STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from York County

William A. McKinnon, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

KYLE MAURICE ROBINSON,

APPELLANT

APPELLATE CASE NO. 2019-001256

_____

RECORD ON APPEAL

_____

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STATE OF SOUTH CAROLINA

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STATE,

Plaintiff,

Case No.

-against- 2017-GS-46-05084

KYLE MAURICE ROBINSON,

Defendant.

----------x

July 22-24, 2019

York, S.C.

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HONORABLE WILLIAM MCKINNON

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Official Court Reporter

Official Court Reporter

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I apologize, I forgot to swear you in. I will ask the clerk to swear you in.

(WHEREUPON, the jury was sworn in by the clerk.)

THE COURT: Thank you. Please be seated.

Any objections to my openings instructions from the State?

MS. JOYNER: No, sir, Your Honor.

THE COURT: From the defense?

MR. BONDS: None, Your Honor.

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

MS. JOYNER: During the course of this trial you are going to meet a young woman named Minor. Back on July 27th of 2017, Minor was 16 years old and she lived on Arlington Avenue with her mom, Jawanna Williams, with her little sister, Jaia who is ten, with a grandma and a grandpa and her older cousin, Kylisha Robinson.

These are kind of lazy days of summer for Minor Going back to July 27th of 2017 that was a Thursday and her mom had gone to work and her grandma and grandpa were also at work. Her cousin Kylisha and had gone out. It was just Minor and her ten-year old sister, Jaia, hanging out around the house. Later in the afternoon playing cards. And the day was sort of ordinary routine and uneventful. But this day that

had been so routine and so ordinary and uneventful would end in a very, very different way. It would become a day that Minor would not forget. Minor will testify about that day. About the day of the defendant, Kyle Robinson, came to her house unexpectedly when she was home alone with her little sister. The defendant, who she had known her whole life as the father of her older cousin, Kylisha, that lives in the house with her. A person that she trusted. She'll testify about talking with him on July 27th of 2017 about telling him that his daughter, Kylisha, wasn't there and her mom and her grandparents weren't there. She'll testified to you about allowing this defendant, this person that she thought she could trust into her house because he said he needed to use the bathroom. And she'll testify for you about being pulled into that bathroom and about what happened when she was pulled into that bathroom.

The defendant stands on trial today for two crimes; criminal solicitation of a minor, and assault and battery in the first degree. At the conclusion of this case in order for you to find the defendant guilty of these offenses you must find as to each offense the State has proven to you the elements of

each offense beyond a reasonable doubt.

At the conclusion of the case, the judge is going to give you a lengthy instruction on the law that you are to apply to the facts as you find them in this case. And what I am about to say is in no way meant to be an instruction on the law. It is just meant to provide you context. So as you begin to listen to the evidence you have some context for what you are listening for.

Criminal solicitation of a minor requires the State to prove the defendant is 18 years or older. That he does knowingly contact or communicate with, or attempts to contact or communicate with, a person under the age of 18, and that in this particular case as this statute applies, for the purpose of or with the intent of persuading, inducing, enticing, or coercing the person to engage or participate in a sexual activity as defined by a separate section of 16-15-375.

The definition of sexual activity includes, masturbation, vagina, anal or oral intercourse, touching, et cetera. And the judge will read that definition to you at the conclusion of trial.

He's also charged with assault and battery in the first degree. And the relevant portion of that

statute for this case is, a person commits the offense of assault and battery in the first degree if the person unlawfully injuries another person and the act involved the nonconsensual touching of the private parts of a person either under or above clothing, with lewd and lascivious intent. Private parts are defined as the general area of the buttocks or the breast of a female.

Now, you will hear during the course of this trial not just from Jayma. You will hear from her sister, her mother, other witnesses. I know you will -- I ask you -- I know you will listen intently as all the witnesses and evidence is presented so that when the time comes for you to deliberate, you go back in the jury room and decide whether the State has proven its case. Met its burden of proof. You will be able to fulfill your oath as jurors to well and truly try this case and a true verdict give.

Thank you.

MS. INZERILLO: May it please the Court.

THE COURT: Yes, ma'am.

MS. INZERILLO: On July 27th Kyle Robinson went by a house on Arlington Avenue. He knew the young lady that lived there. He knew the family that lived there. He stopped in on this particular day and

asked to use the men's room and left. Minor however tells a different -- very different version of that day. And I would imagine during the course of this trial you are going to hear that version. That version described what could possibly be a violent assault. But ladies and gentlemen, what you won't hear during the course of this trial is anything corroborating what Minor said. You won't hear any testimony that anything in the bathroom was turned over or showed signs of struggle. You won't hear anything from her sister who was also in the house corroborating the details that she gives.

Ladies and gentlemen, you also won't hear anything from an officer indicating that they investigated or questioned the version of events that she gave. Because ladies and gentlemen, on this particular day the officer spent approximately 20 to 30 minutes on Arlington Avenue. You are going to hear that they took no forensic evidence. They didn't take any DNA. They didn't take any prints. You are going to hear that while on scene they went inside the house and they viewed what on this particular day was arguably a crime scene and they didn't ask any questions. Any questions to question

her story.

Ladies and gentlemen, I along with Mr. Bonds represent Mr. Robinson and our job is to ask those questions and that's what you are going to hear and see us do during the pendency of this case. You may see some witnesses get emotional. But the judge will also instruct you at the end of this trial that you can't be persuaded by emotion.

Our job will be to ask the questions that should have been asked in July 2017. And that is because the State has the burden as Miss Joyner just told you, to prove every single element of every single charge against Mr. Robinson beyond a reasonable doubt. Every single one. She can't prove five out of the ten or seven out of the ten. It has to be every single one. There is a judge that presided over us for a very long time and in his charges he use to always say that the defendant wears like a robe of righteousness, innocence in a case, and I have always loved that phrase. Because as Mr. Robinson sits before you today he is wearing that robe and he will wear that robe all the way through this case. Through every witness. Through every piece of evidence that the State puts forward and through every question that is asked.

Ladies and gentlemen, the State will not present enough evidence to remove that robe of righteousness in the case from Mr. Robinson.

Thank you.

THE COURT: Miss Joyner, call your first witness please.

MS. JOYNER: The State calls [redacted].

[redacted], called as a witness, having been duly sworn by the clerk, was examined and testified as follows:

DIRECT EXAMINATION

BY MISS JOYNER:

Q Good morning Miss Howze?

A Good morning.

Q Can you please state your full name for the record?

A [redacted].

Q What's your date of birth?

Q [redacted]

Q How old are you now?

A Eighteen.

Q Is your mom Jawanna Williams?

A Yes, ma'am.

Q And is Jaia your little sister?

A Yes, ma'am.

Q Lewantrae Brown your brother.

A Yes, ma'am.
Q Is he your older brother?
A Yes, ma'am.
Q What do you call him?
A Trae.
Q And is Miranda Williams your aunt?
A Yes, ma'am.
Q And do you know the defendant in this case, Kyle Robinson?
A Yes, ma'am.
Q How do you know him?
A He's my cousin's father.
Q And who is your cousin?
A Kylisha Robinson.
Q Is Kylisha younger than you or older than you?
A She's older then me.
Q How much older?
A Three years.
Q How long have you known the defendant?
A All my life.
Q When you were younger growing up did you spend time with the defendant?
A Yes, ma'am.
Q Now, I want you to think back to the summer of 2017. How old were you?

A Sixteen.
Q Where did you live?
A Arlington Avenue.
Q Is that a house or apartment or something different?
A It's a house.
Q Who lived there with you?
A My grandma, my papa, my sister, Kylisha and my mom.
Q That is Kylisha Robinson?
A Uh-huh.
Q And by your sister you mean Jaia?
A Yes.
Q How old was Jaia back then?
A Ten.
Q And during the summer of 2017 was your mom working?
A Yes, ma'am.
Q What about your grandmother?
A Yes, ma'am.
Q What about your grandfather?
A Yes, ma'am.
Q Okay. First starting with your mom's schedule. What was your mom's normal schedule?
A She would go to work at 8:30 and get off at 5:30.
Q What time would that cause her to leave the house?
A She would live like 7:50.
Q And what time would she typically return?

A Like six o'clock.
Q Was that a Monday to Friday job or something different?
A It was Monday to Friday.
Q Your grandmother, what was her typical work schedule?
A Well, she would get picked up at like 5:30 and she would get off like 3:30, but some times she had to ride with my granddad back.
Q I'm sorry can you say that again. I had trouble.
A I said, she usually got picked up at 5:30 and she would get off like 3:30 if she don't work her second job and my granddad would pick her up when he got off.
Q So your grandmother would sometimes work a second job?
A Yes, ma'am.
Q What about your grandfather?
A He would leave like six and then he would get off at like six.
Q Okay. So back during the summer when everybody was at work would you stay home with Jaia?
A Yes, I was watching her.
Q And you said during that summer did your cousin live there as well?
A Yes, ma'am.
Q Is that Kylisha?
A Yes, ma'am.
Q Now, going back to July 27th of 2017. Do you remember

if your mom went to work that day?

A Yes, ma'am, she did.

Q What about your grandmother and grandfather?

A Yes, they did.

Q Going to that afternoon, kind of later in the afternoon, who else if anybody was home with you?

A No one but Jaia.

Q Was Kylisha not home?

A No, ma'am, she wasn't there.

Q Now kind of going through that day, that late afternoon, did anybody come by the house that you recall?

A Talmikele Jennings came by and Kyle Robinson came by.

Q Who is Talmikel Jennings?

A That is my auntie's boyfriend, so my uncle pretty much.

Q What is the name of your aunt?

A Miranda Williams.

Q Is that Kylisha's mother?

A Yes, ma'am.

Q Do you consider him an uncle?

A Yes, ma'am.

Q And did Talmikele Jennings come to the house before or after the event?

A Before.

Q Do you remember was it a long time before or short time before or something different?

A It was like a short time before.

Q Okay. Now, when the defendant came by the house do you remember what he was wearing?

A He had on a green collared shirt. A green collared shirt with like stripes, yellow stripes and some jeans and some real hot yellow, like lime green shoes.

Q Now, when he came by were you expecting the defendant to come by?

A No, ma'am.

Q Before we get into what happened when he came by, I want to talk to you a little bit about your house at the time on Arlington Avenue. If you could kind of give me a little bit of understanding about what the floor plan of this house was like.

A Okay. When you come through the front door you make a right -- well, when you come to the front door it's the living room and you make a right is my grandma's room and then when you make another right it's my room. Like my window was the front of the house. And then you go to your left it's the kitchen and then it's a dining room. Then you make like a right and then it's the bathroom, washing room and my mom's room.

Q Okay. So, to the right is your room and your grandmother's room?

A Yeah, like -- if you like merge just a little bit it's my grandma's room, but if you turn all the way right it's my room. My room is in the corner.

Q And then if you go to the left, which rooms are to the left?

A The kitchen.

Q The kitchen. What's past the kitchen?

A When you go in the kitchen you go straight ahead that's the dining room and then when you make a right it's the bathroom, the washing room and my mom's room is right ahead.

Q Okay. So going back to when the defendant came by, do you remember which room you were in when you first became aware that the defendant had come by?

A Yeah, we was in my room.

Q And who was with you?

A Jaia.

Q Do you remember what you were doing?

A We was playing cards.

Q And how did you first notice or become aware of the defendant?

A Well, at first I didn't know that was him because I didn't know the car. So my sister she looked out. She's like he come Kyle. And I was like, you sure? I don't know that car. She's like, yeah, that's him, but there wasn't no cars in the yard so he never got out of the car. So I was just like I'm just going to look. So when I came to the front door that's when he got out of the car. That's how I knew.

Q I will break that up into a few pieces.

A Okay.

Q So when you looked out the window, what kind of car did you see?

A It was a gray car. I don't know what kind of car it was. I really wasn't paying attention about it.

Q Was -- a minute ago you said there was no cars in the yard. Are you referring to your driveway?

A Yes, ma'am.

Q Okay. So you were 16. Did you have a driver's license at that time?

A No, ma'am.

Q Did you have a car?

A No, ma'am.

Q And was the car, the gray car that saw parked, was that parked on the street?

A Yeah, it was parked on the left side closer to my window.

Q On on the left side of?

A Like towards my house. On my side of the street.

Q On your side of the street. Okay. And the person that you saw that Jaia thought was Kyle was he inside the car?

A Yeah, he was inside the car.

Q Okay. And when you went to the door what happened then?

A He got out the of the car and then I was like oh, hey,

how you doing, and he was like hey. I hugged him and he was just like who is here with you? I said Jaia, and he was like oh, where's your mom? I said she's at work. He asked where my grandma and papa was and I said they're at work and then he asked me how I was doing with school and stuff and I was telling him. And then he asked if Kylisha was there and I said, no, she's not here. And then we kept talking and he asked to use the restroom.

Q Let me stop you for just a second.

A Okay.

Q When he got out of the car was there anybody else in the car?

A Yes.

Q Did you know who that other person was?

A No.

Q Did that other person ever get out of car?

A Never got out of the car.

Q Okay. When you are having this conversation that you just told us about where are you?

A We're on the sidewalk.

Q On the sidewalk. Like your sidewalk to your house?

A Yes.

Q Now, Minor I am going to show you what has been marked for exhibit purposes as State's Exhibit One. Do you recognize that picture?

A Yes, ma'am.

Q And what do you recognize that picture as?

A This is my house and that's my mom and the police officer.

Q Okay. And was this the house that you were living at on July 27th?

A Yes, ma'am.

Q Okay. Does it truthfully and accurately reflect the appearance of your house?

A Yes, ma'am.

MS. JOYNER: Your Honor, we move State's Exhibit one into evidence.

THE COURT: Any objection?

MS. INZERILLO: No, Your Honor.

THE COURT: Into evidence without objection.

(WHEREUPON, State's Exhibit One was received into evidence.)

Q Now, Minor when I look at this photograph obviously this picture wasn't taken when the defendant was there.

A No, ma'am.

Q Was it taken by the police later?

A Yes, ma'am.

Q The sidewalk here is this the sidewalk you're referring to in the picture?

A Yes, ma'am. Right here is stairs right there. So when

was coming down I met him right here. (Indicating)

Q Okay, before the little stairs?

A Yes.

Q So do the stairs go down to public sidewalk or something?

A The stairs go down to my sidewalk. That sidewalk right there is stairs that go down to there.

Q So you were on those stairs when you talked to him?

A Uh-huh.

Q Okay. Now, you said that a minute ago -- I kind of want to reference it to kind of lead into the next question -- that he asked to use the restroom?

A Yes, ma'am.

Q And where were you standing when he asked to use the restroom?

A We were standing on the sidewalk, the walkway to my house.

Q Were you on the stairs still?

A No, we was on the top like the pavement part.

Q Okay. So where are you?

A Right here. We were standing like right here.

Q Would you -- just so when the jury goes back and maybe looks at those pictures would you characterize that as being halfway down the walkway?

A Like halfway down the walkway.

Q Okay. And when he asked to use the restroom did you think anything about that?

A No, ma'am.

Q And did you agree to allow him to use the restroom?

A Yes, ma'am.

Q Now, do you recall whether the defendant had ever been to that particular residence before?

A Yes, ma'am, he has.

Q Do you remember was it a lot or little bit? Do you remember how many times?

A Like twice.

Q Okay. And once you agreed to allow him -- let me ask you this. In this house how many bathrooms were there?

A Just one.

Q Okay. And when you agreed to allow him to use the bathroom what happened then?

A I was walking him to the bathroom and he was like where is it. Our house is like from the kitchen you can see our restroom. So I was like it's like right there. I was pointing to it and he was like come show me and I like walked closer so I could actually show him it's right there. That's when he grabbed me.

Q So let me make sure I understand. So the route, the route you would have taken to show Mr. Robinson the restroom tell me the rooms that you walked through?

A We walked through the living room. Then we walked through the little hallway to the kitchen and then to the dining room. We had to walk like a little bit to the dining room to get to the restroom.

Q So from the kitchen you could see the restroom?

A Yes, ma'am.

Q Now, take me from when you're standing in the kitchen and pointing to the restroom. Take me forward from there?

A So I'm pointing to the restroom. He was like come show me. So I'm still pointing, its like there. And then when I got like a little closer to show him where the bathroom was that's when he grabbed me and -- do you want me to keep going?

Q Let me ask you this, at that point when you're showing him the restroom and he is saying come show me, what are you thinking at this point?

A At this point I really wasn't even thinking anything. I was just like, you can see the bathroom. I really wasn't like thinking nothing of it so --

Q So where were you in relation to the bathroom when he grabbed you?

A I was in the -- well, like I didn't go through the hallway. I was standing between the dining room and the little hallway.

Q Okay, and is the bathroom in the hallway?

A Uh-huh.

THE COURT: Ma'am, you got to answer.

A Yes, ma'am. It's on the left side of the hallway.

Q When he -- where did he grab you?

A He grabbed me in front of my shirt like this. (Indicating)

Q Now, when he grabbed you like that, by your shirt, what are you thinking at this point?

A I'm like -- like what's going on.

Q Were you surprised?

A Very.

Q Now, what happened after he grabbed you by your shirt?

A When he grabbed me by my shirt he pulled me into the restroom and like how the bathroom it's like not really big but it's big enough. So I'm like trying to get -- you know, walk back out but he is backing me like in the corner.

Q Okay. While he is backing you where are his hands?

A His hands was like on my neck. He wasn't choking me but he was holding me like. Like backing me in the corner.

Q Okay. Minor I am going to show you what has been marked for identification purposes as State's Exhibit Two. Do you recognize what that photograph is?

A Yes, ma'am.

Q And what is that a photograph of?

A Of the restroom.

Q Your bathroom at Arlington Avenue?

A Uh-huh.

Q And is that how it appeared the day on July 27th this when the police were there?

A Yes, ma'am.

MS. JOYNER: Your Honor, we move State's Exhibit Two into evidence.

THE COURT: Any objection?

MS. INZERILLO: No objection, Your Honor.

THE COURT: Into evidence without objection.

MS. JOYNER: Thank you, Your Honor.

(WHEREUPON, State's Exhibit Two was received into evidence.)

Q Now, Minor is this taken from the doorway?

A Yes, ma'am.

Q Now, we are going to talk more about this in a minute. If I can get you to kind of give me a description. You say he backed you in. Can you explain to me what you meant -- what you mean by that?

A Well, like, as I was like standing in the restroom he backed me like towards the corner of the toilet. Right there where the trash can is. So when I am backing up my legs is like, you know, like this. Like apart.

Q Okay.

MS. JOYNER: And Your Honor, may I have the witness step down?

THE COURT: You may.

Q Miss Howze, will you please step down. Because of the technological issue we are going to use this for the photograph. If you can come over here please.

Miss Howze, can you please point out with your figure where you ultimately ended up standing in the bathroom.

A (Indicating)

Q The trash can right there is that where you were standing?

A Yes, ma'am. The trash can -- at first the trash can was closer to the tub, the corner of the tub that I was staying like this, one leg was over this side and the other one was like that way. So I was standing like this.

Q Okay. Now, so while you're standing there at the beginning where are his hands?

A His hand that is closer to the toilet would have been his left hand was on my neck still. And then his other hand was just grabbing me.

Q Okay. All right. You can take your stand.

As you are kind of going to the place where you are saying, his left hand is on your neck?

A Uh-huh. Yes, ma'am.

Q Does that feel uncomfortable?

A It was uncomfortable but it wasn't like squeezing me or like trying to choke me or nothing like that. It was just like

holding me in place.

Q Holding you in place?

A Uh-huh.

Q Was your body pressed against the wall?

A Yes, ma'am.

Q And were you pressing yourself against the wall or was the pressure being pushed back pressing you?

A I was -- well, kind of like both because I was trying to stand my balance so I wouldn't, you know, like fall or nothing and then again I was trying to, you know, push him off.

Q Trying to push him off?

A Uh-huh.

Q From where you were standing would you have had any way to step around him?

A No, ma'am, because if I would have stepped left I would have to jump over the toilet or if I were to step right I would have to go like through the tub.

Q Now, you're very tall?

A Yes, ma'am.

Q Were you taller than the defendant?

A Yes, ma'am.

Q What about in terms of like girth? Is he bigger than you?

A Oh, yes, ma'am.

Q Okay. So kind of going back with his left hand on your

neck. You said you're trying to get your balance and he's kind of putting pressure and you're pushing him off. Trying to push him off. Were you able to push him off?

A Kind of, a little bit.

Q Okay. So, while he has got his hand on your neck is he touching you anywhere else?

A Yes, ma'am, he was grabbing my breasts.

Q Your breast. Okay. And can you -- and I know this is a little bit personnel and a little bit embarrassing. Can you try to explain to me how he's touching your breast?

A Like -- like he was grabbing me like -- like squeezing, you know.

Q I will put this right here if you need it. (Tissues are place by the witness)?

When he was grabbing you -- when he was squeezing you were you scared?

A Yes, ma'am. Because at that point I was saying stop. Stop. He was like, you know, he just kept going.

Q Do you remember how long that lasted?

A May be like five minutes. Like just, you know, he was grabbing me and then he finally let go of my -- and just started like tugging on my shorts.

Q When you say he let go of and you motioned what did you motion to? You just said he let go of and you made a motion. Was he letting go of your neck?

A Yes, ma'am.

Q Now, did you say anything to him right before he let go of your neck?

A Yes, ma'am.

Q And I know this might be a little embarrassing but I want you to use the exact words that used?

A I said, "Get the fuck off of me."

Q And you said once he let go of your neck -- I'm sorry, what was he doing?

A He started tugging at my shorts and he said I got $60 if you let me do you.

Q If you let me do --

A He just said if you let me do it.

Q Do it. As all of this was going on what are you thinking?

A Like -- like, is this really going on. Like, I was shocked like. At the moment I wasn't even like upset or nothing. I was just like really just shocked like because I have been knowing him my whole life like literally. I spent time with him.

Q At the moment you weren't even upset?

A I wasn't upset. I was just like I can't believe just you tried me like this.

Q Did it seem real?

A No.

Q Looking back on it does it make you upset?
A Yes.
Q What was the defendant's demeanor?
A Like what do you mean?
Q You said you had known him for a long time. How was he when he first got there and you're outside talking to him, how was he acting?
A Like he was just acting normal but the way he looked wasn't normal.
Q What didn't look normal?
A Well, first it was hot outside but it wasn't really hot and it looked like somebody had poured water on him. Like he was sweating that bad, and I was just like, you know, I really wasn't paying no attention to it but, he was sweating a lot.
Q Was there anything else about his behavior --
A No, ma'am.
Q -- that you noticed?
A No.
Q Have you ever been before people or around people or had occasion to see people had stuff to drink or alcohol to drink?
A Yes.
Q May be to much alcohol to drink?
A Yes.
Q When you were interacting with him that day did you

have an opinion or observation about whether he appeared to have been drinking or had too much to drink?

A Yes, ma'am.

MS. INZERILLO: Objection, Your Honor, I think this calls for opinion. We ask that she only answer as to anything she saw or smelled or has personal knowledge of.

THE COURT: Let me see counsel at the bench please.

(WHEREUPON, there was an off the record discussion.)

THE COURT: Rephase the question.

MS. JOYNER: Thank you, Your Honor.

Q Now, going back to you said that he was very sweaty?

A Yes, ma'am.

Q Did you notice anything else about his behavior?

A No, ma'am. It was just like, you know, you know like when you drink or something you like stagger or whatever. You know not like really drunk but, you know, you can tell when someone is tipsy like that.

Q That was your observation?

A Yes, ma'am.

Q Now, going back when you were in the bathroom and he said, "I got $60 if you let me do it." What was he doing when he said that?

A Tugging on my shorts.

Q And did your shorts in fact come down?

A No, ma'am. As he was trying to pull them down I was trying to pull them up.

Q When he made that statement to you did you -- how did you understand that statement?

A Like cause --

Q What did you understand that to mean? How did you interpret it?

A When -- as he was like pulling my clothes down like -- like I'm thinking like is he like trying to pay me to have sex with him. That's how I was thinking.

Q At some point after that did the defendant stop?

A Yes.

Q Do you know why? What made him stop?

A I heard my little sister like -- well, I didn't know it was my sister, but I heard foot steps coming and he like stopped. You know, like ran out of the bathroom.

Q Okay. Was that house Arlington could you hear people step?

A Yes, ma'am.

Q And after he left out of the bathroom do you know where he went?

A Well, as he left out of the bathroom I was just like standing there. Like I'm still in shock like -- you know, but

as I started walking out of the restroom I went to the living room window and I was looking out and that's when I seen the car driving off.

Q After the defendant left what happened then?

A Me and my sister I was like did you hear that. She was like yeah, yeah, I heard and so I'm just still in shock. By that time my brother had pulled in.

Q What is your brother's name.

A Trae. I call him Trae. His real name is Lewantrae.

Q How soon after the defendant's car pulled off did Lewantrae pull up?

A Like two minutes may be.

Q Was there anybody with Trae?

A Yes, ma'am, my nephew and his girlfriend.

Q What's his girlfriend's name?

A Iman Crawford.

Q And when they pulled up what happened then?

A Well, they were sitting in the car for a little bit and I was looking out the window. You know, I had seen him pull up and I was like, you know, me and my sister were still talking. I was like should I tell? Should I say something? And she was like, yeah, you should say something. By that time my brother was coming in the door and so I say I got to tell you something. He was laughing because we do stuff like that. We joke and so when I started telling him and I started crying he was like --

like, he knew I was serious and so --

Q So after you told your brother was he upset about what he heard?

A Yes, ma'am.

Q And did he give you advice on what he thought you should do next?

A Yes, ma'am.

Q What was -- what did he want you to do?

MS. INZERILLO: Objection to hearsay, Your Honor.

THE COURT: The question I believe what did he want you to do, correct?

MS. JOYNER: Yes, sir.

Ladies and gentlemen, I will ask you to all return to the jury room while I deal with an issue with the lawyers.

(WHEREUPON, the jurors leave the courtroom.)

THE COURT: Miss Inzerillo, what is the basis of the objection.

MS. INZERILLO: Your Honor, my interpretation of the question is that he instructed her to do something which would call for hearsay. That she is relaying an out of court statement of another witness that he told her to do.

THE COURT: I mean, the question wasn't what did your brother say. What did he tell you. What did he

want you to do.

Miss Joyner, can you rephase that question?

MS. JOYNER: Absolutely, Your Honor.

THE COURT: All right, let's bring the jury back in.

(WHEREUPON, the jury enters the courtroom.

THE COURT: Miss Joyner.

MS. JOYNER: Thank you, Your Honor.

Q [redacted] now going back when we were talking about when your brother got here. When you spoken to your brother about what happened, based on your conversation with your brother what was the first thing that you did?

A I called Kylisha.

Q Your cousin Kylisha?

A Yes, ma'am.

Q Did she answer?

A No, ma'am.

Q Okay. What's the next thing that you did?

A I called my mom.

Q And can -- did your mom come home after you called her?

A Yes, ma'am, immediately.

Q Immediately. Okay. Do you remember how many minutes it took for your mom to get home?

A Like one because she was right around the corner at my aunts.

Q Now, when your mom got home did you tell your mom what happened?

A Yes, ma'am.

Q Did your mom call the police?

A Yes, ma'am.

Q Now, before the police arrived at your house did your cousin Kylisha call back?

A Yes, ma'am.

Q Now, without going into what anybody else said, based upon that conversation with Kylisha did you form a belief about where the defendant may be located?

A Yes, ma'am.

Q Okay. And what was your belief about where the defendant was located?

A Around the corner from my house.

Q Okay. And when your brother heard that -- was your brother present? Did your brother -- scratch that.

Did you or somebody else in your family pass that information along to law enforcement?

A Yes, ma'am.

Q Minor the person that you talk about coming to your house unexpectedly who dragged you into the bathroom do you see that person in the courtroom?

A Yes, ma'am.

Q Could you please point him out?

A (Pointing.)

Q Could you please tell me tell me what that person is wearing?

A Teal looking tie and light blue shirt.

Q What?

A A teal looking tie and light blue shirt.

MS. JOYNER: Please let the record reflect the witness identified the defendant.

THE COURT: The record will so reflect.

Q And the person that you pointed out that person grabbed your breasts?

A Yes, ma'am.

Q And that person then told you he would give you $60??

A Yes, ma'am.

Q Okay.

MS. JOYNER: Thank you, [redacted] Please answer any questions the defense may have.

THE COURT: Mr. Bonds or Miss Inzerillo.

MS. INZERILLO: May it please the Court, Your Honor.

THE COURT: Yes, ma'am.

CROSS EXAMINATION

BY MS. INZERILLO:

Q All right. [redacted] so on July 27th you were living on Arlington Avenue, is that right?

A Yes, ma'am.
Q Okay. And you explained that you were living with your family there, right?
A Yes, ma'am.
Q And on this day on July 27th it was just you and your sister at the house, is that right?
A Yes, ma'am.
Q And but Kylisha had been staying at the house with you all, right?
A Yes, ma'am.
Q And on that day Kyle came over to your house, right?
A Yes, ma'am.
Q But right before Kyle came over Talmikele Jennings came over, right?
A Yes, ma'am.
Q And that's the guy you described as your aunt's boyfriend?
A Yes, ma'am.
Q Okay. And he leaves. Kyle comes over, is that right?
A Yes, ma'am.
Q And Kyle he pulls up in a car?
A Yes, ma'am.
Q And someone else in the car, right?
A Yes, ma'am.
Q And that person never gets out of the car, is that

right?

A No, ma'am.

Q And then when Kyle leaves he gets back in that car in the driveway, is that right?

A He wasn't driving.

Q He wasn't driving, the other person was?

A Yes, ma'am.

Q So the other person was basically waiting for him?

A Yes, ma'am.

Q Okay. And so I think you had testified that he -- you kind of come outside to talk to him?

A Yes, ma'am.

Q And you know him through Kylisha, right?

A Yes, ma'am.

Q In fact whenever he would take Kylisha out he might take you with him, is that right?

A Yes. Yes, stay the night.

Q Stay the night. Okay. And he might buy her something. He might buy you the same thing or something similar, is that right?

A Yes, ma'am.

Q So even though he has only been to your house a few times you had been around him a lot?

A Yes, ma'am.

Q Okay. And I just want to make sure, Kylisha's mom

actually stayed around the corner?

A Yes, ma'am, she stayed around the corner.

Q And that's Miranda?

A Yes, ma'am.

Q And on this particular day you had testified that it was you and your sister that were in the house, is that right?

A Yes, ma'am.

Q Do you recall having a guy at the house that you weren't suppose to have?

A No, ma'am.

Q Your mom has strict rules, right?

A Yes, ma'am.

Q And she didn't let you at 16 have boys over, is that right?

A No, ma'am.

Q That would have totally gotten you in a lot of trouble, right?

A Yes, ma'am.

Q And if Kyle saw the boy and told your mom you knew you would get in a lot of trouble, right?

A Yes, ma'am.

Q And so I think you testified that Kyle came up and he was asking you some questions, is that right?

A Yes, ma'am.

Q He was asking like where your mom was, who was at the

house? That kind of thing?

A Yes, ma'am.

Q And you told him that your mom was on her way home?

A Yes, ma'am.

Q And I think you described for Miss Joyner that your mom -- and correct me if I'm wrong, but gets off around six o'clock?

A Yes, ma'am.

Q So Kyle comes over your house around six or a little bit before?

A Yes, ma'am.

Q And you in fact tell Kyle that your mom was on her way home, right?

A Yes, ma'am.

Q If fact I think at one point you tell him ain't nobody here but me and my sister, right?

A Yes, ma'am.

Q So if I'm understanding your testimony correctly on this day you guys are kind of having a conversation?

A Yes, ma'am.

Q Right. He's talking to you about who is in the house. He's asking about how school is going. He is chatting with you about other things, right?

A Yes, ma'am.

Q And so at some point in this conversation he asked to use the bathroom, is that right?

A Yes, ma'am.

Q And I think you had indicated that he only been to the house a couple of times before?

A Uh-huh.

Q So not so usually that he might not remember where the bathroom was? Would you agree with that?

A Yes.

Q Okay. So, when you walk inside the house as you indicated you walk through sort of living room and the kitchen and then you kind of hook a right and there's a bathroom, is that right?

A Yes, ma'am.

Q And those are pretty close together?

A Yes, ma'am.

Q So even though there's some descriptions of other rooms basically when you step in this house it's only about two steps from the edge of the kitchen into the bathroom?

A Yes, ma'am.

Q Okay. And the bathroom I think you described as sort of small, but not small, is that right?

A Yes, ma'am.

Q Okay. And I think --

MS. INZERILLO: May I approach the witness, Your Honor?

THE COURT: You may.

Q I think there was a picture here that Miss Joyner showed you that had a picture of the toilet and the tub, is that right?

A Yes, ma'am.

Q And you had indicated that basically when you stand in that space if you take a right you basically would have to step over the toilet?

A The tub.

Q The tub. Okay. And if you go in the other direction you are right at the toilet?

A Yes, ma'am.

Q And in this picture, in State's Number Two, we see this little white thing which is the edge the sink, is that right?

A Yes, ma'am.

Q And on the edge of the sink it looks like there is a flat iron?

A Yes, ma'am.

Q And it's hard to see the rest of the sink because the the door is not all the way open, is that right?

A Yes, ma'am.

Q And the door in this opens inwards, so I got to push it open to walk in to it?

A Yes, ma'am.

Q I don't pull it?

A Uh-huh.

Q And in this picture you said this was a trash can on the floor?

A Yes, ma'am.

Q And then there is like some cleaning products right here on the floor?

A Yes, ma'am.

Q And then it looks like there might be a like a wash cloth or something here?

A Yes, ma'am.

Q On the edge of the tub, and then a towel over the shower rod?

A Yes, ma'am.

Q And there's shower curtain on the tub?

A Yes, ma'am.

Q And then back against this wall, which is here (indicating), that's a curtain, right?

A Yes, ma'am.

Q And behind that curtain is a window?

A Yes, ma'am.

Q And then on this sink there's some cups that have like tooth brushes and hair bruises and stuff like that, is that right?

A Yes, ma'am.

Q And this is basically what the house looked like when Kyle was there to, right?

A Well, when he first came the trash can was closer to the toilet and those tissues and stuff they were in the trash can.

Q So the trash can actually got moved?

A Yes, ma'am.

Q But everything on the sink, everything else is the same?

A Yes, ma'am.

Q And and sink -- there's not a lot of room between the sink and the tub, right?

A Not really. It's a little bit but not too much.

Q Not too much. So not as tight as the toilet and the tub, but there is not a whole lot of room for moving around, dancing and stuff?

A No.

Q Okay. How tall are you Minor

A I'm 5'10".

Q And are you approximately the same weight today as were you then?

A No, ma'am. I actually had a child so I'm like got big.

Q You haven't gain a whole lot of weight.

A Not a lot.

Q I don't want to ask you how much you weigh, but it doesn't look like you did.

All right. Okay. So, I think your testimony today was that

you stand at the edge of the kitchen and you basically point to the bathroom, is that right?

A Yes, ma'am.

Q Because he's asked you to show him where the bathroom is so that's what you're doing?

A Yes, ma'am.

Q Okay. And then in this particular area though there's a bathroom and then there like is a little area it's like a washing machine area and then another room, right?

A Yes, ma'am.

Q So you're pointing. It may not be clear at what you're pointing at?

A Yes, ma'am.

Q So you go closer to basically show him which of those rooms the bathroom is?

A Yes, ma'am.

Q And he -- your testimony is that he told you to come into the bathroom with him, is that right?

A Yes, ma'am.

Q He was already in the bathroom at that point?

A No, ma'am, he was in the doorway of the bathroom and I was in like -- I can't really explain the house, but the way it is you when you go through it's like a door way right. Like, I guess it was a door right there before but it got took down or something.

Q So it's like a doorway entering into the hallway that opens space where all three of those rooms are?

A Yes, ma'am.

Q So you are standing there or Kyle is standing there?

A Kyle is standing like you know where the bathroom was, he's standing right in there.

Q He is standing right at the bathroom door?

A Yes.

Q And your testimony was that he basically tells you to come in and you say no?

A Yes, ma'am.

Q And then at some point he grabbed you by the shirt, is that right?

A Yes, ma'am.

Q And you described with Miss Joyner that in this bathroom that basically you ended up with your back against this curtain where the window is, right?

A Yes, ma'am.

Q And the trash can was underneath the back of your shin basically?

A Yes, ma'am.

Q I am shorter so it probably goes a lot lower on you than me. Okay.

Now, today you testified that he had grabbed you around the -- basically touched you around the neck, is that right?

A Yes, ma'am.

Q And do you recall talking to the officers when they came out to talk with you on that day?

A Yes, ma'am.

Q Okay. And you recall this officer right here talking to him, right?

A Not at first, but --

Q There was another one?

A Yes, ma'am, I did not talk to him.

Q This officer right here had you write out a statement?

A Yes, ma'am.

Q But the first officer just talked to you, right?

A Yes, ma'am.

Q And you're aware that that conversation was recorded?

A No.

Q You didn't know that. Okay. So, in your conversation with the first officer you indicated to him that Kyle grabbed you by the neck and pulled you into the bathroom. Do you recall that?

A No, ma'am.

Q Okay. Would it refresh your recollection to see a statement where you said that?

A Okay.

Q It would?

A Ma'am?

Q Would it remind you that you said that if I were to show you where you said that?

A Yes.

Q It would remind you, okay.

MS. INZERILLO: Your Honor, may we approach.

THE COURT: You may

(WHEREUPON, there was an off the record discussion.)

THE COURT: Ladies and gentleman, we have to take up a brief legal matter with the lawyers, if you don't mind retiring to the jury room. If you have not done so already this would be a great time to elect your foreperson.

(WHEREUPON, the jurors exit the courtroom.)

MR. BONDS: Your Honor, a brief matter.

THE COURT: Okay.

MR. BONDS: Mr. Robinson requested to use the restroom. He really needs to use the restroom. He has seen the video.

THE COURT: Mr. Robinson have you seen this video?

THE DEFENDANT: Yes.

THE COURT: Are you okay if we play it while you use the restroom?

THE DEFENDANT: I am fine with it.

THE COURT: Thank you.

(WHEREUPON, the video was played.)

Q I am going to play the whole statement you told Officer Long because I may have some other questions and that way I don't have to keep stopping and starting. Would that be okay?

A Okay.

Q Okay. It is not just the part I asked you a question about, okay, if you can't hear let me know or you can't see?

A Okay.

Q Were you able to hear that?

A Yes, ma'am.

Q Do you need me to play it again?

A No, ma'am.

MS. INZERILLO: Your Honor, may I step out for one moment.

THE COURT: You may.

Counsel, I don't want to go to much longer before we take a break.

MS. INZERILLO: I would like to finish cross, Your Honor. I'm not sure.

THE COURT: Bring the jury back in.

Ladies and gentlemen, the jurors have informed my that juror number 44 is the foreperson. Can you raise your hand sir.

Thank you sir.

THE COURT: Miss Inzirillo.

MS. INZERILLO: Thank you, Your Honor.

CROSS EXAMINATION

CONT'D:

Q So, you recall telling the officer on that day that Kyle grabbed you by the neck and pushed you against the wall, is that right?

A Yes, ma'am.

Q And then that he started grabbing your -- basically your breasts?

A Yes, ma'am.

Q And then he tried to pull your pants down?

A Yes, ma'am.

A My shorts.

Q And you started screaming and crying?

A Yes, ma'am.

Q Do you recall saying that to the officer?

A Yes, ma'am.

Q And telling the officer that my little sister came to the door?

A Uh-huh.

Q Do you recall that?

A Yes.

Q And that he, meaning Kyle, was like I got 60 bucks or 60 dollars if you let me do it?

A Yes, ma'am.

Q Right. And then you said no. And to this officer you didn't use the curse words you said get the F off me?

A Yes.

Q Do you recall that?

A Uh-huh.

Q And then you told him you started cussing and were screaming?

A Yes.

Q Is that correct?

A Yes.

Q And then at that point Kyle leaves?

A He leaves.

Q Okay. And you said that he left the house and gets in the car with his friend and leaves?

A Yes, ma'am.

Q Now, when Kyle left he didn't say anything to your little sister on the way out, is that right?

A I don't know. I wasn't out there yet. I was still like standing there. Like coming out the bathroom. I was still walking so my sister was standing like in the kitchen so I don't know if he said anything.

Q So she standing in the kitchen when Kyle was leaving?

A She was standing like, you know, how when I was like in the doorway of the dining room and the hallway. Right there.

Q But you remember telling the police that she basically comes to the door?

A Uh-huh.

Q Is that right? And you would remember if Kyle had threatened your sister, right?

A Yeah.

Q Because on this day with the first officer you were concerned about your sister being in the house?

A Yes.

Q And so you would remember if he threatened her or said anything to her?

A Yes.

Q I believe you testified that when you talked to your sister about whether to tell your brother, is that right?

A Yes.

Q Your brother is older than you or younger?

A He's older.

Q And when your brother came home you decided to tell your brother?

A Right.

Q And at first he thought you were joking?

A Right. I didn't -- I wasn't telling him. I just need to talk to him.

Q I got you. And then basically based on your conversation you called Kylisha, is that right?

A Yes.
Q And Kylisha again is Kyle's daughter, right?
A Yes.
Q You didn't call the police?
A No, ma'am.
Q You didn't even immediately call your mom, right?
A No, ma'am.
Q And Trae didn't take the phone from you and call Kylisha?
A No, ma'am.
Q Not at that point or any time?
A No, ma'am.
Q And his girlfriend who is there, Iman, she didn't take the phone from you and call Kylisha?
A No, ma'am.
Q Is that right? But I think you had testified that you're basically in shock. You're upset over what had just happened, right?
A Yes, ma'am.
Q And when you spoke to the first officer that day you don't tell him that you called Kylisha, is that right?
A No, ma'am, I don't think so.
Q In fact, when you get to the end of your conversation or your statement with him you say, two minutes after that my brother and his girlfriend and his baby pulled up. Do you

remember that part the statement?

A Yes.

Q And I was like, oh, my God and I started telling him what happened and you said I don't know he just left and that's was it, right?

A Yes.

Q And then you told the officer and that's when my mom called you all, right?

A Yes.

Q You all being the police officer that you are talking to?

A Yes.

Q Okay. So in that conversation you don't mention anything about calling Kylisha?

A No, ma'am.

Q Or your brother telling to you call Kylisha, right?

A No.

Q Okay. Now, you mentioned earlier that you did recognize this officer here, right?

A Yes.

Q He also had come to your house that day?

A Yes.

Q And when -- if you recall, when he got there he asked you to write out a statement?

A Yes.

Q Do you remember that? And he basically asked you to write it out as if no one knew, so you have to explain to someone who didn't know what happened, right?

A Yes.

Q And you wrote it out that way, right?

A Yeah.

Q And in that statement you say Minor said Kyle or Minor did this, is that right?

A Uh-huh.

Q And that's because you wanted to be clear about who was doing what because you're trying to explain it to someone who don't know, is that right?

A Yes.

Q And you give that statement about ten to 15 minutes after you talk to the first conversation officer, is that right?

A Yes.

Q No you in that ten to 15 minutes period the first officer basically has you show him where the bathroom, is that right?

A Yes.

Q Okay. And you walked in and you show him where the bathroom is, right?

A Yes.

Q And you show him the trash can and all the stuff that you and I just went over?

A Yes.

Q And that officer also takes a statement from Jaia, do you remember that?

A Yes.

Q And when he is taking a statement from Jaia you are sitting next to Jaia on the couch, do you recall that?

A Yes.

Q And so after that statement is when you talk to Officer Sanders here and he has you write out your statement, do you recall that?

A Yes.

Q Because the first officer that you talk to he left?

A Yes.

Q He was gone?

A Yeah.

A He was possibly only there like ten minutes or so.

A Yeah.

Q Fifteen?

A May be like.

Q And in fact both of these officers were only at your house about 20 to 30 minutes, do you remember that?

A Yes.

Q And then the second statement this time you wrote that Kyle pulled you into the bathroom, do you recall that?

A Yeah.

Q And that he grabbed you by your shirt and pulled you in?

A Yes.

Q Right. Nothing about the neck, right?

A I don't think so.

Q Okay. And that -- and I'm going to use your language, okay, since you were careful with it. All right. Kyle pulled Minor by her throat and pushed her up against the wall, do you recall that?

A Yes.

Q And that --

MS. JOYNER: Your Honor, may we approach.

THE COURT: You may.

(WHEREUPON, there was an off the record discussion.)

Q Okay. And then in this particular statement you write Kyle said I will give you $60 if you do this with me, is that right? Do you recall writing that?

A Yes.

Q And in your statement you write Minor said no, and you put some extra o's there, do you remember that?

A Yes.

Q And then in this statement you describe Kyle starting to grab at your pants and grab your breasts or touch your breasts, do you recall that?

A Yes, ma'am.

Q And you recall in this statement you wrote out that Jaia came to the door after all that had happened, right?

A Yes.

Q The officer never asked you to sign that statement, is that right?

A No.

Q You don't remember signing it. Now, was it this officer that took pictures of you or was it the other officer? Do you remember?

A I don't remember.

Q But some officer took pictures of you, right?

A Yes, ma'am.

Q And there were no marks on your neck?

A No, ma'am.

Q Okay. And you didn't complain to either officer about having a hurt chest like here where Kyle -- where you say you were grabbed?

A No, ma'am.

Q You didn't complain about like your neck hurting you?

A No, ma'am.

Q You didn't complain where you need to go to the doctor or see EMS?

A No, ma'am.

Q And neither officer offered to have you go see a doctor

or anything like that, is that right?

A No, ma'am.

Q Now, if I recall correctly on this day you were around a lot of the officers as they are in and out the house, do you recall that?

A Yes.

Q And sometimes you are talking to your mom or your brother but for the most part you are interacting with them, is that right?

A Yes.

Q And you don't recall seeing any of the officers take the shirt you were wearing or the pants you were wearing, is that right?

A No, ma'am.

Q And you don't recall seeing any officers take out a little brush and dust for prints or anything like that?

A No, ma'am.

Q And you don't recall these officers calling out any other officers to take anything else from your bathroom like DNA or anything like that?

A No, ma'am.

Q And while you were talking to the officer you had a phone in your hand, is that right?

A Yes, ma'am.

Q And they never asked to look through your phone?

A No, ma'am.

Q Okay. Now, all of these statements were given July 27, 2017, is that right?

A Yes, ma'am.

Q And you -- and that was about two years ago almost, right?

A Yes, ma'am.

Q Almost exactly?

A Yeah.

Q Now, you met with Miss Joyner on Sunday, is that right?

A Yes, ma'am.

Q I think you and your family did?

A Yes, ma'am.

Q And it was in that conversation that you told her actually Kyle had specifically his left hand around your neck, is that correct?

A Yes.

Q And you told her on Sunday that Kyle took his hand off your neck at one point, is that right?

A Yes, ma'am.

Q And he is using both hands to try and pull at your pants?

A Yes, ma'am.

Q Okay. And that Kyle offered you the $60 while he was touching your chest and pulling at your pants, do you recall

that?

A Yes.

Q You also told Miss Joyner on Sunday you can't remember if the bathroom door was open or closed?

A No, ma'am, I don't remember.

Q You just didn't remember. Okay. But I think we have gone over that you knew the day of that your sister had come to the door that's what you had told the first officer, right?

A Yes.

Q And I think at one point you mentioned that the -- in this house you can hear footsteps, right?

A Yes.

Q So even though there are all these rooms if you were to holler at you from the bathroom to kitchen you could hear that?

A Yes.

Q Right, because if the doors are open it's kind of an open house?

A Uh-huh.

Q Now, do you recall if Kylisha called back?

A Yes, ma'am, she did.

Q Okay, and I don't want you to tell me what the conversation was, okay, but you didn't tell that to the police officer either, right?

A No, ma'am. They wasn't there. They had just pulled up when she got off the phone.

Q But initially when you met with Miss Joyner and -- I don't want to say Sunday because I could be getting the dates mixed up, but on one conversation you thought Kylisha had called back while the police were there, right?

A Yes.

Q And then you all looked over a video and saw there was no phone call and that's when you remembered that no, it must have been before then, is that right?

A Yes, ma'am.

Q Now, you indicated that you didn't tell the police on on that day you had these conversations, right?

A No, ma'am.

Q And you didn't call Officer Sanders or the other officer any other time to tell them oh, I forgot to tell you I had these conversations?

A No.

MS. INZERILLO: Your Honor, I have no further questions.

THE COURT: Ladies and gentlemen, it's 12:45, so we are going to take a lunch break. Two o'clock?

MS. JOYNER: That is fine with the State.

MS. INZERILLO: Yes, Your Honor.

THE COURT: Okay, ladies and gentlemen I will ask you to be back at two o'clock. Let's do 2:15 just to be sure.

(WHEREUPON, the jurors leave the courtroom.)

THE COURT: Counsel anything at this point to take up?

MS. JOYNER: No, Your Honor. I have explained the sequestration to my witnesses. I had not anticipated a break in the testimony so if Your Honor can instruct the witness about -

THE COURT: Yes, ma'am. You are still under oath and your testimony is still being taken so you understand you can not discuss what you said in court to anyone else. Do you understand that?

THE WITNESS: Yes.

THE COURT: See everyone at 2:15.

(WHEREUPON, the court was in recess for lunch.)

THE COURT: Everybody ready for the jury?

MS. JOYNER: State is ready, Your Honor.

THE COURT: Defense?

MR. BONDS: Yes, Your Honor.

THE COURT: Bring the jury in.

(WHEREUPON, the jury enters the courtroom.)

THE COURT: Yes, ma'am.

MS. JOYNER: I have a few follow-up questions and then you will be able to step down.

REDIRECT EXAMINATION

BY MS. JOYNER:

Q Kind of going back to what you and Miss Inzerillo were talking a little bit about what I talked about. When you were speaking with the officers on the scene and you told them that your sister had come to the bathroom door, what was that information based on?

A What do you mean?

Q Were you -- did you tell officers -- you told Miss Inzerillo you told the officers when they first came to the scene that your sister came to the bathroom door?

A Uh-huh.

Q You have to say yes or no.

A Yes, ma'am.

Q Okay. Did you see your sister come to the bathroom door?

A No, ma'am. I just heard her like, you know, approaching the door.

Q You heard someone approaching the door?

A Yes, ma'am.

Q Okay. Did you assume that was your sister?

A Yes.

Q Going back to before you went back into the bathroom and you and Miss Inzerillo were talking about standing outside the bathroom and pointing towards the bathroom. Okay. Where were you standing when the defendant told you to come in to the bathroom?

A I was standing in between the door of the hallway and the dining area.

Q Okay. Where was the defendant standing when he said that?

A Like beside the bathroom door.

Q How close were you standing to each other?

A Like this, like me and the stand.

Q You mean me to that door?

A Me to the door.

Q To this door?

A Yes, ma'am.

MS. JOYNER: Your Honor, could the record reflect she's indicating entrance way to the witness stand.

THE COURT: All right. The record will so reflect.

Q Are you going at estimating?

A Like one step.

Q Where were you when he grabbed your shirt?

A I was in the same place.

Q Now, going back to when the officer first -- the first officer arrived on the scene. Were you present -- did you hear somebody indicate to the officer where you all believed the defendant to be?

A Yes.

Q Now, when the first officer arrived on the scene --

Miss Inzerillo is calling him his first officer. When you gave your statement to him where were you?

A I was right -- I was Rich Street.

Q I'm sorry.

A Rich Street. Like my street is the first street and then if you go down and make a right that is a Rich Street and then it's Martin.

Q Okay.

A So I was on the corner of Rich and Martin.

Q What had brought you down to the corner of Rich and Martin?

A Well, my brother heard that he was at around the corner.

MS. INZERILLO: Objection to the speculation.

THE COURT: I will ask you to rephase the question.

MS. JOYNER: I will.

MS. INZERILLO: I would move to strike her response.

THE COURT: I will grant that. We will strike that last answer.

Q Okay. So, you you were on the corner of Rich and Martin?

A Yes, ma'am.

Q How did you get to the corner of Rich and Martin?

A I ran.
Q You ran?
A Yes.
Q In your mind why were you running?
A To get my brother.
Q So you were following your brother?
A Yes, ma'am.
Q Okay. Did anybody else -- was anybody else following your brother?
A Yes, ma'am, Iman Crawford and a police officer.
Q Iman Crawford is your brother's girlfriend?
A Yes, ma'am.
Q So why did you end up stopping at the corner of Rich and Martin Street?
A Because that's where my brother stopped at.
Q And whose idea was it for you to talk to the officer at the corner of Rich and Martin Street?
A The officer. He just started asking me questions.
Q Okay. How soon after you stopped running did the officer start asking you questions?
A Like -- like three minutes may be.
Q Between the time that you stopped running and he started asking you questions what was going on?
A Well, my brother was walking back with his girlfriend and I was standing like trying to catch my breath.

Q Okay. Now, based on your direction of travel and not speculating about where your brother was going, was your direction of travel the same direction where you believed the defendant to be?

A Yes, ma'am.

Q And again, you were following your brother?

A Yes, ma'am.

Q Now, did any officer on the scene, the first officer or Officer Sanders, anybody ever ask you, or to your knowledge anybody else in your family why you believed the defendant was down the road?

A No, ma'am.

Q Okay. Did you tell the first officer the defendant had put his hands to your neck?

A I don't remember.

Q You don't remember. Did you tell the second officer, Officer Sanders, that he put his hand to your neck?

A I don't remember.

THE COURT: Ma'am, try and speak up a little bit. Okay.

Q Do you remember Officer Sanders taking photographs of your neck?

A I don't know if it was him or the other officer but I remember someone taking pictures.

Q Did they take pictures of your neck?

A Yes, ma'am.

Q Now, the second officer that you gave a statement to was that Officer Sanders?

A Yes, ma'am.

Q Now, before that did Officer Sanders ask you to give a written statement?

A Yes, ma'am.

Q And before that did anybody ever ask you to do anything like that before?

A No, ma'am.

Q And again, how old were you at the time?

A I was 16.

Q And did -- what was the -- when you went to write the statement other than the instructions that Miss Inzerillo mentioned that told you to paint a picture, did you have any other guidance as to what you were suppose to write in the statement?

A No, ma'am. He just told me like write it in the third person. So I just wrote it how he told me to.

Q Okay. Do you recall where you were when you wrote this statement?

A I was leaning on the officer's car.

Q On the officer's car?

A On the front I was writing on the pad.

Q Okay. So you with leaning on the car?

A Yes, ma'am.

Q Was that right out on the street?

A Yes, ma'am.

Q And is that the same with your first time you were -- you talked with Officer Long at the corner of Rich and Martin, were you standing right out on the street?

A Yes, ma'am.

Q Where anybody could pass you and see you?

A Yes, ma'am.

Q [redacted] I am going to show you a copy -- show you a piece of paper and ask if you recognize it. What do you recognize that as?

A My handwriting.

Q What is that?

A My handwriting.

Q Is that the statement that you gave to the second officer?

A Yes, ma'am.

Q I will ask you to to read down there. Go to the 13th and 14th line and just read it to yourself. Okay.

Did that help refresh your recollection a little bit when I asked you the question earlier, did you tell the second officer that he had grabbed you by the neck?

A Yes, ma'am.

Q Did that help to refresh your memory?

A Yes, ma'am.

Q And did you tell the officer that he had done that?

A Yes, ma'am.

MS. JOYNER: Thank you, very much.

THE COURT: Any recross?

MS. INZERILLO: Just a few questions.

THE COURT: All right.

RECROSS EXAMINATION

BY MS. INZERILLO:

Q [redacted] approximate from where you are sitting in this chair to the sitting is take about the length of your arms or is that shorter or longer?

A Okay.

Q So a little bit longer. Is that how far away you say Mr. Borbinson was?

A Yes, ma'am.

Q And when you were at your house on the day when you talked to both those officers did either one of them give you a phone number or a card as a way to call them if anything came up?

A No, ma'am.

MS. INZERILLO: No further questions.

THE COURT: Miss Joyner.

MS. JOYNER: Nothing else, Your Honor. We ask that this witness be excused from her subpoena.

THE COURT: Any objection from the defense?

MS. INZERILLO: No, Your Honor. Thank you.

THE COURT: Thank you, ma'am. You are excused.

Ms. Joyner, call your next witness. The next witness is [redacted]. Can you just ask [redacted] to come from the waiting area.

[redacted], called as a witness, having keep your voice up if you don't mind.

DIRECT EXAMINATION

BY MS. JOYNER:

Q Jaia, could you please state your full name for the record?

A [redacted]

Q Jaia, how old are you?

A Twelve.

Q What grade are you going into?

A Seventh.

Q And where do you currently live?

A [redacted] Rockwood Drive.

Q Before you lived at Rockwood Drive did you live at [redacted] Arlington Avenue?

A Yes, ma'am.

Q And did you live there during the summer of 2017?

A Yes, ma'am.

Q How old were you then?

A Ten.

Q Do you remember who else lived with you during the summer of 2017?

A My grandma and my grandad, my sister, and me and my momma.

Q And by your sister do you mean Jayma Howze?

A Yes.

Q And at some point did your cousin Kylisha Robinson come to live there?

A Uh-huh.

Q You have to say yes or no?

A Yes, ma'am.

Q Okay. Now, do you remember during the summer of 2017 when the police came to your house about something that happened with Minor

A Yes, ma'am.

Q And if we go back to that day and please tell the jury who -- were you home that day?

A Yes, ma'am.

Q Who was home with you?

A Me and my sister.

Q And that afternoon, later in the afternoon, did anybody come by the house?

A Yes.

Q And did more than one person come by the house?

A Yes.
Q Who was the first person that came by the house?
A My Uncle Nook.
Q Can you tell me the jury his full name?
A Talmikele Jennings.
Q And you call him Uncle Nook?
Q How is he your uncle?
A By my aunt.
Q Is that your Aunt Miranda?
A Yes, ma'am.
Q And is that Aunt Miranda, that's Kylisha's mom?
A Yes, ma'am.
Q And was Uncle Nook at the house for long?
A No, ma'am.
Q And when he was at the house who else was there?
A It was just me and my sister.
Q Okay. And after he left did anybody else come?
A Yes.
Q And who else came?
A It was Kyle after that.
Q You said Kyle. By Kyle do you mean the defendant?
A Uh-huh.
Q Yo have to say yes or no?
A Yes, ma'am.
Q Okay. And how long after Uncle Nook left did Kyle come

to the house?

A It was quick.

Q Quick. Okay. And do you remember -- well scratch that. When did you first become aware that Kyle was at your house?

A When I looked outside.

Q And what did you see when you looked outside?

A I just seen his car. I knew then. I did not seen his face.

Q Okay. Did you say anything to your sister Minor about Kyle being outside?

A I said there's Uncle Kyle and she said that's not Kyle.

Q Did she go outside to check?

A Uh-huh.

Q You have to say yes or no.

A Yes, ma'am.

Q And did the person that you thought was Kyle did that turn out to be Kyle?

A Yes, ma'am.

Q And when you say Kyle is that Kyle Robinson?

A Yes, ma'am.

Q And do you know him?

A Yes, ma'am.

Q How do you no him?

A By my cousin Kylisha.

Q And who was is he to Kylisha?
A Her dad.
Q Now, after Minor went outside to see if that was Kylisha's dad what is the next thing that you are aware ever happening?
A He asked her where the bathroom was.
Q Okay. So did that happen inside the house or outside the house?
A Inside. I didn't go all the way outside.
Q What is that?
A I didn't go all the way outside.
Q So you stayed inside?
A Uh-huh.
A By the door.
Q Okay. So the farthest outside you went is to the door?
A Uh-huh. I was just looking like straight at him.
Q What was that?
A I was just looking straight at him out the door.
Q Did at some point did Kyle Robinson come into the house?
A Yes, ma'am.
Q And what did you see or observe when he came inside the house?
A Just him like just coming in.
Q I'm sorry. You have to speak up.

A I just seen him coming in.

Q Okay. At any point did you see or hear anything that you thought was strange?

A Yeah. He was like come on. Where is it? Like where's the bathroom.

Q Okay. Did you hear anything else? By the way, was that statement, come on or where is your bathroom, was that directed to you?

A Like to my sister.

Q And did you hear or see anything else?

A No, ma'am.

Q Okay. At some point did the defendant leave the house?

A Yes, like when everything happened.

Q Okay. So he left after everything happened. Now, I don't want you to say what anybody else told you. I want to talk about what you saw and heard yourself. Okay.

Other than come on or show me, did you hear anything else from either your sister or the defendant while the defendant was inside the house?

A I heard my sister say "Stop. Stop."

Q Okay. And could you tell where your sister's voice was coming from in the house?

A The bathroom.

Q Okay. And what if anything did you do when you heard your sister's voice say, "Stop. Stop."?

A I just ran into the kitchen by the refrigerator.
Q Okay. Is that pretty close to the bathroom?
A Yes, ma'am.
Q Okay. And when you ran to the kitchen by the refrigerator close to the bathroom what is the next thing you saw?
A He just came out and then I went to the living room.
Q And did he see you? Did you guys make eye contact or anything as he was leaving?
A Yes, from the living room.
Q Say that again?
A Yes, in the living room.
Q In the living room. Okay. So, where were you standing when he came out of the bathroom?
A I can't remember.
Q And after you said you saw him in the living room, after you saw him in the living room did he leave?
A Yes, ma'am.
Q And after he left did anybody else come to the house?
A My brother.
Q Your brother. Was anybody with your brother?
A My sister-in-law which is his girlfriend.
Q Say that again?
A My sister-in-law which is his girlfriend.
Q Okay. Is that Iman Crawford?

A Yes, ma'am.

Q Okay. Was there a baby with them?

A Yes.

Q And how soon after the defendant left did your brother get there?

A It was like quick.

Q Okay. And while in your presence did your sister tell your brother what had happened?

A Not yet, but then after she figured out that she needed to tell him she did.

Q Now, and I forgot to ask you this. I am jumping around a little bit, Jaia. When you heard your sister say, "Stop. Stop", you went and you were standing in the kitchen by the refrigerator. Could you see the bathroom from where you were standing?

A Yes, ma'am.

Q Okay. Do you remember to the best of your recollection was the bathroom door opened or closed at that point?

A I think it was closed. I don't know.

Q Jaia, the person that you call Kyle that you said came by the house between Uncle Nook and your brother Trae, do you see him in the courtroom? Can you look around the courtroom and tell me if you see him?

A He is over there.

Q Can you tell me what color his shirt is?

A Light blue. Baby blue.

MS. JOYNER: Your Honor, if you let the record reflect that she identified the defendant.

THE COURT: The record will so reflect.

Q Thank you, Jaia. Now, one of the defense attorneys is going to ask you questions. Please answer any questions they have.

MS. INZERILLO: May it please the Court.

THE COURT: Yes, ma'am.

CROSS EXAMINATION

BY MS. INZERILLO:

Q How are you?

A Good.

Q Is it Jaia or Jia?

A Jaia.

Q If I mess that up I want you to correct me, okay?

A Okay.

Q All right. Jaia, you were at the house on the day that Kyle came over?

A Yes, ma'am.

Q Okay. And you said he walked inside the house and that's when he asked where the bathroom was?

A Uh-huh.

Q And that you -- had you gone back to your sister's bedroom to keep playing games after he went to find the

bathroom?

A No, ma'am.

Q Did you go in the lying room?

A Uh-huh. Yes, ma'am.

Q All right.

THE COURT: Ma'am please try and say yes or no. The court reporter has a very hard time to take down other responses.

Q Okay. And then you said the next thing you heard was Minor saying, "Stop. Stop." And when you heard her saying, "Stop. Stop" that's when you ran back into the kitchen?

A Yes.

Q And then you stood at the refrigerator?

A Yes, ma'am.

Q And from the refrigerator you could see the door?

A Yes, ma'am.

Q Is that right? Okay. And the only thing you heard Minor say was, "Stop. Stop."?

A Yes, ma'am.

Q And Kyle left some time after that right?

A Yes, ma'am.

Q And Kyle didn't bump into you or anything?

A No, ma'am.

Q He didn't say anything to you?

A No, ma'am.

Q He didn't be mean to you or anything?
A No, ma'am.
Q Do you remember having to talk to an officer when they came to your house, to an a police officer?
A No, just if he had colors on his shirt.
Q Okay, but he talked to you. He asked you when your birthday was?
A Yes, ma'am.
Q Do you remember that?
A Yes, ma'am.
Q I think you were sitting on a couch with your sister?
A Yes, ma'am.
Q Okay. And he didn't talk to you for very long, did he?
A No, ma'am.
Q It was just may be less than a minute?
A Yes, ma'am.
Q Okay. And on that day you didn't tell him anything about the door being closed, do you remember that?
A No, ma'am.
Q Okay. But you told Miss Joyner that a few days ago, is that right?
A Yes, ma'am.
Q Did she talk to you on Sunday?
A Yes, ma'am.
Q And that was the day you told her that the bathroom

door was closed, right?

A Yes, ma'am.

Q And your 12 now?

A Yes, ma'am.

Q And you were in July on this day were you ten years old you said?

A Yes, ma'am.

MS. INZERILLO: Your Honor, I have no further questions.

THE COURT: Miss Joyner, any redirect?

MS. JOYNER: Yes, sir. Just briefly.

REDIRECT EXAMINATION

BY MS. JOYNER:

Q Jaia, did anybody ever ask you if the door was open or close? Did the officer ever ask you that?

A No, ma'am.

MS. JOYNER: Nothing further.

THE COURT: Miss Inzerillo?

MS. INSERILLO: Nothing else.

THE COURT: Any objection to excusing this witness?

MS. JOYNER: None from the State.

MS. INZERILLO: No, Your Honor.

THE COURT: Thank you, ma'am. You can sit in the courtroom now.

MS. JOYNER: Your Honor, the State's next witness is Jawanna Williams.

JAWANNA WILLIAMS, called as a witness, having been duly sworn by the clerk, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. JOYNER:

Q Miss Williams, can you please state your full name for the record?

A Jawanna Leenae Williams.

Q And Miss Williams, how old are you?

A Forty.

Q Where do you live?

A Now?

Q Yes, ma'am?

A [redacted] Rockwood Drive.

Q Are your daughters are Minor [redacted] and Jaia M. [redacted]

A Yes.

Q Is your son Lewantrae Brown?

A Yes.

Q Does he go by Trea?

A Yes.

Q Now today how old is Minor [redacted]

A Eighteen.

Q And how old is Jaia?

A Twelve.

Q And what about Trae?

A Twenty-three.

Q Now, going back to July 27th of 2017, where were you living?

A At [redacted] Arlington Avenue, Rock Hill.

Q And is that address within the City of Rock Hill within York County?

A Yes.

Q Who was living with you on July 27th of 2017?

A Myself, my two daughters, my niece, Kylisha Robinson and my mother and father.

Q How long had your mother and father been living with you?

A Probably at that time may be a little over a year.

Q How long had your niece, Kylisha, been living with you?

A Probably about six months.

Q And prior to that six months where had Kylisha been living?

A With her mother Miranda Williams.

Q And at some point she lived with your mom and dad at your old address?

A Yes, she was living with my mom and dad and then when they moved she went to her mom's house. My mom and dad came to my house and then she left her mom's house and came to my house

as well.

Q Okay. So, on July 27, 2017 how long had you been living at [redacted] Arlington?

A About two years.

Q Do you remember what day the week July 27th of 2017 was?

A It was a week day. I want to say it was a Thursday.

Q And at that time were you working?

A Yes.

Q Where were you working?

A At American Lash Group.

Q And where with Lash Group's offices located?

A Fort Mill, South Carolina.

Q And your normal schedule is that Monday through Friday?

A Yes.

Q Eight to five?

A Eight-thirty to five-thirty.

Q And your kind of normal routine, leaving your house and returning home at the end the day, what time would you say you left and what time would you typically return?

A I normally leave around 7:45 a.m. and return home around six. No later than 6:15 depending on traffic.

Q Were your mom and dad working as well?

A Yes.

Q And what was their typical work schedule?

A They worked first shift as well. Normally my mom six to may be 4:30. May be home around five, 5:30 because she worked in Charlotte and my father normally got home about 6:30 every day.

Q And had those been their normal work schedules for a long time?

A Yes.

Q So during the summertime if your mom and dad were working and you were working during the day where did Minor and Jaia go during the day?

A They wouldn't go anywhere. They would be at home.

Q And would Minor look after Jaia during the day?

A Yes.

Q I will ask you about Mr. Kyle Robinson. Do you know the defendant in this case?

A Yes.

Q And how long have you known him?

A Over 20 years.

Q And how do you know him?

A He is my niece's father.

Q Is that Kylisha's father?

A Yes.

Q Do you know how old Mr. Robinson is is?

A Not exactly how old. Approximately 39.

Q Now, Kylisha, his daughter, your niece, how old is

Kylisha?

A She is 21.

Q That makes her three years older then Minor

A Yes.

Q Now, going back to Kylisha and Minor when they were younger did they spend time together?

A Yes.

Q And some of the times they would spend together was that also spending time with the defendant, Kyle Robinson?

A Yes.

Q Now, as the girls grew older and Minor grew older did she spend to your knowledge much time with Mr. Robinson?

A No.

Q And during the time that your niece, Kylisha, lived with you at [redacted] Arlington, prior to this incident had Mr. Robinson ever come to visit her at the house to your knowledge?

A Yes.

Q How many times are you aware of?

A Once.

Q And do you remember how long before this incident that was?

A No. Probably months because he was coming to get her to take her out to eat or something like that. I think it was around her birthday.

Q Through the time -- I forgot to ask you -- going back

to this day, July 27, 2017, how long were working for Lash?

A At that point almost a year as a permanent employee because I was contracted before that.

Q Okay.

A But permanently it was almost a year.

Q How long before that had you been a contract employee?

A I was contracted from 2012. Like October of 2012.

Q So were you on that same schedule as a contract employee?

A Yes.

Q So, going back to July 27, 2017 to the best of your knowledge was the defendant familiar with the fact that you worked during the work day?

A Yes.

Q To the best of of your knowledge was the defendant aware of the fact that both your mother and father worked during the work day?

A Yes.

Q And on that day, on July 27, 2017 did you in fact go to work?

A I did.

Q Do you remember what time you left work that day?

A 5:30.

Q And did you go straight home?

A No.

Q Do you remember where you went?

A I stopped at the store and I stopped at my sister's house before I gone home which is around the corner.

Q Is that sister Miranda?

A Yes.

Q Kylisha's mom?

A Uh-huh.

Q Was Miranda home?

A No.

Q Who if anybody was home?

A Talmikele Jennings, he was home.

Q And at some point before you made it home that night did you receive a call from your daughter?

A Yes.

Q And based on that phone call what did you do?

A I left my sister's home and went home.

Q When Minor called you or I should say was that Minor that called you?

A Yes.

Q When Minor called you what was her demeanor?

A She was upset. Kind of voice loud. She was telling me to get home.

Q And how far away from your house is your sister's house?

A In a car a minute.

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Q Okay. And when you arrived home -- did you go immediately home?

A I went straight home, yes.

Q When you arrived home who was there?

A Minor Jaia, my son, Trae, his girlfriend and they had my grand baby.

Q And when you came up on the house where was everybody, inside, outside, something different?

A They were inside.

Q And what was Jaia, your ten-year old, what was her demeanor?

A She was just -- she was just normal. Like calm. May be shock or something.

Q What was your 16-year old, Jayma's demeanor?

A She was upset she was crying and I was like what's wrong and --

Q Without going into what anybody else told you.

A Yes.

Q What was your son's Trae's demeanor?

A He was upset. He was angry.

Q Angry. So, how long was your conversation, your initial conversation when you got home with Minor

A It wasn't long.

Q Based upon that conversation, did you contact the police?

A I did.

Q Now, after you arrived home were you present when Minor received a phone call from Kylisha?

A Yes.

Q And was that call on speaker phone?

A Yes.

Q Okay. Without getting into what was said by Kylisha, did you at some point speak with Kylisha?

A Yes.

Q Okay. And based on your conversation with Kylisha, did you walk away from that conversation with an impression that the defendant was located in a particular place?

A Yes.

Q And where did you believe based on that conversation the defendant was located?

A On the next street at Beverly Tate's house.

Q And did you -- how close was Beverly Tate's house to your house?

A It was the next street over.

Q Was it like the same block the next street over?

A Yes, same block. Just next street.

Q When the first officer arrived and you spoke with them did you tell that officer where you thought the defendant would be?

A Yes.

Q Did that officer ever ask you why you thought the defendant would be there?

A Not to my recollection, no.

Q And while the officer -- when the officer first arrived can you kind of paint a picture of what was going on with you and your family?

A We were outside the front of the home. We were trying to get my son calmed down because he was angry and trying to break away from us and the officer pulled up so I explained that the defendant was around the corner at someone's house.

Q So how quickly after you arrived home and talked to Minor did you contact the police?

A Immediately.

Q How quickly did the police get out to the seen?

A It probably took them about ten minutes, I guess. I believe that one of the officers said he apologized for being late. Taking him so long. I think it was about ten minutes before he got there.

Q Now, once the officer got there and you said everybody was outside, did everybody stay in one place?

A My son took off running down the street as if he was going to go to the home where he knew the defendant to be and Minor took off after him as well as his girlfriend. They all ran down the street. Other than that we were all in the front of the home.

Q Did the officer take out after Trae?

A I believe one officer did take off as well.

Q Now, after the police arrived at some point did your mom and dad come home?

A They did.

Q And I am going to show you what's marked as State's Exhibit One. It has already been entered into evidence.

Q Who is that that is standing on the front porch?

A That looks like Minor

Q And who is that that is standing on the side yard?

A That's me.

Q Who are you speaking with?

A The officer.

Q Is that the first officer that arrived?

A Yes.

Q When you first called the police to report what Minor had told you, do you recall the name that you gave the police of the suspect?

A Yeah, I said Kyle James.

Q And at any point did you understand -- is Kyle James another person that you know?

A It is.

Q In that moment were you confused that it was in fact Kyle James you were calling to report on or did you misspeak?

A I misspoke. I knew who I was speaking about I just

called the wrong name. The wrong Kyle.

Q Was it a stressful event?

A It was.

Q Now, the person that you know as Kyle Robinson, the uncle to your niece, Kylisha, do you see him in the courtroom?

A He is her daddy.

Q I'm sorry. Dad to your niece. I apologize.

A Yes, I do.

Q Can you please point him out for me?

A Right there.

Q And tell me what color shirt is he wearing?

A Blue.

MS. JOYNER: Let the record reflect she identified the defendant.

THE COURT: The record will so reflect.

MS. JOYNER: Thank you, very much. Please answer any questions the defense has.

THE COURT: Miss Inzerillo.

MS. INZERILLO: May it please the Court.

CROSS EXAMINATION

BY MS. INZERILLO:

Q Just a few questions for you. You went to the house after Minor called, is that right?

A That's correct.

Q And so if I am following your timeline, currently you

got there maybe about 6:15, 6:20 or was it earlier then that?

A I think it was earlier then that.

Q But after six if you left work at 5:30.

A I would say if it was six it was a little after six.

Q Like 6:02, 6:03, something like that. Okay. The police came I think you said they came to your house about ten, 15 minutes after you had called them?

A Something like that. I'm really -- it was some time but I'm not really he precise on how long it took. But it was while. It wasn't immediate.

Q And then they were at your house for about 20, 25 minutes? Do you recall that?

A It was a lot going on. They came. My son attempted to run off, so, they chased him. Yeah, they were there for a little while. Yeah.

Q While they were there they didn't ask you to have some officers come in to dust your bathroom for fingerprints or anything did they?

A No, they didn't ask to do any of that.

Q And they didn't ask you to take any of Minor [redacted] clothing?

A No.

Q And they didn't ask you to do any tests around your bathroom for DNA or anything like that --

A No.

Q Is that correct? Okay.

MS INZERILLO: Your Honor, I have no further questions.

THE COURT: Miss Joyner, sir any redirect?

MS. JOYNER: No, Your Honor.

THE COURT: Any objection to excusing this witness?

MS. JOYNER: No, Your Honor, not from the State.

MS. INZERILLO: No, Your Honor.

THE COURT: Thank you, ma'am. You may step down and you can wait in the room.

THE WITNESS: Thank you.

MS. JOYNER: The State's next witness is Lewantrae Brown.

THE COURT: All right.

LEWANTRAE BROWN, called as a witness, having been duly sworn by the clerk, was examined and testified as follows:

DIRECT EXAMINATION

BY MS JOYNER:

Q Can you please state your name for the record?

A Lewantrae Brown.

Q And do you go by the name Trae?

A Mr. Brown, can pull the mic towards you a little bit so you don't have to lean your neck.

Q Can you tell the jury how old are you?
A Twenty-three.
Q And are you Minor brother?
A Yes, ma'am.
Q And you are older than Minor correct?
A Yes, ma'am.
Q You're obviously a little older than Kylisha?
A Yes, ma'am.
Q Now, going back to July 27th of 2017, where were you living?
A [redacted] Innsbrook Commons, [redacted].
Q Who were you living with?
A My girlfriend.
Q And also your child?
A Yes, ma'am.
Q Okay. And where was your mom living?
A Arlington.
Q Arlington and back on July 27th of 2017, did you -- your mom is Jwanna Williams?
A Yes, ma'am.
Q And back on July 27th did you go to your mother's house?
A Yes, ma'am.
Q Do you remember who was with you?
A Yes, ma'am.

Q And could you tell the jury who was with you?
A It was me, my child's mother and my child.
Q Is that Iman Crawford?
A Yes, ma'am.
Q When you -- do you remember when you arrived at your mother's house do you remember who was there?
A Yes, ma'am.
Q Who was there?
A My two younger sister's, Minor and Jaia M.
Q And when you arrived were they inside or outside?
A Inside.
Q Did you ultimately go inside the house?
A Yes, ma'am.
Q And when you got inside the house what was your little sister, Jaia's demeanor?
A She was just quiet. I could tell something was on her mine but she didn't say nothing.
Q What about Minor demeanor?
A She wasn't herself. She was just quiet for a moment and then she just pulled me to the side and talked to me. Told me.
Q And did Minor talk with you about what was on her mind?
A Yes, ma'am.
Q And based on that conversation --
A She was like crying and she was like -- she just she

told me --

Q Don't get into the exact words that she said. I'm sorry, I was pausing to formulate a question. I apologize.

A I'm sorry.

Q When you talked to her and she was crying and upset, based on that conversation did you ask or suggest Minor do something in particular?

A I told her to call Kylisha, my cousin.

Q And why did you want her to call Kylisha?

A So I can get her father's number, Kylisha's father number.

Q And what did you want with Kylisha -- who's Kylisha's father?

A Kyle Robinson.

Q And why did you wants Kyle Robinson's phone number?

A To see what was going on. To talk to him.

Q When you talked with Minor and she told you what was going on, how were you feeling?

A Like I was mad, hurt at the same time. But I was mad, so you know --

Q So, when Kylisha -- or when Minor called Kylisha did she answer?

A Yes.

Q Did she answer the first time?

A I don't remember exactly.

Q Okay. At some point did somebody call your mom?
A Yes.
Q And do you remember who called your mom?
A Minor I think.
Q And after Minor called your mom did your mom come home?
A Yes.
Q Okay. At some point did -- were you present when someone spoke with Kylisha on speaker phone?
A I was so mad I can't remember.
Q Okay. Do you remember at some point having an idea or a belief that the defendant was located down the road street?
A Yeah, at some point we had caught wind of that, yes.
Q And when you heard that he was down the street what did you do eventually?
A I made my way towards around the street.
Q Okay. When you made your way towards him how were you making your ways toward him?
A I was running.
Q Okay. And when you were running did somebody at some point stop you from running any further?
A Yes, the officer.
Q Okay. And did he tell you that you had to go back to the house?
A Yes.
Q Okay. And are you aware of whether anybody ran after

you other than the officer?

A Yes, my child's mother.

Q Are you aware of whether Minor ran after you?

A No, ma'am.

Q You don't remember that?

A No, ma'am.

MS. JOYNER: Thank you, very much. Mr. Brown keep your seat and please answer any questions the defense has for you.

THE COURT: Mr. Bonds.

MR. BONDS: Thank you, Your Honor. May it please the Court.

THE COURT: Yes, sir.

CROSS EXAMINATION

BY MR. BONDS:

Q Mr. Brown you said you arrived -- well, what time did you arrive?

A I don't remember no time.

Q Was it around six o'clock?

A I don't remember no times.

Q Okay. You were not there when Kyle Robinson was in the home?

A No, sir.

Q All right, so you didn't see anything relating to that incident?

A No, sir.
Q Okay. And everything that -- well, let me take that back. So, you had a conversation with your sister?
A Yes, sir.
Q And you say she was very upset?
A Yes, sir.
Q All right. And so the first thing that comes to your mind with your upset sister was to have her call the person she is accusing of attacking her, to have her call his daughter?
A Yes, sir.
Q Not the police?
A Yes, sir.
Q And not your mother?
A Yes, sir.
Q Okay. Did you have a telephone?
A Yes, sir.
Q And did your child's mother have a telephone?
A Yes, sir.
Q And it didn't occur to any of you to call the police?
A No, sir, because -- no, sir.
Q You said the the officer stopped you, correct?
A Yes, sir.
Q All right. And do you recall if that was Officer Long?
A No, sir, I don't know no officers name.
Q You don't. Was it this officer?

A No, sir.

Q Okay. So did you talk to this officer?

A Yes, sir.

Q So you talked to at least two officers?

A Yes, sir.

Q Did you tell them any of the things you told us here today in court?

A I can't remember.

MR. BONDS: Nothing further.

THE COURT: Miss Joyner any redirect?

REDIRECT EXAMINATION

BY MS. JOYNER:

Q Did anybody ever ask you any questions about the case that you remember?

A No, ma'am.

MS. JOYNER: Thank you, nothing further, Your Honor.

THE COURT: Mr. Bonds?

MR. BONDS: Nothing further.

THE COURT: Any objection to excusing this witness?

MR. BONDS: None, Your Honor.

MS. JOYNER: No, Your Honor.

THE COURT: Sir, you are excused. If you like to sit in the courtroom now you can.

or a defendant just let me know. We will take care of it. It's not a problem. I know sometimes you may see people in your day-to-day life and you don't know their name necessary and then you may recognize them.

All right. Miss Joyner, call your next witness please.

MS. JOYNER: Thank you, Your Honor. The State calls Officer Jerry Sanders.

JERRY SANDERS, called as a witness, having been duly sworn by the clerk, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. JOYNER:

Q Good morning Officer Sanders.

A Good morning. How are you?

Q I'm good. How are you?

A Good.

Q Could you please state your full for the record.

A Officer Jerry Sanders.

Q How are you employed?

A Rock Hill City Police Department.

Q In what capacity?

A Patrol officer.

Q How long have you been with the Rock Hill Police?

A A little over four years.

Q Can you explain to the jury a little bit about the duties of a patrol officer?

A We go to different calls for service. People that call asking for help and we enforce traffic violations.

Q Were you working for the Rock Hill Police Department on July 27th of 2017?

A Yes, ma'am.

Q And on that date did you have occasion to go to [redacted] Arlington Avenue in reference to an investigation involving Jayma Howze?

A Yes, ma'am.

Q And to start off, is that address of [redacted] Arlington Avenue within the city limits of Rock Hill?

A Yes, ma'am.

Q Is it within York County?

A Yes, ma'am.

Q When you first were dispatched out in reference to this case, where did you go?

A I went to meet we Officer Long, my fellow officer at -- right around the corner at Rich Street. I believe 400 block of Rich Street.

Q And when you arrived at the 400 block of Rich Street, do you recall who was present?

A Yes, ma'am.

Q I'm sorry, go ahead.

A The victim's brother. I believe the brother's girlfriend.

Q And when you arrived there did you have opinion on the demeanor of the victim's brother?

A Yes, ma'am.

Q What was that?

A He was very upset and very angry.

Q Now, when you arrived at the 400 block of Rich Street, what did you do after that?

A I went to the house to start assisting Officer Long with the investigation as far as taking statements and photographs.

Q Did you accompany the brother back to the residence?

A Yes, ma'am.

Q Okay. And when you arrived at the Arlington Avenue residence do you recall who was there?

A Yes, ma'am, the victim's family members.

Q Okay. And at that time did you end up taking photographs?

A Yes, ma'am.

Q Okay. I will show you what has already been entered as State's Exhibit One and State's Exhibit Two. Were those photographs that you took?

A Yes, ma'am.

Q And going to State's Exhibit One, who is that gentleman

over there? Those two people in the corner can you tell us who the gentleman is?

A Officer Long and the victim's mother.

Q Okay. So you were on -- am I correct that you were on scene at Arlington Avenue when Officer Long was there?

A Yes, ma'am.

Q Is Officer Long any longer a police officer with the Rock Hill Police Department?

A No, ma'am.

Q So, while you were on scene did you speak with various people including Miss Jayma Howze?

A Yes, ma'am.

Q Do you recall looking at her neck?

A Yes, ma'am.

Q And was that -- why were you look at her neck?

A Because she had made a claim that the defendant had grabbed her by the neck and so I was looking to take pictures and looking for any redness.

Q Did you observe any injuries to her neck?

A No, ma'am.

Q Did you take photographs?

A Yes, ma'am.

Q Okay. And did you take photographs of the bathroom?

A Yes, ma'am.

Q And you spoke with Minor

A Yes, ma'am.
Q And Jaia?
A Yes, ma'am.
Q Did you also speak with her mother?
A Yes, ma'am.
Q And her brother?
A Yes, ma'am.
Q Okay. And while you were on scene at Arlington Avenue did you learn of a description of the suspect's clothing?
A Yes, ma'am.
Q And what was that suspect's clothing description?
A It was bright green shirt I believe with yellow stripes with bright, bright shoes with blue jeans.
Q What is the last thing?
A Blue jeans.
Q Regarding the bright shoes, did you know or have any kind of information about the color of the shoes, do you recall?
A Bright green or bright yellow. It was one of those real high neon yellows.
Q At some point did you leave the location at [redacted] Arlington?
A Yes, ma'am.
Q And at that point what did you do when you left [redacted] Arlington?
A I started to attempt to locate the defendant or the

suspect at the time or somebody matching that description and that's when I encountered the defendant.

Q Okay. So how long after you left the [redacted] Arlington address did you encounter the suspect?

A Approximately 15,20 minutes after I left.

Q And when you encountered the individual what first drew your attention to that individual?

A He matched the description of bright shirt and bright shoes with the blue jeans.

Q Okay. And do you recall where you were?

A Yes, ma'am.

Q Can you tell me where you were?

A Saluda Road. It is down the block. Saluda Road.

Q And how close was that to [redacted] Arlington Avenue?

A Walking distance.

Q A short walk or a long walk?

A Short walk.

Q When you encountered him ultimately were you able to apprehend the suspect?

A Yes, ma'am.

Q And do you see the person that you apprehended in the courtroom today?

A Yes, ma'am.

Q Could you please point him out and could you please indicate what color shirt he is wearing?

A (Pointing) White shirt with grey jacket and pink/purple tie.

MS. JOYNER: Please let the record reflect he has identified the defendant.

THE COURT: The record will so reflect.

Q Now, when you first -- can you explain to the jury the the circumstances of when you first -- when you first saw the defendant at that location on Saluda Street what happened?

A I attempted to get out with him. He was crossing the road. Attempted to get out with him. He immediately -- when I drove up close to him, hit my blue lights he took off on foot.

Q Did he run from you?

A Yes, ma'am, he ran from me.

Q Were you able to apprehend him?

A Yes, ma'am. And how were you able to apprehend him?

A Chased him down and tackled him.

Q Now, was your in-car video running at the point in time where you first saw the defendant?

A Yes, ma'am.

Q Officer, I am going to show you what has been marked for as exhibit purposes as State's Exhibit Three.

A Yes, ma'am.

Q Do you recognize State's Exhibit Three?

A Yes, ma'am.

Q And how are you able to recognize it?

A My initials and my in-car camera.

Q And these initials indicate that you have watched this disc prior to the court case today?

A Yes, ma'am.

Q And in watching this disc was your in-car video in any way altered or changed?

A No, ma'am.

Q Is this a truthful and accurate representation of what your car captured that day?

A Yes, ma'am.

MS. JOYNER: At this time I moved State's Exhibit Three into evidence and request to publish it to the jury.

THE COURT: Any objection?

MR. BONDS: No objection.

THE COURT: Without objection you may publish it.

MS. JOYNER: Thank you, Your Honor.

(WHEREUPON, State's Exhibit Three was received in evidence as of this date.)

(WHEREUPON, video was played.)

Q I will stop the video right there. After this did we see any more of the defendant on this video?

A No, ma'am.

Q And where are you at this point?

A I'm actually chasing him on foot.

Q Now, how long was this foot chase before you were able to tackle him?

A Five or ten seconds.

Q And did you also have body camera equipment that you wear?

A Yes, ma'am.

Q I am going to show you what has been marked as State's Exhibit Four and State's Exhibit Five for exhibit purposes. Please take a look at those and once you are done just look up at me.

Do you recognize State's Exhibit Four and Five

A Yes, ma'am.

Q And how are you able -- what do you recognize those as?

A Black male fitting the description wearing bright green shirt and bright neon shoes.

Q Are these screen captures that are pulled from your body camera video?

A Yes, ma'am.

Q And are these truthful and accurate representations of what is on the video?

A Yes, ma'am.

Q And who is the person this is depicted in each of these pictures?

A Kyle Robinson.

MS. JOYNER: Your Honor, we move to State's

Exhibit Four and Five into evidence and ask to publish it at this time.

THE COURT: Any objection?

MR. BONDS: No objection.

THE COURT: Entered without objection. You may publish.

MS. JOYNER: Thank you.

(WHEREUPON, State's Exhibits Four and Five were received in evidence.

MS. JOYNER: Madam clerk if you can dim the lights.

Q This is State's Exhibit Four and State's Exhibit Five. Again, how close in time to leaving -- I think you already answered this question, but how close in time to leaving the Arlington Avenue address did you encounter the defendant and apprehend him?

A Approximately 15, 20 minutes.

MS. JOYNER: Thank you. Please answer any questions the defense has.

THE COURT: Mr. Bonds.

MR. BONDS: Thank you, Your Honor. May it please the Court.

CROSS EXAMINATION

BY MR. BONDS:

Q Officer Sanders, you testified you been with the

department for about four years?

A Yes, sir.

Q And you have been to the police academy?

A Yes, sir.

Q Have you received training there?

A Yes, sir.

Q All right. Isn't it true you received training on how to investigate crimes?

A Yes, sir.

Q All right. How to collect evidence?

A Yes, sir.

Q How to preserve evidence?

A Yes, sir.

Q And how to access resources to test the evidence?

A Yes, sir.

Q Okay. And you have been identified for court purposes as the case agent for this case, is that correct?

A Yes, sir.

Q All right. As the case agent you're kind of like the -- you're basically the representative from Rock Hill City Department to this court, correct?

A Yes, sir.

Q All right. So you are in charge of this case for court purposes, is that correct?

A Yes, sir.

Q Have you had opportunity to review the entire file?

A Yes, sir.

Q Have you reviewed all the evidence?

A Yes, sir.

Q Is part of your job as case agent to insure that all the evidence that Rock Hill City Police has has been turned over to the solicitor?

A Can you repeat the question again.

Q Sure. As part of your duties as case agent you said you reviewed the file.

MS. JOYNER: Your Honor, I am going to object.

THE COURT: Counsel, can you all approach.

(WHEREUPON, there was an off the record discussion.)

MR. BONDS: May it please the Court.

THE COURT: Yes, sir.

Q Officer Sanders, part of your duties is to -- part of your duties as case agent is to review all of the evidence in the file, correct?

A Yes, sir.

Q And insure that the State has that evidence available to them?

A Yes, sir.

Q Okay. And you have done that in this case, is that correct?

A Yes, sir.

Q All right. As I understand there are several -- there are two body cam videos, is that correct?

A Yes, sir.

Q Okay, yours?

A Yes, sir.

Q Officer Long's?

A Yes, sir.

Q You took some photographs?

A Yes, sir.

Q And you provided I believe there is a case summary police report, is that correct?

A Yes, sir.

Q Is that the entirety of the file?

A Yes, sir.

Q Okay. Now back in July 27, 2017 you were not the original case agent for this case were you?

A No, sir.

Q Officer Long was the primary investing officer wasn't he?

A Yes, sir.

Q He was the first officer to speak to Minor [redacted]

A Yes, sir.

Q And Jaia M. [redacted] ?

A Yes.

Q Jawanna Miller?
A Yes, sir.
Q He was the first officer to speak to Lewantrae Brown?
A Yes, sir.
Q And Miranda Williams?
A Yes, sir.
Q And do you know if he spoke with Pamela Tate?
A I don't know.
Q How about Beverly Tate?
A Have I no idea.
Q How about Nicky Cherry?
A I don't know.
Q All right. Well, you said that you reviewed the entire file. Have you -- you don't know if he spoke to these people or not?
A No, sir.
Q So you did not review his body cam footage /TAEUPBLG?
A No, sir.
Q This crime alleged to have taken place in about three locations, would that be fair to say? You have Arlington Avenue, right?
A Yes.
Q You have I believe Martin Avenue that's where Mr. Robinson's automobile was found, correct?
A Yes, sir.

Q All right. And then out in Gaulden Monuments where you -- is where you subdued Mr. Robinson?

A Yes, sir.

Q Now, there were -- let me see if I can get all the officers straight. At [redacted] Arlington Avenue Officer Long responded, correct?

A Yes.

Q You responded, correct?

A Yes.

Q How about Officer Haire, did he respond there as well?

A Yes, briefly.

Q All right. And then out at Martin Avenue where the automobile was found that would be just Officer Long, correct?

A Yes, sir.

Q Didn't he encounter some people at Martin Avenue?

A Yes, sir.

Q Are you aware of who he encountered out there?

A I don't remember the names. I remember it was about three or four subjects that were sitting in the driveway.

Q Three or four subjects. And the defendant's automobile was there?

A Yes, sir.

Q To your knowledge Officer Long never got the names of the three to four subjects, did he?

A Not to my knowledge.

Q All right. And we have testimony that when Mr. Robinson was at Arlington Avenue that he was there with a ride, isn't that correct? Someone was driving his automobile?

A Yes, sir. Yes, sir.

Q Okay. And to your knowledge Officer Long didn't bother asking any of the three to four subjects if they were the driver of that car, did he?

A Not to my knowledge.

Q As in I understand your --

MS. JOYNER: I object to the form of the question.

Q Your sole role in this case was to take a statement from Minor [redacted]?

A Yes.

Q And you took a video statement of Jaia M. [redacted]?

A Yes, sir.

Q Because she was too young to write, correct?

A I just felt she would be more comfortable just talking.

Q All right. And you took some photos?

A Yes, sir.

Q Do you even remember how many photographs you took?

A I don't remember how many I took.

Q Does nine sound correct?

A I have no idea.

Q More than two?

A Yes, sir.

Q Did you have an opportunity to to view the house?

A As in?

Q You were inside the house weren't you?

A Yes, sir.

Q As I recall the photographs of Miss Howze were taken inside the house?

A Yes, sir.

Q And you also took those photographs of the bathroom, correct?

A Yes, sir.

Q So you had an opportunity to view the bathroom?

A Yes, sir.

Q And you certainly noticed that all the items on the sink were still on the sink, correct?

A Yes, sir.

Q And you certainly noticed with your training that the shower curtain was still perfectly laid out?

A Yes, sir.

Q And you saw that washcloth on the tub?

A I can't remember the washcloth.

Q Well --

MR. BONDS: May I approach.

THE COURT: You may.

Q I will show you what has been marked as State's Exhibit

Two.

A Yes, sir.

Q All right. Washcloth on the tub?

A Yes, sir.

Q Towel on the shower curtain?

A Yes, sir.

Q There is a curtain on the window?

A Yes, sir.

Q None of those things are out of place, are they?

A No, sir.

Q Trash can on the floor?

A Yes, sir.

Q And I believe some toilet bowl cleaner on the floor? It might be hard to see.

A Yes, sir.

Q All right. Nothing is knocked over?

A No, sir.

Q Nothing is out of place?

A No, sir.

Q The only thing I see in that bathroom is a piece of paper on the floor?

A Yes, sir.

Q That's the only thing that is amiss in that bathroom, isn't it?

A Yes, sir.

MS. JOYNER: I ask that he ask questions in instead of making statements.

THE COURT: It's cross examination. I'm going to allow it.

Mr. BOND: Thank you, Your Honor.

Q Now, Officer Long, you and he were there for a very short period of time together, is that correct?

A Yes, sir.

Q I believe he was there and then Officer Haire arrived, is that correct?

A Yes, sir.

Q All right. And yourself?

A Yes, sir.

Q Were there any other officers at Arlington Avenue?

A At the time, no, sir.

Q And you and Officer Long and Officer Haire consulted with one another, isn't that right?

A Yes, sir.

Q For a few minutes?

A I believe it was Sergeant Haire and Officer Long, and I just walked up there briefly.

Q Okay. And I assume Officer Long was just bringing everyone up to speed, is that right?

A Yes, sir.

Q Officer Long left, didn't he?

A Yes, sir.

Q He swung by Martin Avenue, right? He went by martin Avenue to see if Mr. Robinson was there, correct?

A Yes, sir.

Q And he encountered those three or four subjects, correct?

A Yes, sir.

Q And then he went over to the law center to get an arrest warrant?

A Yes, sir.

Q Now, did you have occasion to go by Martin Avenue?

A No, sir. You asked me did I go by Martin Avenue?

Q Yes. You said you were out looking for him and you said you were out for 15 to 20 minutes?

A Yes, sir.

Q So did you drive by Martin Avenue?

A No, sir, I did not due to Officer Long stated that he was on foot. The defendant was somewhere on foot.

Q So were you just circling the neighborhood?

A Circling the immediate area, yes, sir.

Q After you apprehended Mr. Robinson, were there other officers there?

A Yes, sir.

Q And that would be Officer Rivera?

A Yes, sir.

Q Gander?
A Yes, sir.
Q Officer Haire, did he show up?
A Yes, sir, he showed up.
Q All right. And Officer Price?
A Yes, sir.
Q And Officer Price is the officer who actually transported Mr. Robinson to the jail, is that correct?
A Yes, sir.
Q All right. Out of all the officers that I named were they all equipped with body cam cameras?
A Yes, sir.
Q Have you reviewed the footage from their body cam cameras?
A No, sir.
Q Have you provided those body cam cameras to the State, the footage from those cameras?
A No, sir.
Q All right. Were their vehicles equipped with cameras?
A Yes, sir.
Q Did you provide the footage from those car cameras to the State?
A From the transporting officer?
Q Yes.
A No, sir.

Q Now, just so I am he clear, who you did talk to? You actually took a statement from Minor [redacted], correct?

A Yes, sir.

Q But Officer Long interviewed her first?

A Yes, sir.

Q And you interviewed Jaia M. [redacted], is that correct?

A Yes, sir.

Q But Long spoke to her first?

A Yes, sir.

Q And you spoke with Jawanna Williams, correct?

A Yes.

Q But you did not interview her for investigative purposes, did you?

A No, sir.

Q And you spoke with Lewantrae Brown, didn't you?

A Yes, sir.

Q But you did not speak to him for investigative purposes, did you?

A No, sir.

Q All right. As far as the other people, do you recall if Iman Crawford was there?

A Say that again.

Q Iman Crawford? She's been identified in previous testimony as Lewantrae Brown's girlfriend.

A She was there.

Q She was there, but you didn't speak to her at all, did you?
A No, sir.
Q To your knowledge Officer Long didn't speak to her did he?
A I have no idea.
Q Let's just be clear, we had some people identified as witnesses in this case. You did not speak with Pamela Tate?
A It maybe better if I get a description of which one she was.
Q As far as you know Officer Long didn't either?
A I have no idea.
Q And you didn't speak with Beverly Tate?
A No, sir.
Q As far as you know Officer Long didn't either?
A I don't know.
Q Is that yes or no?
A No, sir.
Q You didn't speak with Nicky Cherry?
A No, sir.
Q All right.
Q Officer Long didn't either?
A Not to my knowledge.
Q All right. Did you speak with Talmikele Jennings?
A No, sir.

Q Do you know if Officer Long spoke to Talmikele Jennings?

A Not to my knowledge.

Q How about Miranda Williams, did you speak with her?

A No, sir.

Q And Officer Long didn't either?

A Not to my knowledge.

Q To your knowledge did any of the officers speak with any of those people identified?

A Say that question again.

Q Did any of the officers that we talked about, Officer Haire, Rivera, Price 0, I don't think we talked about Officer Gander, she was at the arrest, correct?

A Yes, sir.

Q Okay. So officer Haire, Rivera, Price, Gander, none of those people spoke with Miranda Willimas, Talmikele Jennings, Nicky Cherry, Beverly Tate or Pamela Tate to your knowledge did they?

A No, not to my knowledge.

Q Now, you were the last officer at Arlington Avenue, weren't you?

A Yes, sir.

Q Okay. And Officer Long had already left to go get that arrest warrant, correct?

A Yes, sir.

Q And to your knowledge did any officers come after you left Arlington Avenue?

A No, sir.

Q And were there for about eight to ten minutes?

A Uh-huh. Yes.

Q Is that a yes?

A Yes.

Q Okay. Did you collect the -- Miss Howze's clothing?

A No, sir.

Q Despite her telling you that he had grabbed her by the shirt?

A No, sir.

Q All right. Did you call in the forensics team to dust for prints?

A No, sir.

Q Did you ask for a forensic team to come swab for DNA?

A No, sir.

Q Even though she said that he grabbed her on the shirt and the neck area?

A No, sir.

Q Those resources were available to you, weren't they?

A Yes, sir.

Q If you chosen to you could have called them?

A It wasn't my call.

Q Whose call was it?

A The supervisor has to put in that request. I can't call them to come out personally.

Q Okay. You could call your supervisor if you thought those resources were necessary, is that correct?

A Yes, sir.

Q And you did not call your supervisor?

A At the time I wasn't the primary officer. I wasn't doing the investigation as far as Officer Long.

Q Officer Long was the primary?

A Officer Long and Sergeant Haire had a talk and that's when I walked up on it. I don't know what they discussed basically. I know it was about the case.

Q I'm sorry.

A I know it was about the case but I don't know about the details as far as like getting the forensic team out there.

Q To your knowledge they did not call?

A No, sir.

Q Now, did Officer Long relate to you what he had learned from Miss Howze? When you arrived at [redacted] Arlington Avenue did Officer Long tell you what happened?

A Briefly, I believe. Briefly.

Q Briefly you believe. All right. He didn't go into detail about what either Minor [redacted] or Jaia M. [redacted] said?

A No because we were about to take statements from the two.

Q So you don't know what they told him?
A No, sir.
Q You just collected a statement?
A I collected statements.
Q Let me ask you a little bit since you were you there. The bathroom is pretty small, isn't it?
A Yes, sir.
Q It takes about four steps to get from the front to the back?
A Yes, sir.
Q Okay. And it's a fairly narrow walkway, isn't it?
A Yes, sir.
Q All right. Is it -- if I recall from the photo, the door can't even open all the inward. It bumps into the sink doesn't it?
A Yes, sir.
Q And facing in there's a sink on the left side, correct?
A Yes, sir.
Q And it looks like a full sink with a cabinet underneath, correct?
A Yes, sir.
Q And then a toilet just beyond that?
A Yes, sir.
Q Okay. And they looked pretty close together, would you say that?

A Yes, sir.

Q Okay. And then a full bathtub to the right?

A Yes, sir.

Q Fairly narrow walkway.

A Yes, sir.

Q So after you viewed that restroom you took a statement from Minor [redacted], correct?

A Yes.

Q And I believe -- if I get anything wrong I am sure the State will correct me. The basics of her story is that Mr. Robinson asked to use the restroom, is that correct?

A Yes. Show her the restroom.

Q Show her the restroom?

A Show him the restroom. I'm sorry.

Q And he went in and asked her to come inside?

A Yes, sir.

Q Two times?

A Yes, sir.

Q And then she says he grabbed her?

A Yes, sir.

Q Did you ever ask her why she was close enough to be grabbed?

A No, sir, not that particular question. No, sir.

Q It didn't occur to you -- you didn't find it odd that after being asked two times to come in the bathroom that she

would be close enough to be grabbed?

A Can you repeat the question again.

Q It didn't -- you didn't question that she was close enough to be grabbed after being asked and telling him no on two separate times that she still stayed close enough for him to grab her?

A No.

Q You didn't think that was something worth clarifying with her?

A No.

Q Okay. And then she says he brought her into the bathroom and pushed her against that back wall, right?

A Yes, sir.

Q Okay. And you didn't ask her any questions about why nothing was amiss in that bathroom?

A No, sir.

Q Two people in this small bathroom don't manage to knock over anything and you didn't think to ask her why?

A No, I didn't how the bathroom looked before.

Q Just so I'm clear. When you, an investing officer, were at Arlington Avenue you had about half of the State's witnesses on their witness list available to you, is that correct?

A Yes, sir.

Q And you conducted -- you took two statements, is that

correct?

A Yes, sir.

Q You took about nine pictures?

A Yes, approximately.

A And you chatted with the mom and brother.

A Yes, sir.

Q And then you left?

A Yes, sir.

Q And you haven't invested that since, have you?

A No, sir.

MR. BONDS: I have no further questions.

THE COURT: Miss Joyner.

MS. JOYNER: Yes, thank you, Your Honor.

REDIRECT EXAMINATION

BY MS. JOYNER:

Q Officer Sanders just so I understand, your testimony is there are body cameras from Officer Long and from yourself?

A Yes, ma'am.

Q Okay. And of all the officers that the defense listed in its cross examination I will ask you, to the best of your knowledge did Sergeant Haire ever speak with anybody other than Officer Long and yourself while he was on scene at [redacted] Arlington?

A No, ma'am.

Q So, am I correct that he's the other officer that is on

scene at [redacted] Arlington?

A Yes, ma'am.

Q So going then to the location on Salunda Street where you apprehended the defendant. Did any other officer help you tackle the defendant?

A No, ma'am.

Q Okay. So any of those officers -- other that Officer Price in transporting him or officers helping to get him to the car, were any of the other officers on scene having a substantive interaction with the defendant?

A No, ma'am.

Q Did any of those other officers, Gander, Price, Rivera go to Arlington after?

A No, ma'am.

Q Okay. So there are videos from the officers then that interacted with the victims and witnesses and interacted with the defendant, is that correct?

A Yes, ma'am.

Q So you went out to the scene and in your cross examination you said that you were briefed briefly on the situation?

A Yes, ma'am.

Q And based upon that briefing what was your understanding of how many people were home in the house when the crime occurred?

A Two.

Q Okay. And did you go back and interview -- the interviews that you conducted on scene were they of those two people that you believed to have been home when the crime occurred?

A Yes, ma'am.

Q Okay. You took photographs. While you were at Arlington Avenue you looked at the crime scene?

A Yes, ma'am

Q And it's your testimony that you took some photographs?

A Yes, ma'am.

Q Okay. And you photographed then the room where all your information indicated that the crime had occurred?

A Yes, ma'am.

Q Did you also take some pictures of the living room and dining room areas?

A Yes, I believe so.

Q And did you also take pictures of Miss Howze?

A Yes, ma'am.

Q Okay. And during your cross examination you mentioned -- I just want to make sure I understand. So you did not go to Martin Avenue?

A No, ma'am.

Q Okay. And tell the jury again why you didn't go to that location?

A Because Officer Long, my partner, he already went to that location and said the defendant was not there.

Q Okay. And your purpose at that point in time is circulating the area was what?

A Attempting to locate the defendant.

Q Okay. And based upon the information that you had from Officer Long did you believe -- what did you believe to be the defendant's mode of travel?

A By foot.

Q Okay. So at that point did you have knowledge through the investigation of where the defendant's car was?

A Yes, ma'am.

Q Okay. And where was that car located?

A On Martin Avenue.

MS. JOYNER: Thank you very much.

THE COURT: Any recross?

MR. BONDS: No, Your Honor.

THE COURT: Thank you, officer you may step down.

MS. JOYNER: The State's next witness is going to be Miss Miranda Williams. Can you ask her to please step in.

MIRANDA WILLIAMS, called as a witness, having been duly sworn by the clerk, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. JOYNER:

Q Miss Williams, can you please state your name for the record?

A Miranda Sharlene Williams.

Q And are you the sister of Jawanna Williams?

A Yes.

Q And then is Minor your niece?

A Yes.

Q And Jaia Williams your niece?

A Yes.

Q Do you know the defendant in this case?

A Yes.

Q How do you know him?

A We have a daughter together.

Q And what is your daughter's name?

A Kylisha Robinson.

Q How old is kylisha Robinson?

A Twenty-one.

Q Do you know how old the defendant is?

A He's 39.

Q Okay. Do you know his date of birth?

A [redacted], I think.

Q And what is your daughter's date of birth?

A [redacted]

Q Now are you and the defendant currently together?

A No.

Q Were you guys together back on July 27th of 2017?

A No.

Q Now, going back to Kylisha. How close in age Kylisha to your niece Minor ?

A They're three years apart.

Q Three years apart. And are you aware of when your daughter was younger and Minor was younger whether the defendant had an opportunity to interact with Minor ?

A Yes.

Q And can you please tell the jury a little bit about what that interaction was?

A Well, sometimes when he come get Kylisha he would take Jamay with them to Chester to their home and then he would bring them back.

Q Spend time together?

A Yeah.

Q Now where do you currently live?

A I currently live at [redacted] Saluda Street.

Q And back on July 21st of 2017 where were you living?

A [redacted] Carolina Avenue extension.

Q Now, where -- how close was [redacted] Carolina Extension to [redacted] Arlington?

A Maybe two minutes.

Q Is that two minutes by foot or two minutes my car?

A Two minutes by foot -- no, two minutes by car. Four minutes by foot.

Q So within blocks of each other?

A Yes.

Q And kind of going back to July 27th of 2017 where was your daughter Kylisha living?

A She was currently living with my sister at [redacted] Arlington.

Q Now, if I wanted to quickly -- just to kind of understand how to very quickly get from Carolina Avenue Extension to Arlington Avenue, how would I get there?

A You would go straight up towards Summit.

Q Straight up towards what?

A Summit.

Q Okay.

A And then you would make a left on to Arlington. It's literally a street over.

Q One street over?

A Yes.

Q Now, going back to that date of July 27th of 2017 do you remember what you were doing that afternoon?

A Yes, I do.

Q And what were you doing?

A I had walked up the street to Beverly Tate's hair.

Q And do you remember what street Beverly Tate lived on

at the time?

A Martin Avenue.

Q And how close is Martin Avenue to your address at the time at the time, Carolina Avenue

A From my address at Carolina to Martin it probably a seven minute walk.

Q And how close is Martin Avenue to Arlington Avenue?

A The next street over.

Q So Martin and Arlington are the next street over from each other?

A Right.

Q So, am I correct pretty much just as fast to get Beverly Tate's house as to get to your sister's house?

A Probably like two minutes. A minute and a half.

Q Okay. So going back to when you were going to Beverly Tate's house do you remember who was there when you arrived at Beverly Tate's house?

A It was Kyle Robinson, it was Beverly Tate, it was a guy they called Chocolate Pudding and a girl named Nicky Cherry.

Q Okay. So Kyle Robinson, by that you mean the defendant in this case?

A Yes, ma'am.

Q Could you point out just so the record is clear who are you're referring to. Please point him out for me to the court.

A That's Kyle Robinson.

Q Can you tell me what he is wearing please?

A He is wearing a grey suit with a pink and grey tie and white shirt.

MS. JOYNER: Your Honor, let the record reflect that she has identified the defendant.

THE COURT: The record will so reflect.

MS. JOYNER: Thank you.

Q You said Beverly Tate and who was the other names that you gave?

A Some guy name Chocolate Pudding and Nicky Cherry.

Q Anybody else?

A And Talmikele Jennings.

Q And who is Talmikele to you?

A He's my boyfriend.

Q And how did he come to be at that location?

A He was getting off from work as I was walking up the hill and he got out of the car and walked with me to Beverly's.

Q And so kind of going back to Chocolate Pudding. Do you know his real name?

A No, ma'am.

Q And you said Nicky Cherry was also there?

A Yes, ma'am.

Q Do you remember how long you were you at Beverly Tate's house?

A A total of three hours.

Q And what were you doing? Whose hair were you doing?

A Beverly Tate's.

Q What were you doing to her hair?

A I was crocheting.

Q What does that mean.

A It's like we take a needle and put the hair on it and you slide it through the braid, tie it in keep moving. That's the process.

Q Adding extensions?

A Yes, adding extensions.

Q And do you remember while you were at the house, while you were at Beverly Tate's house you named off several people. Now, as to Mr. Jennings, start with Mr. Jennings, Talmikele Jennings. Did he stay at the house, at Beverly Tate's house the whole time you were you there?

A No, ma'am.

Q How often after you got there did he leave?

A Probably five minutes.

Q And did he leave on foot or in a car or something different?

A He left on foot.

Q Did you have any idea which direction he was going in?

A He went towards our house but when he came out of Beverly Tate's yard he went to the left to go down to Rich Street which is the next street over from Martin.

Q Okay.

A He went down Rich Street.

Q Okay. You observed him go towards Rich Street?

A Yes.

Q Okay. Now what about Beverly Tate. Was she there the whole time that were you there?

A Yeah, the whole time.

Q What about the defendant in this case, was he there the whole time?

A No.

Q Okay. Now not getting into where anybody told you they were going or what they were doing. I want to talk to you about your personal observations of what happened.

So do you recall -- tell me how long was the -- how long were you at Beverly Tate's house before the defendant left?

A He left twice, so like the first time probably was like there 20 minutes before he left.

Q Okay. And did he leave with anybody in particular?

A Chocolate Pudding.

Q And did you see how he left?

A In his car.

Q Now, you said his car. Can you describe his car to the jury?

A A grey Camry and the back of it was torn away.

Q I'm sorry, what?

A It had been wrecked. It was like hanging, the back of it.

Q So rear damage?

A Uh-huh.

Q So, you said he left after 20 minutes. Did he come back?

A Yes, ma'am.

Q And you said he left twice. When he came back the first time did he come back with anything in particular?

A He came back with my Newport cigarettes and he came back with three beers.

Q Okay. Had you asked him to get you Newport cigarettes?

A Yes, ma'am.

Q And did you observe who drank those beers?

A Yes, ma'am.

Q Who drank those beers?

A Me -- myself, Kyle Robinson and Chocolate Pudding.

Q You indicated a moment ago that he left again. How long after he got back did he leave again?

A He got back may be an hour.

Q So one hour later he left again?

A Yes.

Q And did this time did he leave by himself or leave with a person?

A He left with Chocolate Pudding.

Q And did you see how they left? Did they leave on foot in car or something else?

A They left in the car.

Q In the car. And was it the same car that you mentioned, the grey Camry?

A Yes, ma'am.

Q Now, how did he at some point -- again, without saying what anybody else told you about where they were or what they were doing, at some point did he return back?

A Yes, he returned back.

Q And how long after he left did he return back?

A May be 10, 15 minutes.

Q Okay. And after that did he remain at Beverly Tate's house?

A No, he didn't.

Q So after he came back when did he leave again?

A Probably like 15, 20 minutes later.

Q Okay. And this time did he leave with anybody?

A He left with Pamela Tate.

Q Okay. You didn't mention Pamela Tate earlier. Who is is Pamela Tate?

A She's Beverly's sister.

Q And when he left with Pamela Tate did you see how he left? In a car, on foot or something is else?

A He left in a Chrysler 300, silver.

Q Okay. So a different car. And after leaving with Pamela Tate did he come back?

A No.

Q Did Pamela Tate come back?

A Yes.

Q So, were you present at Beverly Tate's house when the police came by?

A Yes.

Q And where were you located when the police came by?

A I was in the yard doing hair.

Q Who was with you in the yard?

A At this time me, Beverly, Chocolate Pudding and a guy name Jabar Boulware (phonetics) and Pamela Tate.

Q And at a point in time when the police came by were you aware of where the defendant's car was?

A The defendant's car was still parked in front of Beverly's house.

Q It was still parked where?

A In front of Beverly's house.

Q Okay. So, then the defendant left with Pamela Tate and didn't come back and his car was still there when the police came by?

A Yes.

Q Now, I am going to ask you to kind of go back. I will kind of run back through a few things.

At any point during the time that you were at Beverly Tate's house, did you have a conversation with the defendant Kyle Robinson about where Kylisha was?

A Yes, ma'am.

Q And did the defendant ask you where Kylisha was?

A Yes, ma'am.

Q And at that time again where was Kylisha living?

A She was staying at [redacted] Arlington Avenue.

Q When he asked you where Kylisha was, did you know the answer?

A Yes.

Q Okay. How did you know the answer?

A Because I had talked to her prior.

Q Okay. And did you convey to Mr. Robinson on your belief that Kylisha -- well, where did you believe Kylisha to be?

A She was in York.

MR. BOND: Objection. Everything she is testifying to is based on hearsay.

MS. JOYNER: We are not offering it for the truth of the matter asserted. We are attempting to establish what she communicated to the defendant regarding her whereabouts.

THE COURT: Overruled.

Q Did you convey to Mr. Robinson your belief that Kylisha

was in York?

A Yes, ma'am.

Q Do you recall when in the timeframe that we are talking about you said that he left, one time with Chocolate Pudding and he came back with the Newports. They left again and then came back and he left again with Pamela Tate. Do you recall where in that order of events that you had that conversation with Mr. Robinson?

A I had that conversation with Mr. Robinson before he left the first time.

Q Okay. Miss Williams going back through the timeline that have given, are you certain about the amount of time that elapsed when he would leave and come back?

A I mean, it's almost two years ago but I'm pretty sure it was like the time.

Q And I just want to ask you a few questions. When we previously talked do you remember telling me that he left initially after about 20 minutes of you being there?

A Yeah.

Q And then he came back and at that point you talked with him about Kylisha?

A Yes.

Q That's a little different.

A That's the first time he left. When he left the first time he went to get me cigarettes. When he came back is when we

talked about our daughter.

Q Okay. I'm sorry. I might have misunderstood you earlier. I want on to make sure I am clear about that.

How soon after -- okay. And then it was your testimony that about an hour -- he was this for about an hour that time and left?

A Yes, him and Chocolate Pudding.

Q And you said he was gone about 10 to 15 minutes?

A Yes.

Q Do you remember telling me before that --

A Yeah about 15,20 minutes. Yeah.

Q Fifteen or 20 minutes. Okay. And going back, so he leaves after finding out or you had the conversation about Kylisha. Do you remember did you call Kylisha during the course of that?

A Yes, ma'am.

Q Okay. And spoke with her and did she also speak with her dad?

A Yes, ma'am.

Q To the best of your knowledge?

A Yes, ma'am.

Q Okay. And how soon -- do you remember how soon after that he left?

A He after he talked to Kylisha it was a while. It was probably like I said it was like an hour. Within the hour. We

talked to her. He left.

Q Okay. So during that hour you all had this talk transpire?

A Yeah, all this transpired.

Q Do you recall how long after he talked with Kylisha that he left?

A Probably about 20 minutes after he talked to Kylisha he left.

Q Just want to make sure. Do you remember when we talked before you said it was about five minutes?

A May be. I don't know. I can't recall.

Q Okay. Now, he left after the Kylisha conversation and he came back. At that point -- not getting into what anybody said, what if anything did you observe about his demeanor or anything like that?

A He was in a rage.

Q I'm sorry?

A He was at a rage. Like sweaty. He was at a rage.

Q Okay. And after he left the last time and didn't come back and the police came, at that point do you remember the police officer specifically asking where Kyle Robinson was?

A I think he asked where he was and I told him where I knew him to be. That I thought he would be.

Q Do you remember that day back on July 27, 2017 what the defendant was wearing?

A He was wearing a green shirt, some loud shoes and some blue jeans levi's.

MS. JOYNER: Thank you, very much. Please answer any questions the defense has.

THE COURT: Mr. BONDS.

MR. BONDS: Thank you, Your Honor. May it please the Court.

CROSS EXAMINATION

BY MR. BONDS:

Q Miss Miller, I just want to get the order straight. I believe your testimony is that Mr. Robinson left three times?

A Total.

Q Three total times?

A Yes.

Q The last time he never came back?

A Never came back.

Q All right. And just so I can keep it straight. Time number one he had been there for about -- he had been at Miss Tate's house with you for about 20 minutes?

A Before he left, yes.

Q So doing math, which I am not very good at. Would that make that about 3:30?

A May be.

Q Around 3:30, maybe four o'clock?

A Yeah maybe. Somewhere around there.

Q All right. He comes back and you had a phone call with Kylisha?

A This was during the time we was drinking when he brought the cigarettes, yes.

Q He brought you some cigarettes and beer back. One for you, one for him and one for Chocolate Pudding?

A Right.

Q And shortly -- was it shortly after he got back that you had this call with Kylisha?

A Yes, sir.

Q I am making myself some notes so I can keep it straight. And then he was there for about an hour, right?

A Yeah, after we drink the beer and talk he stayed about an hour.

Q And just so I'm clear, let me go back to that conversation that was not on speakerphone phone or anything go was it?

A When he spoke with his child?

Q Yes, ma'am.

A No.

Q So at about five o'clock you say he left again?

A Yeah. Right at five.

Q Was it a little later than five?

A No, it couldn't no later than five. My sister would have been home.

Q Well, if he came back in about 10 or 15 minutes?
A Probably about quarter to five.
Q And then about 10 or 15 minutes after that he left again with Miss Tate?
A Yeah, he left with Miss Tate.
Q And he never came back?
A Never came back.
Q Okay. Now, you and Mr. Robinson share Kylisha Robinson together, correct?
A Correct.
Q Back in 2017 she was about 19 years old?
A About to be 19.
Q Would it be fair to say that she would have known Mr. Robinson for about 19 years?
A Yes.
Q May be a minute longer?
A Yeah, 19 years.
Q You to met in high school didn't you?
A No.
Q Before high school?
A I was in junior high school. He was in high school.
Q Okay. You all don't have a good relationship, do you?
A We use to. We use have a bad, terrible relationship then we got on the same page.
Q Had a bad relationship. Got on the same page and I'm

guessing now you don't have a good relationship?

A Now we don't speak at all.

Q All right. And you testified that you were at Beverly Tate's house for about three hours yourself?

A Yes, sir.

Q Did you ever leave Beverly Tate's house?

A No, sir.

Q You never went back home?

A No, sir.

Q So you spoke with Officer Long, is that right?

A Yes, sir.

Q And I think you testified there were several individuals there when Officer Long was there. Beverly Tate?

A Yes.

Q Somebody name Chocolate Pudding?

A Yes.

Q And I'm not sure I got the name right, Jamar Boulware?

A Jabar.

Q Jabar Boulware. Okay. And Pamela Tate?

A Yes, sir.

Q And when you testified about that Chrysler was Miss Tate driving that Chrysler?

A Yes.

Q Now, when Officer Long came did he ask any of your names?

A Yes,he asked me.

Q He asked your name. All right, did he ask anyone else will their name?

A No, I don't recall.

Q And had you been apprised of the allegations when Officer Long was there?

A I was aware of the allegations right before he pulled up.

Q Okay. So you knew what Mr. Robinson is being accused of when Officer Long was there, is that right?

A Correct.

Q All right. And you told Officer Long what Mr. Robinson was wearing. What his birthday was?

A Yes.

Q And just the general direction he left?

A Yes.

Q All right. And you told him that he left on foot, didn't you?

A No, I didn't.

MR. BONDS: Your Honor, if I may have a moment.

THE COURT: You may certainly.

(WHEREUPON, there was an off the record discussion.)

THE COURT: Ladies and gentlemen we have been going quite a while this morning so while the

MR. BONDS: Nothing from the defense.

THE COURT: Let's bring them in.

(WHEREUPON, the jurors enter the courtroom.)

THE COURT: Mr. Bonds.

MR. BONDS: Thank you, Your Honor. May it please the Court. Just a couple more questions.

CONT'D CROSS EXAMINATION

BY MR. BONDS:

Q Miss Williams, you had just testified that you were aware of what Mr. Robinson had had been accused of when Officer Long was present, isn't that true?

A Yes.

Q All right. And I believe that you had testified that at the time that you believe he had gone to Arlington Avenue that the driver of the vehicle was a man named Chocolate Pudding?

A Yes.

Q All right. And when Officer Long was present Chocolate Pudding was sitting I think right beside you, wasn't he?

A He was sitting down. I was standing up doing hair so I think he was right to my left.

Q And you knew what this was about. You knew why the officer was there. Did you tell the officer that the driver of the car was sitting right there?

A I only told the officer what he asked me.

Q Okay. But you could have told him, correct?
A Yes.
Q You just choose not to?
A Yes.
MR. BONDS: I have nothing further.
THE COURT: Miss Joyner.
REDIRECT EXAMINATION
BY MS. JOYNER:
Q Now, when you walked down to Beverly Tate's house were you watching the clock?
A No.
Q And going back to the period of time -- do you remember what time Talmikele would get off of work?
A I think he usually get off like 3:30. His schedule is from seven to 3:30.
Q And where did he work?
A MSI Forks.
Q MSI Forks. Where is that?
A It's now located off of Gallery Boulevard I want to say.
Q You said now located. Was it located somewhere else?
A It was on Mount Gallant.
Q And did Talmikele have a car?
A No, ma'am.
Q So, how would he get to and from work?

A I guy named Coop Miguel.

Q So he would catch a ride?

A Yes.

Q And you said he worked until 3:30.

A Yes, I think it was like 3:30, seven to 3:30 was his schedule at that time.

Q And again, you were at any point while you were at Beverly Tate's house looking at your watch?

A No.

Q So you were there, am I right, that when you got there the defendant was there?

A Yes.

Q And you walked up with Talmikele?

A Yes.

Q And when the police got there you were still at Beverly Tate's house?

A Yes.

Q And the defendant was not there?

A No.

Q Do you know how long he had been gone at that point when the police got there? Do you remember?

A He probably had been gone maybe ten minutes because the police pulled up maybe five minutes after Pamela Tate pulled back up.

MS. JOYNER: Thank you, very much, Miss Williams.

Please answer any questions the defense may have.

MR. BONDS: Nothing further.

THE COURT: Any objection to excusing this witness?

MS. JOYNER: Not from State.

MR. BONDS: None, Your Honor.

THE COURT: Thank you, ma'am. You may step down. Call your next witness?

MS. JOYNER: Your Honor, the State rests.

THE COURT: All right. Ladies and gentlemen, the State has rested their case. There is a couple of legal matters I need to take up with the lawyers. While I do that I will ask you to step back to the jury and we will bring you back in shortly. Thank you.

(WHEREUPON, the jury leaves the room.)

THE COURT: Do you have any motions?

MR. BONDS: Yes, Your Honor. At this time the defense moves for a directed verdict.

Your Honor, in a light most favorable to the State the State has failed as to the assault and battery first charge on the elements of injury and the element -- or of attempt to injure.

In this case there has been no testimony

whatsoever as to injury.

THE COURT: Mr. Bond, aren't they under the sexual assault provisions under that statute?

MR. BONDS: They are, but the statute still requires actual injury. I have a copy of the statute if Your Honor -- (Handed to the court)

THE COURT: Okay. Mr. Bonds, you're arguing that A and B first requires an injury beyond nonconsensual touching. There must be some many physical harm?

MR. BONDS: The statute calls for an actual injury and then it goes on to say and nonconsensual touching of person's private parts. It requires both.

THE COURT: Okay. So I understand, what is the injury? What is the requirement that you believe there is?

MR. BONDS: Well, I believe if you read the statute in whole it's interesting in the way the legislature laid it out. Assault and battery high and aggravated requires great bodily injury and it defines great bodily injury and those are all physical injuries. And assault and battery second talks about moderate bodily injury and it looks like all those are all physical injuries. But it doesn't define injury in and of itself.

However, I think reading the entire statute I think it requires at least some physical injury.

THE COURT: Okay. Let me hear from the State.

MS. JOYNER: Your Honor, first of all I disagree with the interpretation that the word injure within the statute requires specific physical injury. I think when you look at the full language of the statute, when the legislator is writing a statute and they're defining levels of injury for purposes of certain sub-sectiones they define great bodily injury under A(1) means bodily injury which causes a substantial risk and then it goes on to elaborate. Under A(2), moderate physical injury that involves prolonged loss of consciousness, et cetera. So the legislator in that case they were -- rather than just saying a great bodily injury is injury which causes while moderate bodily injury which causes, they felt the need to add those modifiers which I think supports the State's position that for purposes of defining the word "injure" within the statute, that we are not looking for a specific finding of that bodily injury or physical injury, or the legislature would have said so. When you look at places like Black Law dictionary for example, and it's a little hard to read. I apologize. Injury has numerous

definitions under the law and --

THE COURT: Well, that's my question. A legal injury is a much different standard then a medical injury. Your claiming unless it's used in the medical sense that you know, sort of grabbing a woman's breast is not assault and battery first unless there's bruising. Is that your argument?

MR. BONDS: Well, Your Honor, the legislature lays out a specific crime in this situation because when I was formulating this directed verdict motion I thought to myself certainly it isn't legal to just grab a woman's breast without her permission. And I believe criminal sexual conduct third actually covers that. I think without an injury that would be the appropriate charge in this case. However, that's not what the State choose to go forward on. They choose to go forward on assault and battery first. With the exception of assault and battery in the first degree the rest of the statute calls for physical injury.

So, Your Honor, I think when you read that statute in whole I think it's clear that the legislature intended some sort of a physical injury and I can see that it may be a slight physical injury, but some sort of physical injury.

In this case Miss Howze was very clear that she

wasn't injured. She was very clear that she wasn't choked. That he merely placed his hand on her throat. She was very clear that her breasts weren't hurt. Her chest wasn't hurt. Her genital area wasn't hurt. She was very clear that she was injured in no way.

THE COURT: Now Mr. Bonds, let's talk about assault and battery third for a second.

MR. BONDS: Yes, Your Honor.

THE COURT: Does a slap qualify for assault and battery third?

MR. BONDS: I believe so, Your Honor.

THE COURT: Why?

MR. BONDS: Because it's an unwanted touching and I believe a slap would cause, again, some minor physical -- some redness. Some sort of injury.

THE COURT: But is redness an injury?

MR. BONDS: I think if the person hurts then certainly. While it's a slight injury it would still be an injury.

THE COURT: What's your definition of injury?

MR. BONDS: I think an injury would be any physical harm or irritation or ailment even slight would be considered an injury. I don't think in this case I don't want to put words in the solicitor's

mouth but I believe that we're talking about physic injury at this point.

THE COURT: Unlawfully -- unlawful touching, a touching without permission is a legal injury. It may not be a medical injury. My read of the statute is that this provision is basically using the injury standard from A and B third; are we correct on that? It's not bodily injury. It's not great bodily injury. It's just basic injury. And it doesn't even say bodily injury. That phrase doesn't show up.

MR. BONDS: Yes, Your Honor, and I respectfully disagree. I believe the statute does call for some sort of physical injury.

THE COURT: Has any judge ruled the way --

MR. BONDS: Unfortunately, all the cases that deal with assault and battery first or injury -- well, unfortunately all the cases with assault and battery tend to be more related for arguing that assault and battery first or second should be a lesser included and I have not been able to find any analysis to that effect.

THE COURT: Again, tradition legal principle that a push or a shove is an assault even though there is no bruising. It seems to me that's the same standard that we are looking at here..

MR. BONDS: Your Honor, I understand the unwanted touching is a battery and the threat itself is the assault.

THE COURT: But I'm also saying people refer to a legal injury. To shove someone that's an injury, right? It's not just a tort. You can't -- if someone shoves you then then you've been legally injured, right? It's an intention act causing if there's no injury you can't sue.

MR. BONDS: Well, Your Honor, again I think for the purposes of record preservation I respectfully disagree.

THE COURT: I understand. And I will be honest with you, the thing -- only thing that gives me pause is, it is a requirement of the statute I don't see how you could have nonconsensual touching on a person's private parts that wouldn't be an injury. I don't what the purpose of adding that additional --

MR. BONDS Your Honor, I would merely point out they don't identify the nonconsensual touching as an injury. They require both.

THE COURT: That's what I said. My only confusion is why they are two separate requirements.

Nevertheless, my lacking further guidance from the higher courts, my understanding is

nonconsensual touching is an injury. Somebody being groped is an injury and that will be the ruling of the Court. Obviously you are protected.

MR. BONDS: Thank you, Your Honor. In addition, I believe the State has failed on the element of offer or attempt to injury. In this case there's a case matter of.

THE COURT: Are you talking about the assault or are you talking about the solicitation charge?

MR. BONDS: We're still talking about the assault.

THE COURT: Okay.

MR. BONDS: Assault may be defined as an unlawful attempt or offer to commit violent injury upon the person of another coupled with the present ability to complete the attempt or the offer.

In this case I don't believe there has been any threat to Miss Howze. She has not testified that he offered to hurt her.

THE COURT: My understanding the State is proceeding under (C)(1)(a), an actual injury and nonconsensual touching. Am I correct?

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

MR. BOND'S: May I approach. Unfortunately I'm working off of one copy of the statute.

MS. JOYNER: You may have my copy.

MR. BONDS: Thank you.

THE COURT: I can pull it up. I got to my iPad to.

MR. BONDS: All right. And Your Honor, with regard to the criminal solicitation of a minor --

THE COURT: Are we dropping --

MR. BONDS: We are. Yes, Your Honor.

THE COURT: Okay.

MR. BONDS: With regard to the criminal solicitation of a minor, in the light most favorable to the State I don't believe the State has shown the elements necessary to prove that crime.

THE COURT: Wasn't there direct testimony that he offered $60 to have sex?

MR. BONDS: I believe so, Your Honor.

THE COURT: All right. Give me just a second. The first issue I'm looking up the statute -- two cases. I don't see anything on point there. Lacking further guidance from our Court of Appeals or Supreme Court I'm going to interpret injury in the tradition legal sense that nonconsensual touching is a legal injury and does require some sort of vital injury to nonconsensual touching.

Anything else, counsel?

MR. BONDS: And Your Honor, for purposes of the record the defense renews the directed verdict motion and its prior objections.

THE COURT: I will send an email to the Judges. Your argument is clever. I don't think that's what the legislature intended but I will see what my colleagues say.

MR. BONDS: Thank you, Your Honor.

THE COURT: We will be in recess until 1:30.

(WHEREUPON, court was in recess.)

THE COURT: If you all want to approach we got final copies here.

THE COURT: Miss Inzerillo, is there anything you want to put on the record about the charge?

MS. INZERILLO: There was, Your Honor. Your Honor, on the charges that I have page six of eight. It would be the last paragraph of the section under credibility and believability of witnesses. We wanted to object to the instruction in that sentence given to the jury. Our concern would be that in this particular case because there were several witnesses that basically testified differently either through direct or cross that would similarly be a comment on the facts, or could be confused by the jury in that they may believe that Your Honor believed that it was

a simple mistake when it could have been in fact something intentional or inconsistent. So, Your Honor, we would just ask the Court to remove one paragraph.

THE COURT: Okay. I will overrule the objection. You're protected for the record. My take and the reason for the charge it tells the jury that just because a statement is inconsistent doesn't mean the witnesses is intentionally lying. That's the reason.

Anything else counsel?

MS. INZERILLO: No, Your Honor.

MR. BONDS: Your Honor, before the break I renewed the defense'S motion for a directed verdict and renewed objections and I don't believe Your Honor ruled on that.

THE COURT: They are denied but you are protected for the record.

THE COURT: Miss Joyner, anything before we bring the jury in?

MS. JOYNER: No, sir, Your Honor.

THE COURT: And the last thing counsel, in this situation where the defense has not put on a case the State closes in full, followed by the defense closes in full. Do we agree on that?

MS. JOYNER: That's fine.

MR. BONDS: That's my understanding.

THE COURT: Let's bring them in.

(WHEREUPON, the jury enters the courtroom.)

THE COURT: Good afternoon, ladies and gentlemen. Thank you for your patience. There were some time legal issues we had to work through with the lawyers.

Were you able to continue to follow the rules you have been begin you during lunch today?

THE JURORS: Yes.

THE COURT: Thank you, very much. I really appreciate that. I'm sorry I have to ask. I got to make sure that the record is clear.

We are coming to the conclusion of the trial. What I am about to do is give you the explanation of the law in this case which is called the judge's charge on the law. That will be followed by the closing arguments of the attorneys and then will you head back to the jury room and it will be time for deliberations.

I will apologize in advance. If you've ever took a public speaking class the teacher always says when you're speaking to people look them in the eye. Don't read off a piece a paper. I have to break that rule when do I this because it's important that I explain the law to you correctly and not make

mistakes. So I am going to be reading off a piece of paper and mostly I will be reading so I apologize in advance.

Mr. Foreman and members of the jury, you have heard the evidence in this case and will soon hear the closing arguments of both parties. First, I will explain to you the rules of law that you must follow and apply in deciding this case. When I have finished you will hear argument then go to the jury room and begin your deliberations.

I will give you a written copy of these instructions. During the deliberations you may refer to the instructions to guide your decision making. You must consider the instructions as a whole and not follow some and ignore the others.

Your decision must be based only on the evidence presented here. You must not be influenced in any way by either sympathy for or prejudice against, anyone.

The indictments in this case charge the defendant, with assault and battery in the first degree and criminal solicitation of a minor. An indictment is simply the formal written instrument which contains the charge made against the defendant. I remind you the fact that the defendant was arrested

and charged and indicted in this case is not evidence and cannot be considered by you as evidence of guilt in this case, nor does it create any presumption or inference of guilt.

The indictments allege two different offenses against the defendant. They are, number one, assault and battery in the first degree. Number two, criminal solicitation of a minor.

Each indictment charges a separate a distinct crime. You must decide each indictment separately on the evidence and the law applicable to it uninfluenced by your decision as to any other indictment. The defendant may be convicted or acquitted on any or all offenses charged. You will be asked to write a separate verdict of guilty or not guilty for each indictment.

The defendant has pled not guilty to the charge of assault and battery in the first degree and criminal solicitation of a minor, and take plea puts the burden on the State to prove him guilty beyond a reasonable doubt. A person charged with a criminal offense in South Carolina is never required to prove himself innocent.

I charge you that it is important rule of law that a defendant in a criminal trial, no matter what

the seriousness of the charge is, will always be presumed to be innocent of the crime for which the indictment was issued unless guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt. The presumption of innocence does not end when you begin your deliberations, but accompanies the defendant throughout the trial until you reach a verdict.

The presumption of innocence is not a mere legal theory. It is not just a legal phrase. It is a substantial right to which every defendant is entitled unless you, the jury, are satisfied from the evidence of the defendant's guilt beyond a reasonable doubt.

So what is a reasonable doubt in the law? Some of you may have served as jurors in a civil cases, where you were told that it is only necessary to prove a fact is more likely true then not true. Such as by the greater weight or preponderance of the evidence. In a criminal case, the State's proof must be more powerful of that. It must be beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we know

absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt. If, based on your consideration of the evidence, you are firmly convinced that the defendant is guilty of the crime charged, you must find the defendant guilty. If, on the other hand, you think there is a real possibility the defendant is not guilty, you must give the defendant the benefit of the the doubt and find him not guilty. Put another way, a reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act.

I remind you that, during this trial, you and I have different duties to perform. As the trial judge, it is my responsibility to preside over the trial of this case, and I also have the duty to rule on the admissibility of the evidence offered during the trial. You are to consider only the evidence before you. If there is any testimony I ordered stricken from the record in this case, you must disregard that testimony. You are only to consider the testimony that was presented from the witness stand, any exhibits which have been made a part of the record in the case, and any stipulations or agreements by the lawyers.

I have the additional duty to charge you on the

law applicable to this case which I am doing now. As the presiding judge, I am the sole judge of the law in this case, and it is your duty as jurors to accept and apply the law as I now state it to you. If you already have any idea as to what the law is or what the you think it ought to be and it does not agree with what I am now telling you, you must abandon your idea because you are sworn to accept the law and apply the law exactly as I explain it to you.

In every case tried in this court before a jury, the jury is the sole and exclusive judge of the facts. As a trial judge I can not intimate or state or comment on or make any statement at all to a trial jury about the facts. You, the jury, are the sole judge of the facts in this case and you are therefore not to infer from what I have said during the progress of the trial in ruling on evidence or anything else, or anything I am now saying during the course of the instruction that I have any opinion about the facts in this case. The law does not allow me to have an opinion about the facts in this case. This is a matter solely for you the jury to determine. As jurors, it is your duty to determine the effect, the value, the weight, and the truth of the evidence that was presented during the trial.

From time to time you may have heard attorneys make objections. In reaching your verdict, you are not to consider the objections or the court's rulings on them. You should not hold any objections made against either party.

As I have said before, you must consider only the evidence I have admitted in this case. Evidence includes the testimony of the witnesses and the exhibits that are in the record.

You should not assume from anything I have said that I have any opinion about any factual issue in this case. In fact, except for my instructions on the law right now, you should disregard everything I have said during the trial in arriving at your own decision about the facts. Your own recollection and interpretation of the evidence is what matters.

In considering the evidence, you must use reason and common sense to make deductions and reach conclusions.

There are two types of evidence that are generally presented during a trial. Direct and circumstantial evidence.

Direct evidence is the testimony of a person who claims to have actual knowledge of a fact, like an eye-witness. It is evidence that immediately

establishes the main fact to be proved.

Circumstantial evidence is proof of a change of facts or circumstances indicating the existence of a another fact. It's evidence that immediately establishes additional collateral facts from which the main fact may be inferred. Circumstantial evidence is based on inference and not on personal knowledge or observation.

The law makes absolutely no distinction between the weight of the value to be given either direct or circumstantial evidence. Nor is a greater degree of certainty required of circumstantial evidence than of direct evidence. You should weigh all the evidence in this case. After weighing all the evidence, if you are not convinced of the guilt of the defendant beyond a reasonable doubt you must find him not guilty.

While the arguments of the lawyers are a beneficial part of every trial, you should remember that the statements and arguments made by the attorneys is not evidence. In presenting their arguments, the attorneys often refer to the evidence. However, you should base your verdict on the evidence as you remember it. Therefore, if there are any conflicts between the recollection of the lawyers

about the evidence and your own recollection you should rely upon your own understanding of the evidence.

When I say that you must consider all the evidence, I do not mean that you must accept all the evidence as true or accurate. You should decide whether you believe what each witness had to say, and how important their testimony was. In making these decisions, you may believe or you may disbelieve any witness in whole or in part. The number of witnesses testifying concerning a particular point doesn't necessarily matter.

To decide whether you believe a witness, I suggest that you ask yourself a few questions: did the witness impress you as one who was willing the truth? Did the witness have any particular reason to not tell the truth, or have a personnel interest in the outcome of the case? Did the witness seem to have a good memory? Did the witness have the opportunity and ability to accurately observe the things that he or she testified about? Did the witness appear to understand the questions clearly and answer them directly? Did the witness's testimony differ from other testimony or other evidence?

However, please keep in mind that a simple mistake doesn't mean a witness wasn't telling the truth as he or she remembers it. People naturally tend to forget some things or remember them inaccurately. So, if a witness misstated something you must decide whether it was because of an innocent lapse in memory or and intentional deception. The significance of your decision may depend on whether the misstatement is about an unimportant detail or important fact.

There has been some evidence presented that witnesses have made prior statements which are not consistent with this testimony in court. You may use this evidence to decide whether or not to believe that witness. You may also use the evidence in the earlier contradictory statements to determine the truth of those statements. It is up to you to decide whether to believe the earlier statements or the testimony given in court.

If a witness has shown to have knowingly testified untruthfully concerning any material matter, you may consider this in determining whether to trust the witness' testimony as to other matters. You may reject all testimony of that witness or give all or part of the testimony the weight you think it

deserves.

I instruct you and emphasize to you that the fact that the defendant did not testify in this case is not a factor to be considered by you in any way in your deliberations and in your consideration on the question of the guilt or innocence of the defendant. It may not be considered by you in manner whatsoever.

A defendant in the United States has the constitutional right to remain silent, and the assertion of this right may not be considered by you. I repeat, under your oath, you are to draw no conclusion whatsoever from the fact the defendant did not testify. The fact that the defendant did not testify should not even be discussed by you in the jury room.

The defendant is charged with assault and battery in the first degree. The State must prove beyond a reasonable doubt that the defendant injured the victim, Minor [redacted], and the act involved a nonconsensual touching of the private parts, either under or above the clothing, with lewd and lascivious intent. Lewd and lascivious intent means for the purpose of sexual gratification. Private parts means the genital area or the buttocks of a male or female or the breast of a female.

If you find the State has failed to prove beyond a reasonable doubt that the defendant is guilty of assault and battery in the first degree, you may then consider whether the State has proved beyond a reasonable doubt the defendant is guilty of assault and battery in the second.

To prove assault and battery in the second degree, the State must prove beyond a reasonable doubt the defendant unlawfully injured another person, or offered or attempted to injure another person with the present ability to do so, and that act involved the nonconsensual touching of a private part of a person under or above the clothing.

Criminal solicitation of a minor. The second charge is criminal solicitation of a minor and a person who is 18 years of age or older commits this offense if he knowingly contacts or communicates with, or attempts to contact with, or communicate with, a person under the age of 18 for the purpose of or with the intent of persuading, inducing, enticing, or coercing the person to engage or participate in sexual activity or with the intent to perform a sexual activity in the presence of a person under 18.

Sexual activity includes any of the following acts or simulations thereof: Vaginal or anal, or

anal intercourse whether done with another human or not; touching, in an act of apparent sexual stimulation or sexual abuse, of the clothed or unclothed genitals, pubic area, or buttocks of another person, or the clothed or unclothed breasts of a human female.

There are two possible verdicts it which you may find in this case and these are the verdict form. You have verdict forms for each charge. There are two possible verdicts: Guilty or not guilty. There is no significance whatsoever in the order that I just listed them. It's simply you have to list one before the other.

Ladies your gentlemen, your verdict must be unanimous in this case. Once I send you back to the jury room I am going to ask you to hold off on deliberating for just a couple of minutes. The attorneys have to make sure that all the evidence, the photographs and things are in order. Your signal to begin deliberations will be when the bailiff brings you the evidence. You deliberate until you reach a unanimous verdict as to both charges and when that happens the foreperson will check the boxes, sign the verdict form, knock on the door and hand them to the bailiff.

Ladies and gentlemen, thank you for attention. I know that was a lot of information. Just remember, you will have a copy of these jury instructions in the jury room to look at and I have to ask the attorneys if they have any objections to my charge and once that happens I will ask you turn your attention to the lawyers for closing.

Any objection to my charge?

MS. JOYNER: Not from the State, Your Honor.

MS. INZERILLOR: Just renew the previous objection.

THE COURT: Yes, ma'am.

THE COURT: Miss Joyner. The State has the burden of proof so they go first.

MS. JOYNER: I will give you $60 if you let me do it. Those are words that Minor never thought she would hear from that defendant.

She had known him her whole life. Her cousin, Kylisha, is just three years older then her. When they were little Minor would go over with Kylisha and her dad and spend time with them. I think there was even testimony that he had given her gifts when she was younger. She thought that she could trust this defendant.

On July 27th of 2017, Minor learned the

hard way. Learned in a very scary, difficult situation that wasn't true. On the strength of that connection between this defendant and her cousin, on the strength of those interactions when she was a child, on that connection that he had to her family she thought it was okay when he came by the house. Thought it was okay to let him in even though there were no other adults. She thought it was okay to lead him to the bathroom. She had no idea that something wasn't right. That something was amiss until it was to late and by then she is being forced into a bathroom and she's being forced up against the wall and she is being held by the neck while the defendant takes his other hand he begins to squeeze her breast and touch her and she is saying no stop.

You met Minor [redacted] in this trial. Yesterday she sat on that witness stand and she told you, she talked to you about what the defendant did to her on July 27th of 2017 when she was 16 years old. I know this has been a short case and I submit to you that this is factually a very simple case. Now, when I say that, I am not trying to in any way diminish the importance of this case. This criminal case, like all criminal cases, is very important and the State bears the burden of presenting evidence to you to

prove to you beyond a reasonable doubt the defendant's guilt on each of the charges. But just because it is an important case does not mean that it's facts are complicated. This case involves an incident that occurred during a very short period of time on July 27th of 2017 at [redacted] Arlington Avenue. I don't think we need to dim the lights for you to see this is a picture that Officer Sanders took the day that he was out there.

This case comes down to I will tell you the testimony of that young woman standing on that front porch, that then 16-year old girl, and the testimony of the other State's witnesses. And so for that reason I want us to spend a little bit of time going back through everyone's testimony. And I want to start with Minor [redacted] And again, she talked to you about her relationship knowing him her whole life. That connection with the cousin and the times that she spent time with him when she was growing up. That when this all happened she was absolutely shocked and afraid. In July she told she was an alone on July 27, 2016. She was alone with her ten-year old sister Jaia. At first Talmikele comes along. That's her uncle through her Aunt Miranda. And that's shortly before the defendant comes by. When the defendant

comes by they're not expecting him. She's sitting in her room playing cards with her little ten-year old sister, and Jaia, the ten-year old looks out the window and says, "Hey, there's Kyle." There's the defendant. And Minor looked out and she says, "Well, I don't thing that's him." He is sitting in a car and so she goes out to see and she walks out and I she's standing on those steps and she looks and it's him and he gets out. And they walk and they meet like halfway down the sidewalk and they talk. And she says oh, yeah, no Kylisha is not the here. And the conversation evolves. Oh, no, my mom is not here. My grandma is not here and grandpa is not here.

On cross examination Miss Inzerillo even had some questions sort of expanding on what the nature of that conversation was and she said he asked you about school didn't he? She said, yeah. She said you even gave him a hug. Yeah. And now everything she thinks is normal and then he says let me use the bathroom and she says okay. And then she walks him in and he says show me where the bathroom is and she's taking him back and she says she's trying to show him. And I don't think you need to dim the lights. This is not a very big house. You heard about it's a lot of

different rooms, but this is not a large house. She says she walked him back and she walked him through the living room and through the kitchen and you kind of turn, this is dining room area and she's pointing and she's kind of taking him there and she's pointing and he's going where is it? And she says she's pointing and pointing at it and he's still like, well, where is it. Show me. And even then she's still not quite getting that anything is wrong. And then she's standing she says as close as this witness chair is to right here. So within a step. And then all of sudden he has got her and he's forcing her into the bathroom where she tells you that he gets her by the neck and he walks her backwards. And he's walking her back there in that bathroom and you got a picture of that bathroom and we will look at it in just a minute. You heard a lot about what this bathroom looked like. This is not a big bathroom. She is walked back and even elicited during the cross examination how narrow this area is. And she's walked back and she's up against the wall. And she explains to you that she's in this space. On one side of her is the bathtub and on the one side of her is the toilet is like here. She's basically got nowhere that she can go except forward. Except she

can't go forward because there's someone in her way. And she's tall, but he's stout and he's blocking her way. And he has got his left hand -- she knows it's his left hand and this is interesting way that she know this. It's the hand closest to the toilet. He has got the hand closest to the toilet on her neck and he's pushing and she says he's not choking me, but when I asked her and said, well, was it physically uncomfortable? She says, "Well, yes." And she said it was uncomfortable and she said she's kind of pressed against the wall. And remember I asked her, was he doing that or were you doing that? And she said, "Well, kind of both. I'm trying to get my balance. I'm using my hand to try get away from him. She can't go forward. He's pushing her back so she pushes back. Her feet are kind of planted. That's how that position works and she is trying to get away.

Now, Miss Inzerillo, she asked a lot of questions about oh, well there is nothing amiss in this bathroom. I want you to think about where Minor is standing and she told you there is this trash can is sort of like here. Her legs -- she's pushed up against the wall. She's not kicking. She's pushing. She's trying to push. Her feet are planted. She is

trying to get away and he has got his hand right there on her neck and he is grabbing her breasts. And I asked her. Remember when she first asked her oh, he's grabbing my breast and she did this swiping and I said, no, I'm sorry Minor I need for you to explain how. Remember she stopped. And she became emotional and she started to cry. And then she explained that he was squeezing. He was squeezing. And she told him stop. And now she just says get the "F" off of me. And he drops his hand and now he starts tugging and he's tugging. So now she's not pushing any more against him. She is trying to keep her pants up. And he says, if I give you $60 will you let me do it. She says no.

Then he leaves and he walks out and he walked out the door and he gets back in that grey car. That grey car that he was in. And she says she kind of stands there for a minute. And then she goes -- there's only one other person in this house. It's her ten-year old sister, Jaia, and she is asking Jaia. She's asking a ten-year old, what should I do? Should I tell? And her brother has just pulled up. Pulled up almost right after the defendant leaves and is sitting in his car with with his girlfriend and baby for a minute and she is sitting there talking to

Jaia. So Jaia, says yeah. When her brother comes in because Trae, I got to tell you something. Trae gets mad. He's upset. She's upset. He's upset. And she says Trae -- based on her conversation with Trae, the first call is to the defendant's daughter to Kylisha and Trae is going to explain that later. Minor can't testify about why Trae wanted it. But Trae told you why he wanted it. He wanted to call Kylisha because he wanted to find this defendant. He was upset. His sister was upset. He was upset and he wanted to find this man. And so now the 16-year old she's got counseled from her 21-year old brother who is mad and upset and wants to find this guy and she calls Kylisha and doesn't get an answer. And so what's her next phone call? To her mom. And Miss Inzerillo asked her some questions. You didn't call the police? You didn't call the police? No, she's 16. She called her mom. It makes more sense for a 16-year old to call her mom then for a 16-year old to call the police. And her mom comes straight home and her mom contacts the police. And she tells you while they are waiting for the police right before the police pull up Kylisha calls back, and all sudden this idea gets interjected that the defendant is just down the road. And well, by God, who wants to go

down the road? Trae. Brother Trae. He wants to go down the road. And in fact he tries to go down the road. And Minor having been through everything that she has been through that day she sees her brother go down the road and she goes after him because she's thinking about him.

Now, you heard from Jaia. She's 12. And she took the witness stand and nobody talked to her for very long, but here's what Jaia told you. Jaia told you that, yeah, I was sitting in with my sister. We were sitting there and I saw Kyle out of the window in the grey car and I told my sister and my sister said, no, that's not him and then she went outside and it was him. She told you that the defendant did come into the house and that she was in the living room and she heard him say come on. Come on, show me something like that. And then she hears her sister's voice coming from the bathroom and her sister is saying, stop, stop. And she walks from that living room and through that kitchen and she is standing there kind of in this it doorway and she's looking at the bathroom. The defendant comes out of the bathroom and he walks out of the house and he leaves. He gets in the car and he leaves and then shortly after her brother shows up.

Her mom, Jawanna Williams, she gives a lot of basic information, biographical information about how Minor knows the defendant. How she knows the defendant. Who Kylisha is in all of this. And she talks about she gets the call and she's just around the corner at her sister's house. She leaves work at about 5:30. Stops off at the store. She stops off to see her sister. Her sister is not there but Talmikele is. Talmikele who had gone by the house earlier and she's there when she gets the call and she hears her daughter upset on the phone and she goes straight home and her daughter is upset, and Trae is mad and upset and she calls the police. The police show up about ten minutes later. And she wasn't there when Minor and Trae tried to call Kylisha, but she's there when Kylisha calls back and she gets the impression the defendant is just down the road and that's what she tells the police. And Trae -- talk about brother Trae just for one second. What you can tell from Trae is that on that witness stand he was still mad about what happened. He still was. And he found his sister and she talked to him and she was upset and she was crying and he told you he was mad, and he told you that wanted his sister to call Kylisha because he wanted to know how to get in

touch with this defendant. He told you that when he thought the defendant was down the street he made a run for it and he had to be turned around by the police officers and sent back home. And finally as far as members of the family, you heard from Aunt Miranda. Now Aunt Miranda was not at [redacted] Arlington Avenue. She was down the road just around the corner on Martin. She was at a person's house, Beverly Tate's house, and she's not the greatest she admitted on redirect, she wasn't really watching the time but she knows that she walked down to Beverly Tate's house and on the way her boyfriend, Talmikele, was getting a ride home from work and drove past her and he got out of the car and walked with her and he hung out there for a while and she saw him walk as if going in the direction of [redacted] -- well, in the direction of Arlington. That way. And she's there at Beverly Tate's house and that is only about a block away from [redacted] Arlington and that the defendant is there. And there's several other people that are there and the defendant has the grey car that she's familiar with, the grey Camry, and that he comes and goes from Beverly Tate's house a number of times. The first time he leaves and comes back. He left with the gentleman they call Chocolate Pudding. She

doesn't know his name. And he apparently has gone to the store because he comes back with cigarettes and three beers. One for her, one for his friend, Chocolate Pudding, and one for Mr. Robinson. And then at that point she and Miranda and this defendant have a conversation about whether Kylisha is at [redacted] Arlington. And Miranda conveys to the defendant that she does not believe that she is.

He leaves again with Chocolate Pudding. When he comes back he is kind of sweaty and then he leaves again finally with a lady name Pamela Tate and when Miss Tate returns he does not and then shortly thereafter the police arrive.

Now, when I said to you earlier the facts are simple I mean there's a lot of people that we have to talk about what they said, but I submit to you that when you look at all the evidence that has been presented to you the facts that emerge are that the defendant did in fact go to [redacted] Arlington Avenue. That although his daughter lived there he was not a frequent visitor. In the six months that she had lived there the testimony is he was there maybe once or twice. Once that mom, Jawanna, knew about. That despite the fact that he apparently already had a conversation with his ex, Miranda, that she didn't

believe Kylisha was there he went and he parked in front of the house. That Minor walked out of the house to check it out. He gets out of that car and they talk and she -- yeah, she confirms, not only is your daughter not here but there are no other adults in this house. And now he sees a very interesting opportunity.

Ladies and gentlemen, he takes full advantage of that opportunity. He says, hey, let me use the bathroom. Hey, walk me to the bathroom. And then he says -- remember this -- and I don't remember if I mentioned this earlier. Says to Minor come in to the bathroom. Come in. And she says no. And she's standing not to far from him and this is when he grabs her and he makes her go into the bathroom and now he has got her kind of against this wall. The window behind him. And she really has no where to go and she has got that hand holding her there and he is just grabbing. He's grabbing her breasts with his other hand and she is pushing him and she is pushing him. So he couldn't coax her in and now he has got her in here and he can't seem to physically get her under control so now we're at plan C. Plan C is, well, I will buy it. I will try and give her the money. And when that doesn't work he leaves because

ladies and gentlemen he knows his time is short. He knows his time is short. He knows that sooner or later somebody else, an adult, probably mom based on what Minor said, is going to be coming home. So he has got to leave. Plan A didn't work. Plan B didn't work and plan C didn't work. He had to leave and he left in a hurry. And you know what else he was in a hurry, he was in a hurry not that long after the police leave out of [redacted] Arlington Avenue he's in a big hurry. A big hurry on foot, not in his car and when officers Sanders pulled up on him he was in a big hurry to get away and leave and he had to be tackled.

Now, in the opening and through questioning Miss Inzerillo and Mr. Bonds they talked a lot about things that they thought the police could have done better or differently. Didn't ask enough questions. They asked Officer Sanders about where are all the other officers' body cameras and what Officer Sanders ultimately explained was that he and Officer Long were the only two officers involved in the case who actually interviewed Minor and Jaia, and those videos are part of the file. And then Officer Sanders explained that he's the only officer that actually apprehended the defendant for any substantive

interaction with him other than the officer that transported him after he was tackled and arrested. So -- and then when Officer Sanders came out to 920 -- it wasn't that long after Officer Long -- and he personally interviewed the only -- based on all the information that he had the only two people that were actually home at the time this crime occurred. And he was in the house and he looked through the crime scene and he took pictures and he looked at Minor neck and he took pictures of that.

Now, Miss Inzerillo, she mentioned well, there's no DNA. There's no fingerprinting. But I want you to go back. I want you to think about this case. DNA. Ladies and gentlemen, this is not a sexual assault. She asked, you didn't take the clothes. Well, I want you to remember this, what do we know from Miss Inzerillo's own cross examination of Minor Minor is that when she walked outside and she talked with the defendant she hugged him. These two individuals had physical contact with each other. Her clothes came in contact with him so what exactly would taking of those clothes had told you to help you other than to try and criticize the police. What actual discrepancy in the case did they create. And she asked about fingerprinting. Well, this is a

place where the defendant has been before. Within the month before this incident occurred. And go back and listen to, or remember how Minor [redacted] described this assault. She walks him through the house. She walks him to the bathroom and then he grabbed her and then he walks her through this narrow bathroom up against the wall and he has got one hand here and one hand here (indicating" until he drops those hands and then he has got two hands here. So fingerprint wise.

At the end of the day this case, again, it is a simple case about a very short period of time it happened at [redacted] Arlington Avenue on July 27th of 2017. This case is going to come down to you judging the credibility. To you finding the credibility as to Minor [redacted] and the other witnesses that you heard. And I think when juries hear -- when juries hear and think about the idea of -- when the jury hear about the idea of finding the credibility of witnesses it can seem like a very daunting task. But I want you to think about it in this way. You are judging the credibility of people every day of your life. You probably don't realize it. It's an unconscious thing. You are not aware that you are doing it, but every day we are interacting with people and talking with people and having to decide

whether we believe what those people are saying. Do we believe all of it? Do we believe none of it? Do we believe some of it? And when we do that in our personnel life we have tools. We have common sense. We have life experiences. We may look at the way they speak. Their demeanor. We may look at whether what they are saying is consistent with other things that we believed to be a fact. Other things that we heard. So we take all those things. You bring all of those tools with you to the courthouse and you do not leave them at the door of the deliberation room.

When you go back into the deliberate room and you begin to talk about this evidence and these witnesses you bring those tools with you. You bring your common sense. You bring your life experience with you.

The judge gave you an instruction and this is somewhat of an summary of the instruction. I submit to you this is a pretty good summary of what the judge told you. How's the demeanor of the person in testifying? Did they have interest, bias, prejudice or other motive to not tell the truth? Is what they say corroborated. And you heard the word corroborated before somewhere else. You heard it in Miss Inzerillo's opening when she told you in her

opening you wouldn't hear any evidence that was going to corroborate what Minor said happened.

Ladies and gentlemen, I want to talk about the credibility of the witnesses and I'm going to focus on on the two that were in the house when this happened. Talk to you first about Jaia. Now, when you listen to Jaia talk, Jaia talks about a few specific things that she said she heard and witnessed. Now, when you go to the list and you think about the interest, the bias, prejudice, the motive who is Jaia's allegiance to if you had to like pick a side. Well, she loves her sister Minor But yet when Jaia talks with the police she talked to the police about these few distinct things that she saw and heard. Now, remember that Jaia and Minor were alone. That's in the testimony. That after this incident happened and the defendant leaves they sit down and talk. We heard Minor is asking Jaia should I tell. Talking to her little sister. And also going into Ms. Inzerilla asked Jaia, and she said you were seated by that first officer, Officer Long, right there on the couch right next to your sister and you talked to him, didn't you? She said yes. But Jaia didn't to the officers, and didn't to you, parrot her sister's whole story. She talked about

some details. Some things. And these are things that, ladies and gentlemen of the jury I submit to you, that she heard and saw. If she wanted to say something to help her sister, wouldn't she say more than what she did.

I want to talk to you about Minor Minor -- Miss Inzerillo through her questioning was trying to make it seem as though Minor had been inconsistent. Inconsistent. She asked her a lot of questions and I tell you as the judge already has told you, if you want to you can replay testimony and if you have any question about whether Minor was inconsistent I remind you to go back and listen and to listen to what she testified to and to listen to the questions that Miss Inzerillo asked and listen to what those things that Miss Inzerillo was trying to say were inconsistent. Her question, well, you didn't tell the officer that you called Kylisha? No. When I asked her, did anybody ever ask you? No. Nobody ever asked her. I want you to go back and think about the questions and the statements and the conversation that Minor had with Miss Inzerillo and really think about the details that Miss Inzerillo asked her versus the details that Minor gave in testimony, and I submit to you that perhaps in some

of what she told the officers the details weren't different, perhaps a little jumbled. When you think about that I also want you to remember the circumstances of her speaking to those first two officers because she explained that first officer she spoke with she talked to standing there on the corner of Rich and Martin Street after she had run after her brother and the officer had stopped her brother and she's just trying to catch her breath. She ran after Trae. The officers caught him and the officers turned him around and sent him back to the house and then she stands there on her street catching her breath and the officer says what happened? And then shortly after that Officer Sanders asks her to hand write the statement. Just tells her to paint a picture. And she tells you, she's never done anything like this before.

So I want you when you think about these so called inconsistencies, I really want you to think about whether these just might be details that are jumbled together a little bit and the circumstances where these statements were given.

Okay. So regarding her credibility, demeanor in testifying. You saw her. She sat there and she answered questions and she was forthright and direct

in her answers. And then we came to that part of my questioning where I asked her to describe the touch and you remember the silence. You remember the face. You remember she looked uncomfortable. She got upset and she started to cry.

Now, the judge has told you that you can't base your verdict, can't be swayed by emotion. But that doesn't mean you can't look at the demeanor and the emotion of witnesses and use that as part of the tools to judge their credibility.

I submit to you that she was forthright in her answers to you, to the attorneys, and that reaction to that question. I want you to think about that reaction to that question when you're trying to decide, when you go back in that jury room whether what Minor told you about being touched was true.

Now, this interest, bias, prejudice or other motive to lie. What is it? What on earth is it because she told you and everybody seems to say that took the stand that addressed the issue they were fine. She had known him her whole life. And again, going back to Miss Inzerillo's cross they stood outside and they talked about how are you doing in school, and she gave him a hug. Where's the motive? Where's the bias? Where's the prejudice? What's the

reason to make up a story. And finally, corroboration, when Miss Inzerillo told you you would not hear anything that would corroborate. Well, I ask you to look at the evidence and answer for yourself whether there is other evidence in the record that corroborates.

First of all ladies and gentlemen, what you know -- can you dim the lights please. What you know is Minor says that this defendant was at her house. Now, that is corroborated by Jaia and Jaia says the same thing. Now remember how Minor describes the defendant's clothing. He has got these loud shoes on. Well, this is the screen shot that was entered through Officer Sander's from his body cam. This is the defendant running from him and here are those loud lime green sneakers. And he's wearing that white undershirt but look what is in his hand. There looks like collared green and yellow stripped shirt. She knew what he was wearing and the reason that she knew what he was wearing was because he was at the house. That is what we call corroboration. And she told you, Minor told you, the defendant asked her to go inside the bathroom, or ask her to show her the bathroom. And Jaia corroborated that.

Minor told you that she was inside the bathroom

with the defendant and Jaia corroborated that because Jaia heard her sister's voice saying, "Stop, stop" coming from the bathroom. She started to walk that way and she is standing there in the doorway and she's looking at the bathroom and the defendant comes out.

Minor told you that she thought the defendant maybe a little tipsy and Aunt Miranda said, yes, he had a beer.

Ladies and gentlemen, you know the State has the burden of proving to you beyond a reasonable doubt the defendant's guilt as to each charge, and the judge has instructed you on two definitions of what is beyond a reasonable doubt. One is proof beyond a reasonable doubt that proof that leaves you firmly convinced of the defendant's guilt. The other is the kind of doubt that would cause a reasonable person to hesitate to act.

Now, you may be sitting and wondering how do to I apply this? What does this mean? And ultimately you are going to have to decide whether we met our burden and what this means to you. But as you are thinking about the case and you're thinking about the charges and you are thinking about this upcoming deliberation, I want you to remember this; the kind

of doubt that would cause a reasonable person to hesitate to act. Hesitation and deliberation are very, very different things. Jury deliberation which you are going to do soon is about sitting. It's a process. It is about sitting and talking and listening, sharing ideas and reaching a unanimous decision. That is a process.

Now, the judge has already given you instruction on the law. We will just put it up there for you. When you think about criminal solicitation of a minor, ladies and gentlemen, you know the defendant is 18 years or older. There was testimony of his birthday in the record, he is a man in his 30's. Now, the rest of it is probably the harder part. Did he knowingly contact or communicate with a person under the age of 18 for the purpose or the intent of persuading, inducing, enticing, or coercing the person to engage or participate in a sexual activity. Okay. Go back to Minor testimony. We know Minor was 16 at the time. And she says, she tells you, that when he brought her into that bathroom, plan A as he went to plan B to grope all over here and she's fighting him off. When those fail plan C is, I'll give you $60 if you let me do it as he's tugging at her pants. Well, persuade, induce, entice, or

coerce her to engage in sexual activity. And ladies and gentleman, I don't think you'll have to decide. I don't think there's any question about what it means under these circumstances. He's pulling at her pants. He has just touched her breasts. The Judge told you that sexual activity includes vaginal, anal or oral intercourse, or touching in an inappropriate act of apparent sexual stimulation of sexual abuse, of clothed or unclothed genitals, pubic area or buttocks of another person either clothed or unclothed breast of a human female.

"I'll let you do it". I submit to you he meant one of those two things.

Now, the assault and battery law, you have been given charges on two charges. As charged, assault and battery in the first degree. And the judge has also given you an instruction on the lesser assault and battery in the second degree. Now both of these provisions of law involve the nonconsensual touching of the private parts, either over or under the clothing. And private parts for both, first degree and second degree mean the same thing. It means the genital area or buttocks, or the breasts of a female.

Now, for assault and battery in the first degree, the State has got to prove to you beyond a

reasonable doubt that the defendant did injure another person, Minor [redacted], and the act involved nonconsensual touching of private parts of the person, either under or over clothing with lewd and lascivious intent.

Now, what you did you hear in the judge's instruction we talked about this, is that this injury requires any sort of medical -- it's not a medical injury. You didn't hear the judge tell you such. Because it's unlawful to injure another person with this nonconsensual touching.

Ladies and gentlemen, I want you to think about what was involved. What kind of touching was involved with this act? Was he is touching her private parts? And she told you, he's got his left hand -- left hand on her neck and he is not choking, but he's holding it. And when I asked her was it uncomfortable and she said, yes, it is uncomfortable. I submit to you that's an injury. She didn't agree to it. It's on her neck and he is squeezing and it's uncomfortable. And the the second touch, with the second hand he's taking her breasts and he squeezing. He's squeezing. It's I submit to you an injury. It's an unwanted touch. He's squeezing. There is two different touches going on as part of this act

that involves the nonconsensual touching of her private parts. One of her neck where he's holding her and she is physically uncomfortable and the other is squeezing of the breasts. Either touch -- I submit to you -- either of those touches with either hand or both hands constitute injuries. And she told you it's nonconsensual touching.

Ladies and gentlemen, she's pushing him. She is pushing him off. She's trying to get him away. She doesn't want this. Nonconsensual. And lets go to lewd and lascivious intent. When the judge told you it basically means sexual gratification. Just the basic touching itself, a touching a breast in that way. Not a brush, not a pat, not an oops an accidental. A squeeze. A squeeze. The nature of that touching itself I submit to you shows his lewd and lascivious intent.

I also point out to you, ladies and gentlemen, the second statement, once he lets go he starts tugging at the pants. I will give you $60 if you let me do it. That shows, that's part of this whole thing. Touching of the breasts for sexual, tugging of pants was sexual. That is his intention.

Now, the judge also given you again, assault in the 2nd degree. Now, this one includes whether you

injure somebody or you offer or attempt to injure someone and it's nonconsensual touching of the private parts. But the other big distinction what you don't see in the statute is any reference to a lewd or lascivious intent. So ladies and gentlemen, if you believe that the defendant did touch the victim in these ways, either touch her breast, but that you don't believe that this was an injury or this is an injury, but you believe that this was an offer or attempt to injure her by holding her neck and rubbing her breasts he was trying to offer or attempting to injure her then assault and battery would apply. If you believe either that he was touching her and that constitutes an injury, or that he was offering or attempting to touch her, to injure her, but that he did not have lewd and lascivious intent then assault and battery would be appropriate.

Ladies and gentlemen, the facts of this case are simple. And the law may be a little bit more complicated because of the assault and battery and the application of the assault and battery. I submit to you these facts are so simple and I remind you that deliberation is a process. Hesitation to act is not the same as deliberation. I ask that when you go back to that room you sit down, you talk to each

other, you listen to each other. You think about all the different issues that have been raised in this case. And a lot of people when they hear the definition of reasonable doubt they fell how am I going to figure it out? How am I going to know if the State has met its burden? How do I apply this legal principal. This is my projection. This is just my suggestion. Go back in the jury room, sit down, talk about everything that you have heard and seen and think about every what if, every maybe, every could be. And if, at the conclusion after considering all of those what if's, and maybe's, and could be's, if you still believe in your heart and you your mind that Minor was telling the truth I submit to you the State has met its burden. If you think about the what it's, and the maybe's and the could be's and you believe that the defendant -- and you still believe after thinking about all of those things, you still believe that this defendant was at [redacted] Arlington Avenue I submit to you and if believe that he went inside that house and you believe that he went into that bathroom and he pulled that girl into that bathroom and he then touched her, and he touched her, and he touched her, then I submit to you the State has met its burden of assault and battery

in the first degree. And if after all the what if's and the maybe's and the could be's you believe, you still believe that the defendant after touching Minor Minor said as he tugged on her shorts, I will give you $60 if you let me do it then I submit the State has met its burden of criminal solicitation.

I thank you very much for your attention and I ask that you return a verdict of guilty on assault and battery first, and guilty to criminal solicitation.

THE COURT: Mr. Bonds, Miss Inzerillo.

MR. BONDS: Thank you, Your Honor. May it please the Court:

"Get the fuck off me." That was offensive wasn't it, and I'm sorry if I offended anyone and I will confess right now my investigator will kill me. But that hangs in the air doesn't it. It woke you up. It got you interested.

Ladies and gentlemen, you have seen and heard all the evidence in this case and you are not going to get any more. What you've seen and heard that's what you get. Ladies and gentleman of the jury, we have one police officer here. One. Not the guy who showed up first. Not the one who talked to the two witnesses; the alleged victim and her little sister,

but the guy who just took some statements and took a few pictures. The officer, and that's Officer Long, he's the first guy that came out. He talked to all these people. I'm sorry, he talked to both of those people. Then he went out to another house to go look for Mr. Robinson. He ran into I believe five other people. One of whom was the ride for Mr. Robertson.

Ladies and gentlemen, of the jury I am not going to argue with you today that Mr. Robertson wasn't at Arlington Avenue. He was. He went over to check on his daughter while he was there he asked to go inside and use the bathroom and then he left. There is no real argument about that.

Ladies and gentlemen of the jury, what I will say is this, we have had multiple officers. None of whom were here accept for Officer Sanders. We don't have any of their videos. We don't have any of their testimony. What we've got is I believe two, photographs, two stills, and a video with about a minute work of action on it. Now, you've seen some videos of my client running away and that was a stupid thing to do. He had a right to do it. He wasn't under arrest. This was no arrest warrant. No officer yelled out you are under arrest. Still a stupid thing to do. It's one of things you can do

but you certainly shouldn't do it. But with that said, in this case we got a man who is accused of very serious crimes with the victim. He's accused of assault and battery first, and criminal solicitation of a minor. What we don't have is any sort of adequate investigation.

Ladies and gentlemen, this case is almost two years old. In three days it will be exactly two years old.

Ladies and gentlemen the the jury, the solicitor stood up here and talked about the various exceptions. Well, they didn't do DNA testing. They didn't do fingerprints swabbing. They didn't collect the clothing. She had various explanations. Well, there would have been DNA would be. There would have been fingerprints any way. She sounds like a great defense lawyer. I guess now if someone accuses you of a crime we'll just take it at its worth. We won't investigate it. We'll still arrest you. That's what I believe she is suggesting in this case.

Ladies and gentlemen of the jury, when you go back in the deliberation I want you to ask yourself what are they keeping from you. You heard testimony from different people. You heard Minor and her brother Lewantrae Brown. After this event supposedly

happened the first thing they do is they call -- well, they don't call anyone. Miss Howze calls her cousin, the daughter of my client, Kyle Robinson. They don't call their mother. They don't call the police. Miss Robinson doesn't answer so they do eventually -- they do eventually call their mother. She don't call the police. But mom gets home she does finally call the police. They come out. They spend about 20 minutes there. One of the the things that they do out there in their 20 minutes is they don't question anything. Ms. Howze gives them an account of things. Miss Miller gives them an account of things and that's it. Officer Long turns around, goes out to check to see if Mr. Robertson is at this address that everyone thinks he might be at and then he goes to get an arrest warrant. There's some troubling things at that house. There's no question. Everyone agrees, it's a small house and it's a tiny bathroom. My client is excused of coming in and described as tipsy and I don't think we had any description of his height or anything like that. Miss Howze -- Kyle stand up for a minute. You can have a seat. He's not a tall man. Ms. Howze is about 5"10", a pretty tall woman. And he's tipsy and he supposedly calls her into the bathroom twice.

Hey, come to the bathroom. No. Come in the bathroom. No. Two times. And then we're to believe that he reaches out and snatches her and yanks her into this tiny little bathroom. His back is to the wall. So the sink is over here. The tub is over here. He spins her around. He shoves her against the wall.

Now, you've seen a couple of photographs and they'll come back to you in the deliberation room. Well, I'm sorry, you'll see one photograph of the bathroom. There's a flat iron pretty prominently in the corner of the scene, kind of barely hanging on. I'm a married man. My wife keeps a flat iron on the sink. I've probably knocked that thing off 30 times drying my hands from just washing them. There's a cup of --I don't think you can see it in the photograph. There's a cup of toothbrushes all on the sink. Shower curtain perfectly closed there. There is a towel hanging on the curtain rod. There's a washcloth hanging over the edge of the tub. There's some cleaning products and trash can on the floor. Nothing is touched. Nothing is turned over. Nothing is out of place. This man takes a young lady who is taller than him spins her around --

MS. JOYNER: Your Honor, that wasn't the

testimony in the record.

THE COURT: I will overrule the objection.

MR. BONDS: Thank you, Your Honor.

He gets her all the way to the back of the wall where we don't touch anything. Miss Howze testified that she told him no twice. That she was cussing and hollering and then she told him and I won't say it again. Get the "F" off of me. And then he offers her $60. And then her little sister -- well, in one version her little sister comes after her and the other one the little sister is already there. And then in testimony she says, well, I thought my sister was there because the footsteps were so loud I thought she was in the room with me.

Ladies and gentleman of the jury, I want you to think about this for a little bit. What the State would have you believe is that my client left the house where his child's mother was and he went to the house where his daughter lives and there was some testimony that he knew she wasn't there. What the testimony actually was is he talked to his daughter about an hour before.

Miss Miller didn't testify that she knew what was said. I submit to you what could have been said was daddy meet me at [redacted] Arlington Avenue where I'm

staying in about an hour, but she still wasn't there. So he gets a ride and he tells his ride wait outside because the testimony is that he came --

MS. JOYNER: Objection. There's been no testimony that --

THE COURT: I will sustain the objection.

MR. BONDS: Okay. Well, the testimony is that he came with a ride and that he left with a ride. So presumably the ride stayed there the whole time. It's uncontroverted that Mr. Robertson was a passenger in that vehicle. He goes to a house where everybody knows his name. And Miss Jawanna Miller testified that he's familiar with her schedule. Miss Howze testified that she told him when he asked about mom that mom was off work and she is on her way home. And he knows mom is on the way home. I believe the testimony from Miss Howze is this all happens at about six o'clock. And the testimony in my recollection is that she testified that grandma was due home about an hour before. That grandpa was due home any minute. Mom is due home any minute. Uncle Nook came by about two minutes before and her brother Trae came about ten minutes after Mr. Robertson left. So he took this interesting opportunity when nobody was home. For about two minutes nobody was home

while a ride was waiting outside. Where everyone inside knew him. Where the victim is yelling, person screaming. Where the other eye-witness, Jaia, all she hears is stop. Stop. Not get the "F" off of me. Not no. Not, no, no. Not I got $60 or I'll give you $60 to do this.

Ladies and gentlemen of the jury, we really don't have much of anything in this case. We talk about all these cell phone calls. We don't have any cell phone records of any of these calls. We don't have any of the videos. We don't even have the main officer testify. Remember back when I talked -- when I was examining Miss Williams and I just said -- I admitted to being bad at math. I'm still bad at math because none of this adds up.

We all agree that he was over there. That he had asked to use the bathroom and he leaves. But none of the rest of it really comes together. We got adults coming in and out of the house. We got adults due home any minute. There's testimony that he knows they're due home any minute. We don't have anything out of place. We don't have any injury. We don't have any photographs of the victim on the day that it happen. No video of her demeanor.

MS. JOYNER: Your Honor, I would object to the

video and the demeanor. May we approach?

THE COURT: You may.

(WEHREUPON, there was an off the record discussion.)

THE COURT: I will sustain the objection.

MR. BONDS: All right.

Here'S the last bit, ladies and gentlemen, the kicker in this whole case is after he leaves. After everything is over he gets back in his car. He's in a car and he's in Rock Hill, and North Carolina is just over the border and he doesn't go to North Carolina.

MS. JOYNER: I object.

MR. BONDS: They don't know North Carolina is over the boarder?

Ms. Joyner: I object. May we approach?

THE COURT: You may.

(WHEREUPON, there was an off the record discussion.)

THE COURT: I will overrule the objection.

MR. BONDS: Thank you, Your Honor.

He could have gone to North Carolina. He didn't. He goes down the block. Back to the house where Miss Howze's aunt is doing hair in the front yard and then he either depending on who you believe, Miss Miranda

Miller testified he gets in a car with I believe Patty -- he I forget her. In any event he leaves with someone in a different car then his car. Or police testified that he was -- they were advised he left on foot.

MS. JOYNER: Your Honor, I object. I don't think that was in the record.

MR. BONDS: I think he verifies he was on foot.

THE COURT: Counsel approach, please.

(WHEREUPON, there was an off the record discussion.)

THE COURT: Objection is overruled.

MR. BONDS: Ladies and gentleman of the jury, you heard the judge's instruction on the law. So I'm not going to repeat it. You will get a copy of the jury charge. But I will tell you in order to convict you you must be unanimously convinced beyond a reasonable doubt the State proved each and every element of the crimes that Kyle Robertson is charged with. Not some, not part, but all of them. Every element. And we've talked a little bit about reasonable doubt. I use to struggle with what it was. So, I will start you off with something easy. I found something I kind of like and I'll share it with you. The easy one is if you think he didn't do any of this you just

find him not guilty. And then we'll go up a little bit. If you think he probably didn't do it you still find him not guilty. Now, lets get a little harder. You think it's about 50/50. Maybe he did it, maybe he didn't. You find him not guilty. There's about 51/49. Fifty-one he did it. Forty-nine I think he did it. He might not have done it. That's still not guilty. You think he probably did it, you're still at not guilty. Even if you are pretty sure he did it you're still not guilty.

Ladies and gentlemen of the jury, thank you for your time.

THE COURT: All right. Ladies and gentlemen, thank you for your attention. I can tell that you gave both counsel close attention. I really appreciate that. I will ask you retire to the jury room. Give me just a couple of minutes. Don't begin deliberating. This would be a good time to use the restroom or anything and as soon as the attorneys go through the exhibits and makes sure everything is there, the bailiff will bring back the exhibits.

(WHEREUPON, the jury leaves the courtroom.)

THE COURT: Counsel, anything you want to take up?

MS. JOYNER: Your Honor, I don't have the court's

laptop but the video was so short I doubt they will want it.

THE COURT: If they do want to see it we can bring them back into the courtroom.

MS. JOYNER: That will be fine.

THE COURT: Anything to take up counsel?

MR. BONDS: Nothing, Your Honor.

THE COURT: If you all don't mind, take a look at the exhibits.

Please bring in the alternates.

(WHEREUPON, the alternate jurors enter the courtroom.)

Miss McCaskill and Mr. Sprouse, I want to thank you all personally for your service and you have the most frustrating job in the whole legal system because you have to sit through the whole trial and have to play close attention and unless someone else gets sick or has a family emergency you don't get to vote on the verdict.

Thank you, very much on behalf of the State of South Carolina and York County we very appreciate your service. Your service is concluded. You are welcome to sit and remain if you like and wait for the verdict but you don't have to. Once the case is over you are free to discuss the case with family or

friends if you choose too. But again, thank you. Your service is completed for this case. I do have to caution you jury service is for a week.

The clerk of court has informed me there are no more cases for the week. Thank you very much.

(WHEREUPON, the jury starts deliberating at 3:30 p.m.)

THE COURT: We will be at ease.

(WHEREUPON, other matters were taken up in court.)

THE COURT: I've been informed the jury has a verdict. So, if you someone will get Miss Joyner. Miss Inzerillo, insurance if you let Mr. Bonds know.

THE COURT: Let's bring the jury in please.

(WHEREUPON, the jury enters the courtroom.)

THE COURT: Mr. Foreman, I understand you have reached a verdict.

THE FOREMAN: Yes, Your Honor we have.

THE COURT: Madam clerk, if you will publish the verdict please.

THE CLERK: Indictment 2017-GS-46-5084 the State versus Kyle Robinson, as to the charge of criminal solicitation of a minor, we the jury by unanimous decent find the defendant Kyle Maurice Robinson guilty. Signed by the foreperson, dated today's date. Indictment 2019-GS-46-4368, the State versus

Kyle Maurice Robinson, as to charge of assault and battery in the first degree, we the jury by unanimous consent find the defendant Kyle Robinson, guilty. Signed by the foreperson, dated today's date.

Ladies and gentlemen of the jury, is that your verdict say you all by raising your right hands.

(WHEREUPON, the jurors raise their hands.

THE CLERK: Let the record show all jurors affirm this.

THE COURT: Mr. Bonds, would you like the jury individual polled?

MR. BONDS: Yes, Your Honor.

THE COURT: Madame clerk, will you poll the jury please.

THE CLERK: If you please stand. Juror 12, is this your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Is this still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Please be seated. Juror 255, is this your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Is this still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Please be seated. Number 114. Is

this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: Please be seated. Number 177, is this your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Is it still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Please be seated. Number 37. Is this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: Please be seated. Number 161. Is this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: Please be seated. Number 60, is this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: Please be seated. Number one. Is

this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: Please be seated. Number 120. Is this your verdict?

THE JUROR: Yes.

THE CLERK: Is this still your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: Please be seated. Number 80. Is this your verdict?

THE JUROR: Yes.

THE COURT: Is this still your verdict?

THE JUROR: Yes.

THE CLERK: Please be seated. Number 196. Is this your verdict?

THE JUROR: Yes.

THE CLERK: Is this still your verdict?

THE JUROR: Yes.

THE CLERK: Please be seated. Number 163. Is this your verdict?

THE JUROR: Yes.

THE CLERK: Is it still your verdict?

THE JUROR: Yes.

THE CLERK: Please be seated.

THE COURT: Counsel, any further motions to request before I release the jury?

MR. BONDS: None, Your Honor.

MS. JOYNER: Not from the State, Your Honor.

THE COURT: Ladies and gentlemen, thank you very much. I can tell you paid very close attention. On behalf of the State of South Carolina and York County I thank you very much for your service. Jury service is normally for a week but I'm informed this is the last trial remaining for this week so there are no more trials. This completes your jury service. Thank you again for your service.

The last piece of the trial is the sentencing phrase which may be now or it might be tomorrow morning but you're welcome to stay for that if you like. You don't have to. You have completed your service. You are now release from any restrictions that I talked about. If you would like to talk about this case with anyone you are free to do so but you don't have to.

Thank you, very much ladies and gentlemen.

Mr. Foreman, one last thing. Everyone else is excused.

(WHEREUPON, the clerk has the foreman sign a paper.)

Mr. Bonds, I know you have some time pressure. If you prefer to do the sentencing tomorrow morning and have your client taken into custody and do it tomorrow morning or we can proceed now.

MR. BONDS: I am prepared to proceed.

THE COURT: All right.

MR. BONDS: Your Honor, for the record the defense renews its directed verdict motion and all prior objections.

THE COURT: Motions are denied, but you are protected for the record.

MR. BONDS: Thank you, Your Honor.

THE COURT: One more time for the record, my brother has had no involvement in this case?

MR. BONDS: No, Your Honor.

THE COURT: Thank you.

Miss Joyner, I will from the State first.

MS. JOYNER: Thank you, Your Honor. I just wanted to read the defendant's prior criminal history for the Court: 1998 petit larceny conviction; also in 1998 a shoplifting; 1999 D.U.S.; in 1999 failure to surrender driver's license. It appears to be under the driver's suspension. 2002, failure to change

your address.

THE COURT: 2002 what?

MS. JOYNER: Failure to change address. I think with D.M.V., Chester City Court charge, maybe. In 2002 failure to obey a traffic device; 2002 fraudulent check. There are two counts of that from the same day. 2004 driving up suspension. On the same date there is a seat belt violation and a failure to return driver's license conviction. That's his entire criminal history.

THE COURT: All right. What are you asking for?

MS. JOYNER: Your Honor, I trust the Court to impose a sentence. In speaking with the victim not in regards to what I would say to the Court after a trial, but with the last bits of conversation we had if we were able to work out a plea. I do know that their thoughts have been regarding appropriate sentence, the mother and Minor recognize that he did not complete a sexual assault. They understand the maximum he was facing was ten and did express to me that they didn't think that he should receive ten but beyond that number we did not have any kind of substantive conversation.

THE COURT: The victims are requesting something something less than the maximum?

MS. JOYNER: They did to me as part of a plea offer when working out the case and I think that they would quite possibly say the same thing to the court. Unfortunately, they are not here and I don't have a statement prepared from them, but I feel safe in conveying that sentiment to the Court.

THE COURT: On behalf of the State do you have a request?

MS. JOYNER: Your Honor, I do. Of course recording the criminal solicitation, obviously that's a mandatory sex offender registry offense. The assault and battery in the first degree is not a mandatory offense. Pursuant to these convictions he'll be receiving a criminal sexual conduct -- or a criminal solicitation. We would also ask for a separate finding on the assault and battery. That this offense is sexual in nature and the sex offender registry is appropriate is appropriate for this charge as well, and that's just in the event if something could happen on appeal or whatnot. We would want the registry to be locked in.

I would ask the Court to consider some period of imprisonment. Although the record is not substantial there is some criminal history and of course we are dealing with a case where this was a 16-year old girl

although not technically related to him, he was in a familial position and would ask the Court to consider those factors and fashion some sentence that would involve some period of active incarceration.

THE COURT: Yes, ma'am. Yes, sir, Mr. Bonds.

MR. BONDS: Thank you, Your Honor. May it please the Court.

Your Honor, as you heard Mr. Robertson has a very minor criminal history and nothing like this before. He is 38 years old. He was born in Chester and he grew up in Chester. His family is here today. That's his daughter Kylisha who we heard about and his wife Erica. At home they have a three-year old son.

Your Honor, he tells me that when he was in high school he had A, B and C's, but he had to drop out because Miranda Miller, who was a witness here was pregnant with Kylisha. So he had to support his family.

Your Honor, I don't believe he's employed presently due to being incarcerated previously, but up until that point, Your Honor, he basically worked his entire life. He's had a job pretty much since high school. I think his longest period of unemployment has been about six months. Typically he

worked in the manufacturing industry. He worked in a garden industry as forklift operator from 2016 until right before he was arrested and he was making good money with that. Before that he was working at Albach (Phonetics) as an inspector. He had been there for about six or seven years and just got laid off. He wasn't fired from that job.

Your Honor, he is a church going man. He tells me that he's a member of Outpouring Ministries in Chester and he joined that church since marrying his wife Erica. They have been married for seven years. He tells me his seven-year anniversary is this year.

Your Honor, since between '99 and 2016 he tells me he coached little league baseball. Did that for about six or seven years ago but when he got a swing shift job he was unable to continue doing that.

Your Honor, I ask the Court to be as lenient as possible. Your Honor, I would ask that you consider a probationary sentence with something may be heavy in front, or heavy on the back end with some probation on the front end.

Your Honor, if you're inclined to incarcerate him I ask that you make it a lenient as possible given his very minimal criminal record. And I do appreciate the statements by the solicitor regarding

the family's position on this. Your Honor, we just ask you to be as lenient as possible.

THE COURT: Thank you, Mr. Bonds.

MR. BONDS: Thank you.

THE COURT: Does your client wish to speak?

THE DEFENDANT: This matter today I know the jury, you know, ruled that I am a guilty. But I got a family, a son. You know, a job. My son he is depending on me. My wife is depending on me. If I could do like probation and community service. Something to that nature without being incarcerated. I can fulfill those duties. Those needs. Being taken away from my family, you know, for this. I just ask you to be have mercy on me and my family.

Thank you.

THE COURT: How much time has your client already served?

MR. BONDS: Your Honor, I am unclear. I believe -- Your Honor, we are checking on that. I have been informed that both Kylisha Robinson and Erica Robinson would like to speak.

THE COURT: Be happy to hear from them. Yes, ma'am.

MS. KYLISHA ROBINSON: Hello, Your Honor.

THE COURT: You need to speak up and tell me your

name.

MS. ROBINSON: Kylisha Robinson.

THE COURT: I know it's difficult for you but the court reporter is all the way over here.

MS. ROBINSON: My name is Kylisha Robinson. My dad has played a big role in my life. He's the reason I'm doing what I am today. Without him I don't know where I would be. So, yes, I ask that you all, you know, be very lenient on my dad. Like cause I don't know. He has not been away from me for a long time. I've always had my father my 21 years of my life. He always have been here. And this situation its so devastating to me. It's nerve wracking because I know my father. I know my father. And I also know what I dealt with on my other side of my family. My dad is the only one I have. So this is a tough situation. I have I three-year old brother and he just like I was. He's so attached to my dad just like I am. When my dad is not around us we act out. You know, that's just our love for our father. He is just awesome. I can't -- I don't know how it is without him and I can't see him without being here physically. I can't be without him. I can't. So I ask you be very lenient

THE COURT: Yes, ma'am.

MS. ROBINSON: My name Erica Robinson and I am Kyle's wife. Kyle and I have been together for a total of ten years. We have been married for seven and we actually have an anniversary coming up on September 15th of this year. Kyle and I, we have a three-year old son. Kyle has always been in his life. Kyle has always been our sole provider. When I got laid from my job Kyle did not mind taking on a household of paying our bills, taking care of our son and taking care of his stepdaughter and also Kylisha. Like I said, Kyle has been around my family for ten years. He has been around my daughter for a total of ten years also. I have numerous nieces, cousins, everything and nobody -- Kyle has never made them feel uncomfortable. Kyle is really a wonderful all around guy. And we have some really good great times together. It's just right now this is kind of devastating. It's mind blowing also. I have always been Kyle's biggest supporter, his biggest cheerleader. But at this time when he was gone away, it was 48 days exactly since when he was incarcerated rate at the Moss. When he got out I was elated. I was excited. Our son was excited. My family was excited. Everybody was just excited and please I do ask you please to be really, really lenient for him

because he's my best friend. He knows me inside and out and I know him inside and out. Thank you.

THE COURT: Mr. Bonds, is that correct, 48 days?

MR. BONDS: I'm sorry.

THE COURT: She said it was in 48 days.

DEFENSE ATTY: Your Honor, given credit for one day at the initial arrest and then from the service of the bench warrant it would have been some time around May 14th. That's the day that we received notice from the clerk's office that he had been served. And he entered a consent order with GPS would have been very close to the June Court term. Forty-eight days sounds about right.

THE COURT: Well, I can just check the box for SCDC to compute it.

MR. BONDS: If I may pull that information and just provide it to the Court.

THE COURT: Okay.

MR. BONDS: Thank you, Your Honor.

THE COURT: All right. I take a short recess and consider this.

MS. JOYNER: Thank you, Your Honor.

MR. BONDS: Thank you, Your Honor.

(WHEREUPON, the court was in recess.)

MR. BONDS: I believe we are at 49 days. We

think that is correct.

THE COURT: All right. State of South Carolina versus Kyle Maurice Robinson, Indictment 2017-GS-46-05084 and 2017-GS-46-04368. The charges are criminal solicitation of a minor and assault and battery in the first degree. Criminal solicitation carries sex offender registration, and assault and battery in the first degree I do find this is a sexually violent offense, sexually motivated, so I will order registration on that charge as well.

Sentence of the Court is the same on both charges, Mr. Robinson is committed to the custody of South Carolina Department of Corrections for a period of five years with credit for 49 days time served. These are concurrent sentences.

MR. BONDS: Thank you, Your Honor.

MS. JOYNER: Thank you, Your Honor.

(END OF TRANSCRIPT)

STATE OF SOUTH CAROLINA

COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on December 7, 2017, the Grand Jurors of York County present upon their oath:

CRIMINAL SOLICITATION OF A MINOR

That Kyle Maurice Robinson, did in York, South Carolina, on or about on or about July 27, 2017, commit the offense of criminal solicitation of a minor by knowingly communicating or contacting or attempting to communicate or contact with Minor [redacted] (DOB [redacted] a person under the age of eighteen, [redacted] for the purpose of or with the intent of persuading, inducing, enticing, or coercing the person to engage or participate in sexual activity, violent crime, or with the intent to perform a sexual activity in the presence of the person under the age of eighteen This is in violation of 16-15-342 of the South Carolina Code of Laws (1976) as amended.

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

ERIN M. JOYNER
ASSISTANT SOLICITOR

WITNESSES

RHPD

Witnessing Officer: Dugan

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

TRUE BILL

Eugenia A. Reardon
Foreperson of Grand Jury
Date: 12-7-2017

VERDICT

Guilty

Tom Lesh 7/24/19
Foreperson of Petit Jury
Date:

Direct Indictment

DOCKET NO. 2017-GS-46- 05084

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

DECEMBER 7, TERM 2017

THE STATE

VS.

KYLE MAURICE ROBINSON

INDICTMENT FOR

CRIMINAL SOLICITATION OF A MINOR

SC Code: § 16-15-0342
CDR Code: 2999

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

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STATE OF SOUTH CAROLINA
COUNTY OF YORK
STATE VS.
KYLE MAURICE ROBINSON
AKA:
Race: Black Sex: M Age: 38
DOB: [redacted] SS#: [redacted]
Address: [redacted] West End Street, Apartment [redacted]
City, State, Zip: Chester, SC 29706-5103
DL# [redacted] SID# SC01201151
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS4605084
A/W: 2017GS4605084
Date of Offense: 07/27/2017
S.C. Code §: 16-15-0342
CDR Code #: 2999

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☐ PLEADS
TO: **Criminal Solicitation Of A Minor** (00-107)
In violation of § **16-15-0342** of the S.C. Code of Laws, bearing CDR Code # **2999**

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

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

Erin M. Joyner, Assistant Solicitor 69419 SC Bar # | Defendant | Attorney for Defendant 75342 SC Bar #

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 911 7/24/19 sentences
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

credit for 49 days

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

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing**
Total: $_____ plus 20% fee: _____ $_____
Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____		$_____
§14-1-206 (Assessments 107.5%)		$_____
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$100
§14-1-211 (A)(2)(DUI Surcharge)	$100	$_____
§56-5-2995 (DUI Assessment)	$12	$_____
§56-1-286 (DUI Breath Test)	$25	$_____
Proviso (Public Def/Probation)	$500	$_____
§14-1-212 (Law Enforce. Funding)	$25	$25
§14-1-213 (Drug Court Surcharge)	$150	$_____
§50-21-114 (BUI Breath Test Fee)	$50	$_____
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$_____
3% to County (if paid in installments)	$	$_____
TOTAL		$125

☐ **Ordered** **PTUP** _____
_____ days/hours Public Service Employment
Obtain GED ☐

Attend Voc. Rehab. Or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling ☐
Random Drug/Alcohol Testing ☐
Fine may be pd. in equal consecutive weekly/monthly pmts. of $_____ Beginning _____
$_____ Paid to Public Defender Fund

Other: Must register as sex offender

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

Clerk of Court/Deputy Clerk: DAVID HAMILTON
Court Reporter: Aileen Butler

Presiding Judge: _____
Judge Code: 2761
Sentence Date: 7/24/2019

SCCA/217 (04/2018)

STATE OF SOUTH CAROLINA

COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on July 18, 2019, the Grand Jurors of York County present upon their oath:

ASSAULT & BATTERY, 1ST DEGREE

The defendant, Kyle Maurice Robinson, did on or about July 27, 2017, in York County, South Carolina, commit the crime of assault and battery in the first degree against the victim, Minor [redacted] in that the defendant injured the victim and the act involved nonconsensual touching of the private parts of a person, either under or above clothing, with lewd and lascivious intent. All in violation of 16-03-0600(C)(1), *Code of Laws of South Carolina*, (1976, as amended).

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

ERIN M. JOYNER
ASSISTANT SOLICITOR

WITNESSES

RHPD

Witnessing Officer: Price

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

TRUE BILL

Sarah Vivian

Foreperson of Grand Jury

Date: 7/18/19

VERDICT

Tom Cox 7/24/19

Foreperson of Petit Jury

Date:

Direct Indictment
DOCKET NO. 2019-GS-46-04368

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JULY 18, TERM 2019

THE STATE

VS.

KYLE MAURICE ROBINSON

INDICTMENT FOR

ASSAULT & BATTERY, 1ST DEGREE

SC Code: § 16-03-0600(C)(1)
CDR Code: 3412

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

244

STATE OF SOUTH CAROLINA

COUNTY OF YORK

IN THE COURT OF GENERAL SESSIONS

STATE VS.

KYLE MAURICE ROBINSON

AKA: _____

Race: Black Sex: M Age: 38

DOB: [redacted] SS#: [redacted]

Address: [redacted] West End Street, Apartment [redacted]

City, State, Zip: Chester, SC 29706-5103

DL# [redacted] SID# SC01201151

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

INDICTMENT/CASE#: 2019-GS-46-04368
A/W: 2019-GS-46-04368
Date of Offense: 07/27/2017
S.C. Code §: 16-03-0600(C)(1)
CDR Code #: 3412

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☐ PLEADS
TO: Assault & Battery, First Degree (ABHAN)
In violation of § 16-03-0600 of the S.C. Code of Laws, bearing CDR Code # 3412

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

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

Erin M. Joyner, Assistant Solicitor — 69419 SC Bar #
Defendant
Attorney for Defendant — 75342 SC Bar #

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: all 7/24/19 sentences

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

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

credit for 99 days

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

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing**
Total: $_____ plus 20% fee: _____ $_____
Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____		$_____
§14-1-206 (Assessments 107.5%)		$_____
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$100
§14-1-211 (A)(2)(DUI Surcharge)	$100	$_____
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$_____ Paid to Public Defender Fund

Other: Must register as sex offender - sexual offense in nature

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

Presiding Judge: _____
Judge Code: 2761
Sentence Date: 07/24/2019

Clerk of Court/Deputy Clerk: DAVID HAMILTON
Court Reporter: Aileen Boutler

SCCA/217 (04/2018)

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED
Jul 31 2020
SC Court of Appeals

s/*Susan B. Hackett*
Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 31st day of July, 2020.