so I'm not gonna rehash the facts or argue them. The

1 jury's spoken and I respect that, but, Your Honor, I
2 just want to tell you a little bit about the time I've
3 represented Ricky.

4 I've known Ricky -- as Your Honor heard, this case
5 is six years old, I've had good contact with Ricky
6 throughout the days, and I've seen Ricky transform into
7 what he is today. What he was in 2016 isn't what he is
8 today. We're here because of what he did in 2016, we
9 recognize that. I've seen him the first time he came to
10 my office, and for about a year afterwards he was very
11 clearly -- there was very clearly mental illness
12 combined with stimulant usage. And I always like Ricky,
13 we always got a long, I still like him, but I could tell
14 something was off. I've been around long enough to tell
15 it wasn't just the mental illness, it was clearly
16 methamphetamine.

17 And we could go on long stories about upbringing
18 and things like that, and since about three years ago,
19 I think it was about three years ago, Ricky had become
20 still quirky, but a good person, a good guy, someone I
21 could get along with, and someone who wants to contribute
22 to society.

23 And so I think, again, we're here because of what
24 he did in 2016, and that was wrong. I think since then

1 he's learned a lot, and has developed as a man. Your
2 Honor, again, at the time of this -- his arrest and this
3 incident, he had no prior record at age 35. And then
4 doing well with working for his father, and he still
5 works for his father, and was contributing to society.
6 Your Honor, we heard what happened, and we know what
7 will happen, including not just exposure, but very --
8 probably the most serious collateral consequences of
9 really anything, would have been considered -- so we're
10 prepared for that, and we accept that. We would just
11 ask, Your Honor, to take into consideration his no prior
12 record, his stage with this case, the fact that it hadn't
13 happened before or since, and we throw ourselves at the
14 mercy of the Court.

15 THE COURT: Would Mr. Edwards like to say anything,
16 or his wife, or his mother?

17 MR. SMALDONE: Your Honor, they -- I'll speak to
18 for them.

19 THE COURT: Okay.

20 MR. SMALDONE: They're here, they love Ricky a lot.
21 I think they would probably agree with everything I've
22 said about his development. I'm not really his mother,
23 because I don't want to talk about things like that, but
24 me and his wife have talked about his progress, and which

1 was almost certainly the cause for why we're here today
2 indirectly.

3 THE COURT: Okay.

4 MR. SMALDONE: Okay.

5 THE COURT: Yes, ma'am.

6 MS. EDWARDS: Your Honor, I just would like to say
7 that there are some things that probably were going on
8 --

9 THE COURT REPORTER: Your Honor, I can't hear her.

10 MS. EDWARDS: -- can you not hear me?

11 THE COURT: Yeah, my Court Reporter's having a hard
12 time. If you don't mind, just either come forward or
13 speaking a little louder for the record. I would
14 appreciate it. And, ma'am, give us your name for the
15 record, as well.

16 MS. EDWARDS: Oh, I apologize.

17 THE COURT: That's all right. Just right there.
18 Right there is good.

19 MS. EDWARDS: Yeah, okay. Rhonda Edwards. As Ricky
20 was saying, we know we had found out some things about
21 Ricky that probably happened when he was younger, but he
22 has changed. He has grown. He and Tabitha are great.
23 They took lots of classes and things toward to be better
24 people, better parents. And I just would like to say

1 that the time he has been -- the five years that he's
2 been home and only working. He's a good person.

3 THE COURT: Okay.

4 MS. EDWARDS: And I know that everybody says that,
5 but he is a good person, and I do appreciate you letting
6 me speak.

7 THE COURT: Thank you. Nothing further from them?

8 MR. SMALDONE: I don't believe so.

9 THE COURT: Okay. On the Indictment 2021-GS-15-
10 1073, for criminal sexual conduct with a minor in the
11 third degree, the sentence of this Court is you be
12 committed to the Department of Corrections for a period
13 of ten years. I'm giving you 28 days' time served. Good
14 luck to you, sir.

15 ***

16 (At 5:14 p.m. the proceedings were concluded.)

17 ***

18 END OF TRANSCRIPT

19 **CERTIFICATE OF REPORTER**

20 ***

21 I, Kymberlee M. Williams, Certified Shorthand
22 Reporter/Registered Professional Reporter for the
23 14th Circuit of the State of South Carolina do hereby
24 certify that the foregoing is a true, accurate and

1 complete transcript of the proceedings held in this
2 case, relative to appeal, in the General Sessions
3 Court for Colleton County, South Carolina on the
4 13th to 15th Days of June 2022.

5

6 I do further certify that I am neither of kin,
7 counsel, or interest to any party hereto.

8

9 This, the 17th day of March, 2023.

10

11

12

13

14

15 _____
16 Kymberlee M. Williams, CSR/RPR

17

18

19

20

STATE OF SOUTH CAROLINA

COUNTY OF COLLETON

INDICTMENT

2021GS1501073

At a Court of General Sessions, convened on December 9, 2021, the Grand Jurors of Colleton County present upon their oath:

Criminal Sexual Conduct With a Minor, Third Degree

That in Colleton County, South Carolina, on or about October 1, 2016 through October 10, 2016, the Defendant, Ricky Devon Edwards, Jr., did, while over fourteen years of age at the time of the offense, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or its parts, of Kirstian D [REDACTED], who was under sixteen years of age at the time of the offense, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of Ricky Devon Edwards, Jr. or Kirstian D [REDACTED] all in violation of Section 16-3-655(C), et al. of the Codes of Law of South Carolina.

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



Solicitor

WITNESSES

Laura Rutland, CCSO

[Signature]

ARREST WARRANT NUMBER

DIRECT INDICTMENT

ACTION OF GRAND JURY

True Bill

Kristen Fraser

Foreperson of Grand Jury

Date: 12-9-21

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2021GS1501073

The State of South Carolina

County of Colleton

COURT OF GENERAL SESSIONS

December Term 2021

THE STATE

vs.

Ricky Devon Edwards, Jr.

Indictment For

**Criminal Sexual Conduct With a
Minor, Third Degree**

SC Code: 16-3-655(C)

CDR Code: 3661

265
After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

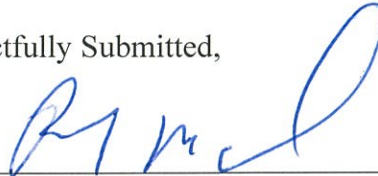
C.C.C. PLS. and G.S.

2021 DEC -9 PM 3:30
COLLETON COUNTY
GOVERNMENT CLERK

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED

Aug 18 2023

SC Court of Appeals

This 18th day of August, 2023.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Aug 18 2023

SC Court of Appeals

Appeal from Colleton County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RICKY D. EDWARDS, JR.

APPELLANT

APPELLATE CASE NO. 2022-000892

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary email address listed in the Attorney Information System (AIS), this 18th day of August, 2023.



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT