

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS
The Honorable Robin B. Stilwell

Appellate Case No. 2017-001585

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SC Court of Appeals

The State, ... Appellant,

v.

Dwayne Cameron Tallent, ... Respondents.

RECORD ON APPEAL

VOLUME II

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E. G. [REDACTED] DIRECT BY MR. MOYER

1 using other drugs in front of her to giving her drugs
2 and alcohol. And then later to him actually making
3 crack cocaine in the house while she was present in
4 the home and other people coming and using and being
5 given drugs by him. So, that's it in a nutshell
6 where we would be going.

7 THE COURT: Yes, sir.

8 MR. KAPPEL: Naturally, we object to that. And
9 I think that, you know, the question, of course,
10 comes from what's the purpose of this material? Is
11 it for the purpose of contributing to the delinquency
12 of a minor? It is for the purpose of injecting my
13 client's character into the record? It is just
14 simply 403, just to make things so prejudicial that
15 my client can't get a fair trial?

16 The purpose of the statute, of course,
17 encompasses sexual conduct. The testimony of
18 E. G. [REDACTED] this morning, if it's to be believed, is
19 clearly sufficient to meet the statute. The question
20 is now, for what purpose would the drug evidence be?
21 And, of course, my position is that it's to do
22 nothing more than to inject such animosity from the
23 jurors' perspective toward my client that he can't
24 get a fair trial.

25 The drug possession positioning, of course, is

E.G. [REDACTED] DIRECT BY MR. MOYER

1 one level. The drug sharing is another level. But
2 then when we start getting into -- like I said
3 yesterday, you start getting into manufacturing,
4 extortion, firearms, and everything else, in my view,
5 it's so far over the top for contributing to the
6 delinquency of a minor that -- again, character's an
7 issue, then 403 is an issue. And I just don't see
8 how a jury can hear that kind of information and then
9 try to be fair and impartial regarding the most
10 important issue, which are the criminal sexual
11 conduct charges.

12 THE COURT: Any response?

13 MR. MOYER: One thing I would say, Your Honor,
14 the fact that the evidence is damning evidence, I
15 don't think factors into the equation. Contributing
16 to the delinquency clearly covers activity as having
17 drugs in the home and creating an environment where a
18 child is unsafe because people who use drugs and take
19 drugs come into the home.

20 And I think as far as the being provided with
21 drugs and alcohol, I think the jury can certainly
22 take from that evidence of part of the grooming
23 process that this Defendant was undergoing with the
24 victim to make her more compliant with the sexual
25 favors that he was getting from her. So, we would

E. G. [REDACTED] DIRECT BY MR. MOYER

1 argue that's very relevant.

2 I would just reiterate something I said when we
3 argued pre-trial. There's evidence both from this
4 victim and from the other girl who's going to testify
5 about the sexual abuse, that creates such a high
6 level of putting the Defendant in such a bad light, I
7 think that needs to be taken into consideration as
8 well. I mean, should the jury -- you know, hearing
9 all of these allegations of that nature, the fact of
10 drugs being in the home are really -- doesn't take it
11 too much to a greater level.

12 THE COURT: I understand. I'm a little
13 uncomfortable with that particular argument, which is
14 there is so much damning and prejudicial evidence
15 that what difference does it make if we're going to
16 offer more? I think that's kind of dangerous for the
17 Court to take that position. Because, as we know who
18 have experienced jury trials over and over, you never
19 know what they're going to hang their hat on.

20 Now, with respect to all of that activity, I
21 agree, it's only relevant to provide the elements of
22 contributing to the delinquency of a minor. It's not
23 relevant to show character, it's not relevant to show
24 any action and conformity therewith to his character.
25 But it's relevant to show the elements of the crime

E. G. [REDACTED] DIRECT BY MR. MOYER

1 of contributing to the delinquency of a minor.

2 Pre-trial when we had this discussion, I didn't
3 know what the evidence was going to be, what the
4 testimony was going to be. And I knew that there was
5 certainly the potential for there to be evidence that
6 could violate a 403 analysis. But in so far as the
7 evidence is offered for the limited purpose of
8 supporting the elements of contributing to the
9 delinquency of a minor, it is admissible. If the
10 Defense feels while it is being offered into evidence
11 that there's something objectionable, that is
12 something specific that violates 403, or that it goes
13 beyond simply proving the elements of contributing to
14 the delinquency of a minor, then you can lodge a
15 contemporaneous objection.

16 Everything that you've articulated so far,
17 everything that you've told me that she is going to
18 say is, in my estimation, appropriate. That is,
19 everything that you've told me so far would support
20 the allegation of contributing to the delinquency of
21 a minor.

22 So, I didn't mean to necessarily limit your
23 examination. I just want to make sure that it was
24 clear that I wasn't making a whole cloth ruling that
25 you could say anything you wanted to say with regard

E. G. [REDACTED] DIRECT BY MR. MOYER

1 to contributing to the delinquency of a minor, okay.

2 MR. MOYER: Yes, sir.

3 THE COURT: And I can't -- you know, I can't
4 give you any greater guidance than what I've given
5 you. You just have to make a contemporaneous
6 objection if you think it violates a 403 analysis or
7 if you think it goes beyond the elements of that
8 crime. Okay. All right.

9 MR. KAPPEL: I mean, I understand the Court's
10 ruling, I think. But there again, I mean, I'm going
11 to be objecting to, you know, pretty much whatever
12 comes in. I think that the elements can be
13 satisfied, as I've stated, you know, merely providing
14 alcohol or providing marijuana. I think some of
15 these other anecdotes that we're going to hear,
16 again, I mean, once the question is asked, once it
17 starts coming out, I may not have any choice but to
18 object to it.

19 THE COURT: I understand. And you may be right,
20 it very well may be sufficient. But it's not the job
21 of the Court to limit otherwise relevant testimony
22 unless it violates the 403. If you think it violates
23 the 403, you just have to make those
24 contemporaneously and I have to make a ruling on it,
25 okay.

E.G. [REDACTED] DIRECT BY MR. MOYER

1 MR. KAPPEL: Judge, before we bring -- I'm
2 sorry, I don't mean to interrupt the Court. I got a
3 note from my client that had one word on it, it said
4 Bathroom, so.

5 THE COURT: Yeah, I'm doing the same thing.
6 Let's take a break.

7 Ma'am, you can take a break, too. You just
8 can't discuss your testimony with anyone. Okay.

9 (WHEREUPON, a short break was taken.)

10 THE COURT: Okay. All right. We ready for
11 jury?

12 Okay. Bring them in, please.

13 MR. KAPPEL: Judge, we'll need a second I think
14 to --

15 THE COURT: No problem. They'll come in about
16 the same time, if experience is any guide.

17 (WHEREUPON, the jury came into open court at
18 approximately 10:57 a.m.)

19 THE COURT: All right. Mr. Moyer, your witness,
20 sir.

21 MR. MOYER: Thank you, may it please the Court?

22 THE COURT: Yes, sir.

23 BY MR. MOYER:

24 Q Okay. E.G. [REDACTED], let me turn now to another
25 subject and that is the subject of illegal drugs. When --

E. G. [REDACTED] DIRECT BY MR. MOYER

1 do you recall the Defendant having illegal drugs in the
2 home --

3 A Yes.

4 Q -- when you were young? At about what age was
5 it that you first remember that?

6 A I grew up with pot being around a lot. Then
7 other things were introduced later.

8 Q Okay. So pot, talking about marijuana?

9 A (The witness nods.)

10 Q So, is that -- you nodded yes?

11 A Yes.

12 Q Was that from the earliest age you can remember?

13 A The earliest age is when I was five. I remember
14 pot was passed around like a cigarette.

15 MR. KAPPEL: Judge, I'm going to lay an
16 objection just at this point. Just for all the
17 reasons I provided already.

18 THE COURT: Yes, sir, yes, sir. And you're
19 protected on the record in that regard. I know your
20 objection is on the 403, if I'm not mistaken. The
21 ruling that I previously articulated stands and I
22 respectfully overrule the objection.

23 MR. KAPPEL: I just want -- so I'm not having to
24 keep objecting, I assume that will carry through?

25 THE COURT: It is absolutely fine with me.

E. G. [REDACTED] DIRECT BY MR. MOYER

1 MR. KAPPEL: Right. Thank you, Judge.

2 BY MR. MOYER:

3 Q So, would he use marijuana in front of you?

4 A Yes.

5 Q How frequently?

6 A All the time. That was the normal.

7 Q Once a week?

8 A Every day.

9 Q Every day. And that's from when you were very
10 young?

11 A Yes.

12 Q As young as like the ages you were talking about
13 this abuse?

14 A Yes.

15 Q Like five years old or so?

16 A I think he tried to keep it a little bit more
17 discrete, but, eventually, it was every day.

18 Q Now, did you ever use marijuana in the home?

19 A I did.

20 Q How did that come about?

21 A I was asking him about it and then he allowed me
22 to smoke it.

23 Q Okay. Tell me about it. How did it come about
24 that he allowed you to smoke it?

25 A We were in the living room. I was already

E. G. [REDACTED] DIRECT BY MR. MOYER

1 smoking cigarettes, and then the pot came up. I was 12
2 years old. And I was curious about it and I asked him
3 about it. And he pretty much asked me if I wanted to
4 smoke it and then I obviously said yes. He packed me a
5 little wooden bowl and I had smoked it.

6 Q Okay. Now, from that point on, did you use it
7 more?

8 A Yes.

9 Q Where would you get it when you used it?

10 A From Dwayne.

11 Q He would just give it to you?

12 A Yes.

13 Q What about alcohol?

14 A He would allow me to drink as well.

15 Q What kind of alcohol?

16 A Fuzzy Navel's was one and like the Daiquiri
17 drinks. And when he would get beer -- because I didn't
18 like beer, he would buy me Fuzzy Navel's and things like I
19 liked to drink.

20 Q This started at around age 12, you said?

21 A Yes.

22 Q Did you ever see him with other drugs?

23 A I did.

24 Q Okay.

25 A Eventually, at 79 Ferguson Road, there were a

E. G. [REDACTED] DIRECT BY MR. MOYER

1 lot of drugs.

2 Q What kind of drugs?

3 A Crack cocaine, things of that nature. I'm not a
4 drug user, I just know what I remember seeing. I can show
5 you -- or I can tell you what I seen.

6 Q Tell us what you did see.

7 A I seen them make little white rocks out of
8 little glass vials. I remember them making stuff in the
9 kitchen. They were scraping it out of a bowl, a white
10 substance. And they would snort stuff, too. They would
11 walk around with the little tin foils and smoke it.

12 Q When you say they, you're talking about?

13 A I'm talking about Dwayne as well as other people
14 who were coming into the home.

15 Q Were your brothers making it with him?

16 A He showed my brothers how, yes.

17 Q Would they make it in your house?

18 A Yes, they would.

19 Q What room of your house?

20 A The kitchen.

21 Q Okay.

22 A At one time, I remember -- I'm not sure exactly
23 what he was doing, but he had it in a glass vial and they
24 were lighting the glass vial and he was shaking it.

25 Q So, he never gave you that drug?

E. G. [REDACTED] DIRECT BY MR. MOYER

1 A No.

2 Q But he did use it in front of you?

3 A Yes.

4 Q You said other people would come in the house?

5 A Yes.

6 Q People who weren't related to you all?

7 A Yes.

8 Q That was related to drug activity?

9 A Yes.

10 Q What sort of drug activity?

11 A Drug deals for personal use.

12 MR. KAPPEL: Judge, I'm going to just object.

13 It's getting too far now.

14 THE COURT: I sustain. I sustain.

15 BY MR. MOYER:

16 Q Okay.

17 MR. KAPPEL: I move to strike the last response
18 and ask for curative instruction.

19 THE COURT: All right. We'll strike that.

20 Ladies and gentlemen, any evidence of any
21 alleged drug deals are not relevant to your
22 consideration in this matter. You should disregard
23 it. We'll strike the record of that comment.

24 BY MR. MOYER:

25 Q Okay, now, you were how old when you reported

E. G. [REDACTED] DIRECT BY MR. MOYER

1 what Dwayne was doing to you?

2 A Twenty-six.

3 Q Okay. You're 29 years old now?

4 A Yes.

5 Q Okay. And you came in and spoke to this officer
6 here?

7 A Yes.

8 Q Did you go in by yourself the first time?

9 A I believe so, yes.

10 Q And you spoke to him for quite a long time, did
11 you not?

12 A Yes.

13 Q Okay. Then you're aware that your brother,
14 Christopher, also came in and spoke to Investigator --

15 A Yes.

16 Q -- Richter? Did you ever influence Christopher
17 to go in and tell? Did you put pressure on him or
18 influence what he had to say at all?

19 A No.

20 Q You never did that?

21 A No.

22 Q Did you ever put words in his mouth?

23 A No, I did not tell him what to say.

24 Q Okay. So, what led you to come forward at age
25 26 to talk about this?

E.G. [REDACTED] DIRECT BY MR. MOYER

1 A It got to a point where, really, it was
2 over-willing me. I was having nightmares. I just -- I
3 couldn't put it behind me and I couldn't keep it closed.

4 Q Okay. Did you tell anyone -- before you came in
5 to tell the officer, did you tell anyone else?

6 A I did tell my mother that he was abusing me, but
7 I didn't tell her exactly what.

8 Q You didn't go into all the details?

9 A No. I spoke -- there's a young girl that I care
10 about and I look at her kind of like my daughter. She
11 actually had an incident and I did share with her, that
12 she wasn't alone because I, too, were abused.

13 Q Okay. Was that long before you ended up going
14 --

15 A (The witness shook her head.)

16 Q You're shaking your head no?

17 A It wasn't very long because as more of my past
18 kept starting to over-will me and I kept wanting to tell.
19 And it seemed like everything just triggered all of my
20 past.

21 Q What do you mean by overrule you?

22 A It got to the point where I was having
23 nightmares and I just -- I couldn't -- I couldn't get it
24 out of my head.

25 Q Okay. Now, during all that time, from when you

E. G. [REDACTED] DIRECT BY MR. MOYER

1 were 14 when you moved out until when you did tell, would
2 you think about it occasionally over the time?

3 A Occasionally, but I would just bury it down
4 because I wanted to make it not exist.

5 Q So, it wasn't like you had not thought about it
6 during that whole time period; is that right?

7 A Right. I just ignored it.

8 Q Then it became harder and harder to ignore?

9 A Yes.

10 Q Okay. Now, do you know the family that came
11 into Dwayne's life after he left you and your mother and
12 your family?

13 A I do not know the person, no.

14 Q Up until we started getting ready for court here
15 recently, had you ever met any of them?

16 A No.

17 Q Cindy Rosado is the woman that he is with now.
18 Do you know her?

19 A No.

20 Q As far as you know, have you ever met her?

21 A No.

22 Q How about C.R. [REDACTED] the other young girl
23 who came forward, do -- did you -- at the time she came
24 forward, did you know her?

25 A No.

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 Q Had you ever met her?

2 A No.

3 Q As far as you know, had you ever spoken to her?

4 A No.

5 Q So, you didn't have any interaction with this
6 new family then?

7 A Correct.

8 MR. MOYER: Okay. Please answer any questions
9 the Defense may have.

10 MR. KAPPEL: May it please the Court?

11 THE COURT: Yes, sir.

12 CROSS-EXAMINATION

13 BY MR. KAPPEL:

14 Q Okay. I want to take you back to the beginning.
15 We've had some discussion as to when this incident
16 occurred with Mikey. Were you not four years old when
17 that happened?

18 A I was four or five.

19 Q Were you not closer to four than five?

20 A I'm not really sure.

21 Q Okay. Did you give a statement to Officer
22 Richter about how close it was to your fourth birthday
23 when you were interviewed by him?

24 A I don't remember.

25 Q Okay. Okay. You were interviewed by Officer

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 Richter the first time on July 31st, 2014; is that right?

2 A (The witness nods.) Yes.

3 Q Okay. And he asked you a lot of questions, did
4 he not?

5 A Yes.

6 Q Okay. And the interview was recorded, wasn't
7 it?

8 A Yes.

9 Q You were aware that it was being recorded,
10 correct?

11 A Yes.

12 Q And at one point in time, he asked you how old
13 were you when you thought this happened with Mikey and you
14 gave an answer. Do you recall?

15 A Four or five.

16 Q Okay. Do you recall saying I was probably
17 closer to four than I was five?

18 A Maybe.

19 Q Would you like to review the transcript or would
20 you like me to play the audio for you so you can hear it?

21 A That is okay. Yes. If that is what it is.

22 Q So, was your answer closer to four?

23 A Yes.

24 Q I'm sorry?

25 A Yes.

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 Q Okay. So, you were born in September 1987?

2 A Yes.

3 Q So, your fourth birthday would have been
4 September 1991, correct?

5 A Correct.

6 Q And then you said that Mikey had assaulted you
7 four or five times?

8 A (The witness nods.)

9 Q Right?

10 A Yes.

11 Q In fact, you told Investigator Richter that you
12 thought it was in the fall. Autumn, I think was the word,
13 correct? Do you recall that?

14 A Yes.

15 Q Okay. So, if it occurred in the fall when
16 you're closer to your fourth birthday, one would then
17 think that this was sometime [REDACTED] of 1991.
18 Does that sound right?

19 A Yes.

20 Q All right. After it stopped, what was it, about
21 a month or so that Mikey was doing this to you?

22 A I can't remember exactly.

23 Q But it was a relatively short period of time,
24 wasn't it?

25 A Yes.

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 Q So, once it stopped, then your statement is that
2 Dwayne caught him, correct?

3 A Yes.

4 Q And then Dwayne physically beat him up for doing
5 it, right?

6 A Yes.

7 Q So, Dwayne's reaction to what was happening to
8 you was consistent and appropriate for whatever you
9 thought, you know, a step-dad should act, correct?

10 A When I was four, yes.

11 Q Okay. But then you say that about two months
12 later, one to two months later, Dwayne started doing the
13 same thing, right?

14 A Yes.

15 Q That would put us maybe, you know, the beginning
16 of 1992, right?

17 A Maybe, yes.

18 Q Okay. And what you suggest is that he was --
19 well, you plopped on him and he rubbed himself on you and
20 masturbated, correct?

21 A I remember the first time, he was just rubbing
22 up against me.

23 Q And that was on Deer Run?

24 A Yes.

25 Q All right. And you testified -- or you've

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 stated that this was a fairly frequent occurrence at that
2 point, correct?

3 A That was my childhood, yes.

4 Q And it continued all throughout your time at
5 Painter Road?

6 A Yes.

7 Q And then subsequently to your time on Painter
8 Road, it was you, Dwayne, your mother; right?

9 A Yes.

10 Q You, ultimately, moved from Painter Road to
11 Seneca -- not Painter Road, excuse me, Deer Run Road to
12 Seneca, correct?

13 A Yes.

14 Q So, you stated that it continued when you're in
15 Seneca when you just testified. Do you recall saying
16 that?

17 A Yes.

18 Q Do you remember answering any questions to
19 Mr. Richter about Seneca?

20 A No.

21 Q Okay. Again, you were interviewed by
22 Investigator Richter and it was recorded. And it says,
23 Did anything ever happen to you when you were living in
24 Seneca? And you gave an answer. Do you recall your
25 answer?

E. G. CROSS BY MR. KAPPEL

1 A No.

2 Q Do you want to listen to your answer or do you
3 want me to -- well, I'll just tell you.

4 You said, To be honest, I don't remember
5 too much in Seneca.

6 Do you remember giving that answer?

7 A That would be correct.

8 Q In fact, you never elaborated that anything
9 happened to you in Seneca?

10 A (There was no response.)

11 Q There's one big blank in the timeline, which is
12 Seneca. Do you know that?

13 A Yes.

14 Q And now, you're suggesting that it's not blank,
15 that there are occurrences that happened in Seneca?

16 A Yes, I just can't remember, I can't tell you
17 exactly of what.

18 Q But you never suggested to Officer Richter that
19 it continued when you were in Seneca. In fact, the
20 comment was that you couldn't remember if anything
21 happened in Seneca.

22 A (There was no response.)

23 Q Is that correct?

24 A Yes.

25 Q All right. Now, you've gone into a tremendous

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 amount of why you didn't report this and why you didn't
2 tell anybody. And the fact is, you knew -- I call her
3 Lenore. You knew Ms. Brissey; isn't that right?

4 A Who?

5 Q Ma.

6 A Yes.

7 Q And you knew her from a very early age; isn't
8 that correct?

9 A Yes.

10 Q You were very close to her from the very
11 beginning; isn't that also correct?

12 A I loved her very much.

13 Q She treated you like a grandchild and you
14 treated her like a grandmother?

15 A Yes.

16 Q Now, at some point when you were five -- this is
17 according to your statement, you told Diana?

18 A Yes.

19 Q And you told Diana several times; isn't that
20 right?

21 A One time.

22 Q So, you only told her one time?

23 A One time.

24 Q What did you tell her?

25 A I told her that he was touching me.

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 Q Okay. And you felt that she -- did she hear
2 you?

3 A Yes.

4 Q Do you think she understood what you said to
5 her?

6 A Yes.

7 Q Okay. But nothing happened from it?

8 A No.

9 Q Do you presume -- did Ma know?

10 A No.

11 Q So, you don't know if Diana had told Ma your
12 comments?

13 A I don't know.

14 Q Okay. Ma never approached you to talk to you
15 about it?

16 A If she did, I don't remember.

17 Q So, your experience was that you told Diana and
18 then nothing happened?

19 A Correct.

20 Q Is that right? Nothing was said -- was
21 something said to Dwayne?

22 A I remember her running out in the room to go to
23 where he was, and that was it. And then when he come into
24 the room, it looked like I was in trouble.

25 Q Okay. Who was in the room when that happened?

E.G. [REDACTED] CROSS BY MR. KAPPEL

1 Was your mother there?

2 A No.

3 Q Well, who was there?

4 A I just -- I remember him looking at me like I
5 had done something wrong.

6 Q Right, but was he the only one standing next to
7 you? Was anybody else in the room when this discussion
8 was going on?

9 A They didn't discuss it in front of me.

10 Q Okay. All right. So, we're talking 1991 at
11 Deer Run. Seneca, you said you didn't remember, now you
12 remember something. Then from Seneca, you moved to 77
13 Ferguson, correct?

14 A Yes.

15 Q And that's when you indicate that things got
16 worse?

17 A Yes.

18 Q At 77 Ferguson, that's when you had to learn to
19 do oral sex, correct?

20 A Yes.

21 Q And was that when the penetration started to
22 occur as well?

23 A Yes.

24 Q Okay. And this -- you were at 77 Ferguson for
25 maybe a year?

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 A Maybe.

2 Q From about nine to 10 years old?

3 A Yes.

4 Q Then at 10, you moved next door to 79 Ferguson?

5 A Yes.

6 Q And you described 79 Ferguson as the -- you
7 described it as the hell of your past, correct?

8 A Yes.

9 Q And when you were at 79 Ferguson, you were there
10 for -- well, when you were 10, so that would have been
11 1997, correct? Thereabouts?

12 A Yes.

13 Q And you and your mother did not move out until
14 the fall of 2001; is that right?

15 A I was 14.

16 Q So, it would have been right around your 14th
17 birthday, right, which would have been [REDACTED] 2001;
18 correct?

19 A Yes.

20 Q And when you moved out, you moved to Painter
21 Road -- excuse me, you moved to your dad's house, did you
22 not?

23 A I moved to Painter Road.

24 Q I thought you moved -- excuse me, I thought you
25 moved to an outbuilding behind your dad's house before you

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 moved to Painter Road?

2 A I moved to Painter Road.

3 Q Okay. You didn't move to an outbuilding with
4 your dad -- behind your dad's house with your mom and your
5 brother and a guy named John Wood?

6 A No.

7 Q Y'all didn't live there for a little period of
8 time?

9 A No. After 77 Ferguson Road, my mother and I
10 moved to Painter Road.

11 Q Well, I thought you were in 79 Ferguson and then
12 you move to Painter Road?

13 A Yes.

14 Q But I thought you lived for a period of time at
15 your dad's in an outbuilding with a guy named John Wood?

16 A I did not live in the outbuilding with a guy
17 named John after -- once I finally got to go live with my
18 father, there was a building to which they stayed in. I
19 stayed in the home with my father.

20 Q So, when you moved from 79 to Painter Road, did
21 you ever cry about leaving the farm?

22 A Yes.

23 Q Did you scream and yell that you did not want to
24 leave?

25 A I don't remember screaming and yelling, but I do

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 remember crying.

2 Q Do you recall saying to Ma that you loved Dwayne
3 like a father?

4 A I'm sure I did.

5 Q And that you did not want to leave and go with
6 your mother?

7 A I don't remember, but I don't deny it, either.

8 Q Okay. In fact, when you moved to Painter Road,
9 did you not send a letter to Dwayne?

10 A I don't remember.

11 Q Okay. You don't recall sending a letter to
12 Dwayne that said that you loved him like a father and that
13 you wanted to move back to the farm?

14 A I don't remember.

15 Q Okay. In the fall of 2001, you moved to Painter
16 Road and that's when -- and in January, that's when the
17 police were called, January 2002; isn't that right?

18 A Yes.

19 Q And the result of the police being called was
20 based on your brothers telling your father --

21 A Yes.

22 Q -- something? Correct?

23 A Yes.

24 Q All right. When the police arrived, they talked
25 to you and interviewed you?

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 A Yes.

2 Q They did that with your mother present, correct?
3 Your mother was there, was she not?

4 A Yes.

5 Q And the officers, did they separate you and your
6 mother?

7 A Yes.

8 Q Okay. One officer talked to you, another
9 officer talked to your mother; isn't that right?

10 A Yes.

11 Q Do you recall what you said to the police
12 officers?

13 A I denied anything and everything.

14 Q Okay. Did you -- were you more specific with
15 the officer as to why this was coming up?

16 A I believe I blamed it on the separation.

17 Q Okay. Did you go further and say that this was
18 all because your father was trying to get custody of you?

19 A I may have.

20 Q And that you didn't want to go live with him?

21 A Probably.

22 Q And you didn't like him?

23 A Yeah.

24 Q And you were angry at him --

25 A (The witness nods.)

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 Q -- for not being your father, correct?

2 A Yes.

3 Q And that this story was nothing more than just a
4 smokescreen to try to keep you from having to move?

5 A Yep.

6 Q And you were familiar then at that point in time
7 of your life of how statements can be made to law
8 enforcement to prevent the movement from one place to
9 another. Basically, your statement to the police that it
10 was all part of the -- part of the custody to try to stop
11 from moving to your dad's?

12 A (The witness nods.)

13 Q Isn't that correct?

14 A Yep.

15 Q In fact, the true fact based on your letter, was
16 that you really wanted to go move back in with Dwayne;
17 correct?

18 A Correct.

19 Q That's even after, as you've described it to
20 Officer Richter, that 79 Ferguson Road was the hell house
21 of your past?

22 A Yes.

23 Q Do you recall making that statement?

24 A Yes.

25 Q And when you're living on Painter Road, at

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 least, for a period of time, you were free of Dwayne,
2 right?

3 A Yes.

4 Q And here you have law enforcement in front of
5 you acting on your behalf to free you from this burden, to
6 free you from this humiliation and this hell hole that you
7 claim to be living in, correct?

8 A Yes.

9 Q And you, instead, told them that it wasn't true?

10 A (The witness nods.)

11 Q And you told Dwayne that you wanted to move
12 back, correct?

13 A Yeah.

14 Q All right. That interview was on January 10th,
15 2002, is that correct?

16 A Yes.

17 Q And you were 14 years old in several months,
18 right.

19 A Yes.

20 Q You were interviewed again by Department of
21 Social Services, right?

22 A Yes.

23 Q And you were -- you're familiar with DSS,
24 correct?

25 A Yes.

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 Q You know what their job is, do you not?

2 A Yes.

3 Q That are to protect children?

4 A Yes.

5 Q They're trained to protect children, do you
6 agree?

7 A Yes.

8 Q They're trained to interview children, right?

9 A Yes.

10 Q And do you recall being interviewed with --
11 excuse me for just one moment. Do you remember being
12 interviewed by the Department of Social Services on
13 April 24th, 2002?

14 A Yes.

15 Q And that was three months after the first
16 interview with law enforcement, right?

17 A Yes.

18 Q And after law enforcement got involved in
19 January 2002, you never saw Dwayne, right?

20 A Right.

21 Q As you indicated, you hadn't seen him since
22 January 2002 until court?

23 A Yes.

24 Q So, that was three months removed from ever
25 seeing Dwayne, right?

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 A Yes.

2 Q And when you were interviewed by law
3 enforcement, do you recall what you -- or excuse me, by
4 Department of Social Services, do you recall what you said
5 to them?

6 A I said that he didn't do anything, he didn't
7 touch me.

8 Q You indicated that you had never seen him
9 masturbate?

10 A Correct.

11 Q And that you didn't believe the allegation,
12 correct?

13 A Correct.

14 Q You indicated that when asked if he had ever
15 touched you in a sexual way, you said never?

16 A Correct.

17 Q Do you recall that?

18 A Yes.

19 Q And I suppose you did it in a convincing way,
20 did you not?

21 A Yes.

22 Q Okay. You also indicated that -- you know, you
23 kind of maligned your brothers, too, did you not?

24 A (There was no response.)

25 Q I'm sorry, you kind of disparaged your brothers

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 or spoke ill of your brothers in that interview, correct?

2 A (There was no response.)

3 Q Do you recall?

4 A (The witness shook her head.)

5 Q Well, it was your brother that reported it to
6 your father, right?

7 A Yes.

8 Q Then that's what caused DSS to get involved,
9 correct?

10 A Yes.

11 Q And you told DSS that there's no telling what
12 they saw, right?

13 A Yes.

14 Q The reason you said that was because, mentally,
15 they're not really there; isn't that right?

16 A Yes.

17 Q Okay. You were subsequently interviewed
18 again -- excuse me for one minute. You were interviewed
19 again by DSS, do you recall? On June 5th, 2002, do you
20 remember that?

21 A I don't remember. I know I was, yes.

22 Q In fact, the solicitor referred to it, he said
23 you had a forensic interview, do you remember?

24 A Yes.

25 Q And in your forensic interview, you continued to

E.G. [REDACTED] CROSS BY MR. KAPPEL

1 say never happened, right?

2 A Yes.

3 Q And you commented, actually, one time to Officer
4 Richter about this because you were videotaped, do you
5 remember?

6 A I remember --

7 Q Do you remember saying to Officer Richter in
8 your recorded interview that you said, I looked right into
9 that camera and said it never happened. Do you remember
10 making that statement?

11 A Yes.

12 Q Okay.

13 A Well -- go ahead.

14 Q In fact, you said, Once again, I sat there in
15 front of the camera and acted like they were stupid.

16 Do you remember saying that?

17 A Yes.

18 Q And that was consistent with your whole story to
19 them that it never happened?

20 A Yep.

21 Q Now, at some point, you went and started to live
22 with your dad?

23 A Yes.

24 Q Do you recall that?

25 A (The witness nods.)

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 Q And you were with your mother at Painter Road,
2 the police get involved. Do you recall why you ended up
3 going to your dad's?

4 A Yes.

5 Q Why?

6 A My mother had a breakdown.

7 Q Okay. So, your mother has had -- and I'm not
8 trying to be difficult, but your mother has had some
9 mental health problems --

10 MR. MOYER: I would object on relevancy.

11 THE COURT: Well, I'll let you ask that
12 question, sir.

13 MR. KAPPEL: Thank you, sir.

14 BY MR. KAPPEL:

15 Q Your mom's had mental health issues; isn't that
16 right?

17 A Yes.

18 Q So, it was to the point where DSS moved you to
19 your dad's house?

20 A Yes.

21 Q And her mental health issues were pretty --

22 MR. MOYER: Again, I object. There's no
23 relevancy to her mother's -- any mental health
24 issues.

25 THE COURT: I don't know what the next question

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 is going to be, but I'm not going to let you go into
2 much detail on that.

3 MR. KAPPEL: That's fine.

4 THE COURT: If you have specific questions, you
5 can call her mother as a witness.

6 MR. KAPPEL: That's fine. That's fine.

7 BY MR. KAPPEL:

8 Q So, when you moved to your dad's house, you
9 stayed there for a while, too, did you not?

10 A Yes.

11 Q But that didn't go very well either, did it?

12 A Not until I was -- I stayed there until I was

13 16.

14 Q But didn't you try to run away from your dad?

15 A Yes.

16 Q And that kind of caused a problem, too, did it
17 not?

18 A Yes.

19 Q Do you remember the subject of why you tried to
20 run away?

21 A My father's a hypocrite.

22 Q I'm sorry? Your brother's a hypocrite?

23 A My father.

24 Q Oh, your father?

25 A I was not getting along.

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 Q Was it not --

2 MR. MOYER: Your Honor, I object. There's no
3 relevance to what was going on with her biological
4 father.

5 THE COURT: I don't know if there's another
6 question. That question was okay, so I overrule to
7 that extent.

8 MR. KAPPEL: Thank you.

9 THE COURT: You'll have to object to his
10 question after he poses it.

11 MR. KAPPEL: Thank you.

12 BY MR. KAPPEL:

13 Q So, wasn't the real issue this guy named John
14 Wood?

15 A No.

16 Q All right. John Wood was --

17 MR. MOYER: May we approach, Your Honor?

18 THE COURT: I'll sustain your objection as to
19 John Wood. She said that wasn't the issue.

20 MR. KAPPEL: All right. Well, then I need to be
21 heard on this because I think, ultimately, I can tie
22 this in for relevancy.

23 THE COURT: All right.

24 Y'all excuse us for a second, please. Please
25 return to your jury room, don't discuss the case.

E.G. CROSS BY MR. KAPPEL

1 (WHEREUPON, the jury left open court at
2 approximately 11:33 a.m.)

3 THE COURT: Yes, sir.

4 MR. KAPPEL: Judge, the testimony that I believe
5 that's going to come out is that there was a person
6 by the name of John Wood that was friends with her
7 brothers that lived with the family from time to time
8 and lived in this outbuilding behind her dad's house.
9 I don't have John Wood. I don't think anyone's been
10 able to find John Wood. He's not here.

11 The issue is that when she -- when E.G.
12 moved to Painter Road that there was an occurrence
13 where she was going to run off with John Wood. And
14 she describes in her testimony to Officer Richter
15 that this was something -- someone that she cared
16 very much about, that she had a crush on. And the
17 reason that it's important to us is that when she was
18 about to run off with John Wood from the address at
19 Painter Road that E.G. mother, Sherry,
20 actually, called my client to come and stop it.

21 THE COURT: Okay.

22 MR. KAPPEL: That's the relevance.

23 THE COURT: Okay.

24 Mr. Moyer.

25 MR. MOYER: I don't see how that's relevant. I

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 mean, especially in light of our rape shield statute,
2 which I think is where the Defense is trying to make
3 this -- get close to and plant in the jury's mind.
4 First off, the victim would deny that there was any
5 sexual activity between her and this other fellow.
6 But she said did say -- I think she would testify if
7 asked that yes, she was looking towards some other
8 man at this stage in her life and, possibly, would
9 have. However, none of that is relevant. The fact
10 that her mother called the Defendant to stop her from
11 running away from home for whatever reason,
12 especially this reason, just has no relevance to
13 whether or not the Defendant committed these acts.

14 THE COURT: Okay.

15 MR. KAPPEL: Judge, I don't know if I need to
16 respond to that or not.

17 THE COURT: I think you've articulated the basis
18 for relevance. And I see where him being called and
19 being in a position of trust could be relevant to
20 your defense. My issue was before you asked that
21 question, it sounded to me like you were about to
22 articulate this John Wood relationship. Well, that's
23 not your place to articulate the John Wood
24 relationship. I don't know that the details of the
25 John Wood relationship are necessary for you to ask

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 the ultimate question of wasn't he called to try to
2 remedy the situation? That is, wasn't he a person of
3 trust in your family?

4 So, you can ask her if she was having a
5 relationship with someone else, if she was planning
6 on running away, all of those various questions.
7 You can even mention John Wood and ask her if a
8 statement refreshes her memory. But I don't know if
9 salacious details regarding John Wood --

10 MR. KAPPEL: It's not my intent to get into
11 salacious details. I don't think it's unusual for
12 anyone to try to understand that a 14 year-old girl
13 can have a crush on someone. It doesn't mean that
14 they're sexually engaged with them. But I think the
15 purpose of this is not to draw upon that, it's just
16 simply to say that she was looking to a relationship
17 with this person and that the mother called my client
18 to come over from Ferguson to Painter Road to keep
19 her from running off with him. And I think it's
20 highly relevant to the case.

21 THE COURT: I agree.

22 I note your objection on it.

23 MR. MOYER: There's another objection, she can't
24 testify about what her mother did. How in the world
25 can she testify that her mother made a phone call?

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 THE COURT: She might not be able to.

2 MR. MOYER: And if she can't testify to that,
3 then that makes all of that whole line of questioning
4 irrelevant.

5 MR. KAPPEL: It doesn't because we can tie it in
6 later in our case.

7 MR. MOYER: Well, he can -- I'm sorry, I didn't
8 mean --

9 THE COURT: Y'all are okay. But y'all are
10 anticipating the questions that are going to be asked
11 and the responses that will be elicited. She's here.
12 She's obviously listening to our argument. But
13 cross-examination is a very open process. And he's
14 articulated the relevance of the ultimate question
15 that he wants to ask. How he gets there could or
16 could not be problematic. I don't know.

17 Whether she knows whether her mother called him
18 or not, I don't know. Because she might say I don't
19 know anything about that. And she might continue to
20 say I don't know anything about that. I don't know.
21 I don't know. But I don't think the question itself
22 is irrelevant. The details of the relationship may
23 be, though. That was my concern when the jury went
24 out. I didn't want Defense counsel in the form of
25 question to give a narrative about this relationship.

E.G. [REDACTED] CROSS BY MR. KAPPEL

1 But go ahead, Mr. Moyer.

2 MR. MOYER: That's the only thing I was going to
3 add is then the gateway into this whole line of
4 questioning should be done with whether or not she
5 has any information about whether her mom or anyone
6 else made this call to the Defendant. Because if she
7 answers that in the negative, then it shuts down the
8 whole line of questioning. If it goes the other way
9 around and he starts getting out all this information
10 that would not become relevant, then it's all out
11 there. So, I just -- I mean, I'm not sure the Court
12 understands.

13 THE COURT: I understand exactly what you're
14 saying.

15 MR. MOYER: The only way this becomes relevant
16 is if she has personal information -- and not from
17 hearsay, but personally knows that her mother made
18 this call to the Defendant and that the Defendant got
19 involved even, too. If none of that is true, then
20 none of this is relevant.

21 MR. KAPPEL: What is true is that she did
22 respond to questions to Officer Richter about this
23 individual and indicated that she had an interest in
24 him. So, the principle question is, of course, do
25 you know him? Did you have an interest in him? And

E. G. CROSS BY MR. KAPPEL

1 if you were to run off -- did you try to run off with
2 him? She can say no. And say, well, you never ran
3 off with him? Your mother never called Dwayne to
4 come over and intervene to stop you from doing that?
5 She would say no and that would be the end of the
6 question.

7 THE COURT: And I don't know -- as I stand here
8 right now, I don't know what the Defense's entire
9 theory of the case is, so a negative response could
10 potentially be relevant as well. I don't know.

11 But y'all are asking me right now to rule in a
12 vacuum, okay. And I'm going to tell you now, I'm not
13 going to have all of the testimony which could
14 potentially be nonrelevant proffered into evidence
15 and to look at it beforehand. I'm really not.
16 Sometimes, we just need to tee it up and see what
17 happens.

18 Now, I will tell you this, if you want to
19 proffer in the specific questions that you're going
20 to ask her in this line of questioning, I'll be happy
21 to listen to them, okay. But y'all right now are
22 discussing potentialities. Y'all are discussing what
23 could happen, what may happen, if then, I'm not
24 playing that game in this trial or any other trial,
25 okay. So, proffer the questions that you're going to

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 ask and let's hear what she's going to say.

2 MR. KAPPEL: My understanding is that the Court
3 had found it to be relevant.

4 THE COURT: I do find that it's relevant where
5 you're going with it. I don't really have any
6 position with respect to the questions in between.

7 BY MR. KAPPEL:

8 Q All right. So, you're aware of the individual
9 by the name of John Wood?

10 A Yes.

11 Q And you were aware that -- you were interviewed
12 about a variety of matters, but John Wood's name was part
13 of your interview, do you recall that?

14 A Yes.

15 Q And you indicated to the officer that you had a
16 crush on John Wood; isn't that right?

17 A I did.

18 Q And John Wood was in and around your family when
19 you were around 14 years old, correct?

20 A Yes.

21 Q And that would have put you into the fall of
22 2001, January 2002; isn't that right?

23 A Yes.

24 Q Okay. At some point in time when you were --
25 this was after your mother and Dwayne separated and you

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 moved with your mother to Painter Road, right?

2 A Yes.

3 Q Do you recall that at any time that you were
4 going to run away from your mother to go be with John
5 Wood?

6 A I wished for that, but that was never anything
7 that -- never acted on it, was never an actual plan.

8 Q Okay. Did you tell your mother at that point in
9 time that you wished to run away with John Wood? Did you
10 ever disclose that to her?

11 A No. No.

12 Q Do you know if your mother ever called Dwayne to
13 come over and keep you from running away with John Wood?

14 A No.

15 Q Okay.

16 MR. MOYER: Based on it, there's nothing
17 relevant from that line of questioning.

18 THE COURT: You still want to offer that
19 testimony and ask that line of questioning?

20 MR. KAPPEL: I do, yes, I do.

21 THE COURT: Okay. What purpose do you want to
22 offer it at this point?

23 MR. KAPPEL: Well, because I think that we'll
24 have testimony that will contradict that. And I
25 think it shows again -- I've already asked and she's

E. G. CROSS BY MR. KAPPEL

1 already answered about crying and not wanting to move
2 away. She's somewhat admitted to writing a letter to
3 Dwayne saying that she loved him. This is just more
4 consistent that she and Dwayne had kind of more of a
5 parental relationship.

6 THE COURT: So, what I'm hearing you say is that
7 you intend to offer evidence that would impeach her
8 credibility in that regard?

9 MR. KAPPEL: That's correct.

10 THE COURT: Yes, sir.

11 MR. MOYER: If it please the Court, the evidence
12 that he would introduce is that Dwayne was called
13 from the mother. She testified she doesn't know if
14 her mom called or not, so that would not impeach her.
15 I have no idea who the mom called. She very well
16 could have, but that does not effect her knowledge of
17 the situation of that matter. He can testify --
18 well, he can call the mother to say that she called.
19 But coming in through this witness would be improper
20 because it also skirts so close to the rape shield
21 statute. That's all -- it's going --

22 THE COURT: I'm afraid I don't understand that
23 point about the rape shield statute. You're going to
24 have to articulate that more finely because I just
25 don't understand it.

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 MR. MOYER: He's trying to soil her reputation
2 for being interested in other men.

3 THE COURT: But he's not alleging that she had
4 sex with him or any other type of inappropriate
5 relationship. He's just alleging she had a crush.
6 That's not violative of the rape shield statute.

7 MR. MOYER: A crush and wanting to run away with
8 him. I mean, I think that's the very next logical
9 step that could be implanted in a jury's mind. I
10 mean, what do kids do when they run away with people?
11 I mean, what's the reason --

12 THE COURT: I'm afraid I just don't follow your
13 logic on that. I think we're putting way too much
14 time into this very, very minor point.

15 I'm going to let you ask the questions, but I'm
16 not going to let you go beyond that.

17 MR. KAPPEL: That's fine.

18 THE COURT: I'm going to let you ask what you've
19 asked.

20 Right now, y'all might be a little too close to
21 this case. I want you to back up and think what's
22 the big picture, okay. This line of questioning,
23 ultimately, in a day or two or three days of
24 testimony is not going to make a hill of beans. And
25 the only reason it's going to make any impression on

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 the jury is because we've stopped to talk about it
2 and they're probably going to wonder why we stopped
3 to talk about it because it's so relatively
4 innocuous. Okay.

5 So, let's go ahead -- let's bring them back in,
6 please.

7 (WHEREUPON, the jury came into open court at
8 approximately 11:45 a.m.)

9 THE COURT: All right, Mr. Kappel, your witness.

10 MR. KAPPEL: Thank you, Your Honor. May it
11 please the Court?

12 THE COURT: Yes, sir.

13 BY MR. KAPPEL:

14 Q E. G. [REDACTED], you recall we were talking about a
15 person by the name of John Wood?

16 A Yes.

17 Q And he was around your family when -- in about
18 the fall of 2001, 2002; is that correct?

19 A Yes.

20 Q And I believe when you were interviewed by
21 Officer Richter, you indicated you had a crush on him; is
22 that correct?

23 A Yes.

24 Q When you were living on Painter Road, it was you
25 and your mother, did you have a plan to run away with John

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 Wood?

2 A No.

3 Q Did you think about it?

4 A As a girl, yes.

5 Q But you never did it?

6 A No.

7 Q Do you recall at any time that your mother found
8 out about -- or did you ever talk to your mother about
9 thinking about running away with John Wood?

10 A No.

11 Q And you don't recall if your -- or do you recall
12 if your mother ever called Dwayne to come over to try to
13 intervene to keep you from running away with John Wood?

14 A No.

15 Q All right. I want to talk to you briefly about
16 your brother, Christopher. You are a younger sister to
17 him, correct?

18 A Yes.

19 Q Do you feel that you have -- even though you're
20 younger than him, do you feel you have to kind of take
21 care of him?

22 A I feel that way about all of my family.

23 Q But him in particular, correct? I mean, you
24 worry about him?

25 A Not now.

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 Q Okay. So, when you started this investigation
2 in 2014, Officer Richter did want to speak with your
3 brother, right?

4 A Yes.

5 Q Okay. And you took your brother over to meet
6 with him?

7 A Yes.

8 Q Isn't that correct? And during the course of
9 that interview with your brother, you sat in on the
10 interview; isn't that right?

11 A Yes.

12 Q Do you recall if you interrupted your brother in
13 responding to questions?

14 A I don't recall, but I don't deny it either.

15 Q Okay. If I were to tell you that you
16 interrupted the interview over 27 times in 40 minutes,
17 would that sound about right?

18 A I guess.

19 Q Do you recall questions such as -- from Officer
20 Richter to your brother, Where do you live? Do you recall
21 what his answer was?

22 A No.

23 Q If I were to tell you that his answer was, With
24 my sister.

25 And then you interrupted and you said,

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 Well, he's actually moving.

2 So, do you recall doing that?

3 A Maybe.

4 Q The second question was, How old are you?

5 And he said, 31.

6 And you had to correct or you tried to
7 correct him on his age, it really doesn't matter, you can
8 leave it at 31.

9 Do you recall saying that?

10 A No.

11 Q So, very basic questions that you were having to
12 correct. And then there were other more substantive
13 questions that you had to interrupt, do you remember?

14 A (The witness shrugged her shoulders.)

15 Q Now, you know, I can show you a transcript of it
16 if you'd like to review it or I can just ask you a
17 question and you can respond.

18 A Yeah, sure.

19 Q Okay. At one point in time, Officer Richter
20 asked your brother if he was actually present in January
21 2002 when the police arrived, okay, a logical question.

22 And your brother's response was, Did I?

23 And your answer to him was, You weren't
24 there.

25 Okay. Do you remember that?

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 A Yes.

2 Q Then your brother's response to Officer Richter
3 was, Yeah, I was not there.

4 Do you understand that?

5 A Yes.

6 Q And your answers in these questions were replete
7 with corrections or modifications and direction to your
8 brother throughout the interview; isn't that right?

9 A I guess.

10 Q Right?

11 A Yeah.

12 Q In fact, you were there with him to make sure he
13 could get through the interview, right?

14 A As support, yes.

15 Q Well, as support, but also to be able to answer
16 the questions the way you wanted him to answer the
17 question; isn't that right?

18 A Not intentionally.

19 Q But you were there?

20 A Yes.

21 Q And you were sitting next to him, right?

22 A Yes.

23 Q And Officer Richter allowed you to interject and
24 make comments and make sure that his answers were the way
25 that you wanted them to be?

E. G. CROSS BY MR. KAPPEL

1 A (There was no response.)

2 Q Isn't that correct?

3 A Yes.

4 Q And that interview is not consistent with the
5 way you had been interviewed before back in 2002 with the
6 sheriff's office and with DSS in April and June; isn't
7 that right?

8 A Correct.

9 Q And, in fact, it was wholly different because
10 you were separated from others, right?

11 A Correct.

12 Q You were interviewed by DSS professionals that
13 had experience with these matters, correct?

14 A Correct.

15 Q All right. Now, Officer -- you indicated --
16 actually, you were interviewed -- do you remember you had
17 actually two interviews with Officer Richter? And your
18 second interview with him -- I think I told your first
19 interview with Officer Richter was in -- excuse me for one
20 moment. July 31st, 2014. Then you had a follow-up
21 interview September 4th, 2014, correct?

22 A Yes.

23 Q And in your subsequent interview on
24 September 4th, 2014, you told him -- or you indicated to
25 him that you had been requested -- had a friend request on

E.G. [REDACTED] CROSS BY MR. KAPPEL

1 Facebook; isn't that right?

2 A Yes.

3 Q And it was from R.R. [REDACTED] wasn't it?

4 A Yes.

5 Q And you knew that R.R. [REDACTED] had met Officer

6 Richter on September 3rd, the day before?

7 A Possibly.

8 Q Okay. Did Officer Richter talk to you about

9 R.R. [REDACTED] intention regarding the friend request?

10 A Yes.

11 Q He said that she had good intentions?

12 A Yes.

13 Q And it was basically to the point where he was

14 encouraging you to talk to R.R. [REDACTED] right?

15 A Yes.

16 Q And to respond to her Facebook request?

17 A Yes.

18 Q Okay. When you -- well, I want to ask you a
19 couple more quick questions. When you were talking about
20 79 Ferguson Road being kind of the hell of your past, you
21 talked about being sick, you mentioned that earlier, and
22 that you were at Dwayne's sister's house, correct?

23 A Yes.

24 Q And Dwayne's sister, Debbie, took care of you?

25 A Yes.

E. G. CROSS BY MR. KAPPEL

1 Q Fed you, gave you fluids, gave you whatever
2 medicine you needed for whatever it is that was ailing
3 you, correct?

4 A Yes.

5 Q And you described that you had to leave Debbie's
6 house and go back to Painter Road, right?

7 A Yes.

8 Q And you talked about how horrible that was
9 because Dwayne was at Painter Road?

10 A Yes.

11 Q Or staying at Painter Road?

12 A Yes.

13 Q And you described to Officer Richter how
14 horrible this was because you were in a comfortable place
15 with Debbie, you weren't feeling well and she was making
16 you better, whether it was the flu or cold or fever,
17 whatever it was, and the horror of having to leave
18 Debbie's house and go to Painter Road where you knew
19 Dwayne would be?

20 A Well, he was the one driving us. He was there,
21 too.

22 Q Well, you talked about the horror of ending up
23 at this location knowing that you were going to be there
24 by yourself with Dwayne, right?

25 A Uh-huh.

E. G. [REDACTED] CROSS BY MR. KAPPEL

1 Q And even still, you described that you were
2 going back to Dwayne's -- to Painter Road where Dwayne
3 could get, you described it as a fix?

4 A Yes.

5 Q You talked about a number of times where you
6 would pray to God?

7 A Yes.

8 Q And you would pray to God that you would die in
9 your sleep?

10 A Yes.

11 Q And you would pray that you wouldn't wake up?

12 A Yes.

13 Q Right? And that was a lot?

14 A Yes.

15 Q You would hope that this wouldn't continue to
16 the point that you would die?

17 A Yeah.

18 Q Isn't that right?

19 A (The witness nods.)

20 Q That was over a substantial period of time;
21 isn't that correct?

22 A Yes.

23 Q Now, I guess the part that is so confusing is
24 that when your opportunity to break loose of this whole
25 cycle with the aid of law enforcement, with the aid of

E. G. CROSS BY MR. KAPPEL

1 Department of Social Services that you said no,
2 repeatedly, correct?

3 A Yes.

4 Q And the thing that's so strange is that you were
5 writing letters saying that you loved Dwayne and that you
6 wanted to return to Dwayne to 79 Ferguson, right?

7 A I don't remember letters, but, yes.

8 Q That you were hugging Lenore, your grandmother,
9 crying that you did not want to leave?

10 A Yes.

11 Q And it's strange that for someone that would
12 rather be dead than to stay there, that's actually been
13 taken to some other location, is actually begging and
14 crying to stay at the house; right?

15 A Yes.

16 Q And you're not five years old at this point in
17 time, you're maturing into a woman. You're a 14 year old
18 and you're maturing into a woman. And you just couldn't
19 get loose, right?

20 A Yes.

21 Q And I'm sure that when you were interviewed with
22 DSS, those professionals at DSS, and they talked to you
23 about -- I'm sure they talked to you about putting you in
24 a safe place, a safe environment. They have certain
25 protocols in conducting the interviews and making you feel

E. G. [REDACTED] REDIRECT BY MR. MOYER

1 comfortable, correct? Isn't that right?

2 A Yeah.

3 Q In other words, they just don't come right out
4 and ask you the ultimate question, hey, did this happen?
5 I mean, they spend a substantial period of time with you
6 to gain your trust, to let you know you're in a safe
7 place, and to let you know that you can talk to them
8 freely; isn't that right?

9 A Yes.

10 Q And yet, they did that over and over and you
11 never told that it happened?

12 A Correct.

13 Q And you had multiple opportunities to do so?

14 A Yes.

15 MR. KAPPEL: Just a moment, Judge.

16 THE COURT: Yes, sir.

17 MR. KAPPEL: Judge, that's all I have.

18 THE COURT: Okay. Any redirect, Mr. Moyer?

19 MR. MOYER: Just one matter.

20 REDIRECT EXAMINATION

21 BY MR. MOYER:

22 Q Now, regarding when you lived on Painter Road,
23 and then the Defendant came -- moved back in with you and
24 your mom for a period of time, do you recall that?

25 A Yes.

E.G. [REDACTED] REDIRECT BY MR. MOYER

1 Q Okay. Did he have anything -- did he have any
2 reaction about this guy that you just talked about having
3 a crush on, this John Wood?

4 A Yes.

5 Q What was that?

6 A He was worried whether or not I was having
7 sexual relations with him so much as to ask my mother if
8 he could check me. He knew how, he knew what to look for.

9 Q Did he ever talk about -- and he did commit some
10 more of the sexual abuse with you after that?

11 A Yes.

12 Q Did he ever talk to you about this guy, this
13 John Wood guy?

14 A That he was mad. And I just pretty much denied
15 any relation and it wasn't --

16 Q You didn't have a relationship with that John
17 Wood, did you?

18 A No.

19 Q Nothing sexual happened?

20 A No.

21 Q Okay. Was Dwayne Tallent's reaction one of
22 jealousy?

23 A Yes.

24 MR. MOYER: Nothing further.

25 THE COURT: Recross, sir?

JOEY GRECO-DIRECT BY MR. MOYER

1 MR. KAPPEL: Nothing, Judge.

2 THE COURT: Thank you, ma'am. You may step
3 down.

4 All right, Mr. Moyer, you may call your next
5 witness.

6 MR. MOYER: The State calls Joey Greco.

7 THE CLERK: Mr. Greco, if you will please pause
8 at the end of the bench, place your left hand on the
9 Bible and raise your right hand.

10 JOEY GRECO, after being duly sworn,
11 testified as follows:

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

14 THE WITNESS: My name is Joseph Greco, Jr.

15 THE CLERK: Thank you.

16 DIRECT EXAMINATION

17 BY MR. MOYER:

18 Q Who are you named after?

19 A My father.

20 Q How old are you?

21 A Thirty-six in August.

22 Q So, how far did you go in school?

23 A I graduated and I went for one year at
24 Greenville Tech.

25 Q What high school did you graduate from?

JOEY GRECO-DIRECT BY MR. MOYER

- 1 A Woodmont High School.
- 2 Q You live in western North Carolina now; isn't
- 3 that right?
- 4 A Yes, sir.
- 5 Q Where do you work?
- 6 A Construction company.
- 7 Q Okay. How long have you worked for that
- 8 company?
- 9 A Three and a half years.
- 10 Q All right. Are you married, children?
- 11 A Yes, newlyweds. No kids.
- 12 Q All right. Now, you know E. G. [REDACTED]
- 13 A Yeah, she's my sister.
- 14 Q You are a good bit older than she is?
- 15 A Yes, six years older.
- 16 Q So, your mother is Sherry Tallent?
- 17 A Yes.
- 18 Q Your father is -- you just mentioned a guy named
- 19 Joey Greco?
- 20 A Joseph Greco, Sr.
- 21 Q Joseph Greco. You go by Joey?
- 22 A Yes.
- 23 Q How old were they when they split up?
- 24 A I say I was like maybe seven, six or seven.
- 25 Q Okay. So you were pretty young?

JOEY GRECO-DIRECT BY MR. MOYER

1 A Yeah.

2 Q Okay. Were you in South Carolina when that
3 happened?

4 A Yes.

5 Q All right. Now, who did you live with when they
6 split up?

7 A Well, my mom took us with her when she left and
8 then they come to an agreement and we went to go live with
9 my father.

10 Q When you say we, who are you talking about?

11 A My brother and I.

12 Q That's Christopher?

13 A Yes.

14 Q Where did he end up living?

15 A With us.

16 Q Okay. I mean, what state?

17 A We moved to Nevada for a couple of years.

18 Q Moved to Nevada?

19 A Yes.

20 Q Do you remember when you moved back to this
21 area?

22 A I think in 1992. I was about 11.

23 Q Okay. Now, did you continue to live with your
24 father?

25 A Yes.

JOEY GRECO-DIRECT BY MR. MOYER

1 Q Okay. And that was until when?

2 A I want to say '98, because I think I was in
3 tenth grade and I decided to move with my mom.

4 Q So, it was when you were in 10th grade?

5 A Yes.

6 Q So, then you and Christopher moved in with your
7 mother?

8 A Yes.

9 Q Where did you live when you moved in with your
10 mother?

11 A 79 Ferguson Road.

12 Q Okay. Now, had you had much interaction with
13 your mother and/or with EG while you were living in
14 Nevada?

15 A No, not really. Very, very little contact.
16 Maybe around the holiday or something, we might get a
17 call.

18 Q Did you ever come visit?

19 A We come out on vacation one year for like -- I
20 don't know, like two weeks and then we went back. Then
21 about a year later, we moved back to South Carolina.

22 Q Okay. So did you know Dwayne Tallent during
23 that time you were in Nevada?

24 A No, I never met him until we come out on
25 vacation.

JOEY GRECO-DIRECT BY MR. MOYER

1 Q Okay. Then when you moved back here -- when you
2 and Christopher and your father moved back here, did you
3 have much contact with your mother and Dwayne Tallent
4 then?

5 A We tried, but sometimes they just wasn't able to
6 have us come over or see each other because they were
7 doing something else. It was hard to contact them.

8 Q So really, it wasn't until you moved in with
9 them when you were in about tenth grade then --

10 A Yes.

11 Q -- that you had much contact with them?

12 A Yes. It was actually because a court order when
13 my dad and mom went to court for split custody for us to
14 go over there on weekends and for him to see her. That's
15 when we started seeing each other more because pretty much
16 the Court Order.

17 Q So, then you started just having weekend
18 visitation?

19 A Yes.

20 Q Then you ended up moving in?

21 A Yes.

22 Q Okay. Did you -- during that time you were
23 coming over for visitation, did you get to know Dwayne
24 Tallent pretty well?

25 A A little bit. We would go camping.

JOEY GRECO-DIRECT BY MR. MOYER

1 Q When you moved in, granted, you were older, but
2 how did you get along with him?

3 A I mean -- I mean, he was an all right guy, I
4 mean, when I first got to know him.

5 Q Did he do things for y'all?

6 A Well, I mean, like I said, he would take us
7 camping. We'd go travel on vacations. That's pretty much
8 it.

9 Q All right. Now, did you have any observations
10 when you moved in that maybe you can look back on now
11 about his interaction with **EG** that stood out or stands
12 out now?

13 A For this situation, yes. I was going to the
14 restroom to take a shower --

15 MR. KAPPEL: I'm going to object, Judge, to
16 what's about to -- just relevancy. I'm not sure if
17 it needs to be proffered or not, but I would like to
18 take it up in advance.

19 THE COURT: Okay. Y'all come on up.

20 (WHEREUPON, an off-the-record bench conference
21 was held in the presence of the jury but out of
22 the hearing of the jury.)

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

25

JOEY GRECO-DIRECT BY MR. MOYER

1 BY MR. MOYER:

2 Q Before the specific incident that you were about
3 to talk about in the room, was there anything about the
4 way the Defendant and E.G. would interact with one another
5 that stood out as anything different or odd or not?

6 A He'd always have his hands on her.

7 Q What do you mean by that?

8 A Just always hugging on her, just like always
9 having some kind of skin contact.

10 Q Okay. And that would be when you were sitting
11 around the living room or --

12 A Yeah.

13 Q -- whatever like? Okay. Can you think of other
14 instances where you would see that sort of thing?

15 A If we were out there in the living room or, you
16 know, sometimes whenever she would walk down the hallway,
17 he might come over there and pat her on her butt, touch
18 her.

19 Q Now, when y'all were at home, would he spend a
20 lot of time with y'all or was there any particular room in
21 the house that he would spend more time in than others?

22 A His bedroom.

23 Q Okay. Did he ever have anyone go in the bedroom
24 with him?

25 A Yeah, I mean, we'd all go in there every once in

JOEY GRECO-DIRECT BY MR. MOYER

1 a while to watch TV because he had all the TV channels in
2 there. But most of the time, it would be E.G. that was
3 always in there.

4 Q Did he ever call for her or how --

5 A Yeah, he called for her. He always calls for
6 her.

7 Q That was a common occurrence that he'd call for
8 her to go to the room?

9 A Yes, that's why I didn't think anything of it at
10 the time.

11 Q So, was there a lot of occasions that it would
12 just be the two of them in the room?

13 A Yes, a lot.

14 Q Would he leave the door open when that --

15 A Well, sometimes, it would be cracked.

16 Sometimes, it would be open.

17 Q What about other times?

18 A I mean, it was normally cracked, at least,
19 slightly, about an inch maybe.

20 Q Okay. Did he ever call for you and Christopher
21 to come into the room and not E.G.

22 A Maybe to do recreational things.

23 Q What do you mean by recreational things?

24 A Like maybe just to smoke.

25 Q Smoke what?

JOEY GRECO-DIRECT BY MR. MOYER

1 A Cigarettes, marijuana.

2 Q Okay. So, that was one of the questions I was
3 going to ask you next. Was there marijuana use in the
4 house by the Defendant?

5 A Yes.

6 Q Did you ever see him using it around E.G.

7 A We all did.

8 Q Did you ever see him give it to E.G.

9 A Never see him give it to her.

10 Q But you would see him and her use it.

11 A I would see him, but I did not see her.

12 Q Now -- okay, and then you mentioned -- well, let
13 me ask you this, was there ever an incident where you
14 looked or saw into the room when the Defendant and E.G.
15 were in there?

16 A Repeat the question.

17 Q Was there ever an incident when Dwayne Tallent
18 and your sister, E.G. were in his bedroom that you
19 happened to look in and see anything?

20 A I didn't see any kind of like contact, I would
21 say, but, I mean, when I looked in there one time, he shot
22 up like a deer in headlights, you know, wide-eyed, like
23 didn't know I was there. I mean, that was about it. I
24 didn't see anything physical.

25 Q Was E.G. in the room at that time?

JOEY GRECO-DIRECT BY MR. MOYER

1 A Yes.

2 Q Where was E.G.

3 A In the bed.

4 Q Where was he when he shot up like you just
5 mentioned?

6 A He was like kind of on top of her, towards her
7 feet, like shot up.

8 Q Do you remember if the covers were up or not?

9 A I didn't look in that far, but I know I seen her
10 foot and seen him jump up.

11 Q Did he do -- other than jump up, did he do or
12 say anything?

13 A No, he just rolled over and laid down on the
14 bed.

15 Q What did you do?

16 A I didn't think anything of it right at the
17 moment. You know, I just thought they were just horse
18 playing or something because that's what they would do.

19 Q Okay. Now, do you remember anything about how
20 E.G. was dressed or anything like that?

21 A She'd always have like a t-shirt, like a
22 nightgown kind of t-shirt.

23 Q Okay. Do you recall any other incidents of
24 seeing the Defendant in the room -- having looked in the
25 bedroom when he and Liz were in the bedroom?

JOEY GRECO-DIRECT BY MR. MOYER

1 A Oh, my brother, he's the one that --

2 Q I'm not talking about that yet, but was there --
3 do you recall any other instance where you looked in and
4 saw him doing anything while E.G. was in the room?

5 A Well, I mean, she was under the cover and he was
6 moving his hand pretty funny around the covers, around his
7 crotch area, so I kind of thought that was a little --
8 more kind of weirded me out a little bit.

9 Q Was he in the bed at that time?

10 A Yeah, he was always in the bed. That's all he
11 did was lay in bed.

12 Q Okay. Do you remember if he was under the
13 covers?

14 A Yeah, he was under the covers.

15 Q Okay. Do you remember if she was under the
16 covers?

17 A She was under the covers.

18 Q Okay. And you could see his hand moving --

19 A Around his crotch area.

20 Q Around his crotch area. Did you say anything at
21 that time when you saw that incident?

22 A Yeah, I said, What are you doing?

23 And he said, What?

24 And I guess he made it look like he was
25 scratching or something, I don't know.

JOEY GRECO-DIRECT BY MR. MOYER

1 Q So, once again, you kind of looked the other way
2 and think you saw -- didn't really see what the worst
3 could have been?

4 A Yeah, I mean, I wasn't even thinking of it that
5 way. But it just dawned on me at the last minute.

6 Q Okay. Now, there's another incident that
7 involved your brother; is that right?

8 A Yes.

9 Q Okay. Were you home when that incident took
10 place?

11 A Yes, I was in the living room.

12 Q Okay. So, you didn't actually see in the room
13 on that occasion?

14 A No, I did not.

15 Q So, what -- what -- what did you see or observe
16 about what took place with Christopher?

17 A My brother was walking into his room. I was
18 playing a video game or watching TV and I just heard him
19 shout and come running out. And then Dwayne come
20 barreling through the hallway, chasing him out the house
21 and started throwing coolers at him that we had on the
22 front porch.

23 Q Did you go outside and watch what was taking
24 place?

25 A No, I heard a ruckus and by the time I got up,

JOEY GRECO-DIRECT BY MR. MOYER

1 he come walking in.

2 Q Walking back in the house?

3 A Yeah, walking back in the house, yeah.

4 Q Did you have any conversation with them about
5 that?

6 A I was like, What's going on? He just -- I don't
7 know, it was kind of a strange.

8 Q What do you remember his reaction being at that
9 time?

10 A He was mad, furious.

11 Q At?

12 A At my brother. Because my brother -- on the way
13 out, my brother said, Dude, Dwayne's molesting **E.G.**

14 Q He was talking to you?

15 A Yeah, my brother was. And then that's when he
16 started chasing him outside the house.

17 Q All right. Then -- so around that time, is that
18 when you and your brother moved out?

19 A Yes.

20 Q Okay. Did you ever go back in and live with
21 Dwayne and your mother and **E.G.** again?

22 A No. I haven't seen Dwayne in like 15 years
23 until we just come over here a couple months ago.

24 Q Okay.

25 A I ain't seen him in 15 years.

JOEY GRECO-DIRECT BY MR. MOYER

1 Q Okay. So, you moved out then and never went
2 back in?

3 A Never went.

4 Q Did you live with your dad again?

5 A Yes.

6 Q Did you and Christopher tell him about what
7 happened?

8 A Yes.

9 Q And he went to law enforcement?

10 A We all went to law enforcement to try to get it
11 situated, you know, let them know what we had seen and
12 what had gone on. And they said they couldn't do anything
13 unless E.G. spoke up about it.

14 Q And you were interviewed by DSS workers about
15 it?

16 A Yes.

17 Q And you told them what you saw?

18 A Yeah.

19 Q Okay. Did you ever talk to E.G. -- going back to
20 that time, did you talk to E.G. about it?

21 A Yeah, she didn't want to do it. She just cried
22 and I just left her alone.

23 Q She didn't want to do what?

24 A She just didn't want to talk about it. She just
25 cried and I just let it alone.

JOEY GRECO-DIRECT BY MR. MOYER

1 Q Okay. Didn't want to talk about what had taken
2 place?

3 A Yes.

4 Q So, she never admitted to you about anything
5 that happened?

6 A No.

7 Q Did you ask her about it? Did she deny it to
8 you?

9 A She didn't tell me per se, but.

10 Q You know she denied it to law enforcement?

11 A Yes. Yes.

12 Q Okay. Okay. Now, in addition to marijuana, at
13 some point, did you see other drugs?

14 MR. KAPPEL: I'm going to renew my objection at
15 this point.

16 THE COURT: Okay.

17 MR. KAPPEL: I think it's cumulative and --

18 THE COURT: All right. I respectfully overrule
19 the objection.

20 You may ask the question, sir.

21 BY MR. MOYER:

22 Q Do you recall other drugs in the home?

23 A Yes, sir.

24 Q Tell us about that.

25 A My brother was in a wreck and had his back

JOEY GRECO-DIRECT BY MR. MOYER

1 broken and he come into a lot of money. We also had a
2 friend at the time that was -- you know, moved in with us
3 and he was also in the wreck. And we had a pocket -- they
4 had a pocket full of money. So, we started doing other
5 recreational drugs.

6 Q When you say -- I mean, it was tens of thousands
7 of dollars, wasn't it?

8 A Yeah.

9 Q And that's where all that money went pretty
10 much?

11 A Pretty much.

12 Q What kind of drugs?

13 A Cocaine and meth.

14 Q All right. When you say we, who all was
15 involved in the purchase and use of these drugs in the
16 house there?

17 A Well, Dwayne was always the hookup, so he knew
18 who to contact. So, we'd just give Dwayne the money -- or
19 they would give Dwayne the money and we'd all just sit
20 around and get high.

21 Q So, the cocaine that was brought into the house,
22 did y'all ever do anything to alter it's form in any way?

23 A We were snorting so much coke that our noses
24 were bleeding. We didn't want our noses to bleed anymore,
25 so we figured out how to free base crack cocaine.

JOEY GRECO-DIRECT BY MR. MOYER

1 Q Who was making it?

2 A Dwayne, me, my brother.

3 Q How old were you at this time?

4 A I believe I was 18.

5 Q So, Christopher was?

6 A Well, he was 18, so I had to be 20. Because he
7 was 18 when he got his money.

8 Q Okay.

9 A So, I was 20.

10 Q And E.C. was in the home?

11 A Yes.

12 Q And would you -- who learned how to make this
13 crack cocaine?

14 MR. KAPPEL: Judge, at this point I'm going to
15 object based on the 403 argument. I'm also going to
16 object that, as the witness just described,
17 Christopher was already 18 at this point in time, so
18 I don't think it's really relevant.

19 THE COURT: Okay. What was the question?

20 MR. MOYER: The question was how they learned
21 how to make the crack cocaine.

22 THE COURT: Okay, I'll let you ask that
23 question. I respectfully overrule.

24 Go ahead.

25 THE WITNESS: Dwayne.

JOEY GRECO-DIRECT BY MR. MOYER

1 BY MR. MOYER:

2 Q Dwayne was the one who taught you how to make
3 it?

4 A Yeah.

5 Q Was it made right in the kitchen?

6 A Yes.

7 Q Of the house?

8 A Right in the kitchen.

9 Q E.G. would be around when this was being made?

10 A Yeah, she was there.

11 Q And when it was being used?

12 A Yeah. We tried to shoo her away every once in a
13 while, but she knew what was going on.

14 Q Okay. In addition to the cocaine and crack
15 cocaine, were there other drugs used in the house?

16 A Yes, there was meth. I said meth.

17 Q Okay. Meth was used as well?

18 A Yes.

19 Q By the Defendant?

20 A Yes. Everybody.

21 Q Okay.

22 MR. MOYER: Okay. Please answer any questions
23 Mr. Kappel may have.

24 MR. KAPPEL: Thank you, Your Honor. May it
25 please the Court?

JOEY GRECO-CROSS BY MR. KAPPEL

1 THE COURT: Yes, sir.

2 CROSS-EXAMINATION

3 BY MR. KAPPEL:

4 Q Just so I understand, you have gone on the
5 record regarding this matter on one occasion and that was
6 back in 2002 with DSS; isn't that correct?

7 A Yes.

8 Q In other words, you haven't given a statement to
9 law enforcement, right? Or have you?

10 A We went to the law enforcement and they said
11 that we couldn't really do anything until E.G. said
12 something about it.

13 Q Right, I understand. That was back in 2002?

14 A Yes.

15 Q That was sometime 2001, 2002. The first person
16 to really interview you, to take a statement from you was
17 DSS; isn't that correct?

18 A Yes.

19 Q After DSS interviewed you in 2002, you haven't
20 been interviewed about this since?

21 A No.

22 Q You haven't gone to Officer Richter to give him
23 a statement?

24 A Nobody's asked me.

25 Q No one's ever asked you to come in and talk to

JOEY GRECO-CROSS BY MR. KAPPEL

1 them or anything about what you testified to today?

2 A Except for Moyer.

3 Q Mr. Moyer?

4 A Yes, sir.

5 Q So, this is the first time ever that you've gone
6 on record regarding this matter aside from your statement
7 to DSS in 2002?

8 A Yes.

9 Q Is that correct?

10 A Yes.

11 Q Now, the statement you did give to DSS in 2002,
12 you never said that **E.G.** was in the bed with Dwayne, did
13 you?

14 A Yes.

15 Q Would you like to look at your statement?

16 A Yes.

17 MR. MOYER: Your Honor, I object. He can't be
18 impeached on another person's report.

19 MR. KAPPEL: He can look at it.

20 THE COURT: He can read the statement and he can
21 either confirm or deny that's what he said. At this
22 point.

23 Go ahead show it to him.

24 BY MR. KAPPEL:

25 Q So, you recall being interviewed by DSS,

JOEY GRECO-CROSS BY MR. KAPPEL

1 correct?

2 A Yes.

3 Q And they took a statement from you, correct?

4 A What we had seen, yes.

5 Q If you don't mind -- just a moment.

6 A (The witness reviews the statement.) This is my
7 father.

8 Q All right, I'm going to point you to the bottom
9 of the page, if you don't mind.

10 A (The witness continues to review the statement.)

11 Q Have you had a chance to review your statement?

12 A Yes, sir.

13 Q All right, I'm going ask you a question. In
14 this report --

15 MR. MOYER: Your Honor, I object to the premise
16 of the question, that is his statement.

17 THE COURT: What is it?

18 MR. MOYER: It's not his statement.

19 MR. KAPPEL: Judge, I've asked him if recalls
20 giving a statement. I've asked him if he recollets
21 the statement. He's now had a chance to refresh his
22 memory with the statement. Now, I'm going to ask
23 him --

24 THE COURT: I think The State's contention is
25 that's not a statement, that that's a recording of an

JOEY GRECO-CROSS BY MR. KAPPEL

1 interview from an official of the State. Is that
2 your position?

3 MR. MOYER: It's just notes taken by a DSS
4 employee.

5 THE COURT: Okay.

6 MR. MOYER: So, it's not his statement.

7 THE COURT: Okay. I understand. I'm going to
8 let you ask that question.

9 MR. KAPPEL: Thank you.

10 THE COURT: But, you know, we'll see where it
11 goes.

12 But I understand your characterization of it
13 and, perhaps, that needs to be fleshed out, perhaps,
14 it doesn't.

15 But I'll let you ask the question.

16 MR. KAPPEL: Thank you.

17 BY MR. KAPPEL:

18 Q So, did you describe to DSS that E.G. was in
19 the bed with Dwayne?

20 A Yes.

21 Q Okay. So, what you're suggesting then as what
22 you saw, you saw the notes of your interview, that that's
23 incorrect?

24 A It's not fully on there, no, that is correct.

25 Q That it's incorrect.

JOEY GRECO-CROSS BY MR. KAPPEL

1 A It's incorrect. It's not fully on there what I
2 told them.

3 Q Okay. All right. When did you and your brother
4 approach your father, do you remember?

5 A As soon as we left.

6 Q Do you recall how long it took your dad to call
7 law enforcement? I mean, did y'all talk about it and
8 think about it for a month or two or six months and then
9 call law enforcement or was it immediate?

10 A This has been about 15 years for me to
11 recover -- to remember everything that happened.

12 Q Do you have any ideas how soon after you told
13 him that he called the police?

14 A Well, I mean, yeah, I'm sure he went -- he was
15 furious, but I can't say exactly when.

16 Q Was it less than a week?

17 A Yeah. As soon as we told him, he was adamant
18 about us going to the police department.

19 Q So, the police were involved in January 2002,
20 right? Does that sound right to you?

21 A For what?

22 Q When the police responded to his complaint, to
23 your father's complaint, it was January 2002; isn't that
24 right?

25 A I think so.

JOEY GRECO-CROSS BY MR. KAPPEL

1 Q So, you would have told your father
2 January 2002, correct?

3 A No -- yes, yes, yes.

4 Q Okay. The incident -- well, anyway. So, you
5 think it was right before when the police responded to the
6 actual -- right before when the police responded to your
7 father's complaint is when you, your dad -- or the two of
8 y'all told your dad?

9 A Yeah.

10 Q All right. Now, what you saw inside Dwayne's
11 room -- you described it as the door was open?

12 A Yes.

13 Q You didn't look through some other window or
14 anything?

15 A No.

16 Q Is there a peephole on the door?

17 A No.

18 Q Okay.

19 MR. KAPPEL: All right. All right. Just a
20 moment. That's all I have, Judge.

21 THE COURT: Any recross, sir?

22 MR. MOYER: No, Your Honor. We ask that this
23 witness be excused from the subpoena and allowed to

24 --

25 THE COURT: Any objection to him being excused

JOEY GRECO-CROSS BY MR. KAPPEL

1 from the subpoena, Mr. Kappel?

2 MR. KAPPEL: No, I don't think so.

3 THE COURT: All right, good enough.

4 Thank you, you're excused. Hope you have a
5 great day, appreciate your being here.

6 All right, ladies and gentlemen, let's take a
7 break for lunch. It's now a little bit before 12:30.
8 If you'd be back at 1:30, we'll resume testimony in
9 this case. Have a great lunch, please don't discuss
10 the case. Thank you.

11 (WHEREUPON, the jury left open court at
12 approximately 12:27 p.m.)

13 THE COURT: Okay. How many more witnesses do
14 you have, Mr. Moyer?

15 MR. MOYER: Judge, I think we'll finish today.
16 It will be between three and five witnesses.

17 THE COURT: Okay. Of about the same length as
18 this witness with the exception of the prosecuting
19 officer, perhaps?

20 MR. MOYER: Right, I think other than -- I think
21 all the witnesses should move along pretty well.

22 THE COURT: All right, good enough.

23 Right now, you're reluctant to say how many
24 witnesses you have or if you have any?

25 MR. KAPPEL: I feel -- and I know it means

1 nothing, but I feel certain we'll have a few
2 witnesses.

3 THE COURT: All right, good enough.

4 MR. KAPPEL: I anticipate three or four
5 witnesses.

6 THE COURT: Okay. All right, good enough.

7 All right, then, I'll see y'all at 1:30. Have a
8 great lunch.

9 (WHEREUPON, a lunch break was taken.)

10 THE COURT: Okay. I have been advised that we
11 have all the jurors.

12 State ready to proceed?

13 MR. MOYER: Yes, sir.

14 THE COURT: Defense ready to proceed?

15 MR. KAPPEL: Yes, sir, Judge.

16 THE COURT: Bring them in, please.

17 (WHEREUPON, the jury came into open court at
18 approximately 1:34 p.m.)

19 THE COURT: All right, ladies and gentlemen,
20 welcome back.

21 All right, Mr. Moyer, you may call your next
22 witness.

23 MR. MOYER: The State calls Christopher Greco.

24 THE CLERK: Sir, if you would please pause at
25 the end of the bench, place your left hand on the

1 Bible and raise your right hand.

2 CHRISTOPHER GRECO, after being duly
3 sworn, testified as follows:

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

6 THE WITNESS: Christopher Greco.

7 DIRECT EXAMINATION

8 BY MR. MOYER:

9 Q Okay, Christopher, can you tell the jury how old
10 you are?

11 A Thirty-four.

12 Q What is your date of birth?

13 A [REDACTED].

14 Q Okay. You live in the Low Country right now,
15 don't you?

16 A Yes.

17 Q Low Country, South Carolina. How long have you
18 lived down there?

19 A About three and a half, four months almost.

20 Q Okay. Before that, you lived up here in the
21 upstate?

22 A Yes.

23 Q You and your girlfriend just had a child; isn't
24 that right?

25 A Yes.

CHRISTOPHER GRECO-DIRECT BY MR. MOYER

1 Q Is it your first child?

2 A Yeah.

3 Q And your child has been in the hospital?

4 A Yes.

5 Q How long ago was she born?

6 A January 3rd, I think.

7 Q She's been in the hospital ever since?

8 A Yeah.

9 Q When did she get out?

10 A Yesterday.

11 Q Got out the hospital yesterday?

12 A Yes.

13 Q Okay. So -- okay, so you're anxious to get back
14 there to her, your child and her mother?

15 A Yes.

16 Q Okay. So, you are **E G** and Joey's brother; is
17 that right?

18 A Yes.

19 Q And you were in here when Joey testified about
20 y'all moving to Nevada with your father after --

21 A Yeah.

22 Q After the separation, is that what happened?

23 A Yes.

24 Q Okay. And you moved back here to South

25 Carolina. About how old were you when you moved back, do

CHRISTOPHER GRECO-DIRECT BY MR. MOYER

1 you remember?

2 A I'm not sure. Maybe around seven, eight.

3 Q Okay. And you stayed living with your step-dad
4 for a few years after you moved back -- I'm sorry, not
5 your step-dad, your dad?

6 A Yeah.

7 Q Okay. And did you get -- did your mother get
8 custody of you at some point so you could go over there on
9 the weekends?

10 A Yeah, it was a split custody deal.

11 Q Then eventually you moved in with --

12 MR. KAPPEL: Judge, I'm going to object to the
13 leading.

14 THE COURT: Okay. Don't lead.

15 BY MR. MOYER:

16 Q Did you move in with your mom and the Defendant?

17 A Yeah.

18 Q Okay. About how old were you when you did so?

19 A Just before I was 11, I believe.

20 Q Okay. Where were living when you moved in?

21 A What do you mean?

22 Q What was the address where you were living?

23 A 79 Ferguson.

24 Q Okay. Who else was in the house when you moved
25 in?

CHRISTOPHER GRECO-DIRECT BY MR. MOYER

1 A My mother and my sister and Dwayne and my
2 brother.

3 Q And your brother, okay. Did you get along with
4 Dwayne when you moved in?

5 A Somewhat.

6 Q Okay. You had some problems with him?

7 A Yeah, we never really were eye-to-eye.

8 Q Okay. Did -- how did he act toward you when you
9 moved in?

10 A Mostly awkward, distant.

11 Q Mostly awkward? What was the other word you
12 used?

13 A Distant.

14 Q Did you notice anything about the way he and
15 your sister, **E.G.** interacted with each other that seemed
16 unusual, that got your attention?

17 A Well, when I would come to visit them at 77, he
18 would always be touching on her, rubbing on her inner
19 thighs and stuff. And I thought that was very awkward and
20 inappropriate.

21 Q This would be out in the open he would do stuff
22 like that?

23 A Yeah.

24 Q Okay. And was this pretty regular, pretty
25 often?

CHRISTOPHER GRECO-DIRECT BY MR. MOYER

1 A Yeah.

2 Q Now, was there an incident that happened when
3 you actually saw something taking place between the two of
4 them?

5 A Yes, sir.

6 Q Okay. And do you remember about how old you
7 were at that time?

8 A Eighteen.

9 Q Okay. And your sister was?

10 A Fourteen.

11 Q She's four years younger than you. Okay. So,
12 was anyone else at home when this happened?

13 A Yes, my brother was there.

14 Q Your mom was not?

15 A No, she was at work.

16 Q Where was your sister?

17 A In the bed.

18 Q In whose bed?

19 A Dwayne's.

20 Q Was that uncommon for her to be in the room and
21 in the bed with him?

22 A No.

23 Q It used to happen a lot?

24 A All the time.

25 Q Just the two of them in the room together?

CHRISTOPHER GRECO-DIRECT BY MR. MOYER

1 A Yep.

2 Q Did he ever invite, like, you back in the room
3 with him?

4 A Only on occasion when we smoke drugs.

5 Q Smoke what?

6 A Drugs.

7 Q Smoke drugs. Okay, we'll get to that in just a
8 minute. Okay. So, tell the jury what it was that you saw
9 in the room and how it came about that you saw something
10 going on in the room?

11 A Well, I just gotten up and went to go to the
12 bathroom and I heard like a slight moaning. And, you
13 know, I was like what's happening. So, I looked through
14 the little keyhole they had there. It was like one of
15 those antique ones that you can see straight through. And
16 he was touching himself and her, what I perceived, under
17 the covers and telling her this is how you do it.

18 Q So, you could tell he was touching himself?

19 A Yes.

20 Q Were they both under the covers?

21 A Yes.

22 Q Okay. And you could see his other hand as well?

23 A Yes.

24 Q So, one hand was touching himself and what was
25 the other hand doing?

CHRISTOPHER GRECO-DIRECT BY MR. MOYER

1 A Her.

2 Q Okay. So, when you saw what you saw and you
3 heard the moaning and him saying that, what did you do?

4 A I kicked open the door and asked him how long
5 he's been doing this and called him a sick bleep.

6 Q What did he do when you barged into the room?

7 A He freaked out, jumped out of the bed, then
8 proceeded to chase me.

9 Q Did your sister remain in the bed?

10 A Yes. I think she, basically, just froze.

11 Q Froze, okay. So, he jumped out of the bed. And
12 what did he do when he jumped out of the bed?

13 A Start chasing after me.

14 Q What did you do when he came after you?

15 A I ran and tried to tell my brother what was
16 happening and went out the door. And he followed behind
17 me, grabbed coolers, started throwing them at me and told
18 me I could ruin his whole world.

19 And I said, Good.

20 Q Okay. So, after that incident, is that when you
21 and your brother moved out?

22 A Yeah.

23 Q Did you ever move back into the house --

24 A No.

25 Q On Ferguson Road?

CHRISTOPHER GRECO-DIRECT BY MR. MOYER

1 A (The witness shook his head.)

2 Q Never did?

3 A Huh-uh.

4 Q You ended up moving back in with your father; is
5 that right?

6 A Yeah.

7 Q Did you tell your father about what you had
8 seen?

9 A Yes, I did.

10 Q And he went -- that's how the police were
11 notified?

12 A Yes.

13 Q Did you go to the law enforcement center?

14 A I'm not sure if I went to that one.

15 Q Okay.

16 A It's been a while. I don't think I did go to
17 that one. I think they took my brother.

18 Q Okay. But you, at some point, then spoke to
19 some people at DSS and talked to them about what happened?

20 A Yeah.

21 Q Do you remember?

22 A Yeah, when I went with my sister.

23 Q Okay. And you told them what you had seen?

24 A Yes.

25 Q Okay. Did you ever talk to your sister about

CHRISTOPHER GRECO-DIRECT BY MR. MOYER

1 it?

2 A No.

3 Q Did she ever acknowledge to you what was taking
4 place back then?

5 A No.

6 Q So, she denied it?

7 A Yes.

8 Q She denied it to you?

9 A (The witness nods.)

10 Q That was a yes?

11 A Yes.

12 Q You're nodding yes?

13 A Yes.

14 Q Okay. Going back to what you saw in the room,
15 do you remember if either one of them -- either Dwayne or
16 your sister, do you remember anything about their state of
17 dress?

18 A I couldn't tell -- I know he was in his boxers
19 and I couldn't tell if she was actually clothed or not.

20 Q Okay. When's the last time you've seen -- did
21 you have any interaction with the Defendant after you
22 moved out of the house?

23 A No.

24 Q Did you ever talk to him again or spend time
25 with him?

CHRISTOPHER GRECO-DIRECT BY MR. MOYER

1 A No.

2 Q Okay. Now, when you -- a couple years ago,
3 you're aware that your sister made the allegations and
4 talked about what happened to this officer and to law
5 enforcement; is that right?

6 A Yeah.

7 Q Did she tell you about it before she went and
8 told the officers?

9 A No.

10 Q You found out about it after she told?

11 A Yes.

12 Q And then you went in and you spoke to this
13 investigator as well?

14 A Yes.

15 Q All right. Did your sister or anyone else plant
16 what you told him in your head or is that --

17 A No.

18 Q No one told you what to say?

19 A No.

20 Q Now, let me ask you a little bit about -- you
21 mentioned some marijuana. How prevalent was marijuana in
22 the home by this Defendant?

23 A All day, everyday thing.

24 Q So, he would smoke it out in the house in front
25 of everybody?

CHRISTOPHER GRECO-DIRECT BY MR. MOYER

1 A Everywhere. Yeah, everywhere. It didn't
2 matter.

3 Q Did he ever give you marijuana?

4 A Oh, yeah.

5 Q Did you ever see him give it to Liz?

6 A One occasion when her friend came over, I seen
7 him pack a bowl for them.

8 Q Okay. What about other drugs, what other drugs
9 did you see in the house?

10 MR. KAPPEL: Judge, again, this is my objection,
11 the 403 objection.

12 THE COURT: Okay. All right. Good enough. On
13 the same basis, I respectfully overrule the
14 objection.

15 You may continue.

16 BY MR. MOYER:

17 Q What other drugs did you see in the house?

18 A Crack cocaine and methamphetamine.

19 Q Okay. Did you see the Defendant using those
20 drugs?

21 A Yes.

22 Q You used them yourself, too, didn't you?

23 A Yes.

24 Q Now, we've already heard some talk about you had
25 an accident when you were -- were you 17 or 18?

CHRISTOPHER GRECO-DIRECT BY MR. MOYER

- 1 A I was 17 when it happened.
- 2 Q You were 17 when the accident happened?
- 3 A Yes.
- 4 Q Do you remember when the accident was?
- 5 A January 2000 -- I'm not sure.
- 6 Q Was it the January before your 18th birthday?
- 7 A Yes.
- 8 Q What is your birthday?
- 9 A Eighty-three.
- 10 Q What month and day?
- 11 A [REDACTED]
- 12 Q [REDACTED]
- 13 A Yeah.
- 14 Q Okay. So, you got a lump sum settlement?
- 15 A Yes.
- 16 Q Because of the accident. And we've already
- 17 heard, is that where the money came to buy a lot of these
- 18 drugs?
- 19 A Yes.
- 20 Q Okay. And did you participate in making the
- 21 crack cocaine out of the cocaine?
- 22 A Yep.
- 23 Q How did you learn how to do that?
- 24 A Dwayne Tallent.
- 25 Q Okay. Would you make it right there in the

CHRISTOPHER GRECO-CROSS BY MR. KAPPEL

1 house?

2 A Yep.

3 Q Your sister would be there?

4 A Yep.

5 Q How old were you when that was going on with the
6 crack cocaine?

7 A Well, with the cocaine, it started when I was
8 17. When we started turning it into whatever, I was 18.

9 Q You were 18 at that time, but the cocaine
10 started coming into the home when you were 17?

11 A Yes, the cocaine and meth.

12 Q And as far as him giving you marijuana?

13 A That was all the time.

14 Q All the time.

15 A Since I was 11, I think.

16 Q Okay.

17 MR. MOYER: Please answer any questions the
18 Defense may have.

19 CROSS-EXAMINATION

20 BY MR. KAPPEL:

21 Q You described that when you moved into this
22 residence that Dwayne was touching your sister's inner
23 thighs?

24 A Yes.

25 Q And it was often?

CHRISTOPHER GRECO-CROSS BY MR. KAPPEL

1 A Yes.

2 Q You never told anybody?

3 A Correct.

4 Q Did you? You never reported it to anyone?

5 A Right.

6 Q You never confronted your sister about it and
7 said, hey, look, what are y'all doing?

8 A Right.

9 Q You never confronted Dwayne?

10 A Right.

11 Q Never confronted your mother?

12 A Right.

13 Q You never talked to your brother about it?

14 A No.

15 Q You just ignored it completely?

16 A Not necessarily.

17 Q Well, you ignored it until today, right? I
18 mean, now you're coming forward today and you're saying
19 there's a whole lot of things that were going on that
20 shouldn't have been going on, yet, you never spoke up,
21 correct?

22 A Correct.

23 Q Now, I want to talk to you about this incident.
24 You talk about looking through a keyhole?

25 A Yes.

CHRISTOPHER GRECO-CROSS BY MR. KAPPEL

1 Q And observing them in the bed, correct?

2 A Yes.

3 Q Was the door closed?

4 A Yep.

5 Q What kind of door is it? Was it a wooden door?

6 A It was a wooden door.

7 Q You could hear through the door?

8 A Yes.

9 Q What time of day was it?

10 A Afternoon.

11 Q You said you had just gotten up, so were you
12 sleeping until the afternoon?

13 A Yeah, I was a kid.

14 Q Okay. So, you -- when did it happen? Do you
15 have any idea what year, month it happened, that you saw
16 this?

17 A No, I don't know the year and month.

18 Q Okay. Do you recall telling -- you recall
19 meeting with DSS, correct, and being interviewed by them?

20 A Yeah.

21 Q Do you recall telling them approximate time when
22 it happened?

23 A No.

24 Q You told your brother immediately, correct?

25 A Yes.

CHRISTOPHER GRECO-CROSS BY MR. KAPPEL

1 Q I'm sorry?

2 A Yes.

3 Q And did y'all inform your father immediately?

4 A As soon as we got to him, yes.

5 Q I'm sorry?

6 A As soon as we got to him, yes.

7 Q How much time lapse was that?

8 A I'm not sure. It wasn't that -- it was like
9 when we got out of there.

10 Q So a day?

11 A A couple of days.

12 Q How long after that did your father call law
13 enforcement?

14 A Almost immediately.

15 Q Okay. So if law enforcement did a report on
16 January the 10th, 2002, then based on your testimony, your
17 observation through the door would have occurred maybe
18 first week of January 2002; is that correct?

19 A Okay.

20 Q I'm sorry?

21 A Yes.

22 Q Okay. Do you recall in your interview with DSS
23 that you gave them the timeframe as to when this occurred?

24 A No.

25 Q All right. You recall sitting down and talking

CHRISTOPHER GRECO-CROSS BY MR. KAPPEL

1 to them, correct?

2 A Yeah.

3 Q Okay. And do you recall answering their
4 questions?

5 A Yeah.

6 Q I'm sorry, you have to speak up.

7 A Yes.

8 Q Do you recall that this incident was the primary
9 issue?

10 A Yes.

11 Q Of your interview?

12 A (The witness nods.)

13 Q Yes?

14 A Yes.

15 Q Do you recall telling them it was a year and a
16 half before your interview that this occurred?

17 A No. I don't recall that.

18 Q Okay. If it were a year and a half prior to
19 this incident and you were interviewed on June -- June
20 2002, that would put this peephole, keyhole thing,
21 incident, that would put it into January 2001, wouldn't
22 it?

23 A Yes.

24 Q I mean, it would be a year and a half, six
25 months in 2002 and go back another year, that's the first

CHRISTOPHER GRECO-CROSS BY MR. KAPPEL

1 of January 2001; isn't that right?

2 A Uh-huh.

3 Q So, what you said to DSS was January 2001, not
4 January 2002?

5 A Okay.

6 Q Do you have any explanation why you told them
7 something so different?

8 A Probably cause due to being in shock, I couldn't
9 recall.

10 Q You couldn't recall something that occurred in
11 six months prior?

12 A Yeah.

13 Q And you extrapolated six months to a year and a
14 half; is that it?

15 A Yeah, I guess.

16 Q Let's talk about the bedroom. The door was
17 closed and you said you heard something and you decided to
18 look through the peephole?

19 A Yes.

20 Q Is that -- where was the peephole on the door?

21 A On the right side underneath the door.

22 Q So, it's underneath the doorknob?

23 A Not right directly. It's down below a little
24 bit.

25 Q So, several inches below the doorknob?

CHRISTOPHER GRECO-CROSS BY MR. KAPPEL

1 A Right.

2 Q So, to look through the keyhole, did you have to
3 get on your knees?

4 A No, I just bent over.

5 Q You bent all the way over to look through
6 something about down to here?

7 A It wasn't that low.

8 Q So, the keyhole was up here?

9 A About here.

10 Q So, the doorknob was up this high?

11 A No, no, a little bit lower.

12 Q Was the keyhole above or below the doorknob?

13 A Below.

14 Q Below. So, the doorknob would probably be
15 somewhere in this area, correct?

16 A Yes.

17 Q And then the keyhole would be below that?

18 A Yes.

19 Q And you didn't have to get on your knees to look
20 through it?

21 A No.

22 Q Okay. What kind of bed was in that room, do you
23 remember?

24 A Like --

25 Q Was it a poster -- was it a bed up high or low?

CHRISTOPHER GRECO-CROSS BY MR. KAPPEL

1 A It was just a bed.

2 Q Was it on a frame?

3 A Yeah.

4 Q It wasn't a mattress on the floor, right?

5 A Almost. It wasn't really a frame it was on. It
6 wasn't really that high at all. It was like really low to
7 the floor.

8 Q So, you bent over and looked through this
9 keyhole and saw what was happening on this bed?

10 A Yes.

11 Q From across the room? The bed was across the
12 room, correct?

13 A Well, it was like from me to that lady over
14 there.

15 Q Which lady are you referring to?

16 A The second. It's not that big room of a room.
17 It wasn't that much of a distance.

18 Q Was it this distance where I'm standing from
19 you?

20 A Yeah, yeah. That's where it would start?

21 Q All right. All right. Now, when you met with
22 Officer Richter, you met with your sister, correct?

23 A Yeah.

24 Q All right. And she took you to the interview,
25 right?

CHRISTOPHER GRECO-CROSS BY MR. KAPPEL

1 A Yes.

2 Q And she sat down next to you while you were
3 meeting with them; isn't that right?

4 A She was standing there, but.

5 Q But she was in the room with you?

6 A Yes.

7 Q Do you recall her kind of helping you and
8 interrupting the conversation?

9 A Somewhat.

10 Q Okay. Would interrupting you 27 times in a
11 40-minute period, would that be somewhat or a lot or just
12 an average?

13 A I don't think it was that much, but.

14 Q Okay. Now, Officer Richter did ask you some
15 questions. I'm sure you recall answering those questions
16 the best that you could?

17 A Yeah.

18 Q And you said that you saw him doing what when
19 you looked through the keyhole -- when you bent over and
20 looked through the keyhole, what did you see?

21 A Him touching himself under the covers.

22 Q And what else?

23 A Touching her. And telling her this is how you
24 do it.

25 Q All right. Well, Mr. Richter asked you did you

CHRISTOPHER GRECO-CROSS BY MR. KAPPEL

1 actually see anything? Do you remember him saying that to
2 you, did you actually see anything? And you had a
3 response to that, do you remember that?

4 A What's that?

5 Q Do you remember answering that question?

6 A Yes.

7 Q Do you remember what your answer was?

8 A No.

9 Q You said, Well, I mean, there's only so much you
10 could tell what was going on.

11 Right?

12 A Right.

13 Q And he further asked about whether or not you
14 could see under the covers and the clothing. Do you
15 remember your answer to that?

16 A No.

17 Q What was that?

18 A I said no.

19 Q Okay. So, in actuality, you really couldn't see
20 a whole lot of anything, right?

21 A Right.

22 Q Okay. You did make kind of an interesting
23 comment to DSS at one time. When you first sat down to be
24 interviewed by DSS June 13th, you indicated -- well, let
25 me ask you this, a lot has been talked about this car

CHRISTOPHER GRECO-CROSS BY MR. KAPPEL

1 wreck and that you received a whole lot of money?

2 A Yeah.

3 Q Evidently, a lot of people were sharing; is that
4 correct?

5 A Right.

6 Q When you left that day, whether it was
7 January 2002 or January 2001, whichever it is, did you
8 have any of that money left when you left the house or was
9 it all gone?

10 A From what I had, it was mostly gone.

11 Q All right. Now, when you were being interviewed
12 by DSS, they asked about where you were living. You know,
13 it's a pretty standard question when you're being
14 interviewed.

15 Mr. Greco, where do you live?

16 Do you remember them asking you that?

17 A Yes.

18 Q Do you remember your answer?

19 A No.

20 Q Okay. You stated that you were buying some land
21 on Sullivan Street in Belton. That you were coming into
22 some money as a result of a car accident?

23 A Uh-huh.

24 Q Do you remember saying that?

25 A Yeah.

CHRISTOPHER GRECO-CROSS BY MR. KAPPEL

1 Q So, this is in June 2002?

2 A Yes.

3 Q You were already gone, right?

4 A Uh-huh.

5 Q And you're telling DSS, I'm going to go buy some
6 land because I'm coming into some money because of a car
7 wreck?

8 A Yes.

9 Q And that was your answer, right?

10 A Yes.

11 Q And that was true, right?

12 A Yes.

13 MR. KAPPEL: Just a minute, Judge. Judge, can
14 we approach for just a minute?

15 THE COURT: Sure.

16 (WHEREUPON, an off-the-record bench conference
17 was held in the presence of the jury but out of
18 the hearing of the jury.)

19 BY MR. KAPPEL:

20 Q Mr. Greco, I just have a couple last questions
21 for you. And that is when you arrived at 79 Ferguson,
22 were you experiencing any kind of mental or emotional
23 issues?

24 A I was suffering severe depression.

25 Q Okay. Were you hurting yourself in any way?

CHRISTOPHER GRECO-CROSS BY MR. KAPPEL

1 A I did at one time.

2 Q Can you describe what you were doing to
3 yourself?

4 A I don't see how that's --

5 Q Well, can you answer the question?

6 A I cut myself.

7 Q Okay. Were you using wax and things --

8 MR. MOYER: I would object to any more details.

9 THE COURT: I sustain.

10 MR. KAPPEL: All right, thank you, Judge.

11 THE COURT: Any redirect, sir?

12 MR. MOYER: Yes, just a couple of questions.

13 Your Honor, at this time, the State seeks to
14 introduce State's Exhibit No. 1, the relevant
15 portions of which are the first 13 minutes, 45
16 seconds of the interview of Christopher Greco with
17 Will Richter. I realize it's not been authenticated
18 yet. So, I would seek to have it introduced pursuant
19 to Rule 104(b), which is a relevancy, it's
20 conditioned on a fact. The next witness will be able
21 to fully establish the authenticity of that recording
22 if it's not then actually authenticated by the victim
23 after he hears it. But we would seek to introduce
24 that and publish that to the jury.

25 THE COURT: Yes, sir.

CHRISTOPHER GRECO-CROSS BY MR. KAPPEL

1 MR. KAPPEL: Judge, I don't have any objection
2 to this recording being entered. However, there may
3 be portions -- and I would have to go back through
4 it, where I think some of my objections were
5 sustained and I would prefer that those portions of
6 the tape be somehow redacted out.

7 THE COURT: Okay.

8 MR. KAPPEL: If it's easier, you know, I've got
9 a transcript of it and we can present it to the jury
10 that way as opposed to an audio.

11 THE COURT: Okay. So, this was an interview by
12 law enforcement; is that correct?

13 MR. MOYER: That's correct.

14 THE COURT: Okay. And I, obviously, don't know
15 what is potentially objectionable. Do you have an
16 idea, Mr. Moyer, of what's objectionable?

17 MR. MOYER: I do, Your Honor. It comes at some
18 places that are not -- I don't believe are relevant
19 otherwise. So, as I stated, I would seek to
20 introduce the relevant portions of the interview,
21 which is about the first 13, 14 minutes of the
22 interview.

23 THE COURT: Does the first 13 to 14 minutes of
24 the interview contain any of that objectionable
25 material, Mr. Kappel?

CHRISTOPHER GRECO-CROSS BY MR. KAPPEL

1 MR. KAPPEL: I'd have to look, Judge. I've got
2 some time marks in my transcript. I would just have
3 to go through and figure out where -- how far we get
4 with 13 minutes. Unfortunately, my first time mark
5 is 15 minutes, which is Page 15, so I might could
6 go -- it wouldn't take me long to go back.

7 THE COURT: Well, let's do this. For right now,
8 I'll introduce it as State's Exhibit No. 1 --

9 MR. MOYER: Yes, sir.

10 THE COURT: -- for purposes of identification.
11 I don't want to play it now in as much as y'all
12 have -- you need to look at it and there may be
13 redactions that are appropriate, okay. At the
14 appropriate time, once you have come to an
15 understanding and/or had me adjudicate disagreements,
16 then we can play it for the jury. They understand at
17 what point in the trial you attempted to introduce
18 it. But what I don't want to do right now is stop
19 for half an hour, resolve that very technical issue
20 and then come back with the introduction of
21 testimony. So, it's been introduced without
22 objection subject only to the redactions. So, we'll
23 play that at the appropriate time, perhaps, at the
24 end of the State's case or after you've had the
25 opportunity to accomplish the redactions, okay.

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1 So, that having been said, if you have
2 additional questions in the redirect of this witness,
3 you made proceed.

4 MR. MOYER: I don't.

5 THE COURT: Okay. All right. Good enough.

6 All right, you may step down, sir. Thank you
7 for being here, I appreciate it.

8 (WHEREUPON, State's Exhibit No. 1 was marked for
9 identification only.)

10 MR. MOYER: The State calls Will Richter to the
11 stand.

12 THE CLERK: Sir, please place your left hand on
13 the Bible and raise your right hand.

14 WILLIAM RICHTER, after being duly
15 sworn, testified as follows:

16 THE CLERK: Thank you. Please be seated. State
17 your name for the record.

18 THE WITNESS: It's William Richter,
19 R-I-C-H-T-E-R.

20 THE CLERK: Thank you, sir.

21 DIRECT EXAMINATION

22 BY MR. MOYER:

23 Q Okay, where are you employed?

24 A I'm employed at the Greenville County Sheriff's
25 Office here in Greenville.

WILLIAM RICHTER-DIRECT BY MR. MOYER

1 Q How long have you been in law enforcement?

2 A I've been in law enforcement 15 years and about
3 one month.

4 Q Has it all been with the Greenville County
5 Sheriff's Office?

6 A I started at Clemson City Police Department. I
7 did almost a year with them.

8 Q Then you came here to the sheriff's office?

9 A I did.

10 Q What division are you in at the sheriff's office
11 at this time?

12 A I just transferred back to the uniform patrol
13 division. Prior to that, I was in the criminal
14 investigations division for, roughly, the last four years
15 of my career.

16 Q So -- and we'll talk about that in a second, but
17 before those four years, where were you employed?

18 A So --

19 Q I'm sorry, not where were you employed, but what
20 different areas with the sheriff's office?

21 A Sure. So, I spent, roughly, seven years doing
22 traffic enforcement. And all the time prior to that, I
23 was in uniform patrol, essentially, just answering calls
24 for service. You know, when you call 911 or any kind of
25 call for service like that, we respond out with one of our

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1 uniform officers.

2 Q Then you spent four years in investigation. Was
3 that all in the same type of investigations?

4 A Not entirely. My primary assignment was in the
5 crimes against children unit. That unit is housed in the
6 same suite with the sex crimes unit. So, I did handle
7 probably almost any number of adult victim cases, I did
8 child cases, but my primary job was with the children.

9 Q Okay. And what different kind of cases against
10 children?

11 A Well, the crimes against children unit handles
12 any case where there's a child victim. So, we would
13 certainly hear cases with child abuse, child neglect,
14 malnourishment. A lot of the cases that we had had to
15 deal with sex crimes where the child was the victim.

16 Q Do you have any idea, can you quantify at all
17 the number of children whose cases you investigated over
18 those years?

19 A I certainly -- personally, I investigated
20 several hundred cases in the time that I was there. At
21 any given time, I would be investigating between eight and
22 25 cases where I had a child victim. You know, fairly
23 equally balanced between sex cases and just general child
24 abuse cases.

25 Q So, you think that the percentage-wise then was

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1 pretty close to 50/50?

2 A Probably so, you know, just from recollection.

3 Q So, going back to this time when you did these
4 kind of investigations, when you said eight to 25 cases,
5 these were the actual pending cases that you were
6 investigating all at the same time?

7 A That's right. At any given time, you know,
8 we're juggling, essentially, cases just like this, except,
9 you know, conceivable a few dozen of them. In a perfect
10 world, it would be just like you see on TV where when a
11 crime takes place, you have a couple dozen investigators
12 assigned to it chasing down every lead, but, in reality,
13 unfortunately, that's not the way it is. In Greenville,
14 we are blessed with very good resources. We have the
15 crimes against children unit, I think has seven
16 investigators in it now. But, you know, we're always, it
17 seems like, trying to play catch up. We're always
18 juggling more than one case at a time, unfortunately.

19 Q Tell the jury a little bit about the training
20 you received, the special focus you received for doing
21 these kinds of cases, crimes against children cases, and
22 the certifications you had. Give the jury an idea of what
23 your training has been.

24 A Sure. Well, to be a police officer in the State
25 of South Carolina, you have to graduate the Criminal

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1 Justice Academy, so I did that years ago at this point.
2 Then after graduating the Criminal Justice Academy, I went
3 on to engage in other advance training. I have just over
4 900 hours of advance training in various fields. I've
5 been to numerous classes on interviewing, from the FBI,
6 through other agencies, including the public agency
7 counsel, which is a national organization that trains law
8 enforcement.

9 I'm also certified in something called the
10 Gundersen Child First Protocol. The Gundersen Child First
11 Protocol is the forensic interviewing protocol that's used
12 in the United States when professionals talk to children
13 about abuse and sex crimes. In being certified in that, I
14 have more certification than most all the DSS workers that
15 work here in Greenville as it pertains to child cases. I
16 have the same level of certification to conduct forensic
17 interviews that some of the interviewers at our children's
18 advocacy center have. And as a result of that, my days in
19 that unit would frequently be spent going around to
20 schools and interviewing children, you know, pursuant to
21 those protocols on cases that I was working on in order to
22 determine whether or not anything was going on.

23 In addition to the forensic interviewing
24 certification and -- the interviewing and interrogation
25 certifications that I have, I've also attended several

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1 schools for criminal investigations in general to,
2 essentially, prepare me to be a detective. Those schools
3 encompass everything from interviewing techniques to
4 basically just how to solve crimes, which, you know,
5 frankly, common sense really applies more than anything
6 else. Of course, you have to go to the Criminal Justice
7 Academy to become a cop and you have to have experience to
8 become a detective, but at the end of the day, common
9 sense really solves a lot of these crimes.

10 Q Okay. Now, was there any overlap with DSS on
11 these kinds of cases?

12 A Yeah, frequently, we would work hand in hand
13 with DSS. Any time, you know, an allegation of sexual
14 abuse or anything where we have a child victim, for that
15 matter, comes into play, law enforcement would initiate an
16 investigation and DSS would also initiate a concurrent
17 investigation. An officer like myself would go out and
18 sometimes physically with a DSS worker, sometimes, we
19 wouldn't be present together, but we would go out and
20 interview the subjects of our investigation, whether they
21 were kids or adults, what have you. We would generally
22 try to staff our cases together, DSS and law enforcement,
23 so that, you know, any facts that were known to one would
24 be known by all. But, unfortunately, DSS also probably
25 has a much higher case load even than law enforcement

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1 does, so they're always times when we're not able to staff
2 on a regular basis certain cases.

3 But yeah, it's standard procedure that DSS
4 conducts a current investigation. Sometimes, their
5 findings are the same as ours. Sometimes, they're not.
6 It doesn't necessarily mean anything. Law enforcement's
7 prerogative is to establish whether or not there are
8 criminal violations, whether someone has broken the law.
9 DSS, you know, has a much broader prerogative as far as
10 from a social aspect. Our job is both to keep the
11 children safe, keep people, in general, safe and make sure
12 we do everything we can to keep children out of an unsafe
13 situation, but we do that in different ways.

14 Q Are the way investigations are conducted done
15 differently?

16 A Certainly. I mean, you know, law enforcement
17 operates under legal guidelines. We have, you know,
18 different, certainly, tools at our disposal than DSS. I
19 mean, the two agencies really work in concert pretty well
20 because I don't have access to provide, you know, the
21 families in my cases with any kind of food stamps or any
22 kind of benefits like that or to even have access to that
23 system, you know. Or in some cases to find housing for --
24 you know, for families during an investigation if kids get
25 displaced, that kind of thing. But we're able to work

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1 together and kind of patch certain holes, you know, to the
2 benefit of the citizens.

3 Q Now, how about interviews, are you familiar with
4 the way that they do their interviews as opposed to how
5 you all do?

6 A Sure. Well, you know, there's no one standard
7 protocol for how to conduct an interview. You know, there
8 are -- again, common sense has to prevail. So, there's
9 certain times when it's more important to do a one-on-one
10 interview with law enforcement and the witness. There are
11 other times when it's just flat out not necessary. You
12 know, even we're talking about -- interviewing kids is
13 completely different than interviewing an adult. The
14 protocol that I use when I'm conducting a forensic
15 interview on a child, you know, I may have an adult
16 present, I may not.

17 A lot of times, kids are reluctant to talk
18 about difficult topics like sex or anything else with a
19 stranger. And when I go as a police officer and talk to a
20 child that I've never seen before, not only am I a
21 stranger, a lot of times, I'm of the opposite sex. A lot
22 of times, I might have a female victim and -- a female
23 child victim that's having to -- that's being asked
24 difficult questions by an adult male. Not only that, the
25 person is a police officer. There are all kinds of levels

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1 of intimidation. You know, there are times when I'll have
2 the parents sit in on an interview. I just use my best
3 judgment on that kind of stuff.

4 You know, when you're interviewing an
5 adult, again, there's certain times when it's important to
6 isolate your witnesses. For example, if I just had a bank
7 robbery and I don't want witness statements to get
8 contaminated, you know, eye witness counts. It's more
9 important for me to separate my witnesses when I have a
10 freshly committed crime like that. Common sense would
11 dictate that even if there's no malice, no ill intent
12 whatever that, you know, it is possibly that, you know,
13 memories could get created.

14 However, in a case like we've got
15 specifically here, a lot of time has gone by since these
16 events took place. When I interviewed Mr. Greco, Chris
17 Greco, for example, I did allow **EC** to sit in on the
18 interview. I stand by that decision. With these sex
19 cases, I have found as an investigator that a lot of times
20 it's -- even when my victims are adults now, it's
21 difficult for them to talk about things, you know, to a
22 stranger. It's different -- very difficult, rather, for
23 witnesses to talk about those things with a stranger.
24 Sometimes, I'll have a victim advocate sit in with one of
25 the people that I'm interviewing. Sometimes, I'll let a

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1 family member sit in.

2 In this case, specifically, a lot of time
3 has gone by since these acts took place. You know,
4 there's always -- I'll say this first and foremost.
5 Before a case ever reaches an attorney or ever reaches a
6 courtroom, I like to think of myself as the original
7 devil's advocate. I want to be able to sleep at night.
8 And I don't ever want to think that I put someone in jail
9 that shouldn't have gone to jail. So, as I'm
10 investigating a case, I consider all the facts that I'm
11 hearing, all the things that are being --

12 MR. KAPPEL: Judge, I'm going to object. I
13 don't think this testimony is relevant or
14 appropriate. I think what his personal feelings are
15 in the investigation, I just think we're getting
16 close to the ultimate question. I don't think it's
17 appropriate.

18 THE COURT: Okay. All right.

19 Yes, sir, Mr. Moyer, any position on that?

20 MR. MOYER: Yes, Your Honor. I think especially
21 in the line of defense attorney's opening and line of
22 questioning with several witnesses, this officer
23 certainly needs to be able to explain the decision
24 that he made in this case.

25 THE COURT: I understand. And I'll overrule the

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1 objection, but just tell you that you can't get to
2 the point where you're vouching for the veracity of
3 statements made by other witnesses and things of that
4 sort, okay.

5 All right. You may proceed.

6 THE WITNESS: Thank you.

7 You know, essentially, I -- as has been
8 mentioned before, there's an audio recording of my
9 interview, as I frequently did. Not only did I take
10 a written, you know, sworn statement from this --
11 from that particular witness that I'm speaking of,
12 but I also recorded it. I have no desire to conceal
13 anything. I do have the desire to try and find
14 facts. So, as I'm interviewing all of my witnesses,
15 I just want to know what the facts are.

16 BY MR. MOYER:

17 Q Okay. If at any point while you're talking with
18 Mr. Greco, if you felt like his -- what he was telling you
19 was being compromised at all by having E.G. in there with
20 him, would you have stopped the interview and changed that
21 scenario?

22 A I would have. I would have confronted him about
23 that. I'm not going to try to manipulate any facts
24 myself. I'm not necessarily going to -- certainly, not
25 going to stop a recording or anything like that. I'm not

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1 going to stop an interview per se, but I -- you know, it's
2 no secret, you can watch any crime drama on TV and know
3 that police officers try to cross, you know, different
4 statements to try to figure out whether or not -- you
5 know, what the fact is in a certain situation. You know,
6 so I -- the more people that I can talk to, the better.

7 Q Okay. Now, when did you get involved? When did
8 you first meet with E.G.

9 A Initially, I was -- I sat down with E.G. in July
10 of 2014.

11 Q Okay. And she -- did you meet with her alone?

12 A I believe I had a victim advocate sit in with
13 her. We met in my office at County Square here in
14 Greenville and that's where we took her statement.

15 Q Was the advocate a female?

16 A The victim's advocate, yes. All of our victim
17 advocates right now are females.

18 Q Okay. Was this to make her feel more
19 comfortable talking about something like this in front of
20 you?

21 A Yeah. I mean, everybody is different. You
22 know, some people are embarrassed and the fewer people
23 that they can have in the room is better. Other people
24 prefer to have, you know, someone else there. And I
25 probably asked her. I don't remember. I will typically

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1 ask people if they would feel more comfortable with one of
2 our victim's advocates sitting in, so I probably did.

3 Q Okay. And your interviews with her were pretty
4 extensive, were they not?

5 A They were. Not only did I take a written
6 statement, but, you know, certainly, I recorded my
7 interviews with her as we basically talked about all the
8 allegations. It was certainly a lengthy period of time.
9 And, you know, really, that's the way I prefer to do it,
10 just to have a human conversation with someone and then
11 to -- once I have kind of an idea of what the big picture
12 is, then to take an actual statement from them.

13 Q I think your report states over five hours of
14 conversation with her, does that sound right?

15 A That seems about right.

16 Q Then your interview with Christopher was August
17 the 7th, a week or so later?

18 A That sounds right.

19 Q Okay. Now, let me ask you about a few other
20 matters. She mentioned to you about the prior incident of
21 abuse, the prior incident from what happened with Dwayne?

22 A Yes.

23 Q With this guy, Mikey?

24 A Yes.

25 Q Were you ever able to establish who that person

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1 was or get a lead on that?

2 A No, I never was. I got, you know, certainly, a
3 couple of possible names. I think there's kind of a
4 misconception that law enforcement has more resources than
5 we really do. I wish we could punch that name into a
6 computer and it's going to pop up a list of very probable
7 people that meet that criteria anywhere in the world, but
8 it's just not like that. I was never able to locate
9 Mikey.

10 Q All right. Now, you're aware of C.R. [REDACTED]
11 [REDACTED] right, also known as C.R. [REDACTED]

12 A I am.

13 Q Okay. Did you ever have a conversation with
14 her?

15 A Yes, I did.

16 Q About when did that take place?

17 A I would have to go back and look at my report
18 here.

19 Q Okay.

20 A I know kind of when this investigation was still
21 immediately ongoing, I went and interviewed R.R. [REDACTED]
22 Rosado.

23 Q Who's R.R. [REDACTED]

24 A R.R. [REDACTED] is a sibling of C.R. [REDACTED]
25 After Dwayne moved out and moved on to his new girlfriend,

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1 Cindy, who was referenced earlier --

2 Q Let me stop you real quick. After he moved out
3 of where?

4 A Out of E.G. life.

5 Q Okay.

6 A And moved on, he settled down with a new
7 girlfriend named Cindy. Cindy had several children. One
8 of those children was R.R. who was, I think, 16 when I
9 spoke to her. That was done during the initial
10 investigation. I was not able to speak to C.R. until
11 several years later. Again, I'll tell you first and
12 foremost, I'm a perfectionist, but one of the hardest
13 things to get over as an investigator in the real world is
14 that, you know, there's no such thing as a perfect
15 investigation, I wish there was. But there are always a
16 few things that -- you know, that we just can't quite nail
17 down. We just don't have the resources for that. So,
18 this is an example where it took a few years before I was
19 able to speak to C.R. but I finally did go and speak
20 to her at school.

21 Q When was that?

22 A That was early this year.

23 Q So, 2017?

24 A Yes.

25 Q Now, as a result -- well, you know about the

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1 allegations she's making now?

2 A I do.

3 Q Did she reveal any of that to you when you met,
4 with her?

5 A She did not.

6 Q Tell us about that.

7 A Well, so, again, as I mentioned earlier, one of
8 the common things that I would do as a crimes against
9 children investigator is go to schools here in Greenville
10 County and talk to kids about, you know, allegations that
11 have been made. When I sat down with C.R. [REDACTED] as was the
12 case in so many other investigations that I've done,
13 C.R. [REDACTED] did not disclose any abuse to me. But not only as
14 a police officer, investigator, but as a human being, I
15 wasn't getting a good vibe from her.

16 MR. KAPPEL: Objection. I move to strike.

17 THE COURT: I sustain.

18 MR. MOYER: Can we be heard on that, Judge?
19 Because it's going to explain his actions.

20 THE COURT: Well, he can say as a consequence of
21 my discussion with her, I did such and such. But
22 we're getting very close to vouching for the veracity
23 of witnesses. I want to stay as far away from that
24 as I can. Be very careful about it.

25

WILLIAM RICHTER-DIRECT BY MR. MOYER

1 BY MR. MOYER:

2 Q Okay. So, you said she did not disclose; is
3 that correct?

4 A She did not make any verbal disclosures.

5 Q Okay. So, as a result of your conversation with
6 her and what you observed about her demeanor and so forth,
7 what did you do?

8 A I gave her my business card and I told her that,
9 hypothetically, if there was anything that she wanted to
10 talk to me about or a female police officer about, that
11 she could contact me. And that if there was anything that
12 she needed to tell us that I was there to help her and
13 that we would do anything we could to do that.

14 Q Are you aware of the fact that she did then at a
15 later date come forward and disclose?

16 A Yes, I am.

17 Q Were you involved in that investigation?

18 A No. By that point, I had left the crimes
19 against children unit and was no longer working in that
20 particular unit.

21 Q Was that made as a separate case?

22 A It was.

23 Q Was there an actual separate case, investigation
24 and case file done regarding her?

25 A There was. And there would have been a lead

WILLIAM RICHTER-DIRECT BY MR. MOYER

1 investigator on that case just as I was the lead
2 investigator on this case.

3 Q Okay. So, you had already moved on from that
4 division?

5 A That is correct.

6 Q Okay. I'm going to hand you State's Exhibit No.
7 1. See if you can identify that?

8 A I can. This is the DVD that I made that has all
9 the relevant audio recordings from this case.

10 Q Okay. Does that have all the recordings of all
11 your witnesses?

12 A It does.

13 Q Does it contain the recording with Christopher
14 Greco?

15 A It does.

16 Q Have you gone back and listened to it?

17 A Yes, I have.

18 Q Is that a true and accurate -- is that the
19 actual original copy or is that a copy that was made?

20 A This disk itself, I made on August 4th, 2016.
21 This investigation took place initially in 2014, so this
22 would have been a copy that was made for trial purposes.

23 Q Okay. So, is the recording of Christopher Greco
24 a true and accurate and complete copy of your initial
25 conversation with him?

WILLIAM RICHTER-DIRECT BY MR. MOYER

1 A Yes, it is.

2 Q There's nothing changed or deleted or amended in
3 any way?

4 A Absolutely not.

5 MR. MOYER: Your Honor, at this time, I move to
6 have State's Exhibit No. 1 entered into the record.
7 Not with regard to all the interviews with it, but
8 with regard to the interview with Christopher Greco.

9 THE COURT: That's the interview we're talking
10 to that subject to the redaction?

11 MR. MOYER: That's correct.

12 THE COURT: Okay. Any objection?

13 MR. KAPPEL: I have no objection.

14 THE COURT: Okay, without objection, it is
15 introduced into evidence subject to the redaction.

16 MR. KAPPEL: Thank you.

17 MR. MOYER: Your Honor, at this time, we would
18 seek to publish that to the jury.

19 THE COURT: Okay. Well, y'all, again, I want
20 y'all to look at it first to make sure that there is
21 no objectionable materials because I'm going to have
22 a hard time dealing with it after it's already
23 published.

24 MR. KAPPEL: Here's what I propose, Judge. I've
25 got it on my computer. With all respect to the jury,

WILLIAM RICHTER-DIRECT BY MR. MOYER

1 if we can take a couple minutes where I can find
2 where 13 minutes is on the transcript. It shouldn't
3 take me but about five minutes.

4 THE COURT: Okay, let's do that.

5 Ladies and gentlemen, let's just take a short
6 break and make sure we're only showing what's
7 relevant and then we'll come back in. Please don't
8 discuss the case.

9 (WHEREUPON, the jury left open court at
10 approximately 2:32 p.m.)

11 (WHEREUPON, State's Exhibit No. 1 was admitted
12 into evidence.)

13 THE COURT: All right, we'll take a short break.
14 Y'all just tell me when you're ready.

15 MR. KAPPEL: It'll just be a couple minutes.

16 THE COURT: Sure.

17 Officer, you can take a break, too. You just
18 can't discuss your testimony with anybody.

19 THE WITNESS: Thanks.

20 THE COURT: Okay.

21 (WHEREUPON, a short break was taken.)

22 THE COURT: Y'all ready for the jury? Y'all
23 still discussing it?

24 MR. KAPPEL: No, Your Honor -- well, Judge,
25 initially, it was to 13 minutes and I think now, the

WILLIAM RICHTER-DIRECT BY MR. MOYER

1 State wants to go to the 20 minute mark. And the 20
2 minute mark is going to cover some material -- and I
3 don't mind reading it to the Court real quick.

4 THE COURT: I thought y'all were ready for me?

5 MR. KAPPEL: I thought so. Well, I mean, in the
6 17th minute mark, they talk about -- they get into
7 the drugs and the money. And the 18 minutes and 20
8 seconds, they talk about someone putting a gun to
9 somebody's head. And -- I mean, I just -- I think
10 that's beyond the --

11 MR. MOYER: Well, here's my problem, initially,
12 I thought he was just trying to say that **E G** put
13 the -- you know, just implanted the idea of him
14 seeing them in bed together. However, talking to
15 Mr. Kappel, I think it goes beyond that to the
16 allegation that she planted more than that, but the
17 drugs, also. So, that takes us close to the 20
18 minute mark.

19 THE COURT: So, what's the objectionable
20 testimony? I hear the drug part. That goes toward
21 the elements of contributing to the delinquency of a
22 minor, so I presume that's in keeping with your prior
23 objection.

24 MR. KAPPEL: That's in keeping with the prior
25 objection, but this is different, though, because

WILLIAM RICHTER-DIRECT BY MR. MOYER

1 now, they're talking about firearms. And I think the
2 purpose of the line of questioning that I intend to
3 pursue is simply all the things that Mr. Richter's
4 been testifying to heretofore, which is proper
5 interviewing techniques to get, you know, accurate
6 and complete statements from people.

7 And then, you know, I wasn't going to take it
8 much further beyond that, at least, with this
9 particular witness. I just want it illustrated to
10 the jury that regardless of all Mr. Richter's
11 training that this is what happened. What happened
12 was is she sat next to Christopher during his
13 interview and in 13 minutes interrupted the
14 interview, I think, 11 times. And I think that's
15 fair cross-examination based on his interviewing
16 technique. If they want to play that tape up to 13
17 minutes, I have no problem with that. Beyond that,
18 when we start getting into these other things that
19 have not been testified to yet as far as, you know,
20 coercion, you know, extortion or what have you, I
21 mean, we've kind of talked about that. I think
22 that's beyond the elements of the contributing
23 charge.

24 THE COURT: Okay.

25 MR. MOYER: The problem I have, Your Honor,

WILLIAM RICHTER-DIRECT BY MR. MOYER

1 we're introducing this not so much for the content of
2 what is there, but because of the repeated
3 allegations that Defense is making that Christopher's
4 testimony was -- is tarnished because E.G. kept
5 interrupting and kept planting these words in his
6 mouth. That's been a theme throughout the trial by
7 the Defense. So, you know, that's why, you know, he
8 kept using 40 minutes worth of interview and 20 some
9 --

10 THE COURT: Let me ask you this, this is what I
11 want to know. First, it was 12 to 13 minutes, now,
12 you want to play all 20. We had a pretty good
13 agreement, it seems to me, about the first 12 to 13.
14 Why is it all of it now?

15 MR. MOYER: Well, it's actually not all of it.
16 The interview is an hour -- an hour and three
17 minutes.

18 THE COURT: Thank the Lord.

19 MR. MOYER: The first 13 minutes are pretty much
20 they're talking about the incident where Christopher
21 saw them in the room together. At the 13 minute
22 mark, it transitions over to drug use until about
23 minute 20. I was under the impression first that it
24 was just the --

25 THE COURT: I understand. I understand. You

WILLIAM RICHTER-DIRECT BY MR. MOYER

1 were just under a misapprehension about how long that
2 relevant discussion took place?

3 MR. MOYER: Yes, sir.

4 THE COURT: So, what about the gun? Sounds to
5 me like that's the objectionable portion at that
6 point. What about the gun?

7 MR. MOYER: I'm happy stopping right before that
8 comment.

9 That's around the 20 minute mark, is it not?

10 THE COURT: If you're not going to play it, then
11 it's not relevant.

12 MR. MOYER: I just need to know where to stop
13 it.

14 THE COURT: Yeah, I'm with you.

15 MR. KAPPEL: I mean, it's actually pretty
16 interesting because -- I mean, I object to the gun,
17 but the person queuing the answer for the gun is
18 actually E.G. [REDACTED]

19 THE COURT: Well, this is one of those instances
20 you can't have your proverbial cake and eat it, too.

21 MR. KAPPEL: I know. I know. I mean, about the
22 16 minute mark, E.G. [REDACTED] talking about going to a
23 drug deal. And --

24 MR. MOYER: That's already been testified to,
25 that they would give -- I think they were giving him

WILLIAM RICHTER-DIRECT BY MR. MOYER

1 the money and he would go buy the drugs.

2 MR. KAPPEL: Well, I think the drug dealing
3 was -- actually, the objection was sustained for
4 that. And I don't think there's been any testimony
5 that E.G. would go with Dwayne to purchase drugs,
6 you know, off site to go buy drugs. In fact, I think
7 her testimony was she tried to stay away from that.

8 THE COURT: I don't remember any testimony about
9 that.

10 MR. KAPPEL: That's, basically, 15 minutes.

11 MR. MOYER: Well, Joey testified that they
12 would -- you know, they would give him the money, he
13 had the connections and would go buy the drugs.

14 MR. KAPPEL: Just prior to 15 minutes, there's a
15 question from Officer Richter that you were kind of
16 involved in his operations, drug operation. You
17 know, that again goes to the drug dealing. You know,
18 I'm at Page 14, whatever that corresponds to, which
19 is really right around the 13 and a half minute spot,
20 maybe one more minute. So, I'm going to hold with
21 what we talked about, the 13 minutes.

22 THE COURT: Okay. Well, does -- can you -- can
23 you stop it at 13 and then restart after that
24 question about drug dealing? That is, the sale,
25 distribution of drugs goes on? Can you stop it at 13

WILLIAM RICHTER-DIRECT BY MR. MOYER

1 and then start it back at 14?

2 MR. KAPPEL: Well, no, the drug stuff is
3 basically from --

4 MR. MOYER: That permeates that whole
5 conversation, Your Honor.

6 MR. KAPPEL: Like 14 minutes, all the way
7 through the 20 minutes, they're talking about the
8 drug dealing, the extortion, the firearms. I mean,
9 all that is --

10 MR. MOYER: Well, as far as the drug dealing
11 goes, they're talking about the Defendant going to
12 buy the drugs, which Joey testified to. He said he
13 would get the money and he had the connections, would
14 go buy the cocaine and bring it back. So, I think
15 that testimony is already in there.

16 THE COURT: Yeah, I don't have a problem with
17 that.

18 MR. KAPPEL: With which part?

19 THE COURT: With him saying that the Defendant
20 went to buy the drugs. I think that's pretty clear
21 from the testimony.

22 MR. KAPPEL: Right, but in this, you know, she's
23 saying that she went with him. I mean, that's the
24 different part is that she went.

25 THE COURT: She is saying that she went with

WILLIAM RICHTER-DIRECT BY MR. MOYER

1 him?

2 MR. KAPPEL: Yeah, I think she's saying that she
3 went with him. Let me look at it again, I'm sorry.
4 I'm trying to go through this quickly.

5 THE COURT: Yes, sir.

6 MR. KAPPEL: Yeah, she is. And I'll read it to
7 the Court. It says -- this is from E.G. [REDACTED] and
8 Christopher Greco's interview.

9 I remember being in the back of the van --
10 This is around the 16 minute mark.

11 I remember being in the back of the van. He had
12 a van, like one of the big ones. I remember having
13 to stay down in the van while he was actually
14 purchasing shit from these dudes on what I would call
15 a crack infested area.

16 MR. MOYER: I don't think that came up one way
17 or the other in her testimony, either on direct or
18 cross.

19 THE COURT: You're right. And I'm not so sure
20 it would have been admissible or not. And I don't
21 really take any position as far as that. But it's
22 not her -- it's not her statement that you're looking
23 to introduce. The problem is now you're going to
24 introduce evidence from her, which is not subject to
25 the original cross-examination of the Defense.

WILLIAM RICHTER-DIRECT BY MR. MOYER

1 That's where I start having some issue. It is much
2 safer in a case like this for the State to restrict
3 itself to, you know, that which is necessary to make
4 your point and not try to -- I know you're not trying
5 to do that, but inadvertently introduce evidence that
6 you may not have otherwise been able to introduce in
7 their direct testimony. I just think in a case like
8 this, and you don't have to agree with me, but I
9 think it serves the State better to play it safe.

10 MR. MOYER: And I'm fine with that. Here's my
11 only worry, is that during closing arguments or
12 whatever point in this trial when we talk about this
13 issue, the jury's going to be told well, you got a
14 chance to hear, you can decide for yourself how much
15 influence is being asserted. And for the
16 insinuation, either directly -- or either directly
17 said or insinuated to the jury well, you didn't hear
18 the whole thing. What else was she saying? What
19 else was she insinuating? What else was she trying
20 to get Christopher Greco to say on this interview?
21 That's the concern I have.

22 THE COURT: Well, it may be, it may be relevant
23 and appropriate for a redirect or for reply, but in
24 your direct of this witness, I think it's appropriate
25 to limit ourselves to statements that have already

WILLIAM RICHTER-DIRECT BY MR. MOYER

1 been found to be admissible. If that means the first
2 13 minutes, that's fine, and if you want to do
3 something after that. I just want to make sure that
4 we're real careful that it's appropriately redacted
5 if we enter the rest of it into the record.

6 MR. MOYER: Okay. If it please the Court, then,
7 for the record, we'll start at the 35 minute mark --
8 35 second mark of the interview, which is where the
9 interview of Christopher begins, and we'll end it
10 right around the 13 minute, 45 second mark right
11 after Christopher says that Dwayne Tallent let **E G**
12 smoke pot all time. I think that's certainly in the
13 record.

14 THE COURT: Yeah, and I will -- and understand
15 again, I'm not saying that can't be relevant -- the
16 remainder of it can't be relevant for the purpose
17 that you suggested on recross or in reply.

18 MR. MOYER: Okay.

19 THE COURT: I'm just saying for purposes of the
20 direct testimony, I don't want to introduce anything
21 else through your audio testimony that wasn't
22 introduced in her original testimony.

23 MR. MOYER: Okay. Thank you, Judge. I think
24 we're ready.

25 THE COURT: All right. Let's bring them in,

WILLIAM RICHTER-CROSS BY MR. KAPPEL

1 please.

2 (WHEREUPON, the jury came into open court at
3 approximately 2:57 p.m.)

4 THE COURT: All right, Mr. Moyer, your witness,
5 sir.

6 MR. MOYER: Thank you, Your Honor, may it please
7 the Court. Your Honor, at this time, the State will
8 publish the portion of State's Exhibit No. 1 that we
9 discussed on the record for the jury.

10 THE COURT: Yes, sir.

11 (WHEREUPON, State's Exhibit No. 1 was published,
12 a portion was played.)

13 MR. MOYER: Okay, please answer any questions
14 the Defense has.

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

17 THE COURT: Yes, sir.

18 CROSS-EXAMINATION

19 BY MR. KAPPEL:

20 Q Officer Richter, good afternoon.

21 A Good afternoon.

22 Q You indicated that you've received extensive
23 training on interviewing techniques?

24 A I would say that's fairly accurate.

25 Q Okay. I'm sure that they talked to you about

WILLIAM RICHTER-CROSS BY MR. KAPPEL

1 tainting the witness' statement?

2 A Well, I'm not sure where you're going with that,
3 but there's certainly -- you never want to guide a witness
4 to say something that wasn't true.

5 Q Right. But taint can come in other forms, can
6 it not? I mean, it's not just an officer trying to take a
7 statement from them. It can come from, I suppose, other
8 people being present during a statement being taken?

9 A I think that it's possible for -- if you're
10 trying to put taint in the same category with manipulate
11 or something like that, those are certainly concerns that
12 we have when we're taking statements from people. You
13 know, particularly in child cases, the last thing I want
14 is for another person to manipulate an actual record. And
15 that's one reason that I record. I just don't take a
16 written statement, I actually take an audio recording so
17 that any discrepancies can easily be spotted.

18 Q Right. But I'm sure you've heard the phrase,
19 like if you have two people, conspirators or something, we
20 need to talk to get our story straight. I'm sure you've
21 heard that before --

22 A Sure.

23 Q -- you see it on movies or what have you. The
24 reason for that is because these two people in my little
25 hypothetical are assuming that they're going to be

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1 interviewed separately. So, they're like we need to get
2 together to make sure that we have it right so that when
3 we each answer the question separately from one another
4 that our story is straight, that it jives. Does that
5 sound right?

6 A That concept is accurate. And, you know, again,
7 that's one reason that, you know, there's not just a piece
8 of paper with written witness statements on it. In this
9 case, there's also an audio recording. I think that, you
10 know, I certainly use that through my investigation to go
11 back and listen to it and to form my own conclusions as
12 to, you know, on the totality of everything, do I feel
13 like, you know, there has been some manipulation along
14 those lines.

15 Q All right. Well, let's just take the very last
16 comment. Now, we've only heard a very small portion of
17 this, but let's just take the very last comment. Do you
18 remember -- could you hear it well enough?

19 A What was the comment?

20 Q I can just read it to you if you want.

21 A Sure.

22 Q You asked Chris, you say, Now, what else do you
23 know about the situation?

24 And he says, Well, that's about it.

25 Do you remember hearing that?

WILLIAM RICHTER-CROSS BY MR. KAPPEL

1 A I do.

2 Q Then E.G. [REDACTED] says -- or excuse me, E.G. [REDACTED]
3 then says, What did he let me do?

4 Right?

5 A I don't remember that, but I don't dispute that
6 that's on there.

7 Q Then Mr. Greco says, Oh, besides letting her
8 smoke pot all the time.

9 I mean, isn't that a perfect example of one
10 person queuing another person to queue their comments to
11 you?

12 A Well, it's like this, when Mr. Greco agreed to
13 meet with me to give a statement, I was under no, you
14 know, misunderstanding. I had -- I was quite sure that he
15 had discussed, you know, what had happened back then with
16 E.G. at that point. This is not a freshly committed crime,
17 excuse me, and so it would be reasonable to assume that
18 they had had discussions before meeting with me. And
19 regardless of whether or not I decided to meet with him
20 alone or with her as a support role, you know, I have no
21 doubt that that probably took place.

22 Now, you know, the question in my mind, as
23 it is for anyone else, is do we believe that she was
24 trying to -- you know, to insert, you know, things that
25 didn't really happen or is she trying to jog his memory.

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1 You know, that's the question in my mind, at least. And
2 in conducting that interview, I believed that from what I
3 saw that specifically with that example and there were a
4 few others, I thought she was trying to jog his memory
5 about things, more so as opposed to trying to plant
6 concepts of drug use or anything else.

7 Q All right. So, what you're suggesting then is
8 if there's a significant amount of time that goes by
9 before a case gets reported or before law enforcement gets
10 involved, then it's appropriate for you to allow two
11 witnesses to sit together and jog each other's memory in
12 what their comments are to you; is that right?

13 A I think sometimes that's entirely appropriate.

14 Q Okay.

15 A And I'll tell you why. Because at the end
16 day -- I kind of hinted at this earlier, but at the end of
17 day, let's say I had not interviewed him separately, I
18 would have taken a statement from him. And it's
19 reasonable to assume that there would be -- in most cases,
20 there are probably some discrepancies, no matter how
21 slight, or some questions that are raised that I might
22 then have to go back and ask other witnesses in a case.

23 In this case, you know, I had [REDACTED] and I had
24 Chris present and I didn't have to go back and schedule an
25 entirely new interview with my victim because in this

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1 particular case, if there was a discrepancy, I had her
2 there to ask her, to confront her about this or
3 vice-versa. So, you know, you could really do it either
4 way, whether you conduct the interviews together or
5 separately. And I would again defer to the fact that
6 there's an audio recording of this so that the times that
7 she did speak up during the interview, there's an
8 explanation for that. So --

9 Q Well, I guess what you're saying is when you
10 have two people meeting with you at the same time, it
11 saves you time?

12 A In a sense, it does.

13 Q In other words, you don't have to go back and
14 reinterview people and ask them questions because the two
15 witnesses are basically drafting off of each other and
16 giving you their statement?

17 A No, I wouldn't classify it as drafting --

18 Q Well, jogging each other's memory.

19 MR. MOYER: Your Honor, I object to him speaking
20 over the witness.

21 MR. KAPPEL: Sorry.

22 THE COURT: Just let him finish.

23 THE WITNESS: I definitely wouldn't classify it
24 as drafting. I think the audio recording absolutely
25 substantiates my point. I don't think there's any

WILLIAM RICHTER-CROSS BY MR. KAPPEL

1 drafting. I think in this particular interview, I
2 think that you'll hear the victim speaking up on a
3 handful of occasions. And most of those, honestly,
4 were very mundane things that had no bearing on the
5 statement itself if you compare the audio recording
6 to the actual written statement that he provided.

7 To your question, though, you know, in essence,
8 yes, I suppose that it would save time to be able to
9 confront, you know, a witness with any discrepancies
10 as they're, you know, coming to light. That was not
11 the purpose of allowing him -- excuse me, allowing
12 her to be on this. The purpose was because she was
13 there as a means of support. I think my take on this
14 entire scenario as it pertains to both of them is
15 they were fairly traumatized. And it was important
16 to have someone there as a means of support.

17 Q All right. Well, I think we're going to agree
18 to disagree. But, basically, you're characterizing one
19 witness queuing up another one about smoking marijuana as
20 to being a kind of minimus thing?

21 A Well, there again, you know, we can agree to
22 disagree, but I think as an investigator and as just a
23 common sense human being, I don't think there was much
24 doubt in my mind at that point that drug use was taking
25 place in that family. So, for points like that, again,

WILLIAM RICHTER-CROSS BY MR. KAPPEL

1 you know, sometimes we have to make -- as officers, we
2 have to make a judgment call. And my judgment call during
3 this situation was that things like that was not really in
4 question.

5 Q Now, you wrote up a report of this interview?

6 A I did.

7 Q And in the report, you indicated that -- you're
8 familiar with your report, I'm sure?

9 A I am.

10 Q And if I read a line of it, I'm sure you would
11 recognize it, I suppose. You indicated the witness
12 corroborated what the victim had previously said.

13 A Okay.

14 Q But you never wrote in your report that
15 E.G. [REDACTED] was present during the interview.

16 A Okay. Is that question?

17 Q Well, my question is --

18 A Sure.

19 Q -- do you think it's appropriate to draft a
20 report based upon an interview with a witness and indicate
21 something such as that, that the witness corroborated, but
22 you don't put in that the witness, the victim, the alleged
23 victim is sitting right next to him.

24 A I'm just referring to my case file if you can
25 bear with me for just a minute.

WILLIAM RICHTER-CROSS BY MR. KAPPEL

1 Q Sure. It's the August 8th report. I'll be
2 happy to hand you my copy.

3 A Well, I was looking for the written statement
4 that I had taken from Chris Greco.

5 Q I can give that to you, also, if you'd like.

6 A That would be great. Thank you. I guess my
7 response to your question is simply that there is no
8 effort to conceal or manipulate any of the facts here.
9 And, you know, there's a time or place to answer these
10 questions and that time is now. I think you can listen to
11 the audio tape and there's no question that E.G. [REDACTED] was
12 present. There's no need for me to further document it
13 because I knew then, as I know now, that there's a formal
14 record of her being there. It would be redundant and
15 unnecessary.

16 There was no intentional effort on my part
17 to not mention that in the report, but as I mentioned
18 earlier to Mr. Moyer, you know, we're juggling a lot of
19 cases at once. And a lot times when I write the actual
20 report, it's day, if not weeks after I've conducted a
21 certain element of an investigation. In fact, when I
22 wrote my initial incident report in this case, it was a
23 week or more after I had actually met with E.G. [REDACTED].

24 So, writing a report, in some cases, a
25 formality because the entire case file that we have

WILLIAM RICHTER-CROSS BY MR. KAPPEL

1 contains all those other items. It contains the audio
2 recordings. It contains the written statements. And it's
3 necessary to always be redundant like that.

4 Q All right. So, let me switch to something else.
5 You've already mentioned R.R. [REDACTED]

6 A Sure.

7 Q And you interviewed her -- I don't have a date
8 on it. I think it was September 2014, does that sound
9 right?

10 A That sounds right.

11 Q September 3rd, 2014?

12 A Sounds accurate.

13 Q Do you recall having a discussion with her about
14 contacting E.G. directly?

15 A I remember parts of that conversation. There
16 may even be an audio recording of that conversation. We
17 talked about whether or not she had been victimized. I
18 conducted a fairly standard -- up to a point, a fairly
19 standard, you know, child interview like I do a lot of
20 times in schools.

21 In a case like this, where there was an
22 overt allegation of sexual abuse, sometimes we'll jump in
23 and actually ask specific questions about that. So, my
24 recollection is that I probably did ask her specifically
25 if she had been victimized in this case. We talked

WILLIAM RICHTER-CROSS BY MR. KAPPEL

1 briefly about whether she had any contact with E.G. And,
2 you know, I remember her telling me that she had never met
3 her and she said she had seen her before in passing, but
4 they don't know each other.

5 I have no -- you know, my opinion is that I
6 want to try and keep kids safe. I have no preferences to
7 whether or not E.G. becomes friends with R.R. or anyone
8 else. I know that it was mentioned earlier in the
9 courtroom today that I think R.R. tried to send a
10 friend request to E.G. at one point. And I have no opinion
11 one way or the other about whether or not she wants to be
12 Facebook with someone.

13 Q So, you didn't remember?

14 A I don't recall.

15 Q But you do recall this was on September 3rd,
16 2014?

17 A That sounds about right.

18 Q And you met with E.G. again on September 4th,
19 2014?

20 A Yeah, I did kind of have somewhat of a debrief
21 with you --

22 Q That's right. You had to get a second -- and
23 she informed you right away that she had got a friend
24 request from R.R. is that right?

25 A I do recall that.

WILLIAM RICHTER-CROSS BY MR. KAPPEL

1 Q And if you don't mind, I'll just read from the
2 transcript since you don't remember.

3 A Sure.

4 Q There were three occasions where you said to
5 R.R. the following, I don't have a problem with that.
6 Referring to R.R. sending E.G. a message on Facebook.
7 And that's what happened, she sent her a message on
8 Facebook?

9 A Okay.

10 Q Does that sound right? You don't have a problem
11 with that?

12 A I don't have a problem with that.

13 Q Then you say to her, later, you say, Maybe you
14 could talk to E.G. I mean, it can't hurt anything?

15 A Uh-huh.

16 Q Then you subsequently say, Well, if you want to
17 talk to E.G. directly, and then it just kind of faded
18 out. There's three different times where you,
19 essentially, it seems encouraged one witness to talk to
20 another. Are you doing that because of the time, that so
21 much time had elapsed?

22 A I guess I'm a little confused. Maybe you can
23 clarify it for me. So, you're reading from a transcript
24 of my interview with R.R.

25 Q That is correct.

WILLIAM RICHTER-CROSS BY MR. KAPPEL

1 A Okay. You know, my whole purpose in going to
2 speak to R.R. at that point was just to make sure that
3 she hadn't been victimized. I'm going to try to be as --
4 to choose my words as much as possible here, but, you
5 know, it's not unusual for someone who has offended to
6 offend against other family members. If that had
7 happened, I wanted to exhaust all reasonable means to try
8 to make sure that she was safe. So, I don't think that
9 anything -- anything bad can come out of another young
10 girl, you know, if she -- if she feels the need to, to
11 have a relationship with, essentially, a family member. I
12 don't think it has any bearing one way or the other on my
13 investigation.

14 Q But they weren't family members.

15 A Well, this is in -- in somewhat of a twisted
16 sense. I mean, you know, the victim's mother is still
17 married to the Defendant in this case. The Defendant,
18 last I checked, is in a romantic relationship with
19 R.R. mother. So, you could argue the point that
20 they're not family, but I would argue that for all intents
21 and purposes, they're other family members.

22 Q You don't think it's somewhat dangerous to turn
23 loose witnesses to go talk to other witnesses without an
24 officer present taking a record of whatever it is that
25 they're saying?

WILLIAM RICHTER-CROSS BY MR. KAPPEL

1 A No, I don't.

2 Q Okay.

3 A I don't, because, again, we're talking about
4 something that allegedly happened, you know, 10, 15 years
5 earlier. You know, there's no sterile environment
6 anymore. And any sterility that I would have in an
7 investigation, you know, to address those questions that
8 you're asking, I have no control over that. I have no
9 control over what R.R. or E.G. or anyone else does when
10 they're not in my presence. And, you know, frankly, I
11 just don't see how it has any bearing.

12 Q You are correct. I mean, you don't have control
13 over what people do when they leave your office, but you
14 do have control over what you say. And when you say to a
15 witness, you know, go talk to them. Go talk to them, it
16 won't hurt anything. And I guess my question -- I've
17 asked the question and you've answered it, so I'm going to
18 just ask you one other question. I think your fall back
19 position to all this, what it seems to me, is that you say
20 look, I really -- it's all on tape, I've got it on tape, I
21 taped everything, correct?

22 A Everything is on tape that I'm aware of, yes.

23 Q That's right. So, your fall back is, you know,
24 well, they were together, you know, I had it on tape,
25 right?

WILLIAM RICHTER-CROSS BY MR. KAPPEL

1 A Uh-huh.

2 Q But you don't put it on your report that they
3 met with you together. And when the tapes were requested,
4 you didn't give them to the solicitor for two years.

5 A I gave the tapes to the solicitor when they
6 requested. I keep all of the -- all of the files that I
7 make when I have an audio recording as an investigator.
8 They all got stored in the same place. When they're
9 requested, those files will be transferred to a DVD. I
10 don't know what your insinuation is, but there was no --
11 there was no reason to try to conceal anything.

12 Q Okay.

13 A And again, you never allowed me to respond to
14 your earlier argument, which is that, you know, R.R.
15 was a witness of sorts that I wanted to talk to in this
16 case. But, you know, during my conversation with her, she
17 did not disclose that she had been sexually assaulted by
18 the Defendant. And as far as I could tell, she was not a
19 quote, unquote, witness in this case. It wouldn't make
20 any difference whether she spoke to E.G. or not, frankly.

21 Q But I guess that just kind of drives the point.
22 You determine that she's not disclosing anything and yet,
23 you turn her loose to talk to the alleged victim here,
24 perhaps, to try to generate some additional evidence?

25 A No, when I spoke to R.R. I got -- I felt

WILLIAM RICHTER-CROSS BY MR. KAPPEL

1 like she was a very genuine person. I felt that she -- I
2 felt like she was being transparent with me. I felt that
3 Dwayne, the Defendant, was being a father figure to her.
4 And I felt that she was in a position where she wanted to
5 be compassionate. She felt even though she had not
6 seen -- by her own statement to me, she had not seen any
7 of those things that had been alleged by E.G. coming from
8 Dwayne. But she was very concerned about it and she was
9 concerned about E.G. well-being. And that, I believe, is
10 why that was even a question. You know, the whole concept
11 of her reaching out to her was as a supportive family
12 member more than anything else. There was no --

13 Q I mean, you're speculating at this point?

14 A No, I'm not speculating. I mean --

15 Q You're offering --

16 A -- you can play the audio recording --

17 Q You're offering an opinion --

18 A You can play the audio recording for context.

19 (WHEREUPON, Mr. Kappel and the witness were
20 talking over one another.)

21 THE COURT: Let him finish. Don't argue, just
22 ask the question and let him answer.

23 BY MR. KAPPEL:

24 Q I've got one last question for you.

25 A Sure.

WILLIAM RICHTER-REDIRECT BY MR. MOYER

1 Q With all the experience that you have, you
2 talked about how you've got more training with forensic
3 interviews with children than DSS and you've got, I can't
4 remember how many hundreds of hours of training you've got
5 in interviewing and everything else. I mean, why did you
6 leave the unit that you have so much experience in? I
7 mean, you're in the community patrol now. So, they took
8 you out of this unit -- or you transferred out, excuse
9 me --

10 A I was promoted out of that unit.

11 Q Okay. All right. That's what I wanted to know.
12 Promoted to what rank?

13 A Master deputy at the time.

14 Q Were you a master deputy in the unit?

15 A No, I was promoted in homicide.

16 Q So, you went from the children's unit to
17 homicide to community patrol?

18 A That's right.

19 Q Okay.

20 MR. MOYER: Done?

21 MR. KAPPEL: Yes.

22 MR. MOYER: Just a couple follow-up.

23 REDIRECT EXAMINATION

24 BY MR. MOYER:

25 Q I'm just going to follow up with that question

WILLIAM RICHTER-REDIRECT BY MR. MOYER

1 first. So, your movement around was based on promotions;
2 is that correct?

3 A Absolutely. It was entirely -- it was --
4 initially, it was promotion based and it was requested on
5 my part. I asked to go to homicide and I asked to go to
6 community patrol.

7 Q You see a good bit of movement around the
8 sheriff's office?

9 A We do. We've got almost 500 deputies. That's
10 one great thing about that agency is that if you want to
11 try something different or do something different or if
12 you have a career aspiration of working or getting
13 experience somewhere that there is a lot of room for
14 movement.

15 Q Probably something -- enjoy just doing different
16 things at different times and moving on to different types
17 of investigations?

18 A Yes, absolutely. I mean, I think that it's
19 important to be well-rounded.

20 Q Now, you mentioned in your report that the --
21 when you did the interview with the people that you
22 recorded the interview, did you not?

23 A Generally, I'll mention that. You know, there's
24 no obligation to do that. But again, I primarily do it so
25 that if I have any questions about anything, you know,

WILLIAM RICHTER-REDIRECT BY MR. MOYER

1 there's no -- I can always refer back to something.

2 Q Did you in this case? If you need to refer to
3 that report, do so. But did you note that your interview
4 with Chris was recorded?

5 A I'll refer back to my case file if you give me a
6 second.

7 Q If you need me --

8 A No, I found it.

9 Q Okay.

10 A I mean, it's -- not only is it mentioned that
11 I -- you know, that I recorded the interview, but, you
12 know, it's also indicated in here that the victim had
13 brought him there, that I questioned her as well, so.

14 Q So, you did mention you recorded your interview
15 with Christopher Greco?

16 A Yes.

17 Q And you mentioned that that recording would be
18 part of the case file?

19 A Yes.

20 Q Was it part of the case file?

21 A It is.

22 Q And will remain that way as long as --

23 A Absolutely.

24 Q Okay. I think you cleared this up as well, but
25 at the time -- after speaking to R.R. she never

WILLIAM RICHTER-RECROSS BY MR. KAPPEL

1 actually was a witness to any significant aspect of this
2 case, was she?

3 A No, she was not. She gave me background
4 information about Dwayne. She didn't really have any
5 information about E.G. or her family because she had no
6 relationship with them, but she gave me just general
7 background information about Dwayne and her younger
8 sister, Cindy -- or excuse me, C.R.

9 Q Okay.

10 MR. MOYER: Okay. I have nothing further.

11 Thank you.

12 MR. KAPPEL: One follow-up question.

13 THE COURT: Yes, sir.

14 RECROSS-EXAMINATION

15 BY MR. KAPPEL:

16 Q When did you transfer to homicide?

17 A I transferred to homicide in -- right about
18 December of last year.

19 Q December of 2016?

20 A That's right.

21 Q When did you transfer to community services?

22 A I just transferred to community about three
23 weeks ago.

24 MR. KAPPEL: All right. Thank you.

25 THE COURT: Thank you, Officer. I appreciate

C.R. [REDACTED] DIRECT BY MR. MOYER

1 it.

2 THE WITNESS: Thank you, Judge.

3 THE COURT: Ladies and gentlemen, I don't have
4 any secrets. Some high school students were here and
5 some type of summer camp to view trials. I'm all for
6 high school students coming in and seeing trials, but
7 the subject matter in this trial probably is not
8 appropriate for some children. At least, not until I
9 speak to their parents to determine whether it's
10 appropriate for them or not. Okay. I just wanted
11 you to know what I was discussing.

12 You want to call your next witness?

13 MR. MOYER: Yes, sir. The State call C.R. [REDACTED]
14 [REDACTED]

15 THE CLERK: Ma'am, if you'll please come
16 forward. If you'll please pause at the end of the
17 bench, place your left hand on the Bible and raise
18 your right hand.

19 C.R. [REDACTED] after being duly
20 sworn, testified as follows:

21 THE CLERK: Thank you. Please be seated. Would
22 you please state your full name for the record?

23 THE WITNESS: C.R. [REDACTED]

24 THE CLERK: Thank you.

25 DIRECT EXAMINATION

C.R. [REDACTED] DIRECT BY MR. MOYER

1 BY MR. MOYER:

2 Q C.R. [REDACTED] do you go by C.R. [REDACTED] usually?

3 A Yes, sir.

4 Q Is that what most people call you?

5 A Yes.

6 Q Okay. Your last name is [REDACTED] How old are
7 you?

8 A I'm 15.

9 Q What is your date of birth?

10 A [REDACTED] [REDACTED].

11 Q Okay. Who do you live with?

12 A Right now, I live with my Poppy.

13 Q Your Poppy is what relation to you?

14 A Well, it's my sister's dad's father.

15 Q Okay.

16 A Basically.

17 Q So, your sister's grandfather?

18 A Yes.

19 Q How long have you been living with him?

20 A For the past few months, since I got placed with
21 him.

22 Q You got placed there with DSS?

23 A Yes, sir.

24 Q Who is your mother?

25 A Cynthia Rosado.

C.R. [REDACTED] DIRECT BY MR. MOYER

1 Q Do you even know your father?

2 A No.

3 Q Where did you get your last name?

4 A From my sister's dad.

5 Q And your sister's R.R. [REDACTED]

6 A Yeah.

7 Q She's older than you are?

8 A Yeah.

9 Q Now, did either your father or R.R. [REDACTED] father
10 raise you?

11 A No.

12 Q Do either one have any role in your life?

13 A Well, my real dad, I don't know him. My
14 sister's dad, he really hasn't had a role. He never took
15 care of me.

16 Q Who did have a father figure in your life?

17 A Dwayne.

18 Q Dwayne Tallent, the Defendant in this case?

19 Now, before you started living with your Poppy, you call
20 him?

21 A Uh-huh.

22 Q Where did you live?

23 A I lived with my grandma and my grandpa, Lamar
24 Brissey and Heyward Brissey.

25 Q How long had you been living with them?

C.R. DIRECT BY MR. MOYER

- 1 A Since I was about 11, 12.
- 2 Q Where did they live?
- 3 A They live at 77 Ferguson Road.
- 4 Q Where did you live before you lived with them?
- 5 A 79 Ferguson Road with my mom and Dwayne.
- 6 Q Is that right next door?
- 7 A Uh-huh.
- 8 Q How long did you live there at 79 Ferguson?
- 9 A From about when I was 18 months year old until
- 10 they went away.
- 11 Q Then that's when you moved into 77 Ferguson?
- 12 A Uh-huh.
- 13 Q Okay. Who lived at 77 Ferguson?
- 14 A Well, at first, it was me and my grandma and my
- 15 grandpa. Then later on down the road, my sister moved in.
- 16 Q R.R.
- 17 A Yes.
- 18 Q Are you close to your grand -- now, your
- 19 grandma, is that Dwayne's mom?
- 20 A Uh-huh.
- 21 Q What did you call her?
- 22 A I called her Ma. She didn't like being called
- 23 grandma?
- 24 Q Were you close to her?
- 25 A Close enough.

C.R. [REDACTED] DIRECT BY MR. MOYER

- 1 Q Okay. You close to her now?
- 2 A Not really.
- 3 Q Okay. Since you moved out?
- 4 A (The witness nods.)
- 5 Q But you loved her?
- 6 A Yeah, I still do.
- 7 Q Now, Dwayne and your mom, they weren't married,
- 8 right?
- 9 A No.
- 10 Q Okay. But he moved in there and lived as if he
- 11 were?
- 12 A Well, we moved in and lived there.
- 13 Q So, y'all moved into 79?
- 14 A Yeah.
- 15 Q Okay. So, he's been -- he's had this role in
- 16 your life as long as you can remember; is that right?
- 17 A Yeah.
- 18 Q He lived with you and your family the entire
- 19 time?
- 20 A (The witness nods.)
- 21 Q So, did -- was he, essentially, a father figure
- 22 for you?
- 23 A Yes.
- 24 Q What did you call him? What name did you use
- 25 for him?

C.R. [REDACTED] DIRECT BY MR. MOYER

1 A I mean, I called him Dwayne most of the time,
2 but sometimes, I called him dad.

3 Q Okay. Was there -- did he particularly like you
4 to call him one name or the other?

5 A It didn't really matter.

6 Q So, you would call him either Dwayne or dad?

7 A (The witness nods.)

8 Q Now, did you know his actual wife, Sherry
9 Tallent?

10 A No, not until yesterday. I met her yesterday.

11 Q You met her yesterday. And what about her
12 children?

13 A I knew of them, just didn't know them.

14 Q Did you ever meet them or spend any time with
15 them?

16 A Not until yesterday.

17 Q You had just heard of them?

18 A Uh-huh.

19 Q Okay. So, you mentioned Dwayne was like a
20 father figure in your life. In what way, what did he do
21 for you?

22 A He took care of me. He put food on the table.
23 He took care of my mom. And he just treated me like I was
24 a child of his own.

25 Q Okay. So, was he a provider?

C.R. [REDACTED] DIRECT BY MR. MOYER

1 A Yes. He was one that was putting food on the
2 table when my mom didn't have a job, but when she got a
3 job, it was even, 50/50.

4 Q So, putting aside what we're going to talk about
5 here in just a minute, did he treat you well?

6 A Yeah.

7 Q Did he buy you things ever?

8 A Yeah. He bought all the kids things.

9 Q Okay. Did you love him?

10 A Yeah.

11 Q Do you still love him?

12 A Yeah, I do.

13 Q Okay. So, this place you lived, 79 Ferguson
14 Road, that was on his -- that was on this farm, on his
15 mother's property?

16 A Yeah.

17 Q Now, so despite the good things he did for you
18 and how much you loved him, did he ever do anything to you
19 that was hurtful?

20 A I mean, he never liked harmed me.

21 Q Physically?

22 A Physically, he never harmed me.

23 Q What about mentally hurtful?

24 A Mentally -- I mean, after, like, everything came
25 out, when I moved, when I got placed with my Poppy and

C.R. [REDACTED] DIRECT BY MR. MOYER

1 court was coming up, I had like panic attacks. But it
2 only happened, like, every once in a while and it finally,
3 like, slowed down. But now, I'm good. I don't have panic
4 attacks like I did when I first moved into Poppy's.

5 Q So, what did he do to you that caused this
6 mental anguish, mental pain?

7 A Well, it's just after I came out about
8 everything, it just started coming back to me and I
9 started having flashbacks to what happened when I was
10 little.

11 Q What started happening to you when you were
12 little?

13 A Well, it first started off when -- first thing
14 that happened was that he touched me and I felt awkward
15 about it. I didn't know, but -- I didn't know it was
16 wrong at the time, but when I started getting older, I
17 realized it was wrong. I kept it to myself because, I
18 mean, I was scared about what would happen. You know, I
19 would lose my family if I came out. And me and my mom, we
20 didn't have anything, so.

21 Q Okay. What do you mean you didn't have
22 anything?

23 A Basically, all we had was my grandma and my
24 uncle and the rest of my family was in Mexico. So, we
25 really didn't have that much family. And I considered

C.R. [REDACTED] DIRECT BY MR. MOYER

1 Dwayne and his family still -- like, still to this day my
2 family. But I just don't know if things are going to be
3 the same after this.

4 Q You didn't have any other place to go?

5 A Huh-uh.

6 Q Okay. So, tell the jury in what way did he --
7 how old were you when he first touched you?

8 A Around five.

9 Q And tell the jury how did he touch you, what did
10 he do.

11 A He messed with my areas and he, like, touched
12 all around me. He never hurt me. It's just he touched
13 around on me and made me feel weird and uncomfortable.
14 But when I got older, I started noticing that, you know,
15 this isn't right. It shouldn't be happening. And when it
16 came out about E.G. I knew that I wasn't the only person
17 he did it to. And I really don't like thinking of him
18 like that. I don't like having this thought in my head
19 that, you know, he's always been like that, he's sick.
20 It's not that. It's just -- Dwayne's a good person, he is
21 --

22 Q Well, let's not get into all that. We talked a
23 little bit before about he did good things for you, didn't
24 he?

25 A Yeah.

C.R. [REDACTED] DIRECT BY MR. MOYER

1 Q Other than that stuff, he treated you well,
2 would you say?

3 A Yeah.

4 Q Okay. So, I'm going to have to ask you some
5 specific questions now about when you mentioned him
6 touching you, you said in your areas. What do you mean by
7 your areas?

8 A My vagina, like, he touched around it.

9 Q Did he touch your vagina?

10 A Yes.

11 Q Was it over your clothes or under your clothes?

12 A Both, but, mainly, over my clothes.

13 Q Okay. And where would you be when this would
14 happen?

15 A Either in my room or my mom and dad's room.

16 Q At 79 Ferguson?

17 A Yeah.

18 Q Where would your mom be when this stuff would
19 take place?

20 A At work.

21 Q Would it happen at all times of the day or?

22 A Any time of the day. It really didn't matter to
23 him, I guess.

24 Q Okay. And when did -- how old were you when
25 this kind of touching stopped?