

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DUSTIN GEOFFREY READY,

APPELLANT.

APPELLATE CASE NO. 2021-000598

AMENDED RECORD ON APPEAL

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[STATE’S EXHIBIT #1 (FORENSIC INTERVIEW) IS ON FILE WITH THIS COURT]	

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2018-GS-23-00955
COUNTY OF GREENVILLE	)	2018-GS-23-00956
	)	2018-GS-23-00957
	)	
	)	
	)	
THE STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
DUSTIN GEOFFREY READY,	)	
DEFENDANT.	)	
	)	

May 17, 18, and 19, 2021
Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, JUDGE; and a jury.

A P P E A R A N C E S:

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Attorney for the Defendant

CHERYL A. SMITH
Circuit Court Reporter

P R O C E E D I N G S

MONDAY, MAY 17, 2021

(WHEREUPON, proceedings commenced at 12:19 PM.)

THE COURT: Okay. What do y'all want to talk about?

MS. KLUSKA: Thank you, Your Honor. May it please
the Court. Alexa Kluska for the State.

The State has two matters to bring up before we start
calling our witnesses. First, Your Honor, we would ask
that the Court -- respectfully ask that the Court
judicially amend the indictments. As you can see, the
defendant is charged with criminal sexual conduct with a
minor in the first degree with a date range of August 2015
to September of 2017. The victim disclosed sexual abuse
on October 7, 2017. So we ask that the Court judicially
amend the indictment to cover just the six days of October
before the victim disclosed on October 7th. And the
defense has consented to this.

MR. HARBIN: That's correct. We don't have any
objection to amending the indictment.

THE COURT: All right. Well, just exactly how do you
suggest we amend these three indictments?

MS. KLUSKA: So, Your Honor, it would just read
September 2015, as it already has, through October 6,
2017.

THE COURT: I'll tell you what. I'm going to let you

1 do the actual writing, and I'll sign off on it. Show it
2 to Mr. Harbin before we -- before I sign it.

3 MS. KLUSKA: Okay. Thank you, Your Honor.

4 THE COURT: All right. What's the other matter?

5 MS. KLUSKA: The other matter is clarification on an
6 evidentiary matter that could possibly become an issue
7 during the trial.

8 As a background, [S.A.] is the victim in this
9 case. The defendant is not [S.A.]'s biological father;
10 however, the defendant and [S.A.]'s mother do have a child
11 in common, Rosie, who was born in 2015. The defendant was
12 never charged with sexually abusing Rosie; however, Kerri
13 and Marie Farmer, [S.A.] and Rosie's aunts, did tell law
14 enforcement that they had concerns of visible, of physical
15 manifestations of abuse on Rosie's vagina. Kerri Farmer
16 actually took Rosie to the hospital to be checked first
17 even before [S.A.] when the victim disclosed to her.

18 The State does not intend to discuss what the aunt
19 saw on Rosie because the defendant was not charged as to
20 her. And at this point, we don't know if the defense is
21 going to put up a case; however, based on what we do know
22 just in our negotiations up to this point, if they do put
23 up a case, we anticipate the defense will be that Aunt
24 Kerri coached [S.A.] into saying these things about being
25 sexually abused by the defendant.

1 The State would request leave from the Court that if
2 the defense asked Aunt Kerri about coaching [S.A.] or
3 questions her motives, that they would have then opened
4 the door for us to ask Aunt Kerri about taking Rosie to
5 the hospital first as that would cut against their theory
6 of coaching [S.A.] .

7 MR. HARBIN: May it please the Court, Judge.

8 THE COURT: Yeah.

9 MR. HARBIN: I'm not sure I follow that logic. I
10 think that the concern in this case is -- or in this
11 matter, rather, is talking about an uncharged crime. And
12 I don't know that we necessarily need to get so far down
13 into -- I don't know why that has any -- how that has
14 anything to do with the idea that -- excuse me -- the idea
15 that the aunt could have been coaching [S.A.] . I don't
16 know if it makes a difference or not to the Court, but
17 Rosie, the child in questions, would be nonverbal, like
18 2 years old at the time. So I don't know -- I don't know
19 that that's the issue. I don't know that that would be
20 the threshold. I'm not sure how bringing that up as a
21 defense would be opening the door to mentioning uncharged
22 crimes, Judge. We'd certainly object to them mentioning
23 that, but I'm not sure -- I understand what she was trying
24 to tell the Court. I'm not sure how that is opening the
25 door in any way, shape or form.

1 MS. KLUSKA: Your Honor, we don't intend to get into
2 what the aunt saw. In fact, we've actually redacted parts
3 of our forensic interview where the forensic interviewer
4 is asking S.A. what S.A. observed the defendant doing
5 to -- did or didn't see him doing to her little sister.
6 But if Mr. Harbin wants to ask Aunt Kerri about this
7 coaching S.A., then it is relevant that when she -- this
8 disclosure is breaking, she takes the other child to the
9 hospital. That cuts against their theory that this was
10 their master plan to coach S.A.

11 MR. HARBIN: I still -- I kind of fail to see why two
12 things simply can't be true. For example, when the
13 investigator interviewed the aunt in question, she said,
14 "Look, I was -- I was just -- I don't know if it's true or
15 not. I'm just bringing them to doctors to -- you know,
16 and following the process." I'm just not sure how that
17 opens the door to Rosie's -- or to the accusation made by
18 S.A. as to Rosie. I still fail to see that nexus
19 between the idea of me opening a door by simply raising a
20 defense for the charges made by S.A. I don't think
21 there is one. I understand what she's saying. I just
22 disagree. I don't think that's a door-opening issue. I
23 certainly would see if I attack something specifically
24 about Rosie or about what Kerri alleged about Rosie if she
25 did or if she does, but if I'm not addressing something

1 that the aunt is or is not doing vis-a-vis the younger
2 child Rosie, I'm not sure how I'm opening the door just
3 because I'm presenting a defense that basically says that
4 Kerri didn't get along with him and has kind of always
5 been out to get him a little bit.

6 THE COURT: Well, thank you for alerting me to this
7 issue. A lot of things are implicated in it. And I can't
8 -- I'm not -- I can't make a ruling at this time without
9 knowing what the testimony is and where it's going.

10 You know, I'm inclined -- I mean, I just have to see
11 if the door gets opened based on all the evidence and the
12 totality of what's presented. But that is very delicate,
13 thin ground that you're on.

14 MS. KLUSKA: Yes, Your Honor.

15 THE COURT: And it implicates, you know, Sixth
16 Amendment rights and the right of cross-examination.

17 So I'll tell you, my inclination is to not allow your
18 -- not grant your motion. And it'll just have to be when
19 the time comes, may be re-examined. But it's also 403
20 analysis involved there, and so I can't make a definitive
21 ruling at this time. Okay.

22 MR. HARBIN: Yes, sir.

23 MS. KLUSKA: Thank you, Your Honor.

24 THE COURT: All right. What about the Jackson v.
25 Denno issue that was mentioned before? Is that some ---

1 MS. HENDRICKS: We're ready to go forward with the
2 Jackson v. Denno hearing and then also the forensic
3 interview.

4 THE COURT: What are you making a motion -- I mean,
5 is there a motion to suppress a statement? Is there ---

6 MR. HARBIN: No, sir. We don't have a motion at this
7 time, Judge.

8 THE COURT: Okay. Is there a motion that -- I don't
9 know what the statement is. Are you asserting that it was
10 not freely and voluntarily given?

11 MR. HARBIN: No, sir. We're not asserting anything
12 of the kind right now. And I don't mean -- I'm sorry.
13 Not right now at all. I don't think we're going to.

14 THE COURT: Okay. Well, that obviates the necessity
15 for a Jackson v. Denno hearing. It's got to be an issue
16 that's raised before -- I know y'all are covering all your
17 bases, but it's really a defense motion.

18 MS. HENDRICKS: Yes, Your Honor. We were under the
19 impression we needed to have the hearing in case we need
20 to impeach the defendant -- impeach the defendant about
21 his prior statement or with his prior statement.

22 THE COURT: Well, Mr. Harbin just indicated that they
23 don't have any issue with the voluntary nature of the
24 statement. So are you going to consent to admission of
25 the statement?

1 MR. HARBIN: Judge, that will be fine. I mean, his
2 statement is his defense. So yes, sir. We're fine with
3 that.

4 THE COURT: There you go.

5 MS. HENDRICKS: We do just still have the forensic
6 interviewer motion, if you'd like to handle that at this
7 time.

8 THE COURT: Okay. Which is what?

9 MS. HENDRICKS: So to admit the forensic interview.

10 THE COURT: Okay.

11 MS. HENDRICKS: And I did want to point out briefly
12 before we began, the copy of the forensic interview that
13 we gave you is unredacted, and we did notify Chase of the
14 redactions. But there's five short redactions. The first
15 one's about the defendant threatening people with guns,
16 and the other four are just references to Rosie that we
17 took out of the forensic interview.

18 THE COURT: Okay.

19 MR. HARBIN: And I did my best to check those time
20 frames they gave me, and it appears to be spot on.

21 THE COURT: All right. Well, do you have a redacted
22 version?

23 MS. HENDRICKS: We do have a redacted version. Yes,
24 Your Honor.

25 THE COURT: Okay. Well, I've got to watch it, right?

1 MS. HENDRICKS: Yes, Your Honor.

2 THE COURT: Okay. So let me have the redacted
3 version so I don't have to -- he's watched the whole
4 thing, but if I don't have to watch it, good.

5 Do you object to the forensic interview?

6 MR. HARBIN: No, sir, I don't. Understanding what
7 the Court has to consider here, what the law is regarding
8 the admission of these videos, I do not have a motion to
9 make at this time to exclude that and not have that be
10 allowed into evidence as is common practice in these
11 trials.

12 THE COURT: Well, I'll still watch it because I think
13 it's -- I think I have to.

14 MS. HENDRICKS: Do you want us to call our witness
15 first or do you want to watch the forensic interview?

16 THE COURT: No. I'll watch it after you get it.

17 Go ahead and call your witness, and then I'll watch
18 it over the break.

19 MS. HENDRICKS: The State calls Christine Carlberg.

20 THE CLERK: Ma'am, please place your left hand on the
21 Bible and raise your right hand.

22 WHEREUPON,

23 CHRISTINE CARLBERG,

24 After having been duly sworn, testified as follows:

25 THE CLERK: Please be seated, and once you're seated,

1 state your name for the record.

2 THE WITNESS: Christine Carlberg.

3 THE COURT: Ma'am, if you're comfortable, please
4 remove your mask so we can get a good -- thank you.

5 DIRECT EXAMINATION

6 BY MS. HENDRICKS:

7 Q Ms. Carlberg, where are you currently employed?

8 A I'm employed by the Greater Greenville Department of
9 Mental Health.

10 Q And how long have you been there?

11 A I've been there for 14 years.

12 Q And what does your job entail?

13 A I'm a forensic interviewer.

14 Q And where do these interviews take place?

15 A I'm contracted to work at the Julie Valentine Center,
16 so they all take place there.

17 Q And what's your educational background?

18 A I have a bachelor's of science degree in
19 rehabilitation services education with a minor in
20 psychology from the Pennsylvania State University, and I
21 have a master's of arts in marriage and family therapy
22 from Reform Theological Seminary.

23 Q And where have you worked previously and in what
24 capacities?

25 A Prior to the mental health center, I worked at the

1 Jackson Children's Advocacy Center in Jackson,
2 Mississippi, and prior to that, I worked at Charter
3 Behavioral Health, and prior to that, I worked at the
4 Mississippi Department of Mental Health.

5 Q And what type of education and training do you have
6 for the job of a forensic interviewer?

7 A I received -- my initial training was at Corner
8 House, which is a nationally recognized 40-hour week
9 course in Minneapolis, and since then I've also been
10 trained at ChildFirst in Mississippi and in South
11 Carolina, and then just various conferences over the
12 nation in years.

13 Q How much experience do you have in conducting
14 forensic interviews with children?

15 A I've been a forensic interviewer for 21 years.

16 Q In those 21 years, how many forensic interviews have
17 you conducted?

18 A 3,772.

19 Q And what is a forensic interview?

20 A A forensic interview is a nonleading, nonsuggestive
21 manner of gathering information for purposes of an
22 investigation.

23 Q And do these interviews adhere to nationally
24 recognized standards?

25 A They do.

1 Q And what are those?

2 A They adhere to -- each step of our protocol is based
3 on research such as developing rapport, a continuum --
4 continuum of nonleading questions, child linguistics,
5 sexual knowledge for children. Things like that.

6 Q Do you know if this method has research supporting
7 its use with children?

8 A It does.

9 Q And have you read articles on this method that are
10 subject to peer review?

11 A Yes, ma'am.

12 Q Is there a standard protocol for conducting a
13 forensic interview?

14 A The protocol that we use is the ChildFirst Protocol
15 of South Carolina.

16 Q So are there numerous different protocols?

17 A Across the nation there are, yes.

18 Q And so you use -- what is ChildFirst?

19 A ChildFirst is a protocol that we use. Most of the
20 counties in South Carolina use it. And it's -- the
21 acronym's RTREC, which stands for rapport, transition,
22 report exploration and closure. So it's a semi-structured
23 interview that is the protocol that we use.

24 Q And is this a method that's widely and generally
25 accepted in your field?

1 A Yes, ma'am.

2 Q And have you received special training on that
3 protocol?

4 A Yes, ma'am.

5 Q Have any of your interviews been subject to peer
6 review?

7 A Yes, ma'am.

8 Q Have you testified in court before as a forensic
9 interviewer?

10 A Yes, ma'am.

11 Q How many times?

12 A About 70 in South Carolina.

13 Q And did you have an occasion to conduct a forensic
14 interview of S.A. in this case?

15 A Yes, ma'am.

16 Q And was she referred to you by a law enforcement
17 agency?

18 A Yes, ma'am.

19 Q And why was she referred to you?

20 A Allegations of abuse.

21 Q How old was she at the time of the first interview?

22 A She was 9.

23 Q And did you make an audio and video recording of
24 these interviews?

25 A Yes, ma'am.

1 Q I'm going to show you what will be marked as State's
2 Exhibit 1.

3 (WHEREUPON, State's Exhibit Number 1 was marked for
4 identification.)

5 BY MS. HENDRICKS:

6 Q What is this?

7 A That's a copy of the interview.

8 Q And have you watched it recently?

9 A Yes, ma'am.

10 Q Is it a true and accurate depiction of the interview?

11 A Yes, ma'am.

12 Q Has this copy of the interview been tampered with in
13 any way other than the redactions that we've discussed?

14 A No, ma'am.

15 Q Okay. During the interview, did you utilize
16 nonleading questions with the victim?

17 A Yes, ma'am.

18 Q Did she give you a detailed account of sexual abuse?

19 A Yes, ma'am.

20 Q And was this victim's disclosure internally coherent?

21 A Yes, ma'am.

22 MS. HENDRICKS: Your Honor, at this time, the State
23 would move to admit State's Exhibit 1 for purposes of this
24 hearing.

25 MR. HARBIN: Judge, we don't have -- we don't see any

1 improper questioning in the interview in reviewing it, and
2 I don't have any questions for the witness. And we don't
3 object to the admission of that tape, subject to the
4 victim actually testifying in this case, of course, Judge.
5 But if she does, we're not going to make an objection
6 to ---

7 THE COURT: Okay. Well, I will admit it for the
8 purposes of this hearing, and I will review it in the
9 break. Okay?

10 (WHEREUPON, State's Exhibit Number 1 was admitted into
11 evidence.)

12 MS. HENDRICKS: Thank you, Your Honor.

13 THE COURT: All right. No questions?

14 MR. HARBIN: No, sir.

15 THE COURT: All right. Thank you, ma'am. You can
16 step down. Thank you.

17 MS. KLUSKA: Your Honor, I have the amended
18 indictments, and Mr. Harbin has seen these.

19 THE COURT: All right.

20 MR. HARBIN: Judge, may it please the Court. I've
21 got some defendant's proposed jury voir dire, if you just
22 wanted it ahead of time. I know we're not there yet,
23 Judge, but I could hand it up now. And I just handed the
24 solicitor a copy.

25 THE COURT: Sure. That will be great.

1 MR. HARBIN: Judge, we expect that your standard
2 questioning will probably cover some of these. Just out
3 of an over abundance of caution, I put them down.

4 THE COURT: Give me a minute to review them and we'll
5 see where we are.

6 MR. HARBIN: Yes, sir.

7 (Pause in proceedings.)

8 THE COURT: Ms. Kluska?

9 MS. KLUSKA: Your Honor, most of these questions I --
10 it would be the State's position that they would come up
11 in your normal voir dire questioning. I think, typically,
12 Your Honor asks if any member of the jury has either been
13 charged or know someone who has been charged with a sexual
14 crime or is a victim of or has known a victim of a sexual
15 crime, Your Honor. Also, our witness list delineates
16 where most of our witnesses who are not just lay witnesses
17 are from, so that would cover some of the questions as
18 well.

19 However, Your Honor, the State does object to 9, 10,
20 17, 28, and 30. Those are questions that are asking
21 potential jurors to prematurely evaluate credibility of
22 witnesses, which they are supposed to be doing throughout
23 the duration of the entire trial. So there's no way that
24 a juror who is going to potentially be sat would be able
25 to anticipate that or know how they would feel in that

1 situation. That is the purpose of the jury, Your Honor,
2 to be judging the witness's credibility. And we ask that
3 you do not ask those questions to the panel.

4 THE COURT: Okay. You know, I think I cover the --
5 what about Number 2? Do you object to that?

6 MS. KLUSKA: No, Your Honor.

7 THE COURT: Okay. How about Number 4?

8 MS. KLUSKA: No objection, Your Honor.

9 THE COURT: You know, it's a -- I think what -- I
10 can't remember. Any juror, family member or close,
11 personal friend ever been charged with or a victim of this
12 type of offense, that's -- that's what I ask.

13 MR. HARBIN: That will cover Number 4, Judge, for
14 sure.

15 THE COURT: Okay. I'm not going to ask Number 5.

16 And Number 6, you know, I'm not -- I'm not inclined
17 to ask that. They're not going to know what a mandated
18 reporter is.

19 MR. HARBIN: If they didn't, they probably wouldn't
20 be one for sure, Judge, I guess.

21 THE COURT: Yeah.

22 I think, you know, you've got their employment. I
23 don't know. I can't think of anybody in there that is a
24 mandated reporter. So I don't think I'll ask 6 either,
25 Chase.

1 I think -- Number 7, yeah. I think, you know, this
2 is -- I don't mind asking that.

3 I'm not going to ask Number 8. What does that have
4 to do with anything that I'm . . .

5 Not 9; not 10; not 11; not 12; not 13.

6 What's the State's position on 14?

7 MS. KLUSKA: That it's irrelevant, Your Honor.

8 THE COURT: Mr. Harbin, anything you want to say
9 about that?

10 MR. HARBIN: Judge, I don't need to put up a fight
11 for Number 14. I'd like to be heard when you're done on
12 some of the others, but I'm okay with not asking 14.

13 THE COURT: I was not intending to ask 15 or 16.

14 I wasn't going to ask 17 because that comes in the
15 instructions.

16 Not going to ask 18 -- well, 18 I ask. I mean,
17 standard.

18 19?

19 MS. KLUSKA: Again, Your Honor, if the potential
20 juror is saying they can be fair and impartial, I don't
21 think that that's relevant.

22 THE COURT: Yeah. I'm with you on that. So no.

23 How about 26?

24 MS. KLUSKA: Our witness list says that Christine
25 Carlberg and Shauna Galloway-Williams work at the Julie

1 Valentine Center. So I think if they know them, then they
2 should say on the record that they know them, and
3 Mr. Harbin can determine whether or not to strike them at
4 that point.

5 THE COURT: It's a pretty broad question.

6 27, you know, what -- not going to ask 28.

7 I'm -- all right. What do you want to tell me? I'm
8 not going to ask 29 or 30.

9 MR. HARBIN: Judge, our concern in these cases, as
10 you can imagine, is that once the case is announced, you
11 fear that some members of the jury have convicted already.
12 I completely understand that they're given instruction by
13 the Court, but we've seen and I've seen personally in the
14 past that when we have had questions asked of a jury panel
15 that's maybe slightly outside of the normal voir dire that
16 Your Honor and others use, that we're constantly surprised
17 by who stands up for what question.

18 And I apologize. I don't recall if it was a trial
19 with you in Pickens a year or two ago where I did get some
20 version of one of the questions involving do you believe a
21 child just because they're a child. And we actually got
22 several people to respond to that. And I understand why
23 the Court would be concerned about that, why the State
24 would be concerned about that. But if -- it is, in fact,
25 what it is. The people stand up and say, and they did in

1 that case, at least. I know that's just anecdotal.

2 But if somebody is willing to stand up and say,
3 y'all, they've already answered honestly, I think, to
4 their own belief that they're fair and impartial but then
5 they're asked a more-specific question about their ability
6 to judge a child as a witness and not as a child witness,
7 right, because they -- you know, they use their own
8 talents and common sense and experience to do that, but
9 the fact that people did respond to that question, that
10 gives me pause, concern. And I think it's a legitimate
11 question to ask, and it doesn't harm the selection of the
12 jurors to ask and it doesn't really comment on the facts.
13 Obviously, we have a child that has to speak here. So I
14 don't believe that's an editorializing comment too much.

15 THE COURT: And what question number was that?

16 MR. HARBIN: So, Judge, I have several that kind
17 of ---

18 THE COURT: That was 28.

19 MR. HARBIN: Yeah. Well, a version of 28, yes, sir.

20 Judge, it could be reworded, certainly, if there's
21 something just in the verbiage itself was offensive to the
22 Court.

23 THE COURT: Yeah. To be honest, Mr. Harbin, I'm not
24 inclined to ask it. Okay.

25 MR. HARBIN: I'll just make my objection for the

1 record, Judge.

2 THE COURT: Yeah. Right. Sure. All right.

3 MR. HARBIN: Yes, sir.

4 THE COURT: Okay. Anything else? Do you want to
5 sequester witnesses? What do you want -- any ---

6 MR. HARBIN: Well, Judge, our defense is going to be
7 that there's a family member that's influencing the child,
8 so I think it would be proper at least to sequester the
9 aunt in question. That would be Kerri Farmer -- is that
10 the correct last name? -- Kerri Farmer from [REDACTED] S.A., who is
11 the young lady, victim. I don't -- I think that would be
12 proper.

13 THE COURT: Do you want to sequester witnesses or
14 not?

15 MR. HARBIN: Yes, sir.

16 THE COURT: Okay. I'm going to sequester them.
17 Okay. And we'll have to instruct them that they cannot
18 talk about their testimony with other witnesses.

19 Okay. All right. Anything else?

20 MS. KLUSKA: No, Your Honor. Just what is the
21 schedule for this afternoon?

22 THE COURT: Okay. Well, the jury is coming back in
23 about 25 minutes. They're supposed to watch the movie.
24 And then we go down there, you know, around 2:00. Going
25 to get everybody to watch the movie, and then they're

1 going to select 40. And we'll go down -- and, Cheryl,
2 you'll have to take your stuff. I hate to do it. But
3 we'll do the jury selection down in the jury assembly room
4 around -- probably be 2:30, but I'd be down there around
5 2:00, okay?

6 MR. HARBIN: Okay.

7 MS. KLUSKA: And will that be it for the day then,
8 Your Honor?

9 THE COURT: Let's just see where we are. But I
10 suspect ---

11 MS. KLUSKA: Okay.

12 THE COURT: I mean, do you want to make your opening
13 statements or do you want to wait and do it all tomorrow?

14 MS. KLUSKA: We leave it to your discretion, Your
15 Honor.

16 MR. HARBIN: It's just a preference, but I'd prefer
17 to do opening and start in full tomorrow.

18 THE COURT: I think that's probably the -- we'll do
19 that. Because the opening statements, as you all know,
20 are brief and nonargumentative. I read that somewhere.

21 Okay. See y'all downstairs.

22 (WHEREUPON, proceedings recessed at 12:51 PM.)

23 JURY QUALIFICATION

24 THE COURT: Every one of you should go buy a lottery
25 ticket today. You're the lucky ones.

1 Let me just explain what we're doing. Normally how
2 we have it set up is that we would select this group and
3 then take this group upstairs to the courtroom, and in the
4 courtroom we would then proceed with selecting the jury
5 out of this group. But the courtrooms don't provide us
6 enough space to distance, so we're doing it down here.
7 And normally, all the paperwork would have been in the
8 courtroom. And I forgot to ask our clerk to bring some of
9 it down, so she's gone to go get it. And blame me for the
10 delay, but it won't be long, I promise.

11 So what we're going to do, just to give you an
12 overview, just start the process.

13 Okay. Give her a second just to catch her breath.
14 I'm pretty sure she ran the whole way.

15 All right. Ladies and gentlemen, as I was -- I can't
16 remember what I've told you. What we're going to do now
17 is begin the process of selecting a jury, and you all have
18 been qualified to serve generally this week as jurors
19 under our law. And now we will begin the process of
20 qualifying you to serve for this particular case. That's
21 what we're going to do.

22 And a couple things, I guess, that I need to do is to
23 introduce the case to you and then we'll begin the
24 questionings. And I would remind you all that you're
25 under oath, so please give complete and truthful answers

1 to all the questions that are propounded to you.

2 THE COURT: This is the State vs. Dustin Geoffrey
3 Ready. There are three indictments. And the first one is
4 Indictment Number 2018-956, and this is an indictment for
5 criminal sexual conduct with a minor in the first degree.
6 This indictment alleges that Dustin Geoffrey Ready did, in
7 Greenville County, between August 2015 and October 6,
8 2017, commit a sexual battery on S.A., who was less than
9 11 years of age, in violation of our statutes and laws.

10 The next indictment is 2018-955, and this is an
11 indictment for criminal sexual conduct with a minor in the
12 first degree. And it alleges that Dustin Geoffrey Ready
13 did, in Greenville County, between August 2015 and
14 October 6, 2017 commit a sexual battery on S.A., who was
15 less than 11 years of age, in violation of our statutes
16 and laws.

17 And the third indictment is 2018-957, and it alleges
18 that Dustin Geoffrey Ready did, in Greenville County,
19 between August 2015 and October 6, 2017, commit a sexual
20 battery on S.A., who was less than 11 years of age, in
21 violation of our statutes and laws.

22 Now, to these indictments, Mr. Ready has pled not
23 guilty, and as such, certain rights attach which belong to
24 every citizen or everyone charged with a crime in this
25 country, and that is he is presumed to be innocent unless

1 and until the charging body, which, in this case, is the
2 State of South Carolina, can prove to a jury beyond any
3 reasonable doubt each and every element of each offense
4 that is charged. Please keep all that in mind throughout
5 the course of these proceedings.

6 I would also tell you that these documents which I
7 read to you are nothing more than they appear to be, which
8 are pieces of paper that allow this case to wind its way
9 through our system to arrive in court for resolution. And
10 you should take no inference or make any presumption from
11 the fact that these indictments have issued. They are not
12 evidence.

13 So I'm going to begin the questioning in just a
14 moment, but before I do, I will ask the attorneys to stand
15 and introduce themselves and the client. Ms. Kluska?

16 MS. KLUSKA: Thank you, Your Honor.

17 Good afternoon. My name is Alexa Kluska, and I'm an
18 assistant solicitor here in the 13th circuit. And this is
19 my paralegal, Melita Graham, who is also an employee of
20 the 13th circuit.

21 MS. HENDRICKS: My name's Jenna Hendricks, and I'm
22 also a prosecutor with the 13th Circuit Solicitor's
23 Office.

24 THE COURT: Mr. Harbin?

25 MR. HARBIN: May it please the Court. My name is

1 Chase Harbin. I'm an attorney here in Greenville. To my
2 left is my paralegal, Teresa Pilgrim, and my client,
3 Dustin Ready.

4 THE COURT: All right. Ladies and gentlemen, is any
5 member of the jury panel related by blood or marriage or
6 have a close, personal or business relationship with any
7 of the attorneys involved in this case or any member of
8 the 13th Circuit Solicitor's Office? If so, please stand.

9 (No response.)

10 THE COURT: Okay. Is any member of the jury panel
11 related by blood or marriage or have a business, personal
12 or social relationship with Mr. Dustin Geoffrey Ready? If
13 so, please stand.

14 (No response.)

15 THE COURT: Now I'm going to read a list of potential
16 witnesses in this case, and I would need to know the same
17 about these folks so please listen carefully: S.A. [REDACTED]
18 [REDACTED]; Jessica Ball; Kerri Farmer; Marie Farmer; Donna
19 Summey; Alice Austin; Airien Grimstad; Dr. Mary-Fran
20 Crosswell with the Greenville Hospital System; Christine
21 Carlberg with the Julie Valentine Center; Shauna
22 Galloway-Williams with the Julie Valentine Center; Patrick
23 Swift with the sheriff's office; James Perry with the
24 sheriff's office; Patrick Kelly with the sheriff's office;
25 Mike Rainey with the sheriff's office; Quincy Whitner with

1 the sheriff's office; Tony Hannon with the sheriff's
2 office; Dr. David Price. Is there any member of the jury
3 panel who is related by blood or marriage or who has a
4 business, personal or social relationship with any of the
5 potential witnesses whose names I've just read? If so,
6 please stand.

7 Yes, ma'am?

8 JUROR NUMBER 27: I work with a Marie Farmer. I'm
9 not sure if it's the same one, but ---

10 THE COURT: And, ma'am, for the record, I have to get
11 your name and number.

12 JUROR NUMBER 27: Jessica Hannon, 27.

13 THE COURT: Okay. And where -- tell us where you're
14 employed.

15 JUROR NUMBER: Apogee Therapy Center.

16 THE COURT: Okay. All right. Thank you very much.

17 Anyone else?

18 (No response.)

19 THE COURT: All right. Is there any member of the
20 jury panel who has any knowledge about any of the events
21 that have been alleged in these indictments? If so,
22 please stand.

23 (No response.)

24 THE COURT: Is there any member of the jury panel or
25 a family member or a close, personal friend who has ever

1 been the victim of or charged with this type of offense or
2 these types of offenses? If so, please stand.

3 (No response.)

4 THE COURT: Is there any member of the jury panel who
5 is aware of any bias or prejudice towards either the State
6 or the defense? If so, please stand.

7 (No response.)

8 THE COURT: Is there any member of the jury panel who
9 is a member or a close family member who is a member of
10 any organization who is -- the primary concern is the
11 promotion of law enforcement or victims rights? That
12 would include things like MADD, SADD or CAV. If so,
13 please stand.

14 (No response.)

15 THE COURT: Is any member of the jury panel or a
16 family member or a close, personal friend ever been or
17 currently is a member of a victim's advocacy group? If
18 so, please stand.

19 (No response.)

20 THE COURT: Any member of the jury panel have --
21 friends with or related to anyone who is employed by the
22 South Carolina Department of Social Services? If so,
23 please stand.

24 (No response.)

25 THE COURT: Now, this case, as you have heard,

1 alleges -- or involves allegations of sexual molestation
2 of a child. Does anyone feel that that subject matter is
3 so sensitive that they would not be able to focus on the
4 evidence presented in this case and make a decision based
5 solely on the evidence presented in the courtroom and the
6 law as I would give it to you? If you can't do that,
7 please let us know now.

8 (No response.)

9 THE COURT: Okay. Is there any juror -- member of
10 the jury panel or family member who has ever been -- have
11 any involvement with the Julie Valentine Center? If so,
12 please stand.

13 Yes, ma'am? If we could have your name and number.

14 JUROR NUMBER 13: Patricia Carson, and 13.

15 THE COURT: Okay. If you would, tell me what that
16 involves.

17 JUROR NUMBER 13: I've donated to them and I've
18 funded with that.

19 THE COURT: Okay. All right. Thank you very much.

20 Let me ask the attorneys to approach.

21 (WHEREUPON, a bench conference was held off the record.)

22 THE COURT: All right. And ladies and gentlemen, my
23 final question will be is there any member of the jury
24 panel who knows of any reason whatsoever why you shouldn't
25 serve in this case with particular emphasis on your

1 ability to be fair and impartial to both the State and the
2 defense and to base any decision in this case solely on
3 the evidence presented in the courtroom and the law as I
4 would give it to you? If you can't do that, please let us
5 know right now.

6 (No response.)

7 THE COURT: Okay. Thank you very much.

8 All right, Sandy.

9 JURY SELECTION

10 THE CLERK: When I call your name, if you will,
11 please step over to this area toward the attorneys.

12 Juror Number 42, Mildred Nicholas.

13 (WHEREUPON, Mildred Nicholas, a black female, stood.)

14 THE COURT: Well, let me ask, before we make her
15 walk, can you all see her from where you're seated?

16 MR. HARBIN: I'm happy to get up. If somebody is
17 standing, I'll just get up myself.

18 THE COURT: Okay. Y'all just stay in place. We'll
19 make the lawyers move to see you, okay?

20 THE CLERK: What says the State?

21 MS. KLUSKA: Please seat the juror.

22 THE CLERK: What says the defendant?

23 MR. HARBIN: Sorry. Could you repeat the name of the
24 juror, please.

25 THE CLERK: Mildred Nicholas.

1 MR. HARBIN: We're just having trouble matching up
2 the juror numbers with the pages, Judge.

3 THE COURT: That's all right. And I'll tell you
4 while you're standing, there were two separate lists, so
5 the numbers -- they might be numbers on both lists.

6 MR. HARBIN: Judge, please seat this juror.

7 THE CLERK: Ma'am, if you will, please come forward,
8 bring your belongings.

9 Juror Number 64, Brenda Yancar.

10 (WHEREUPON, Brenda Yancar, a white female, stood.)

11 THE CLERK: What says the State?

12 MS. KLUSKA: Please seat the juror.

13 THE CLERK: What says the defendant?

14 MR. HARBIN: I apologize. We're trying to figure out
15 who's who.

16 THE CLERK: That's fine.

17 MR. HARBIN: Judge, please excuse this juror.

18 THE CLERK: Ma'am, you may be seated. You've been
19 excused from this case.

20 Juror Number 30, Darrell Herbert.

21 (WHEREUPON, Darrell Herbert, a black male, stood.)

22 THE CLERK: What says the State?

23 MS. KLUSKA: Please seat the juror.

24 THE CLERK: What says the defendant?

25 MR. HARBIN: I apologize. Please seat the juror.

1 THE CLERK: Sir, please bring your belongings and
2 come forward.

3 Juror Number 16, Ronald Cox.

4 (WHEREUPON, Ronald Cox, a white male, stood.)

5 THE CLERK: What says the State?

6 MS. KLUSKA: Please seat this juror.

7 THE CLERK: What says the defendant?

8 MR. HARBIN: Please seat the juror.

9 THE CLERK: Mr. Cox, if you'll please bring your
10 belongings and come forward.

11 Juror Number 47, John Riddle.

12 (WHEREUPON, John Riddle, a white male, stood.)

13 THE CLERK: What says the State?

14 MS. KLUSKA: Please seat this juror.

15 THE CLERK: What says the defendant?

16 MR. HARBIN: Please seat Mr. Riddle.

17 THE CLERK: Mr. Riddle, please bring your belongings
18 and come forward.

19 Juror Number 48, Tashara Robinson.

20 (WHEREUPON, Tashara Robinson, a black female, stood.)

21 THE CLERK: What says the State?

22 MS. KLUSKA: Please seat this juror.

23 THE CLERK: What says the defendant?

24 MR. HARBIN: Please seat Ms. Robinson.

25 THE CLERK: Ms. Robinson, please bring your

1 belongings and come forward.

2 Juror Number 4, Nathanael Baughman.

3 (WHEREUPON, Nathanael Baughman, a white male, stood.)

4 THE CLERK: What says the State?

5 MS. KLUSKA: Please seat this juror.

6 THE CLERK: What says the defendant?

7 MR. HARBIN: Please seat the juror.

8 THE CLERK: Mr. Baughman, please bring your
9 belongings and come forward.

10 Juror Number 9, Timothy Brett.

11 (WHEREUPON, Timothy Brett, a white male, stood.)

12 THE CLERK: What says the State?

13 MS. KLUSKA: Please excuse this juror.

14 THE CLERK: Mr. Brett, you may be seated. You've
15 been excused from this case.

16 Juror Number 37, Vervika Louris.

17 (WHEREUPON, Vervika Louris, a black female, stood.)

18 THE CLERK: What says the State?

19 MS. KLUSKA: Please seat this juror.

20 THE CLERK: What says the defendant?

21 MR. HARBIN: Please seat this juror.

22 THE CLERK: Ms. Louris, please bring your belongings
23 and come forward.

24 Juror Number 34, Joanna Lawton.

25 (WHEREUPON, Joanna Lawton, a white female, stood.)

1 THE CLERK: What says the State?

2 MS. KLUSKA: Please excuse this juror.

3 THE CLERK: Ms. Lawton, you may be seated. You've
4 been excused from this case.

5 Juror Number 40, David Millard.

6 (WHEREUPON, David Millard, a white male, stood.)

7 THE CLERK: What says the State?

8 MS. KLUSKA: Please seat this juror.

9 THE CLERK: What says the defendant?

10 MR. HARBIN: Please seat Mr. Millard.

11 THE CLERK: Mr. Millard, please bring your belongings
12 and come forward.

13 Juror Number 5, John Bloom.

14 (WHEREUPON, John Bloom, a white male, stood.)

15 THE CLERK: What says the State?

16 MS. KLUSKA: Please seat this juror.

17 THE CLERK: What says the defendant?

18 MR. HARBIN: Please seat Mr. Bloom.

19 THE CLERK: Mr. Bloom, please bring your belongings
20 and step forward.

21 Juror Number 39, Robert McCauley.

22 (WHEREUPON, Robert McCauley, a white male, stood.)

23 THE CLERK: What says the State?

24 MS. KLUSKA: Please seat this juror.

25 THE CLERK: What says the defendant?

1 MR. HARBIN: Please seat Mr. McCauley.

2 THE CLERK: Mr. McCauley, please bring your
3 belongings and come forward.

4 Juror Number 41, Luis Montoya.

5 (WHEREUPON, Luis Montoya, an Hispanic male, stood.)

6 THE CLERK: What says the State?

7 MS. KLUSKA: Please seat this juror.

8 THE CLERK: What says the defendant?

9 MR. HARBIN: Please seat Mr. Montoya.

10 THE CLERK: Mr. Montoya, please bring your belongings
11 and step forward.

12 Juror Number 7, John Brady.

13 (WHEREUPON, John Brady, a white male, stood.)

14 THE CLERK: What says the State?

15 MS. KLUSKA: Please seat this juror.

16 THE CLERK: What says the defendant?

17 MR. HARBIN: Please excuse Mr. Brady.

18 THE COURT: Mr. Brady, you may be seated. You've
19 been excused from this case.

20 Juror Number 54, Christopher Sherman.

21 (WHEREUPON, Christopher Sherman, a black male, stood.)

22 THE CLERK: What says the State?

23 MS. KLUSKA: Please seat this juror.

24 THE CLERK: What says the defendant?

25 MR. HARBIN: Sorry. Beg your pardon. You called

1 Mr. Christopher Sherman? Is that the correct ---
2 THE COURT: Yes.
3 MR. HARBIN: Please seat the juror.
4 THE CLERK: Mr. Sherman, please bring your belongings
5 and come forward.
6 THE COURT: Two alternates, one and two on each.
7 THE CLERK: Juror Number 62, Margaret Watson.
8 (WHEREUPON, Margaret Watson, a white female, stood.)
9 THE CLERK: What says the State?
10 MS. KLUSKA: Please seat this juror.
11 MR. HARBIN: Please excuse Ms. Watson.
12 THE CLERK: Ms. Watson, you may be seated. You've
13 been excused from this case.
14 Juror Number 38, Karen Martin.
15 (WHEREUPON, Karen Martin, a white female, stood.)
16 THE CLERK: What says the State?
17 MS. KLUSKA: Please excuse this juror.
18 THE CLERK: Ms. Martin, you may be seated. You've
19 been excused from this case.
20 Juror Number 55, Emily Simmons.
21 (WHEREUPON, Emily Simmons, a white female, stood.)
22 THE CLERK: What says the State?
23 MS. KLUSKA: Please excuse this juror.
24 THE COURT: No.
25 MS. KLUSKA: Oh, I'm sorry, Your Honor.

1 Please seat this juror.

2 THE CLERK: What says the defendant?

3 MR. HARBIN: Please seat the juror.

4 THE CLERK: Ms. Simmons, if you will, please bring
5 your belongings and step forward.

6 THE COURT: Okay. One and two on the next.

7 THE CLERK: Juror Number 12, Shannon Busby.

8 (WHEREUPON, Shannon Busby, a white female, stood.)

9 THE CLERK: What says the State?

10 MS. KLUSKA: Please seat this juror.

11 THE CLERK: What says the defendant?

12 MR. HARBIN: Please excuse Ms. Busby.

13 THE CLERK: Ms. Busby, you may be seated. You've
14 been excused from this case.

15 Juror Number 26, Rachel Grimsley.

16 (WHEREUPON, Rachel Grimsley, a white female, stood.)

17 THE CLERK: What says the State?

18 MS. KLUSKA: Please seat this juror.

19 THE CLERK: What says the defendant?

20 MR. HARBIN: Please seat the juror.

21 THE CLERK: Ms. Grimsley, please bring your
22 belongings and come forward.

23 THE COURT: All right. Any exception or objection to
24 the jury as impaneled pursuant to Batson or J.E.B. from
25 the State?

1 MS. KLUSKA: None from the State, Your Honor.

2 MR. HARBIN: None from the defense, Judge.

3 THE COURT: Okay. All right. Ladies and gentlemen,
4 thank you for being here today. I'm sorry that you all
5 will not have an opportunity to serve on this case, but I
6 certainly hope that you'll have an opportunity maybe later
7 this week, if not in the future.

8 What we will ask you, and I'll turn it back over to
9 Janine, but what I think is going to occur is you will be
10 excused for the day, and then we'll ask you to call back
11 after 6:00 tomorrow evening to find out if and when you
12 next need to report, okay?

13 Thank you very much for your service, and I look
14 forward to seeing you again this week. Thank you.

15 (WHEREUPON, the remaining jury panel exits the courtroom
16 at 2:38 PM, and a recess is taken.)

17 THE COURT: All right. Anything before we bring the
18 jury in before we dismiss them?

19 MS. HENDRICKS: Nothing from the State other than I'm
20 not sure if you had a chance to watch the forensic
21 interview.

22 THE COURT: I'm not finished with it.

23 MS. HENDRICKS: Okay.

24 MR. HARBIN: Nothing from defense, Judge.

25 THE COURT: All right.

1 (WHEREUPON, the jury entered the courtroom at 2:56 PM.)

2 JURY INSTRUCTIONS

3 THE COURT: All right. Ladies and gentlemen,
4 welcome up to Courtroom 4.

5 And I'll just tell you again how much we appreciate
6 all the sacrifices that you're making to be up here. And
7 I want to emphasize the fact that I think you're very
8 fortunate to have been chosen to serve. It is a great
9 privilege and a great responsibility to sit as a juror in
10 our court system.

11 I want to tell you that we have a dispute about the
12 facts in the case which requires this jury trial. And I
13 want to also remind you that every person in this country
14 who is charged with a criminal offense is presumed to be
15 innocent unless and until the charging body can prove them
16 guilty beyond any reasonable doubt of each and every
17 element of each offense that they are charged with.
18 Please keep that in mind throughout the course of these
19 proceedings.

20 I also remind you that the indictments that I read to
21 you are not evidence, and you should make no presumption
22 or take any inference from the fact that they issued.
23 They're just the formal written documents which allow the
24 case to wind its way through our system to arrive here in
25 court for resolution.

1 I would tell you as I've told many juries over the
2 years that I divide a trial into five parts. The purpose
3 of me doing that is for you all to have a procedural
4 roadmap so you'll have sort of a big picture idea of where
5 you are in the trial and what you can expect to come next.

6 The first part of the trial I guess you could say
7 we're engaging in now, but I really call that the opening
8 statements to you by the attorneys. And the opening
9 statements from the attorneys, which will occur tomorrow
10 morning, are brief and nonargumentative statements about
11 the case.

12 The second part of the trial is the meat and potatoes
13 of every trial. That is the presentation of the evidence
14 in the case.

15 Generally, evidence will come to you in one of three
16 ways. The first, what I think of most common way is
17 through oral testimony from this witness stand. The
18 second most common way is through the introduction of
19 tangible items or documents. And the third most common
20 way is when the parties and attorneys agree that some fact
21 is so beyond dispute that you should accept it as true,
22 and that's what we call a stipulation of the parties. I
23 don't know the combination of how the evidence will be
24 presented to you, but it generally will come to you in one
25 of those three ways.

1 The third part of the trial will be at the conclusion
2 of all the evidence, after all of the evidence has been
3 presented, then the attorneys make their closing arguments
4 to you. There's a difference between an opening
5 statement, brief and nonargumentative, and a closing
6 argument, which is when the attorneys advocate their
7 position and urge you to resolve the dispute in their
8 favor.

9 The fourth part of the trial is when I will charge
10 you as to what the law is as it applies to this case.

11 And the fifth part of the trial will be when you all
12 retire to deliberate. And normally, you'd be in a jury
13 room, which is fairly close quarters, but we are going to
14 do it in Courtroom Number 3 so you all can have plenty of
15 space.

16 There are, I'm sure, a number of things I'm going to
17 ask you to do throughout the course of the trial, but
18 there are three main things which I ask you to do. The
19 first is to keep an open mind. We go through the
20 qualification questions for the trial to ensure that we
21 have a jury that is fair and impartial and doesn't have a
22 preset mindset about how the case should be decided.
23 We're looking for a jury that will have an open mind,
24 listen to all the evidence, listen to the law, and resolve
25 the dispute based on those things.

1 The second thing I'll ask you to do is not to discuss
2 the case with anyone that you might talk to. We are going
3 to -- we're going to break after I make these opening
4 comments to you, and so you're going to go home. You may
5 see friends, you may see coworkers, you may go to the
6 grocery store and see someone you know. It's okay to tell
7 them that you've been selected to serve on a jury, and
8 you're not going to know anything about the case, really,
9 other than the allegations that I've read to you. But you
10 can't talk about it, about the facts of the case. And you
11 can't talk about it with the people you'll be with
12 tonight. And as the evidence comes in, you can't talk
13 about it. You can't talk about it with the bailiffs, you
14 can't talk about it with your fellow jurors, and certainly
15 not with someone who is not in the case before you're free
16 to deliberate. And the purpose for that is it wouldn't be
17 fair to the parties, it wouldn't be fair to your fellow
18 jurors if you talk to someone else. Most importantly, it
19 wouldn't be fair to yourself to allow someone who is not
20 making the sacrifices that each of you is making to have
21 any input in the outcome of the trial. So there's a very
22 good reason not to discuss it. That also includes going
23 on the Internet and looking something up, doing some
24 search. It includes do not get on some social media and
25 discuss it.

1 Everything that you're going to need to know to
2 decide this case, to resolve this dispute, you'll hear in
3 this courtroom. And it will be subject to constitutional
4 protections and scrutiny that belong to each and every one
5 of us. And so protect it in this case so that it's
6 protected for our whole society. Okay.

7 And I guess I was going to ask you to do three
8 things, but I'm not sure. Maybe two is all I'm going to
9 ask. I'm a little out of practice. We haven't tried
10 cases in a year, so getting back in it.

11 I will tell you this, that you all are the sole
12 judges of the facts in the case. A trial judge is not
13 allowed to have any opinion about the facts, so don't
14 think by anything I say or do throughout the course of the
15 trial that I have an opinion. It is up to you all to
16 decide what to believe and what not to believe and what
17 you feel is correct and what you think is incorrect. It's
18 up to you and you alone.

19 The same law that makes you the sole judge of the
20 facts in this case makes me the sole judge of the law. So
21 if you think you have any idea as to what the law is or
22 what the law ought to be and it disagrees or differs from
23 what I tell you the law is throughout the course of the
24 trial and at the conclusion of the trial, you're going to
25 swear an oath in just a second to set aside your own

1 opinion and apply the law as I charge it to you. We are a
2 country of laws.

3 There will be a couple of other things I tell you
4 about. You saw me ask the lawyers to come up and discuss
5 something with me out of your hearing. That may go on in
6 the trial. I may ask you all to depart so I can discuss
7 some issue with them. We are maybe trying to keep
8 something from you, but we're certainly not going to try
9 and deceive you in any way. If it's a disputed piece of
10 evidence that we need to discuss out of your presence, if
11 it's not admissible, then you can certainly understand why
12 you shouldn't hear it. If it is admissible, you will hear
13 it. So those things go on throughout the course of the
14 trial.

15 And the other thing I'm going to ask you to do is in
16 the morning when you come back -- and I'm going to ask you
17 to be here just shortly before 10:00, try and start the
18 trial at 10:00 -- see if you all can decide who you would
19 like to be your foreperson. And the foreperson of the
20 jury among the first 12 -- can't be an alternate -- is the
21 moderator of discussions during your deliberations and the
22 jury's spokesperson in the courtroom should that become
23 necessary. Okay.

24 So I think that's about all my opening comments to
25 you. And at this time, I will ask you all to stand and

1 take the oath.

2 THE CLERK: Please raise your right hand, and once
3 I've read this oath, the correct response will be "I
4 will."

5 (WHEREUPON, the jury is duly sworn.)

6 THE CLERK: Thank you.

7 THE COURT: All right. Anything further from anyone
8 before we release?

9 MS. KLUSKA: No, Your Honor. Thank you.

10 MR. HARBIN: No, sir.

11 THE COURT: All right. Ladies and gentlemen, excuse
12 you for the day. And please remember what I've told you
13 so far. And we will look forward to seeing you in the
14 morning. Hope you have a very pleasant evening. Thank
15 you.

16 (WHEREUPON, the jury exits the courtroom at 3:07 PM.)

17 THE COURT: Okay. Anything before we break for the
18 night?

19 MS. KLUSKA: No, Your Honor.

20 MR. HARBIN: No, sir.

21 THE COURT: All right. Mr. Ready is going to remain
22 on bond and subject to all the conditions of his bond.

23 MR. HARBIN: Yes, sir.

24 THE COURT: Okay.

25 (WHEREUPON, proceedings recessed at 3:08 PM.)

1 TUESDAY, MAY 18, 2021

2 (WHEREUPON, State's Exhibit Numbers 2 through 6 were
3 marked for identification; proceedings reconvened at
4 10:04 AM.)

5 THE COURT: Okay. Everybody doing well today?

6 All right. The foreperson is Number 54, Chris
7 Sherman.

8 I have reviewed the forensic interview. Is there
9 anything anybody needs to say about it? I understand
10 there's no objection.

11 MR. HARBIN: Correct, Judge.

12 MS. HENDRICKS: No. I don't think there's anything
13 from the State.

14 THE COURT: Okay. All right. Well, is everybody
15 ready?

16 MR. HARBIN: Yes, sir.

17 MS. HENDRICKS: Yes, Your Honor.

18 THE COURT: Okay. We have sequestered the witnesses.
19 There are no witnesses in here, are there?

20 MS. KLUSKA: Just the lead investigator, Your Honor.

21 THE COURT: I'm sorry?

22 MS. KLUSKA: Just our lead investigator, Airien
23 Grimstad, Your Honor.

24 THE COURT: Okay. All right.

25 MR. HARBIN: Judge, these are his parents, Judge.

1 And I don't have any plans to call them, but, of course,
2 they have knowledge of this case. And if you want me to
3 sequester them . . .

4 THE COURT: Well, if they stay, they won't be allowed
5 to testify.

6 MR. HARBIN: Yes, sir.

7 If y'all can sit out in the hall and I'll come and
8 talk to you later.

9 (WHEREUPON, Court's Exhibit Number 1 was marked for
10 identification; the jury entered the courtroom at
11 10:07 AM.)

12 THE COURT: All right. Ladies and gentlemen,
13 welcome back. I hope y'all had a pleasant evening. And
14 we are ready to begin the trial. So at this time, if
15 you'll remember, I'm going to turn it over to the
16 attorneys for their opening statements to you. Okay.

17 OPENING STATEMENTS

18 MS. HENDRICKS: Thank you, Your Honor. May it please
19 the Court.

20 THE COURT: Yes.

21 MS. HENDRICKS: Today's case is about bringing crimes
22 committed in the darkness to light, the crime of child
23 sexual abuse. Some of the things you hear in this trial
24 may make you uncomfortable, but unfortunately, child sex
25 abuse is a reality in our community.

1 The evidence will show that this defendant sexually
2 abused his fiancée's daughter, [S.A.]. This abuse
3 happened in secret over multiple years until [S.A.]
4 disclosed when she was 9 years old.

5 My name is Jenna Hendricks, and my co-counsel is
6 Alexa Kluska. We're the prosecutors in this case, and
7 we'll be presenting evidence that this defendant committed
8 the crime of criminal sexual conduct with a minor in the
9 first degree.

10 [S.A.] disclosed this sexual abuse to her aunt in
11 2017. She was taken to the hospital, and law enforcement
12 was called. Investigator Grimstad thoroughly investigated
13 this case and ultimately got three arrest warrants for
14 this defendant.

15 This defendant, Dustin Ready, sits before you today
16 charged with three counts of criminal sexual conduct with
17 a minor in the first degree.

18 The judge will explain the law to you at the end of
19 the trial, but in the meantime, keep this in mind. The
20 State's required to prove that the child's a minor under
21 the age of 11. This will be fairly straightforward. You
22 will hear that [S.A.] is 13 years old today and she was
23 9 years old when she disclosed the abuse.

24 We also have to prove that the defendant committed a
25 sexual battery on [S.A.]. A sexual battery is

1 intercourse, cunnilingus, fellatio, anal intercourse or
2 any intrusion, however slight, of any part of a person's
3 body or any object into the anal or genital openings of
4 the victim.

5 We'll call several witnesses to the stand in order to
6 prove our case. We'll call Investigator Airien Grimstad
7 with the Greenville County Sheriff's Office. She'll tell
8 you about all the evidence she reviewed before arresting
9 and charging this defendant.

10 We'll also call Jessica Ball to the stand. Jessica
11 Ball is [S.A.]'s mother. Her testimony is important
12 because she's going to give a timeline not only of
13 [S.A.]'s childhood, but also of her own military
14 experience. Jessica's in the Air Force, and when she was
15 away from home serving our country, the defendant seized
16 the opportunity to sexually abuse [S.A.]

17 [S.A.] also participated in a forensic interview.
18 We'll call Christine Carlberg to the stand to explain the
19 techniques of forensic interviews, and you'll get to watch
20 that forensic interview for yourselves. When you do,
21 please pay close attention to the level of detail [S.A.]
22 describes the sexual abuse that she endured.

23 You'll finally get to hear from [S.A.] herself.
24 She's 13 years old now, and she's found her voice. And
25 she will be brave enough to take the stand and tell you

1 all what she's been through.

2 We ask that you view this entire trial through the
3 lens of one simple question: What details does S.A.
4 describe that a 9-year-old can never make up?

5 At the end of the trial, we'll get to talk to you
6 again. And we'll ask that you return the only verdict
7 that's supported by the evidence in this case, a verdict
8 of guilty on all charges, and what's done in the darkness
9 will be brought to light.

10 Thank you.

11 MR. HARBIN: Judge, may it please the Court.

12 THE COURT: Yes, sir.

13 MR. HARBIN: Good morning. Again, my name's Chase
14 Harbin. And just to let you know who's sitting at my
15 table, again, this is my paralegal Teresa and, of course,
16 Mr. Ready in the blue jacket.

17 I wanted to start out by acknowledging, similar to
18 the prosecutor, these are difficult cases. I've been
19 doing this job for -- this is my 20th year, and I'm still
20 not used to this kind of case. It hits you in an
21 emotional way. I'm a father of three. In fact, I have
22 two girls that are 8 and 10 which would be right in the
23 middle of the age that S.A. was when she allegedly
24 disclosed this. So this hits home for me.

25 I say that because you're going to have to

1 compartmentalize your emotions here, because this case is
2 not about whether we care about children. We all care
3 about children. It's not about whether we want to protect
4 children. We all want to protect children. This case is
5 about proof, or lack of proof, as it were.

6 There are many different standards of proof, and
7 you're going to be asked to find beyond a reasonable
8 doubt. This is our highest level of proof, which is not
9 to say probably true, or more true than not, or that
10 you're clearly convinced. It is that you have all of your
11 doubts removed of his guilt.

12 Just to reframe the story of this case a little bit,
13 Dustin and Jessica met back in 2011 or so. At the time,
14 Jessica had her daughter [S.A.]. They fell in love, moved
15 in together. Justin was a father figure to [S.A.] for
16 many years.

17 From the get-go he had problems with Jessica's
18 family. And that would be exacerbated when she would go
19 out of town on leave for her duties in the military,
20 specifically with her sisters. This went on for years and
21 years and eventually led to one of her sisters saying that
22 [S.A.] had disclosed some abuse to her after she had asked
23 her specifically.

24 Dustin is essentially operating as a single dad at
25 this time. By 2017 when this occurs, Dustin and Jessica

1 had a daughter named Rosie, and she was 2 at the time.

2 He's dealing with issues with Jessica's family.
3 They're trying to help out and have a custodial
4 arrangement when she is out of town, but that doesn't work
5 out very well.

6 Leading up to October 7th, which is the day that
7 Kerri Farmer, who is Jessica's sister, [S.A.]'s aunt, the
8 day leading up to the day that she alleges that [S.A.]
9 disclosed to her, several days beforehand, that same aunt
10 had decided of her own volition to announce to [S.A.] that
11 Dustin was not her biological dad. For years they had
12 operated or let her operate under the theory that he was.
13 Within days of that, Jessica breaks up with Dustin, and
14 then the very next day, Kerri alleges that [S.A.] made all
15 of these disclosures.

16 It's important for you to understand the timeline.
17 It's important for you to understand what motives people
18 may have for telling the truth or not telling the truth.

19 Dustin has waited for three years, three and a half
20 years to get here today. He can't prove a negative.
21 Nobody can really prove a negative, so it's fortunate for
22 us that the burden of proof is on the State. The State
23 has to offer this proof to you. Dustin doesn't have to
24 prove anything, and that's fair because he can't. You
25 can't really prove over the course of two years that you

1 weren't at a certain place or weren't doing a certain
2 thing.

3 I would encourage you, just as the solicitor did, to
4 pay attention to the details. The details will show you
5 that there's wildly inconsistent stories and growing
6 stories, and it's not the same narrative each time she's
7 asked.

8 And we start -- I also ask you to consider we start
9 off with an allegation, a story. We end with an
10 allegation and a story. And I say that to mean that
11 there's not going to be any other proof, no physical
12 evidence or witnesses, medical evidence, nothing. Nothing
13 at all. The State will need you to lower your own burden
14 of proof to find him guilty. I don't want you to do that.
15 There's not enough evidence here to convict him beyond a
16 reasonable doubt, so don't get caught up in your emotion
17 because we all -- again, we all protect children. We all
18 love children and want to do our best. That's not why
19 you're here. You're here to evaluate evidence.

20 I'd ask you just to keep an open mind, to pay
21 attention to the details because the details are
22 important, and at the end of this trial, I'll come back
23 and ask you to find my client not guilty.

24 Thank you.

25 THE COURT: All right. Call your first witness.

1 MS. HENDRICKS: The State calls Master Deputy Patrick
2 Kelly.

3 THE CLERK: Please step forward to the witness stand.
4 Once you're there, place your left hand on the Bible and
5 raise your right hand.

6 WHEREUPON,

7 PATRICK KELLY,

8 After having been duly sworn, testified as follows:

9 THE CLERK: Thank you. And please be seated. Once
10 you're seated, state your name for the record.

11 THE WITNESS: Patrick Kelly.

12 DIRECT EXAMINATION

13 BY MS. HENDRICKS:

14 Q And where are you employed?

15 A Greenville County Sheriff's Office.

16 Q And what's your position with the sheriff's office?

17 A I'm a master deputy in Uniform Patrol, which is a
18 field training officer and a minor supervisor.

19 Q And how long have you been in law enforcement?

20 A Nine years in June.

21 Q Were you working on October 7, 2017?

22 A Yes, ma'am.

23 Q And how did you become involved in this case?

24 A The hospital called me in reference to a possible
25 sexual abuse case with a minor.

1 Q And do you know where the incident location was?

2 A It was [REDACTED] Old Spartanburg Road, Apartment [REDACTED] at
3 Greyeagle Apartments.

4 Q And what county is that in?

5 A Greenville County, ma'am.

6 Q And once you arrived at the hospital, who did you
7 speak with?

8 A I believe -- let me just double-check. I spoke with
9 a nurse initially. They just kind of -- kind of got me up
10 to date of how a 9-year-old had been sexually assaulted.
11 And so at that point, I wanted to make contact with the
12 9-year-old.

13 Q So who did you speak with after the nurse?

14 A I made contact with the two aunts, Kerri and Marie,
15 and the great grandparent, Donna, who were with two
16 children in Room 222 -- or 22. My apologies.

17 Q What was their demeanor?

18 A They were shocked, very concerned, you know. Kind of
19 when someone's been told that, it kind of doesn't make
20 sense at first.

21 Q And what did you do next?

22 A I spoke with the 9-year-old to see what all the
23 accusations were. One of the -- I can't remember exactly
24 which one, but one of the aunts was present with the
25 9-year-old because I just didn't want to have me and her

1 in the room as a male and, you know, I'm in uniform.

2 So I just asked her an open-ended question of what
3 happened.

4 Q And during this meeting, did [S.A.] disclose sexual
5 abuse to you?

6 A Yes, ma'am.

7 Q And did she say when this abuse occurred?

8 A Most recently it happened that Thursday and Friday, I
9 believe, which was the 5th and 6th of that month.

10 Q That was in 2017, correct?

11 A Yes, ma'am.

12 Q And did she say where this abuse occurred?

13 A At that -- in the Greyeagle Apartments at [REDACTED] Old
14 Spartanburg Road.

15 Q And what was [S.A.]'s demeanor?

16 A She was very willing to talk. She spoke openly and
17 freely to me. She didn't -- you know, I looked for signs
18 if they're looking for someone for affirmation. She spoke
19 with me and was direct and forward and didn't have to look
20 towards the aunts or anything for any kind of affirmation.

21 Q I think you said one of her aunts was present while
22 you spoke with her?

23 A Yes, ma'am.

24 Q Do you remember how y'all were arranged in the room?

25 A I know -- it's been a while, but I know they were --

1 she was close to her so that she can feel like she was not
2 in trouble with me or anything. So ---

3 Q And after you spoke with [S.A.], what did you do?

4 A I contacted -- basically, I contacted our on-call
5 Crimes Against Children, Deputy Guerra [phonetic],
6 informed him of the situation, basically, because the
7 father at the time was having -- or Mr. Ready had custody
8 of the children and was watching them. So I wanted to
9 make sure that the case was done thoroughly just in case
10 -- the children were safe because the children were my
11 main concern.

12 Q Is that standard protocol in a case?

13 A Yes, ma'am.

14 Q So are there specific people at the sheriff's office
15 who investigate sex crimes?

16 A Yes, ma'am.

17 Q And are you part of that unit?

18 A No, ma'am.

19 Q And were you part of that unit in 2017?

20 A No, ma'am. Not at all.

21 Q And did you have any involvement in this case after
22 October 7, 2017?

23 A No, ma'am. I just documented that initial incident
24 of what was told.

25 MS. HENDRICKS: Okay. No further questions. Please

1 answer any questions the defense may have.

2 MR. HARBIN: May it please the Court.

3 CROSS EXAMINATION

4 BY MR. HARBIN:

5 Q Officer, so if I understand correctly, you're not
6 here necessarily to offer any evidence right now. You're
7 just the first point of contact for law enforcement. You
8 immediately passed it over to the appropriate department.
9 Is that summary correct?

10 A Yes, sir.

11 MR. HARBIN: All right. Thank you. No further
12 questions.

13 THE COURT: All right. Anything else?

14 MS. HENDRICKS: Nothing from the State, Your Honor.

15 THE COURT: Thank you, sir. You may step down.

16 THE WITNESS: Thank you, Your Honor.

17 THE COURT: Okay. Call your next witness.

18 MS. KLUSKA: Thank you, Your Honor. The State calls
19 Jessica Ball to the stand.

20 THE CLERK: Ms. Ball, if you will, please once you
21 get up here, place your left hand on the Bible and raise
22 your right hand.

23 WHEREUPON,

24 JESSICA BALL,

25 After having been duly sworn, testified as follows:

1 THE CLERK: Thank you. Please be seated. Once
2 you're seated, state your name for the record.

3 THE COURT: And, ma'am, you may remove your mask.

4 THE WITNESS: Thank you.

5 My name is Jessica Ball.

6 DIRECT EXAMINATION

7 BY MS. KLUSKA:

8 Q Ms. Ball, are you employed?

9 A Yes.

10 Q Where are you employed?

11 A I have two jobs. I work for the United States Air
12 Force, and I am also -- work for Floatair Boatlifts.

13 Q How long have you been in the Air Force?

14 A 12 years.

15 Q Can you tell us a little bit about your military
16 experience?

17 A Yes. I'm security forces, basically law enforcement
18 and infantry when deployed. I work as an instructor for
19 my 100-plus troops.

20 Q What do you instruct on?

21 A Combatives. Sorry. I'm nervous. Taser, ASP baton
22 and active shooter.

23 Q You mentioned a deployment. Can you tell us about
24 that?

25 A Yes. That deployment was 2013, 2014. And I was in

1 three different countries at that time moving as what we
2 call a forward deployment unit. We go where we're needed.

3 Q How long were you gone for?

4 A A good nine to ten months.

5 Q Are you married?

6 A Yes.

7 Q What is your husband's name?

8 A Nathan Ball.

9 Q Do you have any children?

10 A I have two.

11 Q And what are their names?

12 A S.A. and R.R.

13 Q And how long have you been married to Mr. Ball?

14 A It's been a year and a half.

15 Q How long have you been dating?

16 A It's been about three years.

17 Q You mentioned your two daughters, S.A. and Rosie.

18 What are their ages?

19 A S.A.'s 13, R.R. is 5.

20 Q When was S.A. born?

21 A She was born 24th of November 2007.

22 Q Is S.A.'s biological father in the picture?

23 A He is not.

24 Q And just talking a little bit more about S.A., do
25 you remember when she started school?

1 A She actually started kindergarten during that
2 deployment in 2013.

3 Q How old would she have been when she started
4 kindergarten?

5 A 5.

6 Q And what school did she start out?

7 A She started at [REDACTED] Elementary School.

8 Q What grade is she currently in?

9 A She's in seventh.

10 Q And who is [REDACTED] 's biological father?

11 A The defendant.

12 Q How did you meet the defendant?

13 A Online.

14 Q Do you remember when?

15 A It was roughly 2011.

16 Q So you guys meet in 2011. What was the beginning of
17 your relationship like?

18 A We kind of like generally liked the same things. It
19 was pretty smooth. We got along well enough.

20 Q Did you two eventually get more serious?

21 A We did. We moved in together kind of early, I guess.
22 It was a couple months after we started dating.

23 Q So when you moved in together, would that still have
24 been 2011, do you think, or was that 2012?

25 A That was 2011, because I remember having orders that

1 year.

2 Q And when you moved in together, where did you live?

3 A It was called Alta Crescent Apartments in Greer.

4 Q Did you two eventually move from there?

5 A We moved there to Enoree Hills into a house.

6 Q What about after the house in Enoree Hills, where did
7 you live?

8 A In 2015 we moved to Greyeagle Apartments.

9 Q Are the Greyeagle Apartments in Greenville County?

10 A They are. They're in Taylors.

11 Q And in these three places that you lived, did S.A.
12 live with you two as well?

13 A She did.

14 Q How old would S.A. have been when you moved into
15 the Greyeagle Apartments?

16 A She would have been -- she would have been 7 or 8.

17 Q And how long did you live there?

18 A From 2015 to 2017.

19 Q Let me show you what has been premarked as State's
20 Exhibits 2 through 6. Without telling us exactly what
21 those are, can you identify what those photos are of?

22 A Yes.

23 Q And what are they?

24 A Just 2, 2 would be ---

25 Q Just in general, what are they pictures of?

1 A These are just computers and servers and an old TV
2 that we had.

4	A	Yes.
---	---	------

7 A Yes. Nothing's moved.

10	A	Have not.
----	---	-----------

13 MR. HARBIN: No objection, Judge.

15 (WHEREUPON, State's Exhibit Numbers 2 through 6 were
16 admitted into evidence.)

19 THE COURT: Yeah. Are they marked?

21 THE COURT: Okay. All right.

23	Q	So how many rooms are depicted in those photos?
----	---	---

25 Q So start with the first room, if you will. Can you

1 please -- it might be a little bit hard for the jury to
2 see but I can show them in a minute. Can you hold that
3 photo up and tell the jury what that is a picture of?

4 A This was a picture of the -- it was our -- our
5 bedroom, but it also had like servers and computers on the
6 other side of it.

7 Q Whose computers were those?

8 A The defendant's.

9 THE COURT: Let me interrupt you for a second. If
10 you want to ---

11 MS. KLUSKA: Yes, sir.

12 THE COURT: --- all this new modern COVID equipment,
13 you can display it. I think it's on the DOT camera. I'm
14 just offering that as a ---

15 THE WITNESS: I can look up there if this would be
16 easier for you to have these.

17 MS. KLUSKA: Thank you, Your Honor.

18 THE COURT: Yep.

19 BY MS. KLUSKA:

20 Q So you told us about this room, right?

21 A You might have to zoom out.

22 Yes. That was our bedroom in which one side of it
23 had computers and servers.

24 Q This is another photo of what your bedroom looked
25 like?

1 A It is.

2 Q And what is this a picture of?

3 A That is the other side of the bedroom. The bed is
4 actually put up against the wall, and there's a nightstand
5 and a closet.

6 Q So those computers are just on the other side of this
7 photo, right?

8 A It is. You can still see the side of one of them.

9 Q And what is this room?

10 A The living room.

11 Q What about this one?

12 A It's the opposite wall of the living room.

13 Q Thank you.

14 So during the time that you and the defendant lived
15 in those Greyeagle Apartments, what were your military
16 duties like at that time? I think you said 2015 to 2017?

17 A Yes.

18 2015 I only had pretty much drill at that time, which
19 is one weekend a month. And then you had 12 drills a year
20 plus AT, which is two weeks out of the year that you come
21 in to get all of your certifications. I was pregnant then
22 with **R.R.**, so I only did just drill and AT.

23 Once we hit 2016, 2017, I had schools, so I would --
24 I still had drills, AT, and I might leave for another week
25 here and there.

1 Q So between those years, how many times would you
2 estimate that you went out of town?

3 A At minimum 13, anywhere from 16.

4 Q So 13 to 16 times per year, maybe not in 2015 because
5 you were pregnant; is that right?

6 A Yes, yes.

7 Q And during the times that you were gone, what were
8 your childcare arrangements for S.A. and then R.R.?

9 A They stayed with the defendant.

10 Q Did anyone help him?

11 A Randomly they would get them for a drill, but not
12 much.

13 Q I'm sorry. Can you repeat that?

14 A Randomly like my mother would get them for one of my
15 drills, but not typical.

16 Q Okay. And to your knowledge, was anyone helping your
17 mother when they were over there?

18 A No. Not to my knowledge.

19 Q What about your sisters? Did they help?

20 A Once we moved into the apartments, we were a pretty
21 secluded family, so no, not that much.

22 Q You said you were secluded. What do you mean by
23 that?

24 A I just -- you know, life is so busy and stuff like
25 that. And with the family, we just kind of grew apart, I

1 guess.

2 Q Why did you grow apart?

3 A We -- it just -- it felt weird having to go to family
4 things by myself and with my kids without the defendant
5 because they weren't the chummiest, I guess you would say.

6 Q So when you would go see your family, would he be
7 with you? he wouldn't be with you?

8 A Typically, 75, 80 percent of the time he was not, at
9 that point.

10 Q So would you say you saw your family more before you
11 started dating the defendant?

12 A Yes.

13 Q With you being gone with the military so much, how
14 did S.A. handle that?

15 A She seemed to handle it well. But she was always a
16 shy kid. Every now and then she'd, you know, be just like
17 I really miss you, because sometimes it would be pretty
18 much almost back to back. But I think she got pretty used
19 to it.

20 Q Was there ever a time that sticks out in your mind
21 when she had a really negative reaction to you leaving?

22 A Yes. I remember I was leaving just for a drill. I
23 had gotten back from a two-week order, but I was leaving
24 like a week later to go to a drill. And she met me at the
25 door because I was, you know, carrying my bags out, and

1 she cried. And I said, "What's the matter?"

2 And she said, "I'm just -- I miss you so much."

3 I said, "I'll be back in just two days time."

4 And she said, "Okay." And she said, "I just want to
5 go to bed."

6 I said, "Okay. Just go climb into bed." And then I
7 left.

8 Q What about with the defendant, how did your
9 relationship progress? Were you two happy?

10 A We -- I felt like we kind of worked for the most
11 part. He was pretty big about most things being his way,
12 and when we didn't get along, we just went our separate
13 ways because he always told me we can't fight in front of
14 the kids or argue in front of the kids. It was -- it
15 wasn't always bad, but once I got pregnant with R.R., it
16 felt like it went downhill pretty quickly.

17 Q How did it go downhill?

18 A I just felt like he was disgusted with me, and we
19 just kind of stayed out of his way.

20 Q How was your sex life with him?

21 A At that point, there was none.

22 Q I want to take you back to October 2017. Were you on
23 military orders at that time?

24 A I was. I was at Dobbins Air Force Base doing
25 hurricane relief for the islands.

1 Q What does hurricane relief entail?

2 A That specific duty I did not go to the islands. I
3 was there to bring in the people who were injured or the
4 children that were now without parents, so forth like
5 that, and the extremely injured that didn't have the
6 capability to treat them there on the islands. So we
7 would transport.

8 Q How long were those orders supposed to be for?

9 A They were supposed to go as long as they needed us.

10 Q And when you left for those orders, do you remember
11 how old S.A. would have been?

12 A She would have been 9 at the time.

13 Q While you were on those orders, do you remember
14 getting a concerning phone call?

15 A I did get one. It was a male, I cannot tell you his
16 name, who asked me to call him back regarding the
17 children. I missed the call because I was on the flight
18 line, and it took me two or three times calling him back
19 to get him to answer.

20 Q When you eventually got ahold of that man again, were
21 you made aware that S.A. had disclosed sexual abuse?

22 A Yes.

23 Q What did you do next?

24 A I had to -- I had my partner drive me to my flight
25 chief and -- so I could be relieved of duty and be driven

1 home.

2 Q During the investigation, did you cooperate with law
3 enforcement?

4 A I did.

5 Q Were you under investigation for anything at that
6 time?

7 A The kids were put with my sisters to make sure. I
8 don't know if I was exactly under an investigation, but
9 until we had the Judy [sic] Valentine talk, I guess, with
10 **S.A.**, I was only allowed like -- what is it called? --
11 supervised visitation. My sisters took care of them.

12 Q Okay. So **S.A.** was at your sister's house after
13 that?

14 A With my oldest sister Marie and my mother. They both
15 lived in the same house.

16 Q What's your other sister's name?

17 A Kerri.

18 Q After you became aware that **S.A.** disclosed sexual
19 abuse, what happened with your relationship with the
20 defendant?

21 A It was ended.

22 Q Have you seen him or had contact with him since then?

23 A The only time I've seen him is when I went with the
24 police officer to get some of my stuff at the apartment,
25 and I'm assuming that's where those body cam photos came

1 from, and Family Court. We didn't speak, but I could see
2 him.

3 Q Where is S.A. living now?

4 A With me.

5 Q Who else lives with you now?

6 A My husband and R.R..

7 MS. KLUSKA: Nothing further at this time. Please
8 answer any questions the defense may have.

9 THE COURT: Cross.

10 CROSS EXAMINATION

11 BY MR. HARBIN:

12 Q Ms. Ball, good morning.

13 Ms. Ball, your sisters and Dustin did not get along;
14 is that a fair statement?

15 A They were definitely not chummy at all.

16 Q In fact, your sister made it known that she just
17 flat-out didn't like him. And I know you have two
18 sisters, but Kerri specifically was outspoken, let's say,
19 in her dislike of Dustin.

20 A She never actually said that she disliked him to my
21 face. But, I mean, she was just, you know, disrespectful
22 when we were in presence, but they never talked.

23 Q Okay. She's your sister, so I guess it's your
24 understanding she was -- always felt that way and just
25 didn't share that with you at the time?

1 A Not at the time.

2 Q That she didn't share it with you or -- I'm sorry.
3 That she didn't -- or that she didn't feel that way at the
4 time?

5 A She didn't tell me she felt that way at the time.

6 Q So you just simply weren't aware of it at the time.

7 A I wasn't aware of it at that time.

8 Q Okay. When you first met Dustin you said it was
9 good, and y'all moved in together relatively quickly,
10 right?

11 A Yes.

12 Q And when you would go out of town, you trusted Dustin
13 with your daughter S.A.. I mean, I assume you did; is
14 that correct?

15 A Starting in about 2012, yes. I just -- you know, we
16 were still -- still kind of dating. The 2011s, just
17 trying to be careful.

18 Q But it's a big responsibility to leave your daughter
19 in the care of anybody, much less a boyfriend that you'd
20 only known for about a year or so, I guess, at that point;
21 is that fair to say?

22 A Yes.

23 Q Okay. But you did trust him. And as far as you
24 knew, everything was good, and their relationship was good
25 or else you wouldn't have left them -- or left S.A. with

1 him; is that a fair statement as well?

2 A Yes.

3 Q Okay. In fact, in 2013 your sister Kerri actually
4 made a complaint to DSS, didn't she?

5 A She did.

6 Q She did.

7 And what did she allege in that complaint to DSS in
8 2013?

9 A From me, what was told to me, it was about safety
10 because we had guns in the house and that they weren't
11 secured properly. That was what I was told. But I
12 honestly couldn't tell you if it was them or him who told
13 me that, because I had never spoke to the DSS counselor.

14 Q You were away at that time?

15 A I was.

16 Q So you had gone on -- do you call it on drill or you
17 were actually deployed?

18 A That one was a deployment, yes.

19 Q So you were actually deployed at the time. So you
20 went -- you were deployed, and then there was some
21 friction between Kerri and Dustin resulting in Kerri
22 calling DSS for a concern with the child; is that correct?

23 A I don't know exactly what happened, but the custody
24 was for Dustin and Marie.

25 Q Okay.

1 A I don't actually know what kind of friction
2 happened.

3 Q All right. But you do know that your family, Kerri
4 specifically, reported to DSS that she had some concerns
5 for the safety or well-being of S.A. .

6 A Yes.

7 Q And what is your understanding about how that case
8 was resolved?

9 A That the DSS counselor came out and checked the place
10 and basically said it was -- that she found nothing of
11 value.

12 Q That it was unfounded; is that correct?

13 A I assume so, yes.

14 Q Okay. You said that your relationship with Dustin
15 was good in the beginning and that you trusted him with
16 S.A. . And to your eye, they had a good father-like,
17 daughter-like relationship?

18 A Yes.

19 Q Okay. And is it true that S.A. called Dustin her
20 father, knew him as her father as opposed to you telling
21 her about her natural father?

22 A Once I came back from deployment, he made it clear
23 that she was going to call him dad and nothing else
24 because I slipped up and said his name. And he was like,
25 "No. It's dad." So like, okay.

1 Q So just to be clear for the jury, it is true that she
2 did not know that Dustin was not her natural father until
3 sometime in 2017. And I believe that happened, that
4 disclosure happened when you were deployed again as well,
5 or on drill away out of town.

6 A I don't believe so. I -- she did not know that she
7 had another father, no.

8 Q Right. And when did she become aware of that, that
9 Dustin was not her natural father?

10 A It would -- once I told her in 2017.

11 Q And you told her when in 2017?

12 A That would be after the incident.

13 Q Okay. So you texted when you were out of town or
14 when you were away, and the date of disclosure is
15 October 7, 2017, for reference. So you're saying that you
16 told [S.A.] -- or you did not tell [S.A.] until after
17 October 7th.

18 A I didn't tell [S.A.] until I was back home after the
19 incident.

20 Q Did anybody else -- I apologize.

21 A Oh, it's okay.

22 Q Did anybody tell her before you spoke with her about
23 that?

24 A Not to my knowledge.

25 Q Okay. So you haven't seen any text messages with

1 that information on it, arguing back and forth, Dustin and
2 Kerri.

3 A I have not seen the text messages.

4 Q S.A. was unhappy when you would have to go out of
5 town; is that a fair statement? Or she didn't want you to
6 leave every time you left.

7 A Towards the end, yes, she did not want me to.

8 Q Towards the end would be in 2017?

9 A Yes.

10 Q Okay. So you didn't notice anything necessarily in
11 2015, 2016. And this happened at the end of 2017, so
12 towards the end of 2017?

13 A I did not.

14 Q I'm sorry?

15 A I did not.

16 Q You did not what? I'm sorry. Let me rephrase the
17 question and maybe it will be ---

18 A Okay.

19 Q You said that things -- that she seemed more sad when
20 you left towards the end of this. And I assume you mean
21 towards the October 7th day, so approaching that date. So
22 2015, 2016, the years leading up, nothing really popped up
23 on your radar. It's just later on in 2017.

24 A Yes.

25 MR. HARBIN: Okay. One moment, Your Honor.

1 BY MR. HARBIN:

2 Q [S.A.] disclosed -- to your knowledge, [S.A.]
3 disclosed to your sister Kerri; is that right?

4 A To my knowledge.

5 Q And you had a conversation with your sister Kerri
6 about that before; is that correct?

7 A I did not.

8 MS. KLUSKA: Objection, Your Honor. Hearsay.

9 MR. HARBIN: I'm asking about her part of the
10 conversation.

11 THE COURT: Yeah.

12 BY MR. HARBIN:

13 Q You knew that your sister was the one that was
14 alleging that [S.A.] had told her first, and you knew that
15 from Kerri; is that correct?

16 A I did not know who she told until I got home after
17 the male called me.

18 Q But you're aware now that Kerri asked her whether she
19 had ever been touched, and that was when [S.A.] offered
20 the disclosure.

21 A I don't know exactly how she asked her.

22 Q You participated in an interview with your sister
23 Kerri and Investigator Grimstad, did you not?

24 A I did.

25 Q And in that interview, the investigator asked you,

1 you know, kind of the same type of detailed questions I'm
2 asking you today; is that correct?

3 A It's been quite some years, so I guess so.

4 Q And as part of that interview, she spoke to you both
5 about Kerri having received the disclosure from [S.A.]
6 after she asked [S.A.] what happened. You were in that
7 interview. Do you remember that?

8 A Yes.

9 Q So your sister asked her, "Hey, has anybody ever
10 touched you?" and that's the point at which she discloses;
11 is that the correct understanding of the way things went?

12 A Maybe not the exact words, but I guess that's how I
13 understand how it happened.

14 Q Okay. And did [S.A.] -- before October 7th, did
15 [S.A.] ever disclose anything to you? Did she ever say
16 anything to you?

17 A She did not.

18 Q Did she ever display anything that would have led you
19 to believe that something like this was going on?

20 A She did not.

21 Q Did she seem to be the same happy 7, 8, 9-year-old
22 girl that she had been before? Or you wouldn't have left
23 her alone with Dustin in the first place; is that fair?

24 A She seemed to be with me always happy.

25 Q And how was their relationship then? How was -- you

1 got to witness Dustin and [S.A.] interact. How do you
2 feel they got along?

3 A I felt like they got along.

4 Q And you didn't see anything. Again, you didn't see
5 anything that raised red flags for yourself.

6 A I did not.

7 MR. HARBIN: Thank you very much. No further
8 questions.

9 THE COURT: Okay. Any redirect?

10 MS. KLUSKA: Yes, Your Honor.

11 REDIRECT EXAMINATION

12 BY MS. KLUSKA:

13 Q I think you mentioned in your cross that the
14 defendant and your sister Marie had a custody arrangement.
15 Can you tell us more about that?

16 A So when I left for deployment, I thought it would be
17 a lot to put on one person having like the custody of
18 [S.A.] with school and everything, so she would go one
19 week with the defendant and one with my sister Marie, and
20 they just kind of switched.

21 MS. KLUSKA: Nothing further, Your Honor. Thank you.

22 THE COURT: All right. Thank you, ma'am.

23 You got something else?

24 MR. HARBIN: No, sir. No further questions.

25 THE COURT: All right. You may step down. Thank

1 you, ma'am. Okay.

2 MS. KLUSKA: Thank you, Your Honor. The State calls
3 Kerri Farmer to the stand.

4 THE CLERK: Ms. Farmer, please step forward to the
5 witness stand. Once you're there, place your left hand on
6 the Bible and raise your right hand.

7 WHEREUPON,

8 KERRI FARMER,

9 After having been duly sworn, testified as follows:

10 THE CLERK: Please be seated, and once you're seated,
11 state your name for the record.

12 THE COURT: If you would, please remove your mask.

13 THE WITNESS: Kerri Farmer.

14 DIRECT EXAMINATION

15 BY MS. KLUSKA:

16 Q Ms. Farmer, where are you employed?

17 A CP&P in West Virginia.

18 Q West Virginia. Where do you live?

19 A In Virginia.

20 Q How long have you lived there?

21 A Since 2018.

22 Q Do you have any children?

23 A One boy.

24 Q How old is he?

25 A 11.

1 Q Do you have any siblings?

2 A Two sisters and a brother.

3 Q And where do you fall within the siblings? Are you
4 the youngest? the oldest?

5 A The second youngest.

6 Q Your -- one of your sisters, would her -- I'm sorry.
7 What are your sister's names?

8 A Marie and Jesse.

9 Q And Jessica, does she have any kids?

10 A Yes, ma'am.

11 Q What are their names?

12 A S.A. and R.R. .

13 Q And if you don't mind just speaking up a little bit.

14 A Sorry.

15 Q I think that Plexiglas makes you sound a little bit
16 more quiet.

17 So you mentioned S.A. and R.R.?

18 A Yes, ma'am.

19 Q They would be your nieces; is that right?

20 A Yes, ma'am.

21 Q What is your relationship with Jessica like?

22 A We're 13 months apart, so she's like my best friend.

23 Q How often do you get to see Jessica and your nieces
24 since you said you have lived in Virginia?

25 A About four or five times a year.

1 Q How did you come to know the defendant?

2 A Through my sister.

3 Q And how did you know him through your sister?

4 A They were dating.

5 Q When did they start dating?

6 A In 2010.

7 Q To your knowledge, how long did their relationship
8 last?

9 A About seven years.

10 Q You said they started dating about 2010. Is that
11 around the time that you first met him too?

12 A Yes, ma'am.

13 Q What sticks out in your mind about the first time
14 that he met you and your family?

15 A He was very rude. He was very disrespectful and mean
16 to my grandmother the first time he was really around the
17 whole family.

18 Q Okay. Tell us about that.

19 A She -- it was my son's first birthday, and, you know,
20 everybody was invited. And he walked in the door. My mom
21 and stepdad had just got new floors put in, so my
22 grandmother, being the southern lady she is, was telling
23 everybody, you know, "Hey, take your shoes off. Don't
24 want to get the floors dirty."

25 And he looked at her and said, "I'm a grown man.

1 I'll do what the 'F' I want to do."

2 Q Do you remember when Jessica was deployed ---

3 A Yes, ma'am.

4 Q --- for nine or ten months?

5 A Yes, ma'am.

6 Q And when she was deployed or sent on other orders,
7 did you have the chance to see S.A.?

8 A Yes, ma'am.

9 Q And how would that happen?

10 A They had a custody agreement where my mom would get
11 her on certain days and he would have her certain days.
12 And so whenever my mom would have her, me and my other
13 sister would take turns, you know, getting her and
14 spending time with her as well.

15 Q How did this split arrangement with Dustin the
16 defendant go?

17 A Can you elaborate?

18 Q I mean, was it easy? Was it hard? Did you guys get
19 along? How -- how did it go?

20 A It was very complicated. You were on pins and
21 needles with him at all times. If you said the wrong
22 thing even without even meaning to you, it's just -- he
23 would set off, and you wouldn't see S.A..

24 Q He wouldn't see S.A., what do you mean by that?

25 A We wouldn't. Like he would be like you're not going

1 to see her, you know. That's it. You can wait until
2 Jesse gets home.

3 Q So it sounds like you two got into fights.

4 A Yes.

5 Q How did these fights usually take place? Was it in
6 person? over the phone? over texts?

7 A They were usually in person, and then towards the end
8 of all of it when I got his phone number for the first
9 time, it was in texts as well.

10 Q Do you remember the approximate date that you two got
11 in a fight over text?

12 A October 6.

13 Q On October 6th, who texted who first?

14 A I texted him first.

15 Q Why?

16 A Because I had picked my niece up from school, and she
17 was having a hard day previously, like from that morning.
18 And so I picked her up, and I was talking to her about,
19 you know, what was going on. And she disclosed to me that
20 Dustin was telling her that we as a family did not care
21 about her, did not love her, did -- wouldn't really do
22 anything for her, and we were pretty much getting paid to
23 be there and take care of her.

24 Q I think in those texts you mentioned a previous DSS
25 call that you had made.

1 A Yes, ma'am.

2 Q When did you call DSS?

3 A When she was deployed the first time around 2013,
4 2014.

5 Q Why did you call DSS then?

6 A Because I came over to the house to pick up a toddler
7 bed for my son that Jessica had had from [S.A.], and when
8 he opened the door, there was a semi-automatic propped up
9 against the wall with a clip in it. And she was just
10 running around where it could have easily fallen over and
11 went off or anything. So I felt like she was completely
12 unsafe. And when I addressed him about it, he told me to
13 mind my "effing" business.

14 Q So what was your goal by calling DSS? What were you
15 hoping for?

16 A Well, that she would be safe and put in a safe place.
17 Like Jesse was in deployment, and it's not like we could
18 call her and she could make a two-hour trip back to figure
19 anything out. So he -- and it was a custody agreement
20 with him, so it's not like we could as a family just be
21 like, well, she's ours. So I wanted to make sure that if
22 she's unsafe, she's going to be safe while my sister was
23 gone.

24 Q To your knowledge, what were the findings after that
25 DSS call?

1 A To my knowledge, nothing.

2 Q How did that DSS call affect your relationship with
3 your sister?

4 A We did not speak for close to two years, really,
5 unless it was family matters.

6 Q During those two years, were you able to see S.A.?

7 A Family events.

8 Q I think in some of those text messages too, you say,
9 "I will again step in and do what I have to do again, and
10 I will keep doing it until those kids are happy."

11 A Yes.

12 Q What did you mean by that?

13 A Like it -- like it says, those kids are my world, and
14 I will do whatever it takes to make sure they're always
15 going to be happy and healthy and have a healthy life and
16 not grow up so traumatized from what they had to be --
17 deal with.

18 Q You said, "Jessica might not stick up for her kids
19 the way they should be stuck up for, but I will go to hell
20 and back for those girls because I'm not scared to lose
21 you in the family." And that was to Dustin, right?

22 A Yes.

23 Q So in those two texts you mentioned your sister
24 Jessica. What did you observe about Jessica and the
25 defendant's relationship?

1 A You can tell she was controlled. When you would just
2 have like a basic conversation with her, if he was around,
3 she would look to the side almost for approval to speak or
4 almost to make sure he wasn't in earshot so she could
5 speak freely.

6 She wasn't happy. Like the whole time they were
7 together, you'd probably seen her smile or laugh three
8 times in seven years.

9 Q Why did those interactions between **S.A.** and the
10 defendant stick out to you?

11 A I am a child of sexual abuse, so you just know. Like
12 those patterns of she didn't want to even be around her
13 grandfather, she didn't want to be around any man. And
14 she was just -- she was -- she went from being this
15 amazing little child to a shell of a kid, and that just --
16 it was -- you can just know. There's just -- you just
17 know.

18 Q I hate to ask you about something so tough, but were
19 you sexually abused by a family member?

20 A Yes, ma'am.

21 Q And is your abuse something that you talk about
22 often?

23 A No, ma'am.

24 Q Before this incident, did you ever discuss the fact
25 that you were sexually abused with **S.A.**?

1 A No.

2 Q When Jessica got sent on the 2017 orders in October,
3 how often did you get to see S.A. then?

4 A I was able to see her two or three times a week when
5 she would come to my granny's house.

6 Q Throughout the time that Jessica was on those orders
7 at that time, what was S.A.'s demeanor like?

8 A Scared, closed off, sad.

9 Q What did you decide to do about it when you saw how
10 S.A. was?

11 A I decided to talk to her about just good and bad
12 touches and just knowing your body and what's appropriate
13 and what's inappropriate.

14 Q Why did you decide to have that particular talk?

15 A I -- I ---

16 Q I think you said you would notice ---

17 A I mean, I just -- I just -- sorry. You just notice
18 things. And then it was just -- it was something in the
19 back of my head that says, you know, just have this talk.
20 If nothing else, at least she knows. At least she knows
21 what's right and what's wrong.

22 Q Had you had this talk with anyone else before this
23 incident with S.A.?

24 A My son a year before.

25 Q And have you had this talk with anybody since?

1 A Not -- not currently, but soon to have, yes.

2 Q With who?

3 A My stepdaughter.

4 Q Where did the conversation about good and bad touches
5 with S.A. take place?

6 A In the car. I was taking her to my grandmother's
7 house to drop her off.

8 Q Without stating the perpetrator, as a result of this
9 conversation about good and bad touches, did S.A.
10 disclose sexual abuse to you?

11 A Yes.

12 Q Did you, at any point in this conversation, name any
13 specific names?

14 A No.

15 Q Did you ask her any follow-up questions regarding the
16 abuse that she disclosed to you?

17 A No, ma'am. I just said "okay." And I told her she
18 wouldn't get in trouble for saying anything. And I just
19 reassured her how loved and cared for she was and that she
20 wasn't alone.

21 MS. KLUSKA: Just one second, Your Honor. I beg the
22 Court's indulgence.

23 Your Honor, may we approach?

24 THE COURT: Yes.

25 (WHEREUPON, a bench conference was held off the record.)

1 BY MS. KLUSKA:

2 Q So after this conversation with [S.A.], are you aware
3 that [S.A.] was taken to the hospital?

4 A Yes, ma'am.

5 Q Who took [S.A.] to the hospital?

6 A My sister Marie and my grandmother.

7 Q Did you eventually get there as well?

8 A Yes, ma'am.

9 Q And when you were at the hospital, did you cooperate
10 with law enforcement?

11 A Yes, ma'am.

12 MS. KLUSKA: Nothing further at this time. Please
13 answer any questions the defense may have. Thank you.

14 MR. HARBIN: Thank you. May it please the Court.

15 THE COURT: Yep.

16 CROSS EXAMINATION

17 BY MR. HARBIN:

18 Q Ms. Farmer, you described your first meeting with --
19 or first impression with Dustin being affected by the way
20 that he spoke with your mother; is that correct?

21 A My grandmother.

22 Q Your grandmother.

23 And so your testimony to us today is that the first
24 time he met your family and met your and Jessica's
25 grandmother, he used the "F" word in front of her to tell

1 her he wasn't going to abide by her request to remove his
2 shoes?

3 A Yes, sir.

4 Q Okay. Were you the only one that heard this?

5 A No. The whole household heard it.

6 Q The whole house heard him say the "F" word ---

7 A Yes, sir.

8 Q --- to a grandmother.

9 Okay. You've made it pretty clear that you don't
10 care for Dustin; is that a fair statement?

11 A Yes, sir.

12 Q And you've carried that sentiment since I guess the
13 first day that you've had an opportunity to meet him; is
14 that correct?

15 A Yes, sir. He never gave us a reason to respect him.

16 Q And back in 2013, you reported to DSS some concerns
17 you had about Dustin and S.A., and I believe that you
18 used similar descriptions, that you thought she was
19 unhappy, upset and not behaving, you know, normally; is
20 that correct?

21 A Yes, sir.

22 Q And DSS did take your report. They opened a case; is
23 that right?

24 A Yes, sir.

25 Q And they investigated it, talked to folks; is that

1 correct?

2 A From my knowledge, they only talked to Dustin.

3 That's all I'm aware of.

4 Q So you're not aware of them talking to the day care
5 workers ---

6 A No, ma'am -- or no, sir.

7 Q --- and reviewing records and all that.

8 Okay. The result of that case, however, was that it
9 was unfounded and they did not continue on it in any
10 fashion; is that correct?

11 A Yes, sir.

12 Q You disclosed to Investigator Grimstad and you
13 mentioned it just now in direct that you were the victim
14 of sexual abuse; is that correct?

15 A Yes, sir.

16 Q And you said it was for many years, five or six
17 years, I believe?

18 A Yes, sir.

19 Q Okay. You also said in that same interview with
20 Investigator Grimstad that when you told your mother about
21 that, that she put you in a mental hospital and told you
22 that you had the problem.

23 A Yes, sir.

24 Q So your mother did not believe that that occurred?

25 A I don't think because of who it was anybody believed

1 it.

2 Q And who was -- who did you allege that did that?

3 A I don't feel like that's relevant to this case.

4 Q Is your son with you now? Does he live with you?

5 A Yes, sir.

6 Q He does. Did you leave -- did you lose custody of
7 him for a while back in 2011 or ---

8 MS. KLUSKA: Objection Your Honor.

9 THE COURT: Whoa. I'm sorry.

10 THE WITNESS: Wait. I've never lost custody of my
11 son. I'm sorry.

12 THE COURT: Wait, wait. Whoa, whoa.

13 I'm sorry?

14 MS. KLUSKA: Relevance. Why is it relevant that --
15 her history with DSS?

16 MR. HARBIN: Judge ---

17 THE WITNESS: But I have no history with DSS.

18 THE COURT: Whoa, ma'am.

19 I'm sorry?

20 MR. HARBIN: Respectfully, Judge, this case stems
21 largely upon her credibility, her perceptions of how
22 things work, her involvement with DSS and child abuse.

23 THE COURT: Okay, okay. I'm going to overrule the
24 objection. Go ahead.

25 MR. HARBIN: Thank you.

1 BY MR. HARBIN:

2 Q Did you temporarily lose custody of your son back in,
3 I believe, 2011 or so?

4 A I have never lost custody of my son.

5 Q You didn't have any DSS involvement ---

6 A No.

7 Q --- in any way, shape or form?

8 A No.

9 Q You told Investigator Grimstad that you had multiple
10 recordings, I think you said, over the past two weeks or
11 so leading up to the date of the interview with
12 Investigator Grimstad, that you had multiple recordings
13 between Dustin and S.A.? And then she asked ---

14 A No. Not Dustin and S.A.. Just with conversations
15 with S.A. and I, which were turned in. Do I have them
16 anymore? No. That was many years ago, many phones ago.

17 Q Well, what, in fact, occurred, though, was that the
18 investigator asked you eagerly to review those recordings.
19 And you, in fact, said you only had one, which I'm not
20 sure that you found at that case; is that correct?

21 A No. I played it. I found it for her later.

22 Q But you admitted ---

23 A I had two. I had two videos. And, yes, there were
24 things I said and text to him out of anger, as I'm sure
25 anybody in this courtroom, if they found their child or

1 any of their loved ones as a kid was being in such a
2 living environment would probably go off on somebody as
3 well. I had two recordings. Did I say multiple? Yes.
4 But did I only have two? Yes, sir. Did I play them in
5 the investigation when I had that meeting? Yes, sir.

6 Q And you said you were mad over text, and that caused
7 you to say some things that weren't true; is that right?

8 A It's not that it wasn't true because I had
9 recordings. Did I have multiple? No. Did I have two
10 recordings over a two-week span? Yes.

11 Q But specifically, you told Investigator Grimstad that
12 you had, I believe, every conversation you had had with
13 S.A. over the past two weeks, and then when she asked
14 you specifically, you only came up with two, you just told
15 us.

16 A I don't remember that conversation taking place. I
17 do remember texting him saying I had multiple, and then
18 when we went to the investigator and she asked me about
19 them, I pulled up the ones that I had.

20 Q Okay. And you said that you were mad and that you
21 did that out of anger. Is that why you decided to tell
22 S.A. about Dustin not being her natural father, you were
23 mad?

24 A S.A. knew he wasn't her father from day one.

25 Q From day one?

1 A From -- I mean, she met the man when she was 3.

2 S.A.'s not stupid. She would know that's not my father.

3 Q So you're telling the jury something that Jessica
4 didn't say, but that S.A. knew the whole time, and that
5 Jessica had nothing to reveal to her when she got back in
6 town. Because she just told us that she told S.A. the
7 truth when she got back.

8 MS. KLUSKA: Your Honor, objection. Pitting
9 witnesses. She doesn't know what Jessica said. She
10 wasn't in here.

11 THE WITNESS: Yeah. I can't -- I can't say ---

12 THE COURT: Whoa, whoa, ma'am. Do not speak when
13 there's an objection going on.

14 THE WITNESS: Yes, sir. Sorry.

15 MS. KLUSKA: The jury heard the evidence, Your Honor.
16 She can't testify to what Jessica said or didn't say. He
17 can ask her what she knows.

18 THE COURT: Don't pit your witnesses, okay? Go
19 ahead.

20 MR. HARBIN: Yes, sir.

21 BY MR. HARBIN:

22 Q At any rate, you were certain that she knew from the
23 jump that Dustin was not her father.

24 A You would think so. She called him Daddy Dustin.

25 How many fathers do you know that get called daddy, first

1 name.

2 Q What was your mental hospital experience that your
3 mom referenced -- that you referenced in your interview?

4 A And how is that relevant?

5 THE COURT: Ma'am, let me just ---

6 THE WITNESS: But how is my personal issue ---

7 THE COURT: Whoa. Ma'am -- ma'am, you don't ask
8 questions. You answer questions, okay?

9 THE WITNESS: Yes, sir.

10 THE COURT: All right. Go ahead.

11 BY MR. HARBIN:

12 Q I understand it's difficult. I apologize. But if
13 you could expand just a little bit on the comment that you
14 made to Investigator Grimstad that your mother had put you
15 into a mental hospital after you disclosed sexual abuse.

16 A Okay. What was your question to it? What was my
17 experience?

18 Q Did you actually get committed to a mental hospital?

19 A Three times in my life, sir.

20 Q Okay. And what was -- what were you committed for?
21 What was the diagnosis that you were admitted?

22 A The first time, my aunt told her I was trying to
23 commit suicide, so she committed me for that reason.

24 Q Okay. You said there were multiple times. There
25 were two other times? What were the other two stays for?

1 A Same thing. I don't want to be alive to this day,
2 and there are times where I try to take that into my own
3 hands.

4 Q Yes, ma'am.

5 The description that you gave earlier during direct
6 examination was that [S.A.] essentially was unhappy,
7 behaving differently, and that seems to mirror exactly the
8 concerns you had back in 2013 that were unfounded.
9 Outside of the specific disclosure that you prompted from
10 [S.A.], what were you witnessing that you thought that she
11 was unhappy and that something may have been -- that that
12 was an indicator that something may have been going on?
13 Were her grades bad? Was she misbehaving?

14 A I'm not sure if I can elaborate, Your Honor.

15 THE COURT: I'm sorry. What?

16 THE WITNESS: I'm not sure if I can elaborate because
17 of the ---

18 THE COURT: Hang on. I'll tell you what. Let's just
19 take a short break. It's a good time in the middle of the
20 morning to do that. So excuse you all to your jury room,
21 and we'll get back to you shortly. Don't discuss the
22 case. Thank you.

23 (WHEREUPON, the jury exits the courtroom at 11:13 AM.)

24 THE COURT: Okay. Ma'am, what were you saying?

25 THE WITNESS: I'm not sure if I can elaborate on what

1 I -- why it is I was so hell-bent on something being wrong
2 with S.A. and the other girl, because it involves her,
3 and I can't bring her up.

4 MS. KLUSKA: Your Honor, she's talking about what we
5 brought up pretrial with the concerns that she had after
6 seeing the defendant's daughter who was 2 at the time,
7 R.R.. We've instructed her not to get into that because
8 we weren't sure if it would be admissible. So that's what
9 I think that question prompted her to say.

10 THE COURT: And the question was you wanted specifics
11 about what disturbed her.

12 MR. HARBIN: What she was observing with S.A.'s
13 behavior that led her to raise these red flags again four
14 years later.

15 THE WITNESS: But the behavior ---

16 THE COURT: Ma'am -- ma'am, let me just make this
17 clear to you. We have a stenographer here who has to take
18 down every word that we say.

19 THE WITNESS: Yes, sir.

20 THE COURT: And she cannot take down more than one
21 conversation at a time.

22 THE WITNESS: Yes, sir.

23 THE COURT: So you please refrain from voluntarily
24 offering testimony, especially when other people are
25 talking. Okay.

1 MR. HARBIN: Judge, I don't know how this is going to
2 shake out because I anticipated this maybe being an issue
3 if we put up a defense later. And so I apologize this is
4 kind of working out.

5 But the concern that she has for ---

6 THE COURT: Well, let me just back up. The question
7 is what conduct on the part of the victim caused the
8 witness's unsettled concern -- or her concerns and
9 unsettled her with respect to the victim's state. There
10 is nothing in there that goes to another child being taken
11 to the hospital.

12 THE WITNESS: No. But -- I'm sorry.

13 THE COURT: So I don't know that that's not
14 objectionable, and I don't think he's opening the door to
15 do that.

16 So, ma'am, you need -- he's asking you to
17 particularize what caused your concern. And, you know, if
18 you don't know, you don't know. But if you do know, then
19 you need to respond to the question.

20 MS. KLUSKA: Your Honor, I completely understand the
21 Court's position, and I have instructed her of the same.
22 Just for your edification, though, in her mind, those two
23 girls, those facts of what she observed are linked. She
24 observed these concerning things that she saw in the baby,
25 and so as -- I guess in with knowing that she had been

1 sexually abused, seeing those things, seeing the
2 concerning symptoms of [S.A.], that's kind of how this all
3 came about. So, again, we have instructed her, but in her
4 mind, it might just be difficult to differentiate the two
5 when he's asking her specific questions like that.

6 THE WITNESS: Can I ask a question?

7 MR. HARBIN: Judge, the witness is raising her hand.

8 THE WITNESS: Can I bring the youngest up if it's not
9 in pertainance [sic] to what I seen? Because with his
10 question, a lot of her behavior issues as well was how she
11 was acting towards her sister. And I'm just not sure if
12 I'm allowed to bring [R.R] up at all.

13 THE COURT: With respect to the victim's conduct,
14 that's what we're talking about.

15 THE WITNESS: Well, I just wasn't sure if I was
16 allowed to bring up the youngest at all. Because her
17 conduct too was towards the baby.

18 THE COURT: No. It's -- I mean, you answer the
19 questions and confine your answers to what the question
20 is.

21 THE WITNESS: Yes, sir.

22 THE COURT: Okay. We'll just take about a five- or
23 ten-minute little break.

24 Ma'am, you may step down, but please do not discuss
25 your testimony with anyone. Thank you.

1 (WHEREUPON, a recess is taken at 11:18 AM.)

2 THE COURT: Okay. Anything before we get the jury
3 back? Okay. All right.

4 (WHEREUPON, the jury entered the courtroom at 11:37 AM.)

5 THE COURT: Okay. Mr. Harbin?

6 MR. HARBIN: Thank you, Judge.

7 BY MR. HARBIN:

8 Q Ms. Farmer, I believe when we left off I had asked
9 you if you could tell the jury what specifically you saw
10 in S.A.'s behavior or actions that led you to believe
11 that something -- that raised red flags for you.

12 A She was particularly mean to her sister, not in a
13 sibling rivalry type of way. It was in a "you could tell
14 she had some serious anger going on" type of way. Also,
15 when he was around, and even towards the end, even when my
16 sister was around, you couldn't get anything out of her.
17 She sat there. She was quiet. She wasn't a child at all
18 unless she was just by herself. Even around her sister,
19 she was -- it was like around the people that she was
20 living this with, she was completely miserable to be
21 around unless they weren't around. And even towards the
22 end, it didn't matter who was around and who wasn't
23 around. She was just nothing but a body, to say the
24 least. She was just -- there was nothing there.

25 Q Did you consider the fact that she may have simply

1 been upset because her mom was forced to leave home often
2 because of her job?

3 A Possibly. But we talked about it all the time. When
4 her mom wasn't gone, we would constantly talk to her about
5 if she needed to talk about it, if she missed her, hoping
6 to make sure that she understood that, you know, her mom's
7 not gone to leave her, but she is just gone for work.

8 Q But she did miss her mother.

9 A Yes. Of course. Who wouldn't?

10 Q And it upset her to have to go and go a lot,
11 actually.

12 A Yeah.

13 Q Let's shift gears here. You had reported that there
14 was a gun in the house that caused you to worry. I think
15 that was back in the older 2013 case?

16 A Yes.

17 Q You're aware that was a BB gun that they shot
18 squirrels with?

19 A Didn't look like a BB gun. If it was, it was. I'm
20 not -- for the simple fact that when I addressed him on it
21 that day at the house and he told me to mind my "effing"
22 business, if it was a BB gun, I believe, you know, this is
23 your at-the-time girlfriend's daughter's biological aunt
24 saying, "Hey, that looks concerning." If it's just a BB
25 gun, why wouldn't you just pull it up and say, "Hey, it's

1 just a BB gun," when it looks like a semi-automatic with a
2 magazine in it?

3 Q But that was a specific allegation that you made
4 against DSS. They investigated it, and once they were
5 done, they found that there was no problem; is that
6 correct?

7 A That's correct.

8 Q Okay. Your sister is in the military. She has guns
9 of her own; is that correct?

10 A Yes.

11 Q So there were guns in the house owned by her and/or
12 Dustin. And you knew that.

13 A Yes. And usually, when we'd come over, they -- we've
14 never seen them out. Like I know my sister my whole life,
15 and I think I've only seen two guns that she owns. And I
16 only seen them because she was selling them.

17 Q So what caused your initial concern in that
18 particular instance was you going by their house while
19 they weren't home to grab something?

20 A They were home.

21 Q They were home?

22 A He opened the door and -- because he had to give me
23 the bed frame that I was there for.

24 Q Okay. He was home. And you saw a BB gun, thought it
25 was something else and jumped to the rest of the

1 conclusion.

2 A I guess you could put it that way. But, again, if he
3 would have just said, "Hey, no, it's cool. It's just a BB
4 gun," nothing would have gone further than that. It's the
5 fact that he said, "Mind your 'effing' business," and shut
6 the door, and that was that.

7 Q Leading up to the disclosure date of October 7, 2017,
8 before that when Jessica had gone on leave, she gave
9 Dustin a power of attorney, and that upset you, didn't it?

10 A No.

11 Q You didn't have a problem with her handing kind of
12 her legal authority over to Dustin?

13 A I mean, was I like gung-ho, like way to go, Jessica,
14 about it? No. But at the same point, I'm not her mother.
15 I'm not -- I'm not her. Was I happy? I mean, not really.
16 But that's her decision, that's her child, that's her
17 life. What she does, whether I'm happy with it or not, is
18 not really my business.

19 Q Fair enough.

20 S.A. did not disclose to you of her own accord, did
21 she? She didn't bring it up herself, anything up herself,
22 did she?

23 A No. It came when we had the talk about the good
24 touches, bad touches, and knowing your -- your private
25 area.

1 Q And I believe you told Investigator Grimstad, you
2 specifically used the word "inappropriate touching."

3 A Well, I said "inappropriate touching." And then she
4 did ask, and I said, "Wrong touching, like touching that
5 makes you feel uncomfortable."

6 Q Right. And I believe you further explained to
7 Investigator Grimstad that when you asked her about
8 whether she had ever been inappropriately touched, she had
9 to ask you what that meant; is that correct?

10 A Yes. And that's when I explained what an
11 inappropriate touch was. And I didn't even go in detail.
12 I just said it's when somebody touches your private areas
13 that shouldn't be touching your private areas.

14 Q She basically said "yes" in some form or fashion when
15 you asked her that?

16 A Yes.

17 Q Do you remember what she said specifically?

18 A She said "yes."

19 And then I said, "Do you know who?" And that's when
20 she told me who. And I said "okay." And we said nothing
21 else about it further on.

22 Q So you're in a car with your 9-year-old niece who you
23 have suspected in the past of being mistreated by Dustin
24 and who you now have had a -- kind of a watershed
25 conversation with her about inappropriate touching, she

1 discloses that she has been touched, and you don't ask
2 anything else.

3 A Not at that time. Because at that time -- and I had
4 a hard time keeping together. I was driving. And I don't
5 know if you have kids, I don't know if you have nieces,
6 nephews, but God forbid you don't ever have to have that
7 conversation. But in that moment, no, I couldn't speak
8 further because I didn't know what to say. That killed
9 me.

10 Q You told the police, you told the investigators in
11 this case in 2017 that Dustin was -- and I'm not trying to
12 quote you, but you tell me if this is substantially
13 correct, that Dustin was angry and violent and had access
14 to guns, and you didn't really know whether, you know, he
15 would use them or not?

16 A Yes. I feel that way to this day. I feel if he's
17 out freely, then we were at -- we're at risk. He's not
18 sane. I'm sorry, but he's not sane.

19 MR. HARBIN: No further questions.

20 THE COURT: All right. Any redirect?

21 MS. KLUSKA: No, Your Honor.

22 THE COURT: All right. Thank you. You may step
23 down.

24 MS. HENDRICKS: The State calls Investigator Airien
25 Grimstad to the stand.

1 THE COURT: All right.

2 THE CLERK: Ms. Grimstad, please place your left hand
3 on the Bible and raise your right hand.

4 WHEREUPON,

5 AIRIEN GRIMSTAD,

6 After having been duly sworn, testified as follows:

7 THE CLERK: Thank you. Please be seated, and state
8 your name for the record.

9 THE WITNESS: Airien Grimstad:

10 DIRECT EXAMINATION

11 BY MS. HENDRICKS:

12 Q Are you currently employed outside of your home?

13 A I am not.

14 Q Where were you last employed?

15 A The Greenville County Sheriff's Office.

16 Q And why do you no longer work at the Greenville
17 County Sheriff's Office?

18 A I stay home and take care of my two kids.

19 Q What was your last position at the Greenville County
20 Sheriff's Office?

21 A Investigator.

22 Q How long were you with the sheriff's office?

23 A Five years.

24 Q And how did you -- were you employed in October of
25 2017?

1 A I was.

2 Q And how did you become involved in this case?

3 A I was assigned this case by my supervisor.

4 Q Is that standard protocol for these kinds of cases?

5 A It is. He assigns them every morning when we come
6 into the office.

7 Q And what did you do first in your investigation?

8 A I spoke to the victim's mother about setting up a
9 forensic interview at the Julie Valentine Center.

10 Q Was this conversation in person or on the phone?

11 A It was on the phone.

12 Q And how was -- was the mother Jessica Farmer?

13 A Yes.

14 Q How is Jessica Farmer related to the defendant?

15 A They were boyfriend, girlfriend or living together.
16 They weren't actually married.

17 Q Okay. Is setting up a forensic interview something
18 you do in all your cases?

19 A Yes.

20 Q And why is it important to your investigation for the
21 victim to get a forensic interview?

22 A It's a child-friendly environment. The person is
23 trained to speak to children about certain situations like
24 sexual abuse, physical abuse. They ask open-ended
25 questions so they don't lead the child in anything. And I

1 am not forensically trained to talk to a child about
2 anything like that.

3 Q Did you watch her interview at the Julie Valentine
4 Center?

5 A I did.

6 Q Were you in the room?

7 A No, I was not.

8 Q Where were you?

9 A I was in a separate room watching it on a video.

10 Q And what was the date of that interview?

11 A Let me check. It was on 10/27/2017.

12 Q And without telling us what she said, during her
13 interview, did she disclose sexual abuse?

14 A She did.

15 Q Did she state the location the sexual abuse took
16 place?

17 A I'm sorry?

18 Q The location that the sexual abuse took place?

19 A In the house or the apartment or on her body?

20 Q The -- in the house or the apartment.

21 A The apartment. She said it was the server room, the
22 living room and her bedroom.

23 Q And can you give us the address of that apartment?

24 A Yes. It is -- sorry. It's right up front. [REDACTED] Old
25 Spartanburg Road, Apartment [REDACTED], Taylors.

1 Q And is that in Greenville County?

2 A It is.

3 Q And did she state when the sexual abuse took place?

4 A She said it was specifically at that apartment while
5 her mother was gone at drill.

6 Q And did she say the last time it happened?

7 A I believe she said it was last week or last month.
8 During the interview she didn't specifically give a date.

9 Q And what would you have done if [S.A.] didn't
10 disclose sexual abuse in her forensic interview?

11 A Nothing. And that was what I needed for my evidence.

12 Q Okay. So would you have charged this defendant if
13 she hadn't disclosed sexual abuse in her forensic
14 interview?

15 A No.

16 Q Did you ever speak with [S.A.]?

17 A I never did.

18 Q And why not?

19 A Because I'm not trained to speak to children about
20 sexual abuse.

21 Q And what did you do next?

22 A After the forensic interview, I believe I placed a
23 call to the defendant about setting up an interview to
24 come in and talk about the situation.

25 Q And do you typically try to speak with the defendant

1 as part of your investigation?

2 A I do, yes.

3 Q And did you meet with the defendant?

4 A I did.

5 Q And did he admit to sexually abusing S.A.?

6 A He didn't, no.

7 Q After you spoke with the defendant, what did you do
8 next?

9 A I called the victim's mother about coming in and
10 meeting with me so we could talk. And Kerri also came
11 with. So I sat down with both of them and we spoke.

12 Q And what was their demeanor?

13 A Jessica was very quiet and calm, helpful. She kind
14 of just kind of gave all the information she could. And
15 Kerri was a little more outspoken, I guess. She had more
16 of the information because she's the one that, you know,
17 brought this to light, I guess. But they were both very
18 helpful in her interview.

19 Q And what did you do next?

20 A Afterwards I think I reached back out to Dustin to
21 talk to him. I think I asked to talk to his lawyer, but
22 he never gave me that information. I requested medical
23 records from Greer from the ER visit. I never got those
24 either. And after some time I went to a judge and
25 eventually obtained warrants.

1 Q So how long did your investigation last in this case?

2 A Roughly three, four months, maybe. I'm not
3 100 percent sure.

4 Q And did you get warrants in this case?

5 A I did. I got three.

6 Q And why three?

7 A Because the child disclosed multiple sexual abuses
8 that happened to her in different locations.

9 Q So is it fair to say you got a warrant for each of
10 the different types of sexual batteries?

11 A I did that she disclosed, yes.

12 Q That she disclosed.

13 And after investigation, who did you arrest for
14 sexually assaulting [S.A.]?

15 A The defendant was arrested.

16 MS. HENDRICKS: Okay. I have no further questions.
17 Please answer any questions the defense may have.

18 MR. HARBIN: Thank you, Judge. May it please the
19 Court.

20 CROSS EXAMINATION

21 BY MR. HARBIN:

22 Q Good morning.

23 A Good morning.

24 Q So your involvement came -- I guess you would have
25 been one of the first law enforcement contacts. But

1 specifically, I guess, it would be after -- after the --
2 after [S.A.] had made the disclosure and -- to the first
3 officer we heard from, and then, I guess, he hands it off
4 to you; is that correct?

5 A So he writes the report, and then the report gets
6 sent to our supervisors, and then they assign them out to
7 the other investigators.

8 Q Then it landed on your desk?

9 A It did, yes.

10 Q And as part of that investigation, you spoke with I
11 think you mentioned Jessica and Kerri?

12 A I did.

13 Q And I believe -- I don't remember the exact word, but
14 I believe you said that Kerri seemed to be a little bit
15 more outspoken than Jessica; is that correct?

16 A That's correct, yes.

17 Q And, in fact, the source of this case, the source of
18 the original disclosure, this all stems through or flows
19 through Kerri, not Jessica, because Jessica was out of
20 town.

21 A Jessica was gone. That's right.

22 Q So your understanding is that Kerri -- that's a
23 question. I apologize. Is your understanding is that
24 [S.A.] did not disclose until she was specifically
25 confronted by Kerri?

1 A I wouldn't say "confronted." I would say asked by
2 Kerri.

3 Q Okay. Fair enough.

4 Now, you interviewed both Jessica and Kerri, and I
5 believe you had an opportunity to ask them about -- well,
6 about -- a little bit about everything, but 2013 came up
7 in that old DSS case that was unfounded; is that correct?

8 A I believe we talked about it, yes.

9 Q Did you -- as part of your investigation, did you
10 pull those DSS records to confirm that it was what you
11 thought it was back then?

12 A I didn't pull those records, but I know DSS was
13 involved in this case. So I believe I spoke to -- I want
14 to say Monica Bryson was the DSS investigator, and she
15 confirmed that information for me.

16 Q Okay.

17 A But I didn't personally pull the records, no.

18 Q Well, you sought out DSS to -- somebody at DSS to
19 confirm it for you.

20 A That's correct.

21 Q And you -- just so we're clear on what we're
22 confirming, you confirmed that there was allegations made
23 and that it was ultimately unfounded after investigation.

24 A That's correct. I did.

25 Q And then you asked Jessica and Kerri about that in

1 your interview with them, in an extended interview with
2 them, correct?

3 A Uh-huh. We talked about it.

4 Q And Kerri was forthcoming about her making a report
5 and why she made it and what her concerns were?

6 A Correct.

7 Q And she's told us that she witnessed back in 2013
8 similar to what she witnessed in 2017, that [S.A.] had
9 changed her demeanor and changed her -- the way she was
10 acting to lead her to be worried about something going on.
11 Does that jive with your recollection of -- and I'm not
12 trying to quote her, obviously, but what her concerns were
13 that led up to that questioning?

14 A I remember talking about the gun in the apartment. I
15 don't 100 percent remember the demeanor part of the
16 conversation.

17 Q Okay. All right. You mentioned specifically that
18 once [S.A.] disclosed or made the statement after you
19 referred her for a forensic interview, that that was the
20 statement, that you need to get that type of statement.

21 A Correct.

22 Q You need to get that type of evidence.

23 Once [S.A.] or -- and just in theory, any child
24 involved in a case like this, once they make a statement
25 that says, hey, somebody touched me, somebody abused me,

1 under what circumstances would you not seek a warrant?

2 A If the child didn't disclose? Is that what you're
3 asking?

4 Q No, ma'am. Is there a circumstance in which the
5 child makes a statement alleging abuse ---

6 A Okay.

7 Q --- that you do not then seek a warrant?

8 A If a child discloses physical abuse or sexual abuse
9 or both? Is that what we're talking about?

10 Q I think it could be either/or, but you can make it
11 specifically to this case, sexual assault.

12 A Per the statutes that I was working with, if a child
13 discloses sexual abuse or physical abuse in any way that
14 it meets the criteria, we -- we get warrants for the
15 individual for that information.

16 Q When you say "criteria," do you mean that fits under
17 the statutory definition of abuse or of criminal sexual
18 conduct?

19 A Correct, correct.

20 Q Okay. So the interview that you held with Dustin, he
21 was cooperative; is that correct? He was forthcoming?

22 A Yes. He came in, yes. And we talked for a while,
23 yeah.

24 Q And he spent quite a long time.

25 He volunteered to have his phone examined?

1 A He did. He gave it to me, uh-huh.

2 Q Shared text messages and was eager to kind of explain
3 the history of the drama in the family and had some texts
4 he was able to show you?

5 A Uh-huh. We talked extensively about his relationship
6 with Kerri and Jessica's family, yes.

7 Q Okay. So you just said that once you get a
8 disclosure, once you get a statement alleging abuse, that
9 if it falls under the statutory definition of criminal
10 sexual conduct, you're going to get a warrant. So is it
11 fair to say that it didn't really matter what Dustin was
12 able to tell you or not, that he was going to get
13 arrested?

14 A Yes.

15 Q And you said specifically he did not admit to abusing
16 S.A. and vehemently denied it the entire time and
17 explained it, that he had trouble with Jessica's family,
18 et cetera, et cetera; is that correct?

19 A That's correct.

20 Q Okay. When you were interviewing Kerri and Jessica,
21 I believe I remember you asking Kerri specifically about
22 2013 and then generally trying to confirm or deny whether
23 she had some kind of animosity or dislike or distrust,
24 negative feelings toward Dustin; is that fair?

25 A Yes.

1 Q And she was open and honest about having those
2 feelings?

3 A Yes.

4 Q You were discussing with Jessica and Kerri kind of
5 the process that you were going through, what your role
6 was, why y'all were discussing certain things and why you
7 were being kind of critical or asking constructive
8 questions of them, and one of the concerns that came up in
9 that interview was the possibility that children could be
10 coached into saying something that is not true; is that
11 correct?

12 A We talked about it briefly, yes.

13 Q Okay. And, in fact, I believe, if I'm quoting
14 correctly, you said that it happens, it happens a lot in
15 reference to the possibility that adults can influence
16 what children say.

17 A It can happen, yes.

18 Q And specifically, you said, "It happens. It happens
19 a lot." Do you have a specific recollection of saying
20 that?

21 A I do not.

22 MR. HARBIN: One moment, Judge.

23 No further questions, Judge. I apologize.

24 THE COURT: All right. Redirect.

25 MS. HENDRICKS: Brief redirect, Your Honor.

REDIRECT EXAMINATION

BY MS. HENDRICKS:

Q Again, if S.A. hadn't disclosed details in the forensic interview, you would not have gotten a warrant; is that correct?

A The details that she provided, yes. They -- they were the base of our investigation, especially for the warrants that I got, yes.

MS. HENDRICKS: Thank you, Your Honor. I have no further questions.

MR. HARBIN: One follow-up, Judge.

RE CROSS EXAMINATION

BY MR. HARBIN:

Q Other than the statement that you collected by S.A. as part of your investigation, were you able to uncover any other medical, physical or other witness proof of the events?

A I never saw medical records, so I can't testify to that other than I never got a statement or a confession from the defendant, and then I never heard anything else from Jessica or Kerri other than what we talked about already. So I don't have any other witnesses that can corroborate it.

Q So in sum, just to rephrase that question, the only direct evidence you have of this crime is the statement

Marie Farmer Direct by Ms. Hendricks

1 that [S.A.] has given?

2 A From the child, yes.

3 MR. HARBIN: Yes.

4 Thank you. No further questions.

5 THE COURT: Okay. Thank you, ma'am. You may step
6 down.

7 MS. HENDRICKS: Do you want to call another witness,
8 Your Honor?

9 THE COURT: Oh, yeah.

10 MS. HENDRICKS: The State calls Marie Farmer to the
11 stand.

12 THE CLERK: Ms. Farmer, please step forward to the
13 witness stand. Once you're there, place your left hand on
14 the Bible and raise your right hand.

15 WHEREUPON,

16 ALICE MARIE FARMER,

17 After having been duly sworn, testified as follows:

18 THE CLERK: Thank you. Please be seated, and once
19 you're seated, state your name for the record.

20 THE COURT: And you may remove your mask if you're
21 comfortable with that.

22 THE WITNESS: My name is Alice Marie Farmer.

23 DIRECT EXAMINATION

24 BY MS. HENDRICKS:

25 Q Are you employed?

1 A Yes, ma'am.

2 Q What do you do?

3 A I am -- own my own massage company.

4 Q Do you have any children?

5 A I do. I have one biological, two step, and one on
6 the way.

7 Q And do you have any sisters?

8 A I have two biological sisters.

9 Q And what are their names?

10 A Jessica Farmer and Kerri Farmer.

11 Q And where do you fall within the sisters?

12 A I'm the oldest of everyone.

13 Q And what's your relationship with Jessica like?

14 A We are close. We've always been the closest.

15 Q And so is S.A. your niece?

16 A She is.

17 Q And what's your relationship with S.A. like?

18 A We're super close. We are definitely more like
19 sisters.

20 Q Were you ever S.A.'s guardian when Jessica was away
21 with the military?

22 A Several times. I took guardianship of S.A..

23 Q And did you come to know the defendant?

24 A I did.

25 Q And how did you know him?

1 A I knew him through being my sister's boyfriend and,
2 for a short period of time, fiance.

3 Q What was your first impression of him?

4 A I'm sorry.

5 Q You're fine. Take your time.

6 A My very first impression was he was not the person I
7 wanted for my sister.

8 Q And was that because of anything in particular?

9 A He moved in immediately after meeting her, never held
10 a job, depended on my sister to support him, take care of
11 him and provide for him from day one.

12 Q So is it fair to say you never got along with the
13 defendant?

14 A Absolutely.

15 Q And can you describe S.A. to us? What kind of kid
16 was she?

17 A S.A. was always a free-spirit, strong-willed, funny
18 personality, great imagination.

19 Q And do you remember the dates approximately the first
20 time S.A. was deployed?

21 A Jessica was deployed?

22 Q Oh, excuse me. Jessica was deployed.

23 A The first time -- I just want to word this correctly.
24 The first time once Dustin was in the picture?

25 Q Yes.

1 A Okay. It would have been the year that S.A.
2 started kindergarten, so 2014.

3 Q Okay. And who was responsible for caring for S.A.
4 while Jessica was deployed that time?

5 A We took on joint responsibility, Dustin and I did.

6 Q And how did that work? Did y'all split time?

7 A We split time half and half. We followed my custody
8 agreement with my biological son.

9 Q So you would have your son at the same time you'd
10 have S.A.?

11 A Yes.

12 Q And how old is your son?

13 A 13.

14 Q So are him and S.A. the same age?

15 A They are five weeks apart.

16 Q Are they close?

17 A They are very close.

18 Q And how did splitting custody with Dustin go?

19 A In the beginning it went rather smoothly. We had a
20 pretty detailed, laid-out strict schedule that followed my
21 ex-husband's work schedule. He had swing shift. And then
22 there were incidents where scheduling got miscommunicated
23 or things didn't go as planned, and there were some
24 arguments over that. And then the defendant accused at
25 the time my boyfriend's sons of bullying S.A., but that

1 could never have been the case because she was never
2 around them at any point in time. The way our custody
3 agreement worked, I had [S.A.], and the house we shared
4 only had two bedrooms, so the kids were never there
5 together if [S.A.] and Hunter were there.

6 Q So your boyfriend's kids wouldn't have been there at
7 the same time?

8 A Correct.

9 Q And how did that custody arrangement with [S.A.] end?

10 A It ended in a very -- in a very verbal, aggressive
11 argument between Dustin and I at which time he had my
12 sister email me from her deployment to tell me to pack
13 [S.A.]'s things and that she would be moving in with
14 Dustin for the remainder of his [sic] deployment.

15 Q Did that argument take place in person?

16 A Over the phone.

17 Q How long did y'all split custody? How long did you
18 and Dustin split custody?

19 A Maybe four to six months.

20 Q What was [S.A.]'s demeanor while Jessica was deployed
21 during that time, the 2013 to 2014 deployment?

22 A Anytime Jessica was deployed, [S.A.] became a
23 different child. She often suffered from nightmares, of
24 bedwetting, acting out. Her strong will became even more
25 strong-willed. There were several incidences where she

1 would cry not to go back and leave me.

2 Q Did S.A. act like this when Jessica was home?

3 A No, ma'am.

4 Q And once you stopped splitting custody with the
5 defendant, did you get to see S.A. again while Jessica
6 was deployed that time?

7 A Only through family at holiday events. Not allowed
8 on my own.

9 Q How was your relationship with the defendant after
10 that?

11 A We never spoke again.

12 Q Do you remember when Jessica got sent on orders in
13 October of 2017?

14 A Yes, ma'am.

15 Q What was the arrangement for S.A. this time?

16 A She stayed with Dustin, and my grandmother took
17 weekends or every other weekend or something like that.

18 Q And how often did you see the girls during this time?

19 A I did not see them -- hold on. I did not get to see
20 S.A. anytime during the first several weeks that Jessica
21 was gone on this deployment.

22 Q And what about Rosie?

23 A I saw her twice a week at breakfast with my
24 grandmother.

25 Q Is that because your grandmother was taking care of

1 her?

2 A My grandmother was [S.A.]'s caregiver during the day.

3 Q You mean Rosie's?

4 A Rosie's. Sorry. Yes.

5 Q Did you become aware that [S.A.] had disclosed sexual
6 abuse?

7 A Yes. I was out of town for the weekend, and I got a
8 phone call that [S.A.] had disclosed sexual abuse and had
9 wanted someone to advocate for her and for me to come pick
10 her up.

11 Q So what did you do when you found out?

12 A Packed my things and came to [S.A.] and took her to
13 the hospital.

14 Q Without telling us what she said, did [S.A.] disclose
15 sexual abuse to you?

16 A Yes, ma'am. In her testimony at the hospital, but
17 never prior to the incident.

18 Q So were you in the room with her when she told the
19 police officer?

20 A Yes, ma'am.

21 Q And is that how you found out about it?

22 A Yes, ma'am.

23 Q Had she ever told you before then?

24 A No, ma'am.

25 Q Have y'all discussed it since?

1 A I was told not to discuss the case or the incident in
2 any way leading up to trial. So no, I have never
3 mentioned it or spoke to her since that day.

4 Q And where did the girls stay after they disclosed the
5 sexual abuse?

6 A They came with me.

7 MS. HENDRICKS: Thank you. Please answer any
8 questions the defense may have.

9 MR. HARBIN: Thank you, Judge. May it please the
10 Court.

11 THE COURT: Yes.

12 CROSS EXAMINATION

13 BY MR. HARBIN:

14 Q Were you interviewed as part of the investigation
15 back in 2013 when DSS was involved for a short period?

16 A No, sir.

17 Q You did not speak to anybody ---

18 A No, sir.

19 Q --- with DSS.

20 A No, sir.

21 Q Is it true that you used to go pick up S.A. from
22 school sometimes?

23 A Yes.

24 Q Okay. And one of those schools, I believe, was
25 Fairview Child Development Center, something like that?

1 A Yes. That was the day care that S.A. and my son
2 attended after school.

3 Q And as part of the observations that you shared with
4 your sister and ultimately your -- I'm sorry -- your
5 sister Kerri and ultimately your sister Jessica, you were
6 describing behaviors like bedwetting, nightmares, things
7 like that. Then that would have -- you meant to say that
8 was back -- starting back as far as back then in 2013?

9 A I would have never have had custody of S.A. in
10 2013.

11 Q Okay. You said that you kept her for a while. You
12 had a custody arrangement. When was that?

13 A When Jessica was deployed in 2014.

14 Q 2014. Okay.

15 And you said that ended when you got into an argument
16 with Dustin?

17 A Yes, sir.

18 Q And then you received an email from your sister
19 saying that S.A. would be staying with him full time.

20 A Yes, sir.

21 Q So that was your sister's decision that she endorsed
22 through email to you.

23 A Yes, sir.

24 Q You did describe -- the behavior that you mentioned,
25 the bedwetting, the nightmares, when was that observed and

1 how did you -- were able to observe that? Did she live
2 with you for some amount of time?

3 A This would have been the time that she was in my
4 custody during this deployment also.

5 Q And that would have been when exactly?

6 A During the deployment of 2014.

7 Q 2014.

8 Is it possible that you have 2013, 2014 mixed up, or
9 you're certain it's 2014?

10 A I could have it mixed up. I just remember they were
11 in kindergarten.

12 Q So whatever year she started kindergarten at Fairview
13 Child Development, I believe?

14 A Yes, yes.

15 Q That would have been the year?

16 A Yes.

17 Q So if that turned out to be 2013, you don't -- you're
18 not -- that's not that big a deal to you. You just mean
19 that year.

20 A Yes.

21 Q Okay. You stated that your impression of Dustin was
22 simply that that was somebody that you did not want your
23 sister to be with, I believe is how you described it; is
24 that correct?

25 A That's accurate.

1 Q The events that led up to your sister emailing you to
2 tell you that [S.A.] was going to be living with Dustin
3 full time, was that not -- is it not true that a precursor
4 to that was having some issues with your son, between your
5 son and your boyfriend's son and [S.A.]?

6 A That is absolutely incorrect.

7 Q Okay. So that wasn't Dustin's concern whether true
8 or not.

9 A No. It should not have been.

10 Q And so what was the argument over that led ---

11 A The argument that led to this decision was a
12 miscommunication in trading off the children at which time
13 he told me that he could not be inconvenienced with not
14 sticking to the schedule even though the schedule never
15 varied, it could have never varied. And then I received
16 an email from my sister saying that [S.A.] was being
17 bullied by my boyfriend's sons and that she felt it was
18 best for [S.A.] to live with Dustin. There had never been
19 communication before that leading up to that. And as I
20 stated before, [S.A.] would have never have been around my
21 boyfriend's sons. It would have never have met up in our
22 arrangement to work that way.

23 Q Okay. You said that your mother would keep care of
24 [S.A.] during the day?

25 A My grandmother.

1 Q Your grandmother. I apologize.

2 And is Gigi, who was referred to as Gigi?

3 A Gigi, yes.

4 Q So Gigi had S.A. during the day. Is that because
5 everybody worked, Dustin worked, you worked and she was
6 the one that was available?

7 A My sister never wanted Rosie in day care due to germs
8 and sickness in the beginning. And then it just stayed
9 that my Gigi continued to care for her during the day, and
10 it gave her something to do.

11 Q Care for Rosie or Rosie and S.A.?

12 A Rosie, Rosie.

13 Q Just Rosie.

14 A Yes.

15 Q Were you witness to the behavior changes or the red
16 flags that your -- excuse me. Your sister Kerri described
17 for us in your absence that she witnessed things that
18 concerned her back in 2013, behavior changes, being
19 withdrawn or, you know, having -- just something that
20 bothered her, something that kind of ---

21 MS. KLUSKA: Objection, Your Honor. Again, this is
22 pitting the witnesses. He can ask her what she remembers
23 about 2013, but there's not reason to compare it to Kerri.

24 THE COURT: Okay. All right. Don't pit the
25 witnesses.

1 BY MR. HARBIN:

2 Q Do you recall behavior changes back in 2013 that gave
3 you any cause for a concern?

4 A Due to my relationship with Dustin, I was not around
5 S.A. very often except for outings at lunch other than
6 when she was in my care for the deployment.

7 Q But you did say that you did have care of her for
8 some time, and that you -- as part of that care, you would
9 pick her up from school, I guess, along with your son, I
10 would imagine; is that correct?

11 A Well, yes. She was with me, yes.

12 Q And how long did that arrangement last?

13 A I would say four to six months.

14 Q Four to six months.

15 And in that period of time, you didn't notice
16 anything that bothered you or any kind of behavioral
17 issues or acting out that she had ---

18 A That would have been when I noticed the bedwetting,
19 the night terrors and so forth.

20 Q That would have been when you did notice that?

21 A Yes.

22 Q How about anything that you noticed about her
23 behavior towards Dustin?

24 A So before the deployment, anytime that I would pick
25 up Hunter from day care, S.A. would always come to me,

1 hug me, love on me, beg to go home with me. I was aware
2 that on the days that Dustin picked her up, she would run
3 to the bathroom and hide and cry. She had incidents of
4 bedwetting out on the playground on days that Dustin would
5 pick her up. And this was communicated to me through day
6 care providers.

7 Q And specifically, the day care that provided the
8 kindergarten education that you were referencing is
9 the ---

10 A Fairview Child Care.

11 MR. HARBIN: --- Fairview Child Center. Okay.

12 Beg the Court's indulgence.

13 No further questions, Judge.

14 THE COURT: All right. Any redirect?

15 MS. HENDRICKS: No, Your Honor.

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

17 MS. KLUSKA: Your Honor, the next witness will be the
18 victim. Now might be a good time to take a break.

19 THE COURT: Okay. All right. It's 12:20. We'll try
20 to give you all about an hour and a half for lunch. There
21 will be some things that we have to do while y'all are
22 gone as well. So I'll ask you to be back at -- see if I
23 can count that high -- about a quarter of 2:00. How's
24 that? All right. Great.

25 Don't talk about it. Thank you.

1 All right. Yes, ma'am.

2 MS. KLUSKA: Thank you, Your Honor. May it please
3 the Court. The State calls Dr. Mary-Fran Crosswell.

4 THE CLERK. Put your left hand on the Bible and raise
5 your right hand.

6 WHEREUPON,

7 MARY-FRAN CROSSWELL,

8 After having been duly sworn, testified as follows:

9 THE CLERK: Please be seated, and once you're seated,
10 state your name for the record.

11 THE WITNESS: My name is Mary-Fran Ratchford
12 Crosswell.

13 DIRECT EXAMINATION

14 BY MS. KLUSKA:

15 Q Dr. Crosswell, where are you employed?

16 A I'm employed by Prisma Health Upstate.

17 Q What is your job title?

18 A Child abuse pediatrician.

19 Q Can you please tell us a little bit about what your
20 job entails.

21 A I am asked to perform medical evaluations on children
22 when there is a concern for some type of child
23 maltreatment, whether that's physical abuse, sexual abuse
24 or physical neglect.

25 Q And how long have you been employed in this capacity?

1 A I have been employed since September 2006.

2 Q What's your educational background?

3 A I received my bachelor's degree from Wake Forest
4 University, I received my medical degree from the
5 University of Louisville School of Medicine, completed a
6 pediatric residency at what was then known as Greenville
7 Health System.

8 Q And what is your work experience prior to your
9 current position?

10 A I worked as a general pediatrician with Children's
11 Healthcare of Atlanta.

12 Q Can you tell us about any licenses or board
13 certifications that you have?

14 A Yes. I am licensed to practice medicine in the State
15 of South Carolina. I'm board certified in both general
16 pediatrics and in child abuse pediatrics.

17 Q Do you attend continuing education courses in the
18 area of pediatrics or child sexual abuse?

19 A Yes. I receive annually -- I mean I attend annually
20 continuing medical education courses in those areas.

21 Q Have you lectured or presented to other peers in your
22 areas of expertise?

23 A Yes, I have. Locally and on the state level.

24 Q Are you a member of any professional organizations
25 that deal with pediatric medicine or child abuse?

1 A Yes. I'm a member of the American Academy of
2 Pediatrics. I'm a member of the Helper Society, which is
3 an honorary group of physicians who work in the field of
4 child abuse. I'm also involved in the South Carolina
5 child abuse medical response system, which is a statewide
6 network of child abuse pediatric providers.

7 Q I think you mentioned earlier that you conduct exams
8 on possible child victims; is that right?

9 A That's correct.

10 Q How many of those types of exams have you conducted
11 in your career?

12 A In my career, I would estimate probably close to
13 2,000 exams..

14 Q And have you testified in courts of this state in the
15 area of pediatrics and child sexual abuse?

16 A Yes, I have.

17 Q How many times have you testified?

18 A I would estimate at least 40 times.

19 Q And have you been qualified as an expert in the
20 courts of this state?

21 A Yes, I have.

22 Q How many times?

23 A The same number of times.

24 MS. KLUSKA: Your Honor, at this time, the State
25 moves to admit Dr. Crosswell as an expert in pediatric

1 medicine and in child abuse pediatrics.

2 THE COURT: Any voir dire?

3 MR. HARBIN: Nothing from the defense, Judge.

4 THE COURT: Any objection?

5 MR. HARBIN: No, sir.

6 THE COURT: Okay. She is so qualified.

7 BY MS. KLUSKA:

8 Q Did you have an opportunity to examine the victim in
9 this case, S.A.?

10 A Yes, I did.

11 Q When and where did this exam take place?

12 A I performed a medical exam on November 13, 2017, and
13 it occurred at the Julie Valentine Center.

14 Q Who was with the victim at the time of this exam?

15 A Her mother brought her to the appointment.

16 Q And what was the reason she was brought in to see you
17 for an exam?

18 A She was referred by law enforcement after making a
19 disclosure of sexual abuse.

20 Q Was S.A. seen medically prior to her visit with you
21 on November 13th?

22 A Yes, she was.

23 Q Where was that?

24 A That was at Greer Hospital emergency room.

25 Q And as part of your diagnosis and treatment of

1 **S.A.**, did you review those records?

2 A I did.

3 Q Are you aware -- why is that important to review
4 those records?

5 A It's just important to know what medically has been
6 done already to assess any previous findings or absence of
7 findings and just to know the background medical history
8 that's pertinent to the appointment that I was seeing her
9 for.

10 Q Are you aware if **S.A.** presented to the Greer ER
11 with any types of behavioral symptoms?

12 A She had more physical symptoms that I recall of
13 dysuria, which is pain with urination. And I think there
14 was also a history of having some wetting accidents prior
15 to the visit to the ER.

16 Q What directions did **S.A.** and her family leave the
17 hospital with that day?

18 A She -- I know, recall was given a prescription for an
19 antibiotic called cephalexin to treat a presumed urinary
20 tract infection.

21 Q Okay. So you stated earlier that your exam of **S.A.**
22 took place on November 13, 2017, correct?

23 A Yes.

24 Q And you are aware that she disclosed sexual abuse on
25 October 7, 2017, right?

1 A Yes.

2 Q Are delays of about a month like that common?

3 A It is -- it is not uncommon for there to be a delay
4 from the time of the ER evaluation. We received the
5 referral towards the end of October, October 27th. And
6 oftentimes we -- if there's not a medical concern at the
7 time of the referral, then we may wait and schedule that
8 after the forensic interview so that we have the most
9 information about what may or may not have happened to the
10 child.

11 Q Is it possible that whatever findings you may or may
12 not have, that the time lapse could affect that?

13 A It can. Injuries in -- injuries specifically in the
14 genital area heal very quickly, within a matter of a
15 couple of days, sometimes, because it's a very -- it's a
16 mucus tissue, which means it's very vascular, and just has
17 a rapid healing rate in those areas.

18 Q I definitely want to ask you more about that. But
19 first, can you confirm with me how old [S.A.] was the day
20 that you performed your exam?

21 A She was 9 years old.

22 Q And you said her mother brought her in, but was her
23 mother present during the exam?

24 A Her mother -- not during the physical exam. We like
25 to give the children as many choices as possible, and

1 S.A. chose to do that exam with only the child life
2 specialist and myself in the room.

3 Q Are there different types of exams in sexual assault
4 cases?

5 A Yes.

6 Q What are the types?

7 A So if a child makes a disclosure and seeks medical
8 attention within 72 hours of the abuse that's disclosed,
9 then it's recommended that they be seen in the emergency
10 room setting in order to -- in order that an evidence
11 collection kit can be obtained at that time. If a child
12 makes a disclosure after the 72 hours of the last incident
13 of abuse, then we know that having that evaluation done in
14 a child advocacy setting is much better for the child and
15 their caregivers.

16 Q In your experience, which is more common?

17 A Most common to see that the disclosure is made after
18 the 72 hours.

19 Q And why is that?

20 A There can be a wide variety of reasons that lead
21 children to delay their disclosure if they disclose at
22 all.

23 Q In which category of these exams did S.A. fall
24 into?

25 A For me I saw her in the chronic time period.

1 Q Can you please explain to us what your exam entails.

2 A Yes. So when a child comes to a Child Advocacy
3 Center such as the Julie Valentine Center, they're greeted
4 by a child life specialist who brings the child and the
5 caregiver back to the room. And she demonstrates exactly
6 what will happen during the physical exam portion, allows
7 the children to manipulate the medical equipment to
8 decrease their anxiety about the exam. Then I will take
9 the caregiver into a separate room to get a detailed
10 background medical history including any physical symptoms
11 the child is having, including any behavioral symptoms
12 that the child might be having, any surgical history or
13 previous hospitalizations. All of that detailed
14 background medical history is done outside the setting of
15 the child. And then if the child has the verbal abilities
16 to give their own history to me, I ask the caregiver to
17 step out of the exam room while I talk to the child to try
18 to get an independent history from my patient.

19 Next we -- I will do a head-to-toe physical exam. In
20 sexual abuse cases, that involves a piece of medical
21 equipment called a colposcope. A colposcope is a piece of
22 equipment that allows for a good light source
23 magnification system and the ability to photo document the
24 exam so that that is documented in the record or in a safe
25 server, not actually part of the record.

1 The -- next I will determine if any laboratory
2 testing needs to be done based on the information that I
3 have gleaned from all the various sources, and then will
4 make recommendations for treatment.

5 Q And did you follow all those same procedures with
6 S.A. ?

7 A I did.

8 Q During this exam, what does the patient you're
9 examining have to do?

10 A So first of all, they have to talk about what
11 happened or didn't happen. And then during the physical
12 exam, most of the exam is a general pediatric exam. When
13 we get to the piece involving the colposcope, females will
14 lie on their back, and depending on their age and their
15 comfort level, we'll either have them put their feet
16 together like in a frog-like position with their legs
17 spread, or we have a gynecological table that have the
18 traditional feet stirrups that most women are familiar
19 with in their doctor's office.

20 Q I think you said earlier that part of your protocols
21 involves you talking to the victims about what happened so
22 that you can thoroughly conduct your exam, correct?

23 A Correct.

24 Q And without stating the name of the abuser if she
25 gave one, did S.A. disclose being a victim of sexual

1 abuse to you?

2 A She did.

3 Q Did she state where it happened?

4 A She stated that it happened in the server room, which
5 she clarified was a bedroom.

6 Q And did she state when it happened?

7 A She said that the first time it happened was before
8 her little sister was born. Her little sister was
9 23 months old. And that's about all I have as far as
10 time.

11 Q Okay. So you said as part of your exam you have to
12 examine [S.A.] s vaginal area; is that right?

13 A Correct.

14 Q And did you examine her anus as well?

15 A Yes.

16 Q Can you describe to the jury the anatomy of what you
17 observed during your exam? And if it's helpful, maybe you
18 can draw it for us.

19 MS. KLUSKA: Your Honor, permission for the witness
20 to step down.

21 THE COURT: Yes. Please keep your voice up so we can
22 record it.

23 THE WITNESS: Okay. Let me know if it's not loud
24 enough.

25 THE COURT: Yes.

1 THE WITNESS: So when you go to do a female exam, the
2 first kind of layers of tissue that you have to move to
3 the side are fatty layers of tissue, and they're called
4 the labia majora. And then once those are revealed,
5 you'll see the area called the clitoris. And then a
6 second layer of tissue comes around called the labia
7 minora. And then deep to those layers of tissue, you have
8 a small opening where the urine comes out called the
9 urethra. And then posterior or behind that is a larger
10 opening which is the opening into the vagina. And the
11 vagina is partially covered by a layer of tissue called --
12 this can look a lot of different ways, but it's called the
13 hymen.

14 Q Okay. Thank you.

15 And I think you mentioned earlier that the vagina
16 heals quickly. So using this now as our model, can you
17 explain a little bit more about that?

18 A So we know that injuries in this area of the body
19 heal very quickly, again, because it has a high blood
20 supply which just allows for the tissues to heal quickly
21 and oftentimes without leaving a scar or evidence to the
22 eye that the injury was there.

23 Q Can you please describe the findings of your exam as
24 they relate to S.A. .

25 A So she had a normal external female genitalia.

1 Her hymen was as I drew it there. It's called a
2 crescent shape, which is just a description of the
3 hymeneal tissue.

4 There were -- and she didn't have any vaginal
5 discharge. She didn't have any fissures or lacerations or
6 bruising in the area.

7 She was of normal developmental state in her sexual
8 maturity rating for her age.

9 Q And what were your findings of her exam as it relates
10 specifically to sexual abuse?

11 A So she had a normal exam which can be and is most
12 often consistent with the history that was given to me.

13 Q So in your expert opinion and experience, could her
14 exam being normal still be consistent with the abuse that
15 she described?

16 A Yes. In the overwhelming majority of cases, the
17 physical exams in these cases are normal. The current
18 studies are anywhere from 92 to 97 percent of exams in
19 children who have been sexually abused do not have a
20 specific finding that is diagnostic of sexual abuse.

21 Q So you said 92 percent to ---

22 A 92 to 97 percent.

23 Q So 92 to 97 percent of exams are normal just like
24 S.A.'s was.

25 A Correct.

1 Q What about -- you said the vagina heals quickly, but
2 what about the anus? Can you tell us a little bit more
3 about that?

4 A Well, so the anus is also, you know, mucosal tissue.
5 You know, the anus is basically a muscle, and it's
6 designed to relax and constrict to allow large objects to
7 pass. And so just as it can allow large objects to pass
8 out, it can allow larger objects to pass in as well
9 without causing injury to the anus.

10 Q In a situation where a perpetrator may have been
11 rubbing his penis on the anus or vagina, would you expect
12 to see scarring or tearing in that situation?

13 A No.

14 Q What about if a perpetrator actually penetrates the
15 anus? Would you expect to see scarring or tearing in that
16 situation?

17 A Not necessarily.

18 Q If you perform an exam where you do have physical
19 findings, so I guess you're falling out of that normal 92,
20 97 percent, what do you have to do next?

21 A Because of the significance of a physical finding
22 specific for sexual abuse, I -- in the State of South
23 Carolina, we have a protocol where we review our findings
24 with another expert in the field, another child abuse
25 pediatrician.

1 Q So even in a case without a delayed disclosure, so
2 say a victim discloses within 72 hours, can you estimate
3 how likely you would find evidence of sexual abuse then?

4 A It's still very uncommon.

5 Q If a victim described digital penetration to you,
6 would you expect to have findings of sexual abuse then?

7 A Again, it's very uncommon.

8 Q So in your expert opinion, can you tell us whether or
9 not your findings are consistent with the sexual contact
10 that the victim reported?

11 A Yes. They are consistent with the history she
12 provided to me.

13 Q What were your follow-up recommendations and
14 treatment courses for the victim following your exam?

15 A So recommended no contact with the person she stated
16 had done this. We did a sexually transmitted infection
17 evaluation, gave her an order to have some blood work
18 drawn to complete that, recommended trauma focus, mental
19 health counseling, and recommended that the Child Advocacy
20 Center assess the mother and patient for any additional
21 services that they may benefit from.

22 MS. KLUSKA: Thank you, Dr. Crosswell. Please answer
23 any questions the defense may have.

24 MR. HARBIN: May it please the Court.

25 THE COURT: Yes, sir.

CROSS EXAMINATION

BY MR. HARBIN:

Q Doctor, so the sum total of your exam revealed no physical evidence to support or to -- that there's no physical evidence in this particular case; is that correct?

A That's correct.

Q Okay. And your testimony, if I understood it correctly, when the prosecutor asked you about what you would expect to find in certain circumstances, did I hear correctly that you would not expect to find any physical manifestations of injury if a 9-year-old child, as she was in this case, was vaginally and/or annually raped within 72 hours?

A So I think the question was worded differently. I guess I would need to clarify what you mean by the contact that you're describing.

Q Well, let me just reask the question perhaps a different way.

A Okay.

Q Would you expect to find physical manifestations of injury if you are examining a 9-year-old female who was alleging sexual abuse with vaginal and anal penetration and you were able to examine that patient within I guess that's three days, right? 72 hours?

1 A So I guess the first -- the first question is I never
2 -- I never am able to define or attempt to define what
3 penetration is passed going behind -- beyond the labia
4 majora. Because no -- it's very difficult. It's a very
5 complex piece of anatomy that it's hard to know exactly
6 where that penetration is happening, especially for a
7 child. So yes, penetration can occur without leaving any
8 physical evidence. And the medical -- the medical
9 literature supports that just in the frequency of -- or
10 the infrequency of having physical findings based on the
11 disclosures that children make.

12 Q I'll try one more time. You seem to be hung up on
13 what is possible even if as opposed to what is likely if
14 you assume that there has been a -- well, an assault.
15 What you've said repeatedly is it is not inconsistent with
16 child abuse or sexual abuse to not have physical findings,
17 but what you haven't said is that it's perfectly
18 reasonable to assume that there would be physical evidence
19 of sexual abuse if there was such abuse within a
20 particular time frame where, you know, the body would not
21 have had time to heal, I believe you said, within
22 72 hours, that you still wouldn't expect to find any
23 physical manifestations.

24 A So I'm sorry. What is the question?

25 Q The question is, is it your testimony that you want

1 the jury to understand that you think that it is rare and
2 that you would not expect to see physical manifestations
3 of injury to a 9-year-old female who has described sexual
4 abuse in the form of penetrative sex in the vagina and the
5 anus?

6 A Based on the specific history that she gave me and
7 based on my experience as a child abuse pediatrician, her
8 history is consistent with her physical exam.

9 Q Okay. But that's not my question.

10 A Okay.

11 Q My question to you is whether or not it is a
12 reasonable thing to expect to find physical manifestations
13 of injury in a case where a 9-year-old has been penetrated
14 by a grown man within 72 hours in either her vagina and/or
15 her anus.

16 A So what I would say is the medical literature and my
17 experience support that it is -- it is less -- it is
18 infrequent that you have physical findings based on that
19 history.

20 MR. HARBIN: Okay. No further questions. Thank you,
21 Doctor.

22 THE COURT: Any redirect?

23 MS. KLUSKA: No, Your Honor.

24 THE COURT: All right. Thank you, Doctor. You may
25 stand down.

1 Release her from subpoena, I presume?

2 MS. KLUSKA: Yes, Your Honor.

3 THE COURT: Any objection?

4 MR. HARBIN: No, sir.

5 THE COURT: Okay. All right.

6 MS. KLUSKA: Your Honor, the State calls S.A. [REDACTED]

7 [REDACTED] to the stand.

8 THE CLERK: S.A. [REDACTED], if you will, step forward over
9 here to the witness stand. Once you're there, place your
10 left hand on the Bible and raise your right hand. You can
11 stop there. Put your left hand on the Bible and raise
12 your right hand.

13 WHEREUPON,

14 S.A. [REDACTED]

15 After having been duly sworn, testified as follows:

16 THE CLERK: Thank you. You may be seated. And once
17 you're seated, state your name for the record.

18 THE WITNESS: My full name?

19 THE CLERK: Ma'am?

20 THE WITNESS: My full name?

21 THE CLERK: Yes.

22 THE COURT: State your name for the record.

23 DIRECT EXAMINATION

24 BY MS. KLUSKA:

25 Q Can you tell us your name?

S.A. Direct by Ms. Kluska

- 1 A Uh-huh.
- 2 Q Okay. What is it?
- 3 A S.A.
- 4 Q Do you want to just pull that down, the microphone
- 5 down a little bit so we make sure we hear everything you
- 6 have to say? Okay. Is that good?
- 7 A (Nods head affirmatively.)
- 8 Q S.A., how old are you?
- 9 A 13.
- 10 Q When's your birthday?
- 11 A November
- 12 Q What grade are you in?
- 13 A Seventh grade.
- 14 Q And I'm sorry. November th, what year?
- 15 A 2007.
- 16 Q What school do you go to?
- 17 A Middle School.
- 18 Q What's your favorite subject?
- 19 A Science.
- 20 Q Science.
- 21 What's your favorite thing to do on the weekends?
- 22 A Sleep.
- 23 Q Me too.
- 24 Who do you live with right now?
- 25 A My mom, little sister, and my dad.

1 Q Okay. And what's your dad's name?

2 A Nathan.

3 Q Okay. How long have you lived with Nathan and your
4 mom and your little sister?

5 A I recently moved in a few months ago.

6 Q Where were you living before that?

7 A With my grandmother and her fiance.

8 Q Why were you living with your grandma?

9 A Mostly just for space because it was like middle
10 school, mom thought I could use the space from my little
11 sister just for a little bit.

12 Q Do you know Dustin, the defendant?

13 A Yes, I do.

14 Q What did you used to call him?

15 A Dad.

16 Q Do you remember when you lived with him?

17 A I remember living in an apartment with him.

18 Q Okay. How old were you when you lived in the
19 apartment with him?

20 A I don't remember specific age. Probably around 9 or
21 10 years old.

22 Q When you lived with the defendant, who else lived
23 with you?

24 A My mom and my little sister.

25 Q You said you lived at an apartment with the

S.A.

Direct by Ms. Kluska

1 defendant. You remember the name of it?

2 A Greyeagle Apartments.

3 Q Where did you live before the Greyeagle Apartments?

4 A We lived on a street in Enoree Hills.

5 Q Was that a house or an apartment?

6 A That was a house.

7 Q And the house at Enoree Hills, who lived in that
8 house with you?

9 A My mom and my dad.

10 Q Your dad, meaning the defendant.

11 A Uh-huh.

12 Q Were there ever times that you were living with the
13 defendant when your mom would be gone?

14 A Yes.

15 Q And when you were alone with the defendant, did he
16 take care of you?

17 A He did.

18 Q Did he do normal dad things like, I don't know, feed
19 you, make sure you had clothes, take you to school, things
20 like that?

21 A Yes.

22 Q When you lived with the defendant, do you remember
23 him ever doing anything to you that you did not like?

24 A Yes.

25 Q What did he do?

1 A He touched me inappropriately.

2 Q If you remember, can you estimate about how many
3 times the defendant touched you inappropriately?

4 A Like anywhere?

5 Q Like was it one time? Was it 20 times? Was it --
6 just how many times do you think?

7 A Just more than once.

8 Q Do you remember how old you were the first time it
9 happened?

10 A From around 6, 7 or 8 years old.

11 Q What about the last time it happened, how old were
12 you then?

13 A Probably 10.

14 Q Where did these things take place?

15 A Living room, and my mom and my dad's room.

16 Q What did you call your mom and your dad's room?

17 A The server room.

18 Q The what room?

19 A The server room.

20 Q The server room. Okay.

21 And the living room and the server room you're
22 talking about, were those the rooms in the Greyeagle
23 Apartments?

24 A Yes.

25 Q S.A. I'm going to show you some pictures of what's

S.A. Direct by Ms. Kluska

1 already been entered into evidence as State's 2 through 5.
2 Can you just look at these and tell me if you recognize
3 them?

4 A I do recognize this one.

5 Q Okay. Flip through them real quick and tell me if
6 you recognize them all, then I'll show them to you one by
7 one.

8 A (Reviews exhibits) I recognize all of them.

9 Q Okay. Thanks.

10 Tell us what room that is.

11 A That is the living room.

12 Q And did something inappropriate with the defendant
13 happen in that room?

14 A Yes.

15 Q Can you -- if you need to get up, that's okay. But
16 can you tell us on that picture where something
17 inappropriate happened?

18 A Around here (indicating).

19 Q On the floor?

20 A Uh-huh.

21 Q Now I'm going to show you this one. You can just
22 stay there for one second. What about that one?

23 A Right there (indicating).

24 Q And, S.A., I'm going to show you a picture of
25 another room that you said you recognize. What did you

1 call that room?

2 A The server room.

3 Q And did anything inappropriate happen with the
4 defendant in that room?

5 A Yes.

6 Q Where?

7 A Right here (indicating) in the corner.

8 Q On the floor again?

9 A Uh-huh.

10 Q Same thing on this picture?

11 A Yes.

12 Q All right. Thank you, S.A. [REDACTED]. You can have a seat.

13 S.A. [REDACTED], what do you call the private part on a boy?
14 Maybe just a private? Is that okay?

15 A Yeah.

16 Q Okay. What about a private part on a girl?

17 A Just private.

18 Q Just private. Okay.

19 So you said earlier the defendant touched you
20 inappropriately, and I want to ask you more about that.
21 What did the defendant do to you?

22 A He touched my private part.

23 Q What did he touch your private part with?

24 A His hands.

25 Q And did his hands go on your private or in your

1 private or something else?

2 A On and in.

3 Q When his hand went in your private, what did his hand
4 do? Did it move or did it stay still or something else?

5 A It moved.

6 Q How did it move?

7 A In circles.

8 Q I'm sorry?

9 A In circles.

10 Q In circles. Can you show us how he moved his hand in
11 circles?

12 A (Gesturing.)

13 Q So like with his finger he would move it in a circle?

14 A Uh-huh.

15 Q How did that make your girl part feel?

16 A Uncomfortable.

17 Q Did he ever touch your private with anything else
18 other than his finger?

19 A His tongue.

20 Q His tongue. What did he do with his tongue in your
21 private?

22 A Same thing with the fingers, moved it in circles.

23 Q Did his tongue go in your private or on your private?

24 A In.

25 Q How did that make your private feel?

1 A I didn't like it.

2 Q Did the defendant ever touch you on your private with
3 anything else other than his finger or his tongue?

4 A No.

5 Q What about his boy part? Did his private boy part
6 ever touch a part of your body?

7 A Uh-huh.

8 Q Can you tell me about that?

9 A Yeah. He would just brush it against my private
10 part.

11 Q So he would brush his private part against your
12 private part. Did I get that right?

13 A Yes.

14 Q And when that happened, how were you positioned?

15 A On my back.

16 Q How was he positioned?

17 A On his hands and knees over me.

18 Q Do you remember how your clothes were?

19 A Off.

20 Q How did your clothes get off?

21 A He took them off.

22 Q What about his clothes? How were his clothes?

23 A Off.

24 Q How did his clothes get off?

25 A He took them off.

1 Q What did his private do to your private when they
2 touched? Like did it move or did it stay still or
3 something else?

4 A Moved.

5 Q How did it move?

6 A Back and forth.

7 Q Did the defendant ever do anything to your bottom?

8 A Huh?

9 Q To your bottom, did he ever do anything to your
10 bottom?

11 A Uh-huh.

12 Q What did he do?

13 A He brushed his private part against my bottom.

14 Q Did it go in or on?

15 A On.

16 Q And what would you do when he would do that? How
17 would you be lying?

18 A On my stomach.

19 Q How would his boy part move when he did that?

20 A Back and forth.

21 Q When the defendant would brush his private on your
22 private and your bottom, did anything ever come out of his
23 private?

24 A No.

25 Q What about to the defendant's body, did you ever have

1 to do anything to his body?

2 A He made me touch his private sometimes.

3 Q Tell me how he did that.

4 A He would grab my hand and put it on his private.

5 Q And when he put your hand on his private, what did he
6 make your hand do?

7 A Go like up and down on it.

8 Q Can you show us how?

9 A (Gesturing.)

10 Q What did his private look like, do you remember?

11 A No.

12 Q How did you know what to do to his private? How did
13 you know how to move your hand like that?

14 A He moved it.

15 Q Was there ever a time when the defendant would be
16 moving your hand on his private and then touch a part of
17 your body?

18 A Yes.

19 Q Tell me about that.

20 A So he would take my hand and put it on his private,
21 and then he'd use his other hand and touch mine.

22 Q So he would touch his private and touch your private
23 at the same time. How did he touch your private when he
24 did that?

25 A He moved his hands in circles.

S.A.

Direct by Ms. Kluska

1 Q When the defendant moved his hand -- your hand up and
2 down on his private, did he ever -- did anything ever come
3 out of his private then?

4 A Sometimes.

5 Q Okay. Tell me about that.

6 A When my hand would be moving up and down on his
7 private, he would make me do it for some time, and then
8 eventually some stuff came out.

9 Q Okay. What kind of stuff?

10 A Like a clear liquid.

11 Q Did he tell you anything about why this clear liquid
12 came out?

13 A He told me he had pressure in his private area.

14 Q I'm sorry. I couldn't hear that last thing you said.
15 Can you repeat that?

16 A He told me he had pressure in his private area.

17 Q Did he tell you what the pressure came from?

18 A No, he didn't.

19 Q When the clear liquid came out of his private, what
20 happened to it? What did he do with it?

21 A He sometimes wiped it off.

22 Q What would he wipe it off with?

23 A Like toilet paper, paper towel or like a baby wipe.

24 Q What would he do with the towel then after he wiped
25 the clear liquid off on it?

1 A The paper towel?

2 Q Yeah. The paper towel or the towel, what do you
3 remember about that?

4 A Either the towel would go in the washer or the paper
5 towel would go in the trash can.

6 Q Was there ever a time when that clear liquid you
7 described to us got on a part of your body?

8 A What was the question again?

9 Q Was there ever a time when that clear liquid you told
10 us about, that it got on your body? Did that ever happen?

11 A No.

12 Q Was there ever a time where you saw the defendant
13 touch his private to something else like not a part of his
14 body or not a part of your body?

15 A No.

16 Q After the defendant would do these things to you, did
17 he ever tell you not to tell?

18 A I think I just kept it to myself because I was young
19 and I didn't understand.

20 Q When your mom came back, why didn't you tell her what
21 happened?

22 A I probably forgot about it.

23 Q How did you forget about it?

24 A She probably -- she would come home at dinner after
25 every drill during the weekends.

S.A. [REDACTED]

Direct by Ms. Kluska

1 Q And while your mom was gone, you were able to see
2 Aunt Kerri and Aunt Marie and the rest of your family.
3 Why didn't you tell them right away when it happened?

4 A Like I said, I didn't understand what was happening,
5 didn't know what was going on.

6 Q Do you remember when you finally told?

7 A Yes.

8 Q Who did you tell?

9 A My Aunt Kerri was, I believe, the first person I
10 told.

11 Q After you told Aunt Kerri, what happened next?

12 A The next thing I know I was at a hospital.

13 Q One second.

14 [REDACTED] S.A. [REDACTED], everything you told us today, did you make it
15 up?

16 A No, I did not.

17 Q Did anyone tell you to make it up?

18 A No.

19 Q Why are you here today telling us about these things?

20 A Because I want my voice to be heard.

21 Q The man who did these things to you, do you see him
22 in the courtroom today?

23 A (Shakes head negatively.)

24 Q If I move out of the way, do you see him?

25 A (Shakes head negatively.)

1 MS. KLUSKA: Your Honor, may I ask the defendant to
2 take his mask off for a second?

3 THE COURT: Yes. I think that's appropriate.

4 Take your mask off.

5 BY MS. KLUSKA:

6 Q Do you see him in the courtroom, S.A. [REDACTED]? Can you
7 point him out to us and tell us what color shirt he has
8 on?

9 A From what I can see, it's navy blue.

10 MS. KLUSKA: Your Honor, let the record reflect that
11 the victim identified the defendant, Dustin Ready, as the
12 perpetrator of these crimes.

13 Thank you, S.A. [REDACTED]. Nothing further at this time,
14 okay?

15 THE COURT: Let's just take a little short break.

16 Ladies and gentlemen, if you would, step back to the
17 jury room. We'll get with you in just a few minutes.

18 (WHEREUPON, the jury exits the courtroom at 2:42 PM.)

19 THE COURT: All right. We'll just take a short
20 break.

21 Are you okay? All right. Why don't you just take a
22 few minutes and get yourself composed, all right? We'll
23 take a short break, five or ten minutes. You can stand
24 down, but don't talk about your testimony with anybody,
25 okay? Get a little drink of water or something.

1 Okay. Thank you.

2 (WHEREUPON, a recess is taken at 2:43 PM; the jury entered
3 the courtroom at 2:54 PM.)

4 THE COURT: All right. Mr. Harbin?

5 MR. HARBIN: May it please the Court.

6 THE COURT: Yes, sir.

7 CROSS EXAMINATION

8 BY MR. HARBIN:

9 Q I'll be brief, okay? You're probably tired of
10 talking to people about this.

11 Speaking of, how many times have you had to speak
12 about this with adults? How many times have you had to
13 retell what happened?

14 A A few times.

15 Q A few, is that three?

16 A Maybe four or five.

17 Q Three or four, or did you say four or five?

18 A Four or five.

19 Q And the first time you said anything, you told your
20 Aunt Kerri; is that right?

21 A Yes, sir.

22 Q And did you tell her or did she ask you a question
23 that you answered? Did she have to ask you a question
24 first and then you answered it, or was it your idea to
25 tell her?

1 A It was my idea to tell her.

2 Q It was your idea to tell her.

3 And where were you and when did that happen; do you
4 remember?

5 A My great grandmother's house.

6 Q And what did you tell her at your great grandmother's
7 house when you first -- how much detail did you give her?
8 What did you share with her then? And you don't have to
9 recount it, but just -- I'm sorry. I won't interrupt you
10 but just generally, what did y'all talk about when you
11 told her that?

12 A We talked about what the defendant did to me.

13 Q Okay. And did you get specific with what he did to
14 you? Did you share that with her?

15 A I didn't get specific with it yet.

16 Q Okay. You say "yet." Were you uncomfortable telling
17 her at that time?

18 A Yes. I was just a little bit uncomfortable.

19 Q Okay. And do you remember whether you told your aunt
20 about this before or after your aunt had told you that
21 Dustin was not your real father, not your birth father?

22 A Could you like rephrase or restate the question?

23 Q Yes. So you spoke to your Aunt Kerri. According to
24 our records, October 7, 2017, is when you first told her
25 about the abuse. Did you know about Dustin not being your

1 natural birth father before then?

2 A No.

3 Q You did not?

4 A Not yet.

5 Q So you didn't know until she told you?

6 A I didn't know until she told me.

7 Q Okay. And do you remember where you were when she
8 told you?

9 A I do not remember.

10 Q Okay. Do you remember how it made you feel?

11 A Devastated.

12 Q Did you tell her that?

13 A No.

14 Q You said you don't quite remember where it happened
15 or where -- I'm sorry -- where she told you that?

16 A I don't remember where she told me.

17 Q Okay. How long did the conversation last when you
18 opened up to your Aunt Kerri?

19 A Probably around five minutes.

20 Q Okay. And did you tell anybody else after? Did that
21 allow you to feel more at ease about sharing that?

22 A I eventually told everyone else.

23 Q Okay. And when you say "everyone else," are you
24 talking about the doctors and the staff at the hospital,
25 or are you talking about friends and family?

1 A People -- well, actually, my friends and family.

2 MR. HARBIN: One second, Your Honor.

3 Thank you, S.A. . No further questions.

4 THE COURT: Any redirect?

5 MS. KLUSKA: No, Your Honor.

6 THE COURT: All right. Thank you, young lady. You
7 may step down. Thank you.

8 MS. KLUSKA: Your Honor, the State calls Shauna
9 Galloway-Williams to the stand.

10 THE COURT: All right.

11 THE CLERK: Ms. Williams, if you'll please place your
12 left hand on the Bible and raise your right hand.

13 WHEREUPON,

14 SHAUNA GALLOWAY-WILLIAMS,
15 After having been duly sworn, testified as follows:

16 THE CLERK: Please be seated. Once you're seated,
17 you may remove your mask, and state your name for the
18 record.

19 THE WITNESS: Shauna Galloway-Williams.

20 DIRECT EXAMINATION

21 BY MS. KLUSKA:

22 Q Ms. Galloway-Williams, where are you employed?

23 A I am the CEO of the Julie Valentine Center.

24 Q What's the Julie Valentine Center?

25 A We are the child abuse and sexual assault recovery

1 center that serves Greenville and Pickens County. So that
2 means that we provide services to anyone who's been
3 impacted by child abuse or sexual assault including
4 prevention and education services, therapeutic services,
5 assessment services.

6 Q Tell me a little bit about your educational and
7 training background.

8 A Sure. I have a bachelor's degree in psychology from
9 Winthrop and a master's degree in counseling from Clemson.
10 I'm also a licensed professional counselor in the state of
11 South Carolina.

12 Q Do you have any specific training or courses on
13 children and sexual abuse?

14 A Yes. So my area of specialization is the area of
15 child abuse and sexual assault, so all of my postgraduate
16 work experience as well as most of my continuing education
17 has been specifically in that area. I have over
18 150 skills-based hours of training directly related to
19 assessing children where there may be allegations of
20 abuse, and additionally, numerous continuing education
21 hours. We are required to receive at least 40 hours every
22 two years, and most of my CEUs are specifically in that
23 area.

24 Q What did you do prior to working at the Julie
25 Valentine Center?

1 A So I have been director of the center for 12 years.
2 Prior to that, I served as the clinical director, and
3 prior to that, I served as a forensic interviewer who was
4 hired on contract from the Department of Mental Health.
5 So prior to working for Julie Valentine Center, I was a
6 counselor at the Department of Mental Health in a variety
7 of different settings, but prior to coming to the center,
8 specifically working in the Child and Adolescent
9 Outpatient Unit.

10 Q When you were a counselor, did you specifically work
11 with children who experienced trauma or had been abused?

12 A I did.

13 Q About how many children have you counseled in your
14 career?

15 A I don't know an exact number. I would say that I
16 worked with more than 2,000 children in either counseling,
17 assessments, working with their caregivers, family members
18 or some capacity.

19 Q The methods that you rely on in your teaching and
20 your counseling, are they uniformly accepted and
21 recognized in your field?

22 A Yes.

23 Q Are they peer reviewed?

24 A Yes.

25 Q And can you find those methods and principles in the

1 literature surrounding the area of child abuse?

2 A Yes.

3 Q Have you ever been qualified in court before ---

4 A I have.

5 Q --- as an expert?

6 As an expert in child abuse dynamics?

7 A Yes.

8 Q How many times?

9 A More than 40 times.

10 MS. KLUSKA: Your Honor, at this time, the State
11 moves to qualify Ms. Galloway-Williams as an expert in the
12 field of child sexual abuse dynamics.

13 THE COURT: Any voir dire?

14 MR. HARBIN: No, sir. Subject to, you know,
15 preserving an objection for something I don't believe
16 she'd be allowed to say, I have no objection.

17 THE COURT: Okay. All right.

18 BY MS. KLUSKA:

19 Q Before I begin asking you some more questions, have
20 you ever met the victim in this case?

21 A No, I have not.

22 Q Have you personally counseled her?

23 A I haven't.

24 Q Have you seen any incident reports or interviews in
25 this case?

1 A No, I haven't.

2 Q Aside from the conversation that you had with me,
3 have you been involved in this case whatsoever?

4 A No, I have not.

5 Q Can you tell the jury what you understand your
6 purpose in testifying in this case is?

7 A Sure. My role is really educational, to provide
8 information about the dynamics of child sexual abuse
9 because it is a more specialized topic, and the reactions
10 and the way that children respond in these types of
11 situation is often different than how we would expect it
12 to be. And so I'm here to explain some of those dynamics
13 why -- why there's things may appear different and
14 contrary to how we would think a child will respond.

15 Q Are you familiar with the term "delayed disclosure"?

16 A Yes.

17 Q What does that mean?

18 A So disclosure, in terms of our work in child abuse,
19 is when a child makes a statement about an abuse scenario,
20 something that may have happened to them. Delayed
21 disclosure is a pretty common characteristic in child sex
22 abuse dynamics. And really, that means that a child is
23 not telling someone right away. They're delaying telling
24 someone right after it's happened. Rather than the
25 incident happened -- happening and then going directly to

1 someone and saying that this happened to them, they may
2 delay that for hours, days, years. And many adults delay
3 disclosure into their adult life-hood.

4 Q What are some reasons that it is so common for
5 children to delay disclosing sexual abuse?

6 A One of the most common reasons for the delaying
7 disclosure is fear. Children are afraid of what's going
8 to happen to them, they're afraid of what's going to
9 happen to the person that may have done this to them,
10 they're afraid they won't be believed. That's one of the
11 most common reasons that children don't tell.

12 They may be fearful because they might have been
13 threatened. Someone may have told them that if they tell,
14 that something would happen to them or their family
15 members. Those threats can be direct or indirect. So
16 they could have been told that.

17 Or it can be something that a child internalizes
18 themselves. So, for example, if a child has already been
19 involved in the Department of Social Services or the
20 systems, they may understand that if a family member has
21 done something to them and this is a family member, that
22 something may happen to their family, which leads me to
23 another common reason.

24 Most children are abused by someone that they know,
25 they love, and they trust. And that dynamic in and of

1 itself makes it very challenging for an individual to
2 tell, because that relationship is complex. A child can
3 both love the person that's doing this to them and want
4 them to stop doing this to them. In the same way that
5 many of us continue relationships with family members or
6 friends that have hurt us or done something to us,
7 children can continue to remain in those relationships and
8 have a difficult time, as you can imagine, determining
9 whether to tell or not.

10 Some children just don't have the language. Children
11 who are very young who don't have sexual experience or
12 sexual knowledge may not have the vocabulary to express
13 themselves. Sometimes it takes someone asking them the
14 question before they would tell.

15 Sometimes children will understand that what's
16 happening to them is wrong. If this is something that's
17 happened to them for a long period of time or if someone
18 has done this in a way that may be confusing, perhaps
19 doing this during caregiving, bathing, putting someone to
20 bed, assisting them with getting dressed, those types of
21 things, it can be very confusing for a child.

22 There's also a lot of fear -- I mean shame. I've
23 talked about the fear, but there's also a lot of shame and
24 responsibility that children feel as well. They might be
25 embarrassed to talk about what's happened to them. For

1 many adults even, it's uncomfortable to talk about
2 consensual sexual experiences. For children that have
3 been in these types of situations, it can be very
4 uncomfortable, and they, in many ways, may feel
5 responsible for themselves for what's happened.

6 Q Is it possible that the act of actually saying it and
7 disclosing the abuse can be as traumatic as the actual
8 abuse itself?

9 A Yes. In our field, we say that one of the most
10 helpful things, one of the sure signs that you can assist
11 someone in healing is a positive response to a disclosure.
12 And one of the ways to assure that that may not happen is
13 a negative response to a disclosure. So if a child tells
14 and is not believed, or if a child tells and all the
15 things that they were afraid of end up happening, their
16 life is torn apart, all the things that they feared come
17 to fruition. That can be as traumatic or more traumatic
18 than the abuse.

19 And for some children, the abuse is the least of
20 their concerns, you know. Some children are living in
21 chaotic households that the abuse is just one piece of all
22 the other things going on in their life.

23 Q In your expert opinion, is it common or uncommon for
24 children who have been sexually abused to reveal portions
25 of the abuse like in a piecemeal way rather than just

1 coming all out with it at once?

2 A Right. So we consider disclosure a process, meaning
3 that we don't expect that a child or a survivor of
4 childhood sexual abuse, that they're going to tell us
5 every single detail about every experience of the abuse.
6 It's a process, particularly if a child has delayed. So
7 that means that they may tell bits and pieces.

8 That may also be determined by who's asking them the
9 questions. So the questions that are asked by law
10 enforcement may be different than the questions asked by
11 mom or the questions asked by an interviewer or counselor.
12 So sometimes the information that the child shares is
13 strictly based on who's asking the question. They don't
14 know what we want to know, right? So they're only a lot
15 of times telling us what we're asking them. And so it's
16 dependent on who's asking those questions.

17 Also, children may be sort of testing the waters to
18 see, again, if they have delayed their disclosure, there
19 are probably reasons for that, and so they may be hesitant
20 or tentative about talking about details. So they may
21 share a little bit of information, see what kind of
22 response they're going to get from those that they're
23 telling and then share more information.

24 Q How would you define a purposeful versus accidental
25 disclosure?

1 A Again, that's part of the process of disclosure. A
2 purposeful disclosure would be when a child makes the
3 intentional effort to tell someone about what's happened.
4 They've decided that they want to share this information
5 with someone, they identify a safe person, then they tell
6 that person.

7 An accidental disclosure is when someone else finds
8 out about this first. So that could be, you know, maybe
9 the child has written a journal entry and someone reads
10 the journal entry. Maybe the child is demonstrating some
11 sexually problematic behaviors with another child or
12 another -- you know, a peer, and someone asks them the
13 question. An accidental disclosure is when the child was
14 not necessarily ready to tell, but something has happened
15 that led someone to ask them about it and they may tell
16 them.

17 Q So to follow up on that, in a situation where you
18 have an adult asking a child if they've been sexually
19 abused, what would you consider that, a purposeful or
20 accidental disclosure?

21 A That would be accidental because the child is not
22 making the initiative -- taking the initiative themselves.
23 So in a purposeful disclosure, they're actually going to a
24 parent or a school counselor or a peer and telling them
25 what happened to them.

1 Q I think you started talking about how children just
2 don't have the sexual vocabulary of adults to be able to
3 tell. Are there some ways in your experience that you've
4 seen abusers normalize abuse?

5 A Sure. Again, I think I mentioned that sometimes
6 abuse takes place during caregiving. So if the abuse is
7 taking place while putting the child to bed, it may become
8 part of the normal bedtime routine and the child may come
9 to normalize that as part of their routine in that way.
10 The same with bathing. It becomes very confusing for a
11 child because distinguishing between whether this person
12 is helping them or hurting them or crossing that line.

13 They may also be introduced to sexual touch
14 progressively in such a way that they begin to feel like
15 it's normal. So it may be that the touching initially was
16 on top of the clothes, on top of their body, you know,
17 before it progresses to being under the clothes, on the
18 skin and different parts of the body.

19 Q At what age do children generally have enough
20 knowledge to know the difference between good and bad
21 touches?

22 A Well, the hope is that we're all having conversations
23 with our children from a very young age about consent and
24 personal safety, but the reality is, many times that's not
25 happening.

1 So, you know, school-aged children are generally
2 introduced to these ideas through prevention programs at
3 their schools or when they start learning about sexual
4 health through health education courses for reproductive
5 health. So generally, in elementary school, they might
6 learn these things. And, again, it depends on where they
7 are in the school system.

8 Q If a child doesn't have the words to define what's
9 happening to them, then how do they remember it?

10 A So we remember things -- we have the capacity to
11 remember things from very young. Some people can remember
12 things from when they were 3 or 4 years old and -- even if
13 you didn't have the same words to describe that.

14 The way that we remember things is oftentimes
15 sensory. We remember things through the way that they
16 felt, the way that they smelled. Those sensory memories
17 are how we encode or take information in and then store
18 that in our -- in our memory and our brains. So although
19 a child may have experienced -- a child or any of us may
20 have experienced an event when we are 3 or 4, we may
21 describe that event very differently at the age of 12, 15,
22 30, because we have different words and we have different
23 -- the ability to conceptualize that differently.

24 Q So is it common that you see children describing
25 sexual acts in childlike terms?

1 A Oh, absolutely. Yeah. I would not expect -- and, in
2 fact, if a child did come in and describe something like
3 an adult, then that would -- we would question that as
4 well, like where did they get that information and that
5 knowledge and those words.

6 Q Are you familiar with the term "source monitoring"?

7 A Yes.

8 Q What is that?

9 A That's how we are able to determine the source of
10 information that we have. So is this something that I
11 actually remember myself or is this something that
12 someone's told me about. When someone asks you, you know,
13 how do you know that or why do you know that, being able
14 to say, well, I know that because I was there, I saw it, I
15 heard it, I, you know, experienced those things rather
16 than I know this because my mom's been telling me this
17 story since I was 3 years old, and so I tell it just like
18 she's told it.

19 Q So would it be correct in saying that you think
20 sensory details help with memory and source monitoring?
21 Like if you know how something felt to you, then that
22 helps you remember it, right?

23 A Right. It helps you remember it. And it's also a
24 way to identify that source as well.

25 So for those of us who are, you know, assessing

1 children, when children can give us more of those sensory
2 details, it is more of an indicator that this is something
3 the child has experienced. Because like I say, a lot of
4 times we retain memories through sensory input. Things
5 are brought into our memory through our senses, our skin,
6 our nose, our eyes, our, you know, mouth, things that we
7 taste and touch. And so when a child can indicate those
8 types of things, it often indicates that the source of
9 their memory is the experience themselves or something
10 that they experienced.

11 Q I think one thing that you said earlier that I wrote
12 down is children give us the information that we ask for.
13 So if a child is recalling the abuse that they endured
14 multiple times, is it common or uncommon in your
15 experience that sometimes the details may vary?

16 A Oh, certainly. Particularly if a child has
17 experienced multiple episodes or multiple incidents of
18 abuse. So we tend to think about that in terms of script
19 versus episodic memories.

20 So what that means is a script is something that
21 happens over and over again. So if you think about your
22 favorite TV show and generally there's sort of a
23 beginning, middle and end, it's the same thing every week
24 but there are different details each time, that would be a
25 different episode.

1 So it's the same thing with a child. When we ask
2 them to tell us about the first time that this happened,
3 we may get different details than if we just say tell me
4 about what happened. They may give us a script, they may
5 say, you know, this would happen each time.

6 With script memories, we tend to lose more details.
7 With episodic memories, when we ask about specific
8 incidents or episodes, you would expect that you get more
9 details.

10 But we also have to keep in mind that we're asking a
11 child to give us very specific, lots of details about
12 things that, one, are uncomfortable; two, that may have
13 happened to them repeatedly; and three, may be traumatic.

14 So not to be crude, but to relate this to an adult's
15 experience, if any of us were asked to recount every
16 sexual episode that we had experienced over the past ten
17 years with our current or previous partners and we were
18 asked to tell what you were wearing, what color the walls
19 were, where this happened, where did the touching start,
20 who touched who first, what part of the body, what
21 happened next, what happened next, that would be difficult
22 even for us in consenting relationships. So when thinking
23 about that in terms of a child's experience, an abuse
24 scenario, we can see how they might leave out some of
25 those details that may seem important to us but maybe

1 weren't important to them at the time, and so they may not
2 even have encoded those or saved those as memories.

3 Q Is sexual abuse a type of trauma?

4 A Yes. Absolutely.

5 Q Does trauma itself impact memory?

6 A It does.

7 Q How so?

8 A So when we experienced traumatic events, that really
9 sort of changes how we are storing and processing and then
10 been able to retrieve information. So the normal process
11 of taking information in and intentionally storing it and
12 trying to remember it, that gets stopped. Our brain goes
13 into sort of an animalistic mode and does things like
14 recording things in sort of flashbulb memories.

15 When we're in a traumatic situation, maybe a car
16 accident, you may remember certain things, the smell of
17 the air bag, you may remember exactly what the car looked
18 like that hit you, but you may not remember what the
19 driver looked like. You may be able to recall exactly
20 what you were wearing.

21 I was in a car accident. I remembered exactly what I
22 was wearing because it was a sweater that I loved and the
23 air bag deflated and burned on my arm. But I can't even
24 tell you what year that happened, what the person looked
25 like that hit me, what kind of car they were in.

1 It's the same type of thing with a trauma. You may
2 remember certain aspects of it. There may be certain
3 things that are very, very, very clear and you relive
4 those over and over and over again, and then there may be
5 pieces of information that are left out.

6 And like I said, you know, when individuals are
7 asking children questions about this, we're asking them
8 questions about the things that are important to us for
9 the investigation or for treatment or for their safety,
10 but those may not be the things that they remember
11 themselves. There may be other things that they
12 remembered instead: feelings, associations, those type of
13 things.

14 Q You said that sexual abuse is a trauma. What are
15 some common symptoms of trauma that you see in children
16 who have been sexually abused?

17 A So that -- they're a full range. You might have
18 children that don't show any outward signs of difficulty.
19 You might have a child who is internalizing all of these
20 things so you may not see anything different.

21 For some children, you may see that a child was
22 making really good grades, all of a sudden has failing
23 grades. You might have a child who was sleeping well at
24 night now having nightmares. You might have a child on
25 the extreme end become very depressed and suicidal. You

1 could have a child who was previously social, no longer
2 socializing.

3 And like I said, on the flip side of that, you might
4 have a child that internalizes everything. You can see
5 extreme perfection in some survivors. They're
6 overachievers. They're trying to do everything to cope
7 and compensate for these traumas, these difficulties
8 they've had, trying to cover up and run away from those
9 kind of things.

10 Q Could wetting your pants be a sign of trauma?

11 A Certainly. That could be a regressed behavior. A
12 child who was previously potty trained and, you know, was
13 beyond the age of a child who would wet their pants that
14 starts doing that.

15 Typically, if it's a behavior that was not happening
16 before, you know, I say that, you know, when a parent sees
17 a change in behavior, that doesn't necessarily mean that a
18 child has been sexually abused, but it's something to pay
19 attention to, especially when it's an extreme change in
20 behavior.

21 But it's also important to note that, you know,
22 traumatic behaviors being present or not present are not
23 diagnostic of sexual abuse. So in other words, we're not
24 looking at those things to say that a child has been
25 abused or not. These are really things that we look at in

1 terms of how can we treat a child, help them get through
2 this.

3 Q And what are some ways that you help children get
4 through this?

5 A So counseling, certainly, for them, for their
6 families. At our center, our therapists, we're all
7 trained in trauma-focused cognitive behavioral therapy and
8 EMDR, which is a specialized treatment in working through
9 trauma. We also believe that working with the entire
10 family or the caregivers that are involved with the child
11 is helpful because this not only impacts them, but it
12 impacts the whole family as well.

13 Q What does the term "nonoffending caregiver" mean?

14 A So that is a caregiver who has not committed a sexual
15 abuse or physical abuse act against a child. So in a
16 household, if there's a mom and dad or mom and partner, or
17 in that relationship, if one person is the offender, the
18 nonoffending caregiver is someone who generally is not
19 committing the act of abuse.

20 However, a nonoffending caregiver can be both
21 protective or not protective or kind of somewhere in the
22 middle. So in other words, when a caregiver is faced with
23 the question of whether someone that they also know, love
24 and trust had done something like this to their child,
25 they may not initially respond the way that we would want

1 them to respond. Most caregivers, if they're completely
2 honest, will admit that the first time that they hear
3 this, the first thing that they think is there's no way
4 this could have happened. And then the next step we hope
5 is that they take the child to a safe -- get the child in
6 a safe situation, keep -- you know, keep some distance
7 between them and the person that may have done this and
8 follow through with any investigation that needs to take
9 place as well as therapeutic supports.

10 Q I know you were just talking about the reaction of a
11 nonoffending caregiver after the child discloses, but what
12 about in a situation before the child discloses, how does
13 the inaction or action of a nonoffending caregiver affect
14 a child's ability to disclose?

15 A Well, children are very observant of those around
16 them, and they pick up on cues. They know what things are
17 safe or unsafe. They're also -- you know, no matter how
18 young they are, they may also be considering, you know,
19 how they're -- what they say and what they do is going to
20 impact the whole family. So depending on how responsive
21 that caregiver is to their general needs, you know, is
22 this person generally responding to their emotional needs,
23 is this person generally available to them when they need
24 support, how have they responded to them in the past when
25 something bad has happened, children use that to determine

1 whether or not this is a safe place to talk or do what
2 they need to do, again, to keep themselves safe, which
3 children ultimately shouldn't have to have the
4 responsibility to do, but oftentimes do.

5 Q What about a nonoffending caregiver who is often
6 absent for long periods of time, how would that affect a
7 child's willingness to disclose?

8 A Well, I mean, availability is certainly a factor, you
9 know. If the caregiver is not available to the child,
10 like physically not available to them, not present, not
11 easy to reach, then certainly there's less opportunity for
12 the child to share with them. And, you know, at the end
13 of the day, I mean, is the child questioning, you know, if
14 they tell, will that distance that relationship or will
15 that make that person come closer? They're dealing with
16 all of those relationship dynamics. And, again, they're
17 dealing with that with the capacity and cognitive ability
18 of a child.

19 Q In your experience, is it common for a perpetrator of
20 abuse to isolate the victim?

21 A Certainly. I mean, that's how this is -- that's how
22 it continues to happen, you know. It's a -- it happens in
23 secrecy. It's not something that generally happens out in
24 public view. And even if it does, I mean, we do know that
25 there are many times when children are abused in their own

1 home when other members of the family are in the same
2 household. Children can be abused in a car while there
3 are other people there and people be unaware of that. And
4 when that does happen, for many children, they come to
5 believe that if this could happen while there are other
6 people around, then maybe it's okay, or it sort of
7 emboldens where it almost makes it even harder for them to
8 tell because it's like why isn't someone seeing this, why
9 isn't someone doing this. But most times this does -- I
10 mean, this happens in -- it's a secret. It's something
11 that, again, doesn't happen out in public view.

12 MS. KLUSKA: Thank you. Nothing further at this
13 time. Please answer any questions for the defense.

14 MR. HARBIN: May it please the Court.

15 CROSS EXAMINATION

16 BY MR. HARBIN:

17 Q Ms. Galloway-Williams, just a couple of quick
18 questions.

19 You mentioned it was important how the child's
20 disclosure is received.

21 A Yes.

22 Q And that's my words, not yours. But -- and I believe
23 that you referenced that it is important for that process,
24 that child for them to be believed; is that correct?

25 A For them to be believed, supported, cared for, yes.

1 Q And you said, and maybe it was just an agreement with
2 a question posed, that children give us the information we
3 ask them for; that's correct?

4 A Yeah. So they don't necessarily know what we need to
5 know.

6 So the person who's asking the question, you know,
7 like if you were trying to solicit information from them
8 and you want to know a specific piece of information, you
9 would need to ask them more directly. They're only going
10 to give us what we're asking them for.

11 Q And you said one of the most powerful memory -- I'm
12 struggling for words here. One of the things that allows
13 for memory is this connection with our sensory perceptions
14 at the time. Is that a correct -- did I restate that
15 correctly?

16 A Essentially, yes. So we encode or we take in
17 information through our senses, and then we also report
18 that out in that way. So generally, the sensory responses
19 are indicators that we have actually experienced something
20 rather than, you know, reporting out a memory that's been
21 retold in our family for years and years.

22 MR. HARBIN: Thank you. That's all. No further
23 questions.

24 THE COURT: All right. Anything else?

25 MS. KLUSKA: Nothing further, Your Honor.

1 THE COURT: All right. Thank you. You can step
2 down.

3 MS. HENDRICKS: Your Honor, our next witness was
4 going to be Christine Carlberg, but we did want to play
5 the forensic interview. So just for scheduling purposes,
6 I wanted to make sure you were okay with proceeding.

7 THE COURT: What are you going to ---

8 MS. HENDRICKS: We were hoping to play the forensic
9 interview through the next witness.

10 THE COURT: Okay. All right. It's about an hour
11 long, right?

12 MS. HENDRICKS: Yes, Your Honor.

13 THE COURT: Okay.

14 MS. HENDRICKS: The State calls Christine Carlberg to
15 the stand.

16 THE CLERK: Ms. Carlberg, please step forward to the
17 witness stand. Place your left hand on the Bible and
18 raise your right hand.

19 WHEREUPON,

20 CHRISTINE CARLBERG,

21 After having been duly sworn, testified as follows:

22 THE CLERK: Thank you. You may be seated, and once
23 you're seated, please state your name for the record. And
24 you can pull your mask down.

25 THE WITNESS: Christine Carlberg.

DIRECT EXAMINATION

BY MS. HENDRICKS:

Q Ms. Carlberg, where do you work?

A I'm employed by the Greater Greenville Department of Mental Health, and I'm contracted to work at the Julie Valentine Center.

Q And what does your job entail?

A I'm a forensic interviewer.

Q What type of education and training do you have?

A I have a bachelor's of science in rehabilitation services education with a minor in psychology from the Pennsylvania State University, and I have a master's of arts in marriage and family therapy from Reform Theological Seminary.

Q Do you have any special training in forensic interviewing?

A Yes. I've been trained at Corner House, which is a nationally recognized training facility in Minneapolis, and that's a weeklong course; and I've also been trained in ChildFirst in Mississippi and in South Carolina, which is also a nationally recognized training, and those are each 40-hour courses; and various other conferences and trainings throughout the years.

Q Are you part of any peer reviews that deal with forensic interviewing for children?

1 A I am.

2 Q And can you tell us exactly what is a forensic
3 interview?

4 A A forensic interview is a nonleading, nonsuggestive
5 manner of gathering information for purposes of an
6 investigation.

7 Q And are there scientifically based standards used to
8 conduct forensic interviews?

9 A Yes.

10 Q And what are those?

11 A Each part of our protocol is researched, and then
12 there's also things like child linguistics, sexual
13 knowledge. There is a continuum of questions that are
14 researched.

15 Q And are the child's parents or guardians present for
16 the interview?

17 A They are not.

18 Q And why not?

19 A For various reasons. One, the child's guardian or
20 parent might be the alleged perpetrator. The parent or
21 guardian might have an influence over the child.
22 Sometimes children can be very protective of their parent
23 or guardian and might not want to tell everything that
24 happened if they know that their parent is listening or in
25 the room.

1 Q Who might be allowed to observe the forensic
2 interview?

3 A The people that can observe are anyone investigating
4 the case, usually DSS, law enforcement and guardian ad
5 litem.

6 Q And can you estimate how many children you've seen
7 that you've conducted forensic interviews on?

8 A I have done 3,772 interviews.

9 Q And did you conduct a forensic interview of the
10 victim in this case?

11 A Yes, ma'am.

12 Q And how did you become involved in this case?

13 A She was referred to the Julie Valentine Center by the
14 Greenville County Sheriff's Office.

15 Q And why was she referred to you?

16 A For allegations of abuse.

17 Q When and where did the forensic interview take place?

18 A It took place at the Julie Valentine Center on
19 October 27, 2017.

20 Q And how old was S.A. at the time of the interview?

21 A She was 9.

22 Q And during the interview, did you utilize the
23 ChildFirst protocol for conducting forensic interviews?

24 A I did.

25 Q And can you tell us what that is?

1 A The ChildFirst protocol of South Carolina is a
2 semi-structured interview, meaning we can kind of move
3 back and forth between the steps. And the acronym is
4 RTREC which stands for rapport, transition, report
5 exploration and closure.

6 Q And did you utilize nonleading questions with the
7 victim?

8 A Yes, ma'am.

9 Q And how do you take the victim's age into account
10 when you're asking questions?

11 A Well, we know that children of different ages can
12 provide different kinds of information. So a 3-year-old
13 can provide different -- or provide a limited amount of
14 information compared to what like a 10-year-old or a
15 teenager can provide. So the way that we ask questions
16 and how things are worded are different based upon their
17 age and developmental level.

18 Q Without telling us what S.A. said, did she disclose
19 that she was sexually abused?

20 A Yes, ma'am.

21 Q And when she did so, did she do it in an
22 age-appropriate way?

23 A Yes, ma'am.

24 Q And what, if anything, did she relate to you about
25 the timeframe of the abuse?

1 A She said she could not remember the first time it
2 happened, but stated the last time happened the week or
3 the month prior to the interview.

4 Q What, if anything, did she tell you about the places
5 where the sexual abuse occurred?

6 A She said that it happened at her third house, which
7 was an apartment, Number [REDACTED], and she said it happened in
8 the server room, which was also his bedroom, in her room
9 and in the living room.

10 Q And how did you end the interview?

11 A We end the interview in what we call a respectful
12 manner. We usually ask them if they have any questions
13 that they want to ask us, and then we go through a safety
14 discussion just asking if anything -- or if anything -- or
15 if anyone ever touches them, who can they tell.

16 Q And did you make an audio and video recording of this
17 interview?

18 A Yes.

19 Q And I'm going to show you what's State's Exhibit
20 Number 1. What is this?

21 A That is a copy of the interview.

22 Q And have you watched it recently?

23 A Yes, ma'am.

24 Q Is it a true and accurate depiction of the interview?

25 A Yes, ma'am.

1 Q Has it been tampered with in any way?

2 A No, ma'am.

3 Q Have there been any alterations, additions or
4 deletions?

5 A No, ma'am.

6 MS. HENDRICKS: Your Honor, at this time, the State
7 offers State's Exhibit 1 into evidence.

8 MR. HARBIN: No objection, Judge.

9 THE COURT: Without objection.

10 (WHEREUPON, State's Exhibit Number 1 was admitted into
11 evidence.)

12 MS. HENDRICKS: Your Honor, at this time, the State
13 requests permission to publish.

14 THE COURT: Does anybody need a break before we
15 start? I'm seeing a yes. Okay. We'll just take a couple
16 minutes.

17 (WHEREUPON, the jury exits the courtroom at 3:36 PM.)

18 THE COURT: Everyone else remain seated while the
19 jury exits.

20 Okay. Let's take a short break.

21 You can step down. Please don't discuss your
22 testimony.

23 (WHEREUPON, a recess is taken at 3:36 PM.)

24 THE COURT: Okay. Let's get the witness back up
25 here.

1 (WHEREUPON, the jury entered the courtroom at 3:48 PM.)

2 THE COURT: All right.

3 (WHEREUPON, State's Exhibit Number 1, a video, was played
4 in open court.)

5 MS. HENDRICKS: May it please the Court. I have no
6 further questions at this time. Please answer any
7 questions the defense may have.

8 THE COURT: Cross.

9 MR. HARBIN: Thank you, Judge. No questions.

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

11 All right. Ladies and gentlemen, this is as good a
12 time as any to break for the day.

13 Please remember what I told you yesterday. Don't
14 discuss this case. And we all know it's human nature that
15 you would like to discuss it with people you will see and
16 know and trust and talk to every night, and they're going
17 to want to know too. Can't do it. You've sworn an oath
18 not to do it. And just remember why. Because those folks
19 haven't made the sacrifices, they haven't sat and listened
20 to all the testimony, seen how the witness testifies, all
21 those sort of factors. Don't go on the Internet, look
22 anything up. And we'll see y'all back and try and start
23 right back at 10:00 in the morning, okay? Great.

24 (WHEREUPON, the jury exits the courtroom at 4:44 PM.)

25 THE COURT: All right. Anything? I understand that

1 -- does the State intend to rest at this time?

2 MS. KLUSKA: Correct, Your Honor. At this time, the
3 State rests.

4 THE COURT: Okay. And I'll let you do it in front of
5 the jury tomorrow if you so desire.

6 Any motions at this time?

7 MR. HARBIN: No motions, Judge.

8 I would just ask you if you were prepared at this
9 time to have the colloquy you normally have with
10 defendants about whether he wants to testify.

11 THE COURT: Yeah. I'm going to.

12 Mr. Ready, if you would, stand for me and raise your
13 right hand.

14 (WHEREUPON, DUSTIN GEOFFREY READY is duly sworn.)

15 THE COURT: Okay. Can you -- just so I can hear
16 you ---

17 THE WITNESS: Yes, sir.

18 THE COURT: I want you to understand -- that's fine.
19 You can put your hand down. You have an absolute
20 constitutional right to testify in your own defense. You
21 have an equal absolute constitutional right not to
22 testify, and it cannot be held against you. And if you so
23 desire, I will instruct the jury to that effect.

24 Whether or not you testify depends on a lot of
25 factors. There's a lot of strategy that goes into it.

1 There's a lot of other factors.

2 Does he have a criminal history?

3 MR. HARBIN: I don't believe he has anything that
4 would be impeachable; is that correct?

5 MS. KLUSKA: That's correct, Your Honor.

6 THE COURT: All right. So that wouldn't be an issue
7 that would arise at this time. But you would be subject
8 to full cross-examination should you decide to testify.

9 I'm not going to ask you right now whether or not
10 you're going to testify, but I'm going to need to know
11 that in the morning.

12 THE WITNESS: Yes, sir.

13 THE COURT: And I would listen carefully to the
14 advice of your lawyer. And don't know what he'll
15 recommend, but in the end, the choice belongs to you and
16 you alone.

17 THE WITNESS: Yes, sir.

18 THE COURT: Okay?

19 THE WITNESS: Yes, sir.

20 THE COURT: All right. Have y'all got any proposed
21 charges?

22 MR. HARBIN: Judge, I have one. I don't know if I'm
23 going to have it printed out and at the ready right now.

24 THE COURT: Okay.

25 MR. HARBIN: But I can have it ready first thing in

1 MR. HARBIN: Dr. Price, the State's asked us to
2 proffer ---

3 THE COURT: Hang on. I don't think he's -- tell us
4 your name, Doctor.

5 THE WITNESS: Dr. David Price.

6 THE COURT: Thank you very much. Okay.

7 MR. HARBIN: Dr. Price, the State has asked us to
8 proffer the substance of your testimony.

9 Judge, as a point of order, I don't want to waste
10 anybody's time. If the State is not going to -- if the
11 State prefers me to skip straight to the substance of his
12 testimony rather than his qualifications, I'm happy to do
13 both.

14 MS. HENDRICKS: Your Honor, we may have a brief
15 question or two about his qualifications, but we're okay
16 with him skipping that section.

17 THE COURT: Okay. All right.

18 DIRECT EXAMINATION

19 BY MR. HARBIN:

20 Q Dr. Price, are you familiar with the RTREC forensic
21 interviewing used by the JVC?

22 A There are a number of different forensic interviewing
23 techniques. I prefer the one by the National Institute of
24 Child Health and Human Development. But they're all very
25 similar in that they all have basically three parts: an

1 introduction, building rapport, and then a substantial
2 pre-recall part of the interview.

3 Q Why do you prefer one method over the other?

4 A Because the National Institute of Child Health has
5 empirically tested theirs. There's actually data about
6 it.

7 Q Okay. And what kind of data are you referring to?
8 What are they tracking with that data?

9 A How successful it is in reliability in going from one
10 interview to another, and improving that delivery of
11 services.

12 Q Okay. And are there recognized and peer-reviewed
13 medical studies on this?

14 A Yes, there are.

15 Q And do you have specific information about those
16 studies relative to the overall effectiveness of these
17 forensic interviewing methods? In other words, what does
18 the -- what do the studies say about these interviewing
19 methods and their efficacy?

20 A Well, actually, the studies, it's hard to compare one
21 study to another. They're apples and oranges in that they
22 use different outcome measures and they measure different
23 things. And there's also sort of two tracks of what that
24 data tells us. There's the track of what the data tells
25 us in criminal proceedings like this about the accuracy of

1 those interviewing techniques, and there's other data in
2 child custody cases.

3 Q Okay. And how does one compare to the other? How
4 does the child custody cases compare to the noncustody?

5 A Generally, the validity of the child-interviewing
6 techniques range from -- well, actually, the number -- the
7 percentage of false accusations or unsubstantiated claims
8 range from 2 to 10 percent. In the child custody, they
9 can go up as high as 16 to 25 percent.

10 Q Okay. And what is it about this particular method
11 that you understand that leads to -- in other words, are
12 there flaws with a method that allow this error rate?

13 A It's not necessarily flaws with the method as it
14 could be flaws with the person -- or the child being
15 interviewed, and the age of the child being interviewed,
16 and other outside measures that might impact that child.

17 Q Okay. So you're familiar with the Julie Valentine
18 Center.

19 A I am.

20 Q You're familiar with Shauna Galloway-Williams.

21 A Uh-huh.

22 Q She was previously qualified as an expert and offered
23 testimony in this case as an expert. And the sum total of
24 her testimony seemed to be that it is expected that
25 children will be inconsistent and they will not tell clear

1 stories, they will remember things and not remember
2 things, essentially, that anything and everything is
3 expected, normal and consistent with abuse. Is there a
4 problem with that approach?

5 A Well, I don't -- when you say "children," you expect
6 different things out of different age groups. That type
7 thing is more common among younger children than, say,
8 young teens. But yeah. It's not just children's memory.
9 Adult's memories are variable as well.

10 Q And so to that point, when we evaluate a child's
11 testimony, should we evaluate it any differently than we
12 evaluate an adult's testimony? For instance, if they
13 simply -- if they backtrack or they disagree with
14 themselves in later testimony, is that -- should we excuse
15 that because they're a child?

16 A We did give some allowances for younger children,
17 but, you know, forensic interviewing is not an evaluation.
18 Okay. It's an interview. And the purpose of the
19 interview is to document whether the child has been
20 sexually abused or molested or something like that. It's
21 not an evaluation such as -- you know, when you say
22 "evaluation," most people think something like a
23 psychological evaluation. There's no testing involved.
24 It is an adult interviewer that has been -- in the Julie
25 Valentine case has been trained on the National Child

1 Advocacy Center kind of model. And, again, it's the same
2 thing. It's the introduction sort of explains the rules
3 of the game or how it's going to go, then there's rapport
4 building with the subject, and then you try to not ask
5 leading questions, ask questions to elicit free recall of
6 what has happened.

7 Q And specifically to leading questions, what is it
8 with these methods that either accomplish or don't
9 accomplish, in your opinion, the goal of not leading
10 children to a predetermined answer? What is the protocol
11 -- what is -- how is the protocol used to avoid that? And
12 your error rate suggests that there is some failure in
13 that.

14 A Well, you know, there's different kinds of questions,
15 basically. A leading question is, "Did he take his
16 clothes off and put them on the floor?" Or you could say,
17 "What was happening with his clothes?" or "What was he
18 doing with his clothes?" which is open ended. Doesn't
19 elicit a response.

20 Q Okay. And so in just a practical 30,000-foot view,
21 children can or cannot be influenced by external factors
22 including adults or home pressures or whatever to testify
23 in a particular way?

24 A Well, they can, but the probability is going to be 2
25 to 10 percent.

1 Q Based upon the studies that you're aware of.

2 A About the false accusations in criminal cases, and
3 it's higher in child custody cases.

4 Q And these studies are peer reviewed and accepted in
5 the field?

6 A Yeah. The National Child Advocacy Center publishes a
7 reading list of about 20-some articles on false
8 accusations that cite the literature in the field.

9 Q And are there examples or specific examples that any
10 of these studies cite to as proof that these false
11 allegations exist?

12 A Well, they more caution about how to prevent the
13 false accusations. But yeah, there's research. And,
14 again, the rates of false accusations range from 2 to
15 10 percent.

16 MR. HARBIN: Judge, at this time, I would turn it
17 over to the State if they had questions.

18 THE COURT: Okay.

19 MS. HENDRICKS: Thank you, Your Honor. May it please
20 the Court.

21 THE COURT: Uh-huh.

22 CROSS EXAMINATION

23 BY MS. HENDRICKS:

24 Q Good morning.

25 A Good morning.

1 Q How many times have you been qualified as an expert
2 in criminal court in General Sessions?

3 A Hundreds.

4 Q And what kind of testimony do you usually provide in
5 those cases?

6 A Depends on whether I'm testifying for the prosecution
7 or the defense.

8 Q Who would you say you've testified for more, the
9 prosecution or the defense, in criminal cases?

10 A Recently, probably more for the defense. Prior to
11 that, it had been about equal.

12 Q And when you're testifying for the defense, what are
13 you usually providing expert testimony on?

14 A It depends on the case.

15 Q What about in sex abuse cases?

16 A I do psychosocial -- psychosexual evaluations, so I
17 may be testifying about the defendant or I may be
18 testifying on the interviewing methods if there's some
19 problem with them.

20 Q Have you ever not been qualified in General Sessions
21 to testify as an expert?

22 A No.

23 Q And there are certain psychologists that specialize
24 just in children; is that correct?

25 A That's correct.

1 Q And those psychologists see children day in and day
2 out?

3 A Some of them do, yes.

4 Q And -- but you don't see only children; is that
5 correct?

6 A That is correct.

7 Q Did you review any of the incident reports or
8 statements associated with this case?

9 A I think I reviewed all of them.

10 Q Did you interview anybody prior to this case or
11 pertaining to this case?

12 A I interviewed Mr. Ready.

13 Q Did you prepare any reports?

14 A I did not.

15 Q Is that typical? Is there a reason you didn't
16 prepare any?

17 A In criminal defense cases, if I'm going to testify,
18 about 50 percent of the time the attorney will not ask for
19 a report.

20 Q Are you currently treating any children right now in
21 your practice?

22 A No. I primarily just do evaluations anymore.

23 Q Do you evaluate children?

24 A I evaluate children in personal injury claims.

25 Q And how often do you do that?

1 A Probably about 10 percent of my practice.

2 Q Are you currently treating any children with therapy?

3 A I'm not currently treating anyone. I do evaluations.

4 Q Have you ever treated children in your career?

5 A I have.

6 Q Were there concerns of sexual assault for any of the
7 children you were treating?

8 A There have been.

9 Q And in those instances where you were treating
10 children, how often, in your own experience, would you say
11 that there are false accusations of sexual abuse?

12 A I would go with the research, 2 to 10 percent.

13 Q And do you remember testifying in the case of State
14 vs. Gabriel Betancourt?

15 A What year was that?

16 Q That was 2017.

17 A No, I don't.

18 Q Can I pass up a copy of that transcript in that case
19 to refresh your memory?

20 A Sure.

21 Q And if you'll turn to page 30.

22 MR. HARBIN: Judge, if I might, just before she gets
23 into it, respectfully, I don't know if this is -- it
24 sounds like this is heading down the road of impeachment
25 rather than simply arguing whether or not the substance of

1 his testimony and/or his qualifications meet.

2 MS. HENDRICKS: I'm just refreshing his memory.

3 THE COURT: Let's just see where they go.

4 MR. HARBIN: Yes, sir.

5 THE WITNESS: Okay.

6 BY MS. HENDRICKS:

7 Q And have you had a chance to read your answer in that
8 case?

9 A Yes.

10 Q So in this case and instances of your own experience
11 where you were treating child sexual abuse allegations,
12 what was the number that you put on that?

13 A 1 and 5 percent.

14 MR. HARBIN: I'm sorry. Judge, could he repeat that
15 answer?

16 THE WITNESS: Between 1 and 5 percent.

17 BY MS. HENDRICKS:

18 Q So would that mean 95 percent to 99 percent are not
19 making false allegations?

20 A Yeah. To be consistent with the literature, 2 to
21 10 percent make false accusations.

22 Q So you think 2 to 10 percent and 1 to 5 percent are
23 consistent?

24 A The research says 2 to 10 percent on different
25 studies. I said in answer to that question 1 to

1 5 percent, which is in that same ballpark.

2 Q Okay. And as a psychologist, would you agree with me
3 that a child would have no specialized knowledge of how
4 sexual assault actually feels?

5 A I'm sorry. Do what?

6 Q A child would have no personalized special knowledge
7 about how -- a child making false allegations would have
8 no specialized knowledge about how sexual assault feels;
9 would you agree with that?

10 A No. It depends on who may have influenced them and
11 what other things may be going on.

12 Q So if a child was able to describe what oral sex
13 being performed to them felt like, that would be
14 consistent with false allegations, in your opinion?

15 A Again, it would depend on the case and the context.

16 Q Do you know what sensory details are?

17 A Yes.

18 Q What is that?

19 A It's the sensations and feelings, et cetera. Things
20 like that.

21 Q Would you agree that sensory details help encode
22 memory?

23 A Yes.

24 Q So you said it was possible a child could have been
25 coached to say how oral sex being performed on them feels.

1 What about anal penetration? Is it possible they were
2 coached to say how that feels?

3 A Anything's possible.

4 Q What about digital penetration?

5 A Again, anything's possible.

6 Q Is it possible they weren't coached and they were
7 telling the truth?

8 A That is possible. Like I said, anything's possible.

9 Q And would you agree that, in 95 to 99 percent of
10 cases, they are telling the truth?

11 A I would -- I would agree that, between 90 and
12 98 percent of the cases, they're telling the truth. What
13 the research says.

14 MS. HENDRICKS: Nothing further.

15 THE COURT: All right. Anything else?

16 MR. HARBIN: Judge, no, sir. Not at this time.

17 THE COURT: Okay. All right.

18 Anything from the State?

19 MS. HENDRICKS: Nothing at this time, Your Honor.

20 THE COURT: All right. Thank you, Doctor. We'll get
21 back with you.

22 MS. HENDRICKS: Your Honor, the State would like to
23 be heard on the record about the admissibility of this
24 testimony.

25 THE COURT: Yeah. Let's let the doctor get down.

1 Okay. What do you need to tell me?

2 MS. HENDRICKS: The State would argue that under
3 Kromah, even though experts are permitted to give an
4 opinion, they're not allowed to offer an opinion regarding
5 the credibility of others. He's testifying generally that
6 children can make false allegations, and we would argue
7 that that's reverse vouching. That's impermissible under
8 the rules.

9 If he is allowed to testify under -- we still think
10 the percentages should be limited. I don't think he
11 should be able to testify ---

12 THE COURT: I missed that.

13 MR. HARBIN: The percentages of children who make
14 false allegations, I don't think that should be a
15 permissible line of questioning.

16 THE COURT: He's just repeating the statistics; is
17 that correct?

18 MR. HARBIN: Yes, sir.

19 THE COURT: Okay. I didn't even hear him -- he
20 didn't issue an opinion about this particular case. So
21 I . . .

22 MS. HENDRICKS: So it's the State's position that
23 he's issuing opinions about false allegations generally,
24 and since we're not allowed to call a blind expert to say
25 generally children are telling the truth, I'm not sure why

1 they're allowed to, you know, bolster the defendant's
2 position by calling an expert to say children can lie.

3 MR. HARBIN: Judge, I would say that the sum total of
4 Shauna Galloway-Williams's testimony each and every time
5 I've seen her is to basically say that children are
6 telling the truth. She's not using those magic words, but
7 we all know that's exactly what the intent of her
8 testimony is for.

9 THE COURT: Okay. I'm going to allow the testimony,
10 and I think your objection is preserved for the record.

11 MS. HENDRICKS: Thank you, Your Honor.

12 THE COURT: Okay. Anything before we bring the jury?

13 MR. HARBIN: Nothing from the defense, Judge.

14 THE COURT: Okay. Then what we'll do, Ms. Kluska, is
15 bring them in, let you rest. There's no reason -- you
16 have made your motions on the record; is that correct,
17 Mr. Harbin?

18 MR. HARBIN: Yes, sir.

19 THE COURT: Okay. And I've denied -- I can't
20 remember if it was a bench conference or not.

21 MR. HARBIN: Oh, you're talking about after the State
22 rested, Judge? I haven't made those.

23 THE COURT: Well, go ahead and make your motions now,
24 and then ---

25 MR. HARBIN: Okay. Judge, we'd make a motion to

1 dismiss for failure to prove the indictment. I know
2 they've amended their number of counts to the indictment.
3 The indictment seems to not provide any context for what
4 specific action they are intending to prove, and
5 therefore, I don't know that it passes our constitutional
6 test for muster for notice. I don't know that we have the
7 ability to defend against an unnamed, vague, untimed
8 event.

9 THE COURT: Okay. Well, I think it does -- it has
10 given you notice of the offense. And particularly, since
11 they're only proceeding on one and it covers the correct
12 time period, I'm going to deny that motion. Okay. And I
13 think that they have presented evidence that allows the
14 case to be presented to a jury.

15 Okay. Anything else?

16 MS. KLUSKA: Nothing from the State, Your Honor.

17 THE COURT: Okay. All right. Curt, let's get them.

18 (WHEREUPON, the jury entered the courtroom at 10:46 AM.)

19 THE COURT: All right. Ladies and gentlemen,
20 welcome back. I hope y'all had a pleasant evening. We
21 are now ready to proceed with the case.

22 All right. From the State.

23 MS. KLUSKA: Your Honor, at this time, the State
24 rests.

25 THE COURT: All right. Thank you very much.

1 All right. Mr. Harbin?

2 MR. HARBIN: Sir, may it please the Court.

3 THE COURT: Yes, sir.

4 MR. HARBIN: Defense calls Dr. David Price to the
5 stand.

6 THE CLERK: Dr. Price, if you will, please place your
7 left hand on the Bible and raise your right hand.

8 WHEREUPON,

9 DAVID PRICE,

10 After having been duly sworn, testified as follows:

11 THE CLERK: Please be seated, and once you're seated,
12 state your name for the record.

13 THE COURT: And you may remove your mask.

14 THE WITNESS: Thank you, sir.

15 I'm Dr. David Price.

16 DIRECT EXAMINATION

17 BY MR. HARBIN:

18 Q Dr. Price, could you tell the jury what your
19 education and work experience is relative to why you're
20 here today?

21 A I have a bachelor's degree from Clemson University.
22 I have a master's and doctoral degree from Auburn
23 University in clinical psychology. Did my internship
24 residency at the University of Pittsburgh, University
25 Drive VA. I've been a licensed clinical psychologist in

1 the State of South Carolina since 1982. I have completed
2 the coursework and training both as a child psychologist
3 and adult psychologist while I was at Auburn. I have
4 treated families, adults, children throughout my career,
5 and evaluated children throughout my career, and adults.

6 Q Are you familiar with child sex abuse dynamics?

7 A I am.

8 Q And are you specifically trained in that area?

9 A I have been.

10 Q Also, you are a forensic psychiatrist?

11 A I'm a forensic psychologist. Yes, sir.

12 Q And in doing so, you are familiar with the
13 interviewing techniques such as the RTREC method used by
14 the Julie Valentine Center?

15 A I am.

16 Q And do you believe that to be an effective method of
17 forensic interview?

18 A Generally speaking, there are several different
19 interviewing types, that being one of them. The National
20 Institute of Child Health and Human Development also has
21 one. These are all very similar.

22 I like the Child Health one better because it's been
23 empirically tested more. But they all have three things
24 in common. There's sort of an introductory phase where
25 you sort of explain the role of the evaluation and what's

1 going to happen, there's a rapport phase where you try to
2 build a relationship with the child you're interviewing,
3 and then there's the free recall of substantial phase
4 which is when you actually interview them about whatever
5 the allegations are.

6 Q Okay. And have you been qualified as an expert in
7 this field before?

8 A I have.

9 Q How many times do you estimate?

10 A I've been qualified hundreds of times. It would be
11 hard for me to give you a number in this particular field.

12 Q And have you testified for the defense and the State
13 or only defense?

14 A I have testified for the prosecution and the defense.

15 Q And what is your work history? Who did you work for
16 now, and who do you work for? Who do you work for now and
17 who did you come up working for?

18 A I have my own practice called The Forensic Network
19 where I have a forensic psychologist, forensic
20 neuropsychology in practice where I consult in criminal
21 and civil cases across the country. I have been doing
22 that since about 1990. From 1977 up till about 1990, I
23 have been in various group practice where we treated
24 families, children, adults and did evaluations.

25 Q And, in fact, have you testified on behalf of the

1 prosecution in the past?

2 A I have.

3 Q How many times? Is it an equal number? Or are
4 you ---

5 A It's not an equal number. I've prosecuted -- I mean
6 I've testified more for the defense than the prosecution.

7 Q That would be earlier on in your career you did a
8 little bit more for the State; is that correct?

9 A I actually did it for a different prosecutor. I did
10 much more prosecution work when Bob Ariail was the
11 solicitor versus Walt. But I have testified for Walt.

12 MR. HARBIN: Judge, at this time, we would proffer
13 him as an expert in the field of forensic psychology and
14 child sex abuse dynamics.

15 THE COURT: Okay. Any voir dire?

16 MS. HENDRICKS: I just want to renew my objection for
17 the record.

18 THE COURT: Okay. All right. I'm going to qualify
19 him.

20 Go ahead.

21 MR. HARBIN: Thank you, Judge.

22 BY MR. HARBIN:

23 Q Dr. Price, we've heard from Shauna Galloway-Williams
24 who was qualified as an expert earlier, and she
25 essentially told us that children disclose in a number of

1 ways that are not necessarily consistent. They may
2 contradict themselves. They may disclose early or late.
3 Basically, everything under the sun. Is it fair, can we
4 expect a jury or any other fact-finder to evaluate a child
5 and their statements the same way that we do an adult's
6 statements for inconsistencies or impossibilities or
7 whatever we normally use with our critical eye to listen
8 and to evaluate the statements?

9 A Well, statements made -- the younger the child, the
10 more varied the statement's going to be. So a 4-year-old
11 would probably offer information differently than a
12 14-year-old, than a 24-year-old. So it is variable. And
13 in the information -- that's why we call it "free recall."
14 We'd rather it come, even if it comes in increments, from
15 the person being interviewed.

16 But these terms get confusing when you talk about
17 evaluate and examination, for a forensic interview is an
18 interview. It's a conversation. It's not an evaluation.
19 No one's looking to see if depression's an issue or mental
20 retardation. The purpose of the interview is to try to
21 substantiate whatever the allegation the child may have
22 been -- may have said about being sexually abused or
23 molested. But it's not an examination. It's an review.

24 Q And so as part of that interviewing technique, you're
25 not challenging the child or asking critical questions

1 necessarily?

2 A No. It's not up to the interviewer to determine the
3 validity of those allegations.

4 Q And in the -- is there any medical literature, any
5 studies that are widely accepted in the field that have
6 anything to say about the ability of a child to tell the
7 truth, and conversely, what the percentage of false
8 allegations in these type of cases might be?

9 A There's literature on false allegations, and it's
10 obviously a concern. And what the -- and it's hard to
11 compare one research study to another because they may use
12 different outcome measures, they may have different
13 subjects, they may have a different process in how they
14 evaluate that data. But what the research tells us about
15 false allegations is that they're basically -- there's
16 sort of two tracks. In criminal proceedings such as this,
17 2 to 10 percent of the allegations made by children are
18 false, but when you go to Family Court and in custody
19 proceedings and allegations come up there, the rate of
20 false allegations goes from about 16 to 20, maybe
21 25 percent.

22 Q Okay. Now, in a previous case, you testified that
23 your personal experience suggested that you thought it was
24 an error rate of 1 to 5 percent.

25 A That was my familiarity with the research at that

1 time. And that was a -- that's what my thought was when I
2 was treating children, to be about 1 to 5 percent.

3 You know, in one of the studies done by the National
4 Institute for Child Health and Human Development, they
5 reported that there are -- in 2008, there were 68,000
6 claims of sexual exploitation made to social agencies in
7 the United States. So if you think 2 percent of those are
8 false, that's about 1,500. If you think 10 percent was,
9 that's about 6,800. So it is a substantial problem that
10 we have to be concerned about.

11 Q And in a 30,000-foot view, is it reasonable to
12 evaluate a child's inconsistencies or their incorrect
13 statements, their memory failures, is it reasonable to
14 assume that that could be, might not be but could be
15 because this is a false allegation?

16 A Well, it could be. Generally, the child's seen just
17 one time in a forensic interview, and so the interviewer
18 is not supposed to be a trier of fact. I mean, they're
19 not supposed to try to determine the validity of what the
20 child's -- their job is to elicit what the child has to
21 say in the free recall.

22 Q But is it fair to say that children are perfectly
23 capable of telling the truth just like adults, and in the
24 same manner, they are perfectly capable of fabricating a
25 story just like adults?

1 A Sure. Anybody that's raised children know that.

2 Q And what are some of the -- from a medical
3 perspective, just to make sure that that jives with common
4 sense, what are some of the factors that would affect a
5 child and, perhaps, lead them to allege something false?

6 A Well, it could be a number of things. They could be
7 pressured by a significant relationship, which is what
8 happens in divorce -- I mean in child custody and the
9 false allegations. It could have been that their name --
10 that the event happened and they're reciting the wrong
11 individual. It could be that they were influenced to
12 think that it happened when it did not happen. It could
13 be that it happened and happened with somebody else. It
14 could be just a variety of different things.

15 MR. HARBIN: No further questions, Judge.

16 Thank you, Doctor.

17 THE COURT: Okay. Cross.

18 MS. HENDRICKS: Thank you, Your Honor. May it please
19 the State -- may it please the Court.

20 CROSS EXAMINATION

21 BY MS. HENDRICKS:

22 Q Good morning.

23 A Good morning.

24 Q Did you review any incident reports or statements in
25 this case?

1 A I reviewed all of them.

2 Q And did you interview anybody prior to this case?

3 A Mr. Ready.

4 Q Did you prepare any reports?

5 A I did not.

6 Q And there's certain psychologists that specialize
7 just in children like pediatric psychologists; is that
8 correct?

9 A That's correct.

10 Q And those psychologists see children day in and day
11 out; is that correct?

12 A One would think so.

13 Q And you do not see children presently.

14 A I see children for evaluations in personal-injury
15 claims. I don't see children for treatment, no.

16 Q So by treatment, you mean therapy? You don't treat
17 children?

18 A That's correct.

19 Q So you see a wide age range in your practice.

20 A I did.

21 Q Have you ever treated children where there's a
22 concern of sexual assault in your career?

23 A I have.

24 Q How many would you estimate?

25 A A bunch. I've actually reported as a first responder

1 children that had been sexually assaulted.

2 Q And were you providing therapy to those children, or
3 treatment to those children?

4 A The one that I -- the ones that I reported, I could
5 have done both through my relationship as a coach, I used
6 to coach children, and some in therapy, yes.

7 Q Okay. So I was talking specifically about children
8 that you treated ---

9 A That's correct.

10 Q --- where there was sexual assault allegations.

11 A Right.

12 Q And so the children that you treated you would be
13 providing therapy to; is that correct?

14 A I would be -- yes. If I'm treating them, I'm
15 providing therapy. That's correct.

16 Q And in those instances of children you treated, what
17 would you say the percentage of false allegations were?

18 A Well, I would say now 2 to 10 percent because that's
19 what the research literature has come to say. The -- my
20 perception when I was treating children would be that it
21 would be about 1 to 5 percent.

22 Q So the literature says 2 to 10 percent and your
23 personal perception, based on children you were treating,
24 was 1 to 5 percent?

25 A It's about the same ballpark. Yes, ma'am.

1 Q And would you say that means 91 to -- let's say 92 to
2 99 percent are telling the truth?

3 A Well, the research would say 90 to 98 percent.

4 Q So you would agree that 90 to 98 percent of the
5 children are telling the truth.

6 A That's what the research tells us. Yes, ma'am.

7 Q And do you have an hourly rate?

8 A I do.

9 Q What is your hourly rate?

10 A \$350 an hour.

11 Q And are you being paid to be here today?

12 A Yes, ma'am, as you are.

13 Q And how many hours have you billed on this case
14 before today?

15 A Probably about eight including today.

16 Q And was that at your hourly rate of \$350?

17 A Uh-huh.

18 Q Would you agree -- so there's a lot of literature
19 that states that children making up allegations of sexual
20 assault is very rare; would you agree with that?

21 A Would you call 2 to 10 percent rare?

22 Q I would.

23 A I don't know that I would call it rare, but it is
24 unusual.

25 Q So you would agree that it's unusual for a child

1 victim to make false allegations? Is that your statement?

2 A That's correct.

3 Q And do you know what sensory details are?

4 A I do.

5 Q And what are those?

6 A Sensory details are information we gather through the
7 five senses.

8 Q And do you agree that sensory details help encode
9 memory?

10 A They did.

11 MS. HENDRICKS: All right. I have no further
12 questions.

13 THE COURT: All right. Any redirect?

14 MR. HARBIN: I have one follow-up question, Judge.

15 REDIRECT EXAMINATION

16 BY MR. HARBIN:

17 Q As part of those sensory details, would pain be a
18 sensory detail that would affect memory recall?

19 A Pain would be a sensory detail.

20 MR. HARBIN: Thank you, Judge. No further questions.

21 THE COURT: Okay. All right. Thank you, Doctor.

22 THE WITNESS: Thank you, Your Honor. I can be
23 excused?

24 THE COURT: Any objection to releasing him from
25 subpoena?

1 MR. HARBIN: No, sir.

2 MS. HENDRICKS: No, Your Honor.

3 THE COURT: Okay. Thank you, Doctor.

4 MR. HARBIN: Judge, the defense calls Tina Driver.

5 If I may step out and get her.

6 THE CLERK: Ms. Driver, please step forward to the
7 witness stand. Once you're there, place your left hand on
8 the Bible and raise your right hand.

9 WHEREUPON,

10 TINA DRIVER,

11 After having been duly sworn, testified as follows:

12 THE CLERK: Thank you. You may be seated. Once
13 you're seated, please state your name for the record.

14 MR. HARBIN: You can take your mask off.

15 THE COURT: If you're comfortable, you can take your
16 mask off.

17 THE WITNESS: Okay. My name is Tina Driver.

18 DIRECT EXAMINATION

19 BY MR. HARBIN:

20 Q Ms. Driver, how are you doing this morning?

21 A Good, sir.

22 Q Thank you for coming.

23 Can you tell this jury how you know S.A. ?

24 A She attended a childcare center that I worked for for
25 many years.

1 Q And what was the name of that childcare center?

2 A Fairview Child Development Center.

3 Q How long did you work there? You can give me an
4 approximate.

5 A Six to eight years.

6 Q And how long did you have -- how long did you know
7 S.A. from the childcare center?

8 A I had her in two different classrooms, preschool and
9 then after school when she started -- first started
10 preschool.

11 Q And would you say that you had an opportunity to
12 observe her on a regular basis?

13 A Yes. I was her primary teacher.

14 Q So you were her teacher. That was your job.

15 A Uh-huh.

16 Q And you interacted with her regularly?

17 A Yes. Every day.

18 Q You were able to see her, you know, from day-to-day.
19 Did you know who her parents were?

20 A Yes.

21 Q Okay. When was this that you talked to S.A.? How
22 old was she when you talked to her?

23 A The first time, three-ish, two, three-ish, something
24 in that area.

25 Q Okay. And then were you involved with a 2013

1 complaint from DSS? Do you recall having any involvement
2 with that from your days at the day care center?

3 A They did come in and talk to me, yes.

4 Q Okay. And do you recall speaking with S.A.'s
5 mother?

6 A Yeah.

7 Q Okay. What did that conversation -- I don't know if
8 you had more than one, but what is your recollection of
9 S.A. and her mother? How do you remember it? I'm sure
10 you've had a number of children that you taught.

11 A Well, we would talk off and on coming and going. We
12 talked about her going on deployment. She wanted me to
13 know that she was going on deployment so I could, you
14 know, make sure S.A. was okay, you know. All children,
15 it's an adjustment.

16 Q And how did S.A. react to her mother being deployed
17 and having to leave?

18 A She did within reason good. Of course, they're going
19 to be sad because their mother is away, but there was
20 nothing out of the ordinary.

21 Q And did you have an opportunity to observe Mr. Ready,
22 Dustin, and S.A.? Did he have any interaction with you
23 at the school?

24 A He would come pick her up.

25 Q Okay. Were you able to observe their interactions,

1 Dustin and S.A.'s?

2 A Uh-huh. Yes.

3 Q How would you characterize their interactions?

4 A It was good. She was excited to see him, ready to go
5 home. He was always excited to see her. Like a normal
6 family.

7 Q And this would have been around the time of the DSS
8 report, leading up to?

9 A Uh-huh.

10 Q Do you remember that -- whether or not anybody else
11 ever picked up S.A. from school? A family member?

12 A That I don't remember.

13 Q Okay. Did she have a cousin that went there?

14 A Yes.

15 Q Okay. And that cousin, his mother, do you recall
16 that she ever picked up?

17 A I remember her coming into my room ---

18 Q Okay.

19 A --- because I remember S.A.'s reaction.

20 Q Okay. And what made you remember that reaction?

21 A She almost treated her like she was a stranger.
22 Because when the aunt was hugging her, she was standing
23 still like this (gesturing). It wouldn't -- when my niece
24 -- when I would go pick up my niece and nephew, they would
25 run to me. And it was kind of weird to me that that

1 happened.

2 Q Was it similar to the way that she reacted when
3 Dustin would come to pick up?

4 A No.

5 Q What was the difference in those two reactions?

6 A With the auntie, it was almost like she didn't know
7 her or she was unsure of her. She was never unsure with
8 Dustin.

9 Q Okay. And did she have any behavioral issues or did
10 she have accidents wetting her underwear, accidents at
11 school?

12 A No. We didn't have a consistent problem with her
13 like that.

14 Q If she had them, would you know?

15 A Yeah. Because I would be the one to have to take her
16 into the bathroom and clean her up and get her changed.

17 MR. HARBIN: All right. Thank you, Tina. No further
18 questions.

19 THE COURT: All right. Cross examination.

20 MS. KLUSKA: Thank you, Your Honor.

21 CROSS EXAMINATION

22 BY MS. KLUSKA:

23 Q Ms. Driver, what were the years that you had S.A.
24 in your class?

25 A I had her in two different classrooms.

1 Q Okay.

2 A I can't remember years.

3 Q Would you have been her teacher in 2015 to 2017?

4 A No.

5 Q So you're not aware of any of the interactions she
6 had with the aunt or the defendant from 2015 to 2017; is
7 that right?

8 A Correct.

9 Q And you would agree with me that there's probably
10 other teachers in your child development center, correct?

11 A Yes.

12 Q So you wouldn't have had the opportunity to have your
13 eyes on S.A. 24/7, right?

14 A When you're the teacher of a primary classroom, the
15 only time you leave that room is when you're relieved for
16 break and you're relieved from lunch. So she would have
17 been in my primary care except for them incidents.

18 Q Okay. She would have been in your primary care, but
19 you just testified there were other teachers, right?

20 A There's other teachers in the building ---

21 Q Okay.

22 A --- but not in my room.

23 Q Well, would you agree with me that it's possible that
24 you didn't see all of the interactions that S.A. had
25 with the defendant or with Aunt Marie; is that right?

1 A Could be.

2 Q Did you know about S.A.'s living situation?

3 A Regarding to her mother being deployed?

4 Q Yes, ma'am.

5 A Yes.

6 Q So you were aware her mother was deployed, right?

7 A Uh-huh.

8 Q Were you aware that her mother was sent on multiple
9 orders and multiple drills in addition to these long
10 deployments?

11 A Yeah. Because she did one weekend a month.

12 Q But you never went to S.A.'s house, right?

13 A No.

14 Q So you never saw what was happening inside her home,
15 right?

16 A No.

17 Q So she could have had any number of interactions with
18 the defendant in her home, right? And you would not be
19 aware of that, right?

20 A Correct.

21 Q You only saw her for a couple of years when she was
22 in preschool only during the hours that she was in your
23 care as a teacher; is that right?

24 A Correct.

25 MS. KLUSKA: Thank you. Nothing further.

1 trial, and I urge you to continue to do so through the
2 closing arguments of these fine attorneys. Thank you.
3 All right.

4 MS. KLUSKA: Thank you, Your Honor. May it please
5 the Court.

6 THE COURT: Yes, ma'am.

7 CLOSING ARGUMENTS

8 MS. KLUSKA: Members of the jury, I want to thank you
9 for your time and attention. You have heard all the
10 testimony in this trial, you have seen the evidence, and
11 in just a few moments, you're going to get to go back to
12 the deliberation room and finally talk about everything
13 that you've heard. But before you have a chance to do
14 that, I want to talk to you about the things that you
15 heard in this trial. How does it all fit to show us that
16 this defendant is guilty?

17 As you already know, he is charged with criminal
18 sexual conduct with a minor in the first degree. And
19 Judge Miller is going to instruct you on the law very
20 thoroughly, and so we defer to him on the law. But I just
21 want to quickly walk through those elements with you so
22 that you know exactly how the evidence fits within the
23 elements of those crimes.

24 First, to prove criminal sexual conduct with a minor
25 in the first degree, we have to prove that S.A. was

1 under the age of 11 when this abuse took place. That
2 one's easy. [S.A.]'s mom testified about her birthday.
3 We know that she was 9 years old at the time that she gave
4 her disclosure. So we've met that element.

5 The next thing that we had to prove was that the
6 defendant committed a sexual battery on [S.A.]. Sexual
7 battery is defined under the law as intercourse,
8 cunnilingus, fellatio, or any intrusion, however slight,
9 into the genital or anal openings of another. Well,
10 members of the jury, you saw her forensic and you heard
11 her testimony. She testified that the defendant digitally
12 penetrated her, that he performed oral sex on her and put
13 his tongue in her vagina, and also that he anally
14 penetrated her. Members of the jury, we have proved that
15 element to you as well. The defendant is guilty of
16 criminal sexual conduct with a minor in the first degree.

17 We also presented evidence in the form of witnesses
18 to you throughout the course of this trial. We didn't
19 just present [S.A.] in a vacuum. We painted you the whole
20 picture of how this went down.

21 First you heard from Dr. Crosswell. Dr. Crosswell
22 was qualified as an expert in child abuse pediatrics. She
23 was here to tell us about the exam that she conducted on
24 [S.A.]. You heard that, as part of her exam, she does a
25 vaginal and anal examination on her victims. She

1 explained to us the anatomy behind her exam. She explains
2 that it is a misconception that you can see evidence of
3 sexual abuse in vaginal tissues. Why is that? Well, the
4 vagina heals quickly. That's what it's made for.

5 She also did an exam on her anus, and she found that
6 her exam was normal. And the same thing goes as to that
7 part of the exam.

8 The anus is a muscle that is used to dilate. That's
9 the purpose of the anus. So her exam being normal is
10 normal. She testified that, I believe, in 93 to
11 97 percent of her exams, and that's also supported by
12 medical literature, that the exams are normal. Normal is
13 normal. She said that, actually, findings of physical
14 sexual abuse in her exams are so rare, that if she finds
15 one, she has to send it off for peer review just to make
16 doubly sure that that's actually what was found. She
17 testified that, in her expert opinion, this abuse could
18 have gone down exactly how S.A. said it did and her exam
19 could still be normal.

20 Next you heard from law enforcement. You heard from
21 Master Deputy Kelly. He came in and told you that he was
22 first on the scene. He said that the family at the
23 hospital was shocked and distraught.

24 Then you heard from former investigator Airien
25 Grimstad. She told you that her investigation lasted a

1 couple of months. She wanted to make sure that she was
2 thorough. [S.A.] disclosed in October, and she did not
3 get a warrant for the defendant until January. She talked
4 to several witnesses. She watched [S.A.]'s forensic
5 interview, and she said that had [S.A.] not made a
6 detailed disclosure of abuse in her forensic interview,
7 then that would have been it. She would not have gotten a
8 warrant. But we know that that is not what happened
9 because we have seen that forensic interview.

10 You heard from [S.A.]'s mom, Jessica. Jessica told
11 you that for 12 years, 13 to 16 times per year she is out
12 of town serving our country with the Air Force. She told
13 you that, at first, things went great with the defendant.
14 They were happy. They had a normal relationship. She
15 said that things really started to go downhill when she
16 had Rosie in 2015. She described them as a secluded
17 family. She said that when she was with the defendant,
18 she saw her family much, much less than she was used to
19 seeing them.

20 She also talked about how, in 2015 after she had
21 Rosie, her sex life with the defendant was completely
22 nonexistent. It is no coincidence that her sex life was
23 nonexistent for the same date range that the defendant is
24 indicted for. Rosie was born in 2015, and that is no
25 coincidence.

1 You heard that while Jessica was on military orders,
2 that Aunt Kerri and Marie helped with [S.A.]'s care.
3 Marie told you some really concerning things that she saw
4 with [S.A.], and so did Kerri. Marie talked about wetting
5 her pants. She talked about nightmares. She talked about
6 how [S.A.] was completely withdrawn.

7 Marie and Kerri both did not hide the fact that they
8 did not care for the defendant. It all started when he
9 cussed grandma out at her son's first birthday, and they
10 never made it back from that.

11 Kerri, her testimony was very powerful. She
12 testified that, as a victim of child sexual abuse herself,
13 she knows the signs of what to look for. She saw the
14 signs of what she had been through in [S.A.], and so she
15 asked her. Same as Ms. Shauna Galloway-Williams told us
16 we should all be having conversations with our kids about
17 good and bad touches. She told you that when [S.A.]
18 disclosed, it took everything in her to hold it together
19 and not drive off the road. She said, and I quote, "God
20 forbid any of you ever have to have that conversation with
21 your child."

22 Kerri described her as a shell of a child and nothing
23 but a body. It was hard -- that was hard to hear.

24 Ms. Galloway-Williams testified as an expert in child
25 abuse dynamics. And she has never met [S.A.] in this

1 case. She has never met any of S.A.'s family. She did
2 not review any of these reports. She did not watch the
3 forensic interview. She was here just to testify about
4 general common things that she sees in her field, about
5 things that -- ways that children who have been sexually
6 abused act. But how much of what she said was completely
7 spot on.

8 She talked about disclosures. She talked about
9 delayed disclosures. She said that children can delay
10 disclosing for a multitude of reasons, but a big one is if
11 the abuser is in the child's family. How confusing is
12 that for a kid? She told you that you can love the person
13 who's abusing you but not love the abuse that they're
14 putting you through.

15 She talked to us about trauma. She said sexual abuse
16 is a form of trauma. She told us that signs of trauma can
17 include nightmares, bedwetting, and being withdrawn.

18 She talked to us about accidental disclosures. She
19 defined that as a situation in which an adult asked the
20 child if they have had any good and bad touches. That
21 would be an accidental disclosure because that child did
22 not set out to tell.

23 She testified that kids don't have the sexual
24 vocabulary or sexual knowledge base that adults have, so
25 when they describe sexual acts, they do it in childlike

1 terms. So when they're describing something like semen,
2 they describe it as the water. Or when they're describing
3 the defendant performing oral sex on them, they describe
4 his position as pounce lion. It's spot on.

5 She testified that it is difficult to tell the exact
6 same regurgitation of the abuse every single time you're
7 asked about it. That would be hard for any adult, but
8 that is especially hard for a child.

9 But what did she say about memory? She said that it
10 is sensory memories that help you encode. Sensory
11 memories are something that give an account of sexual
12 abuse texture. You can't make up how something felt to
13 you. You can't make up how something sounded or how it
14 looked or how something made your body feel. Sensory
15 memories are how we know that this happened.

16 Let's talk about S.A. One of mine and my
17 co-counsel's favorite songs to listen to is by Johnny
18 Cash, God's Going to Cut You Down. We listened to that
19 song before trial. And in that song, Johnny Cash says,
20 "What's done in the dark will be brought to the light."
21 That is exactly what happened when S.A. testified.

22 I want you to think back to jury qualifications on
23 Monday and you had to get up in front of a room full of
24 people and you had to say your name, and you had to say
25 your occupation and your spouse's name and your spouse's

1 occupation. And I'm sure that some of you were probably
2 sitting in the room and you were probably anxiously
3 awaiting the judge to call your number. And when you
4 stood up and you had to tell the judge the information,
5 some of you might have forgot what you did for a living.
6 Think about what that girl, that 13-year-old girl had to
7 go through in this courtroom. She sat up on that stand,
8 looked out into a room full of strangers, and had to talk
9 about the worst moments of her entire life, probably, I
10 hope, the worst moments that she will ever have to deal
11 with in her entire life in front of the man who is
12 responsible.

13 I wrote down some major points for her testimony --
14 from her testimony, because I wanted to make sure I got
15 her words right. She said the defendant did this to her
16 several times in the server room, which you know was his
17 bedroom, and in the living room. She said he touched the
18 inside of her private and moved her hand in circles to
19 show us the motion that he did when his hand was in her
20 private, that he touched the inside of her private with
21 his tongue. She said his private rubbed against her
22 private and would move back and forth. She said when she
23 had to move her hand up and down on his private, which,
24 again, she showed us that motion, clear liquid came out
25 that he would wipe off on a towel.

1 Her reaction to seeing him on the stand, wow, that
2 was powerful. She didn't see him the first two times I
3 asked her because she didn't want to see him. I am sure
4 that that is something that she tries very hard to forget,
5 that that is a phase she tries very hard to forget. But
6 you could feel that moment. It was powerful. It was
7 visceral. She had a visceral reaction to seeing that
8 man's face. That girl's not an Oscar-winning actress.
9 She came in here, and we got to see one glimpse of how
10 this still affects her life three and a half years later,
11 and those scars have not healed. And we all saw that.

12 Let's talk about her forensic interview. She might
13 have locked up on a couple of things on the stand when I
14 asked her about them, but forensic interviews are done for
15 that very reason. This case is going on four years old
16 through no fault of S.A.'s. But a forensic interview is
17 a snapshot in time where we can get the most clear
18 disclosure, the closest-in-time disclosure to the actual
19 abuse.

20 The level of detail in her forensic interview is
21 absolutely overwhelming. You were asked at the beginning
22 of this trial to keep your ears open for details that no
23 9-year-old never could ever, ever make up. And that
24 forensic interview was full of them. I had a hard time
25 making a list just to read to you because there were so

1 many to choose from.

2 He touched the inside of her private and moved his
3 hand in a circle, and this made her feel nauseous. One
4 particularly heartbreaking part of the interview that she
5 said is, "I felt nauseous."

6 In my head, I said, "Oh, my gosh."

7 "He told me not to tell, so I kept the secret. He
8 would touch his private and touch the inside of mine at
9 the time same time." His private rubbed against hers. He
10 would move his body back and forth like a cradle. He got
11 down in pounce-lion position and licked the inside of her
12 private which made her feel weird.

13 When she looked at the photo that the interviewer
14 showed her about the boys' and girls' private parts, she
15 said, "Well, his is longer. It has hair and feels smooth
16 but rough because of the veins."

17 His private went in her bottom. Now, this is
18 something that differed from what she said on the stand,
19 but she is very clear in her forensic that his private did
20 not go in her private. She knows exactly what happened
21 and exactly what didn't happen, and she is clear in her
22 forensic that his private never went in her private. She
23 said that on the stand too. But she said in her forensic
24 a detailed, vivid memory about the defendant's penis going
25 in her bottom. She says that she remembered how the

1 defendant put his penis in her bottom, the water came out
2 on the inside of her bottom and he would wipe it out with
3 a baby wipe like he was wiping a baby's poo-poo. She
4 could never make that up unless that actually happened.

5 And the real kicker, "He told me he had pressure in
6 his private because he drank tons of water or soda and it
7 hurt him, so he would move my hand up and down to make the
8 water come out. The water was clearish yellow, and it
9 would spray, and it would shoot. And he would shoot it
10 onto a towel or sometimes shoot it onto a piece of toilet
11 paper. And sometimes -- the water would not come out
12 every time, but when it did, sometimes it was this much
13 water, and sometimes it was this much water." She has
14 seen that man's penis. That is something that a child
15 could never make up.

16 Remember when Shauna Galloway-Williams told us that
17 abusers normalize abuse? Could there be more of a
18 clear-cut example than when [S.A.] talks about the water?
19 When [S.A.] said this in her forensic interview, I felt
20 like I could hear him saying it to her. How else do you
21 normalize ejaculation to a 9-year-old? How else do you
22 normalize semen to a 9-year-old? Oh, just say that you
23 drank too much soda. It makes perfect sense. He was
24 making what he was doing to her seem so normal.

25 Don't forget that [S.A.]'s words are evidence. Her

1 testimony is evidence. Her forensic interview is
2 evidence. If this was a bank robbery trial, we would call
3 the bank teller to the stand as an eyewitness, and we
4 would ask her the things that she saw. Well, [S.A.] is an
5 eyewitness to what happened to her own body, and she came
6 and testified and told us about that.

7 Remember that sexual assault cases are just a little
8 bit different than other types of cases. There's no
9 murder weapon, there's no surveillance video from the
10 Walmart parking lot, people don't invite five friends over
11 before they sexually abuse a child. These crimes happen
12 in the dark. A forensics team, SWAT team doesn't drop
13 down from the sky every time a child is sexually abused.
14 No. We know that that is not how this happens. These
15 children carry these deep secrets around in their injured
16 little souls until they are finally brave enough to tell.

17 Let's talk a little bit about the defense's theory.
18 Mr. Harbin is just doing his job. And his job is to
19 zealously advocate for his client. And I want to be clear
20 that the defense bears absolutely no burden in this case.
21 That burden rests solely with the State. In fact,
22 Mr. Harbin and his client could have kicked their feet up
23 on the table and not said a single word this entire trial,
24 and that would have been perfectly fine. But when they do
25 choose to put a theory or a case before you, then you need

1 to hold them accountable for it.

2 I'm still a little unclear as to exactly what the
3 theory is. Perhaps Mr. Harbin's closing will shed a
4 little bit more light on exactly what it is. But here's
5 what I do know, that they're trying to take your eye off
6 the ball. They are trying to take your eye off of this
7 interview. They want you to forget that this exists, so
8 they're sending you on rabbit trails so that you are
9 looking away from this interview, the rabbit trail of, oh,
10 well, the family hated him, the rabbit trail of, oh, Kerri
11 called DSS in 2014, or the rabbit trail of let me think,
12 maybe it's some sort of false memory because Kerri had
13 been sexually abused.

14 Okay. The family's not getting along has no bearing
15 on this. The families didn't get along, but that is
16 through no fault of S.A.'s. Why does that make her
17 words any less valuable? Why does that make her words any
18 less true? Don't let them tell you that her words are not
19 good enough, because they are.

20 Mr. Harbin said in his opening statement that this
21 case is about proof. And we may disagree about a lot of
22 things in this case, but I fully agree with that. This
23 case is about proof, and that forensic interview is the
24 proof.

25 They called Dr. Price. They paid Dr. Price a lot of

1 money to be here today and to testify for you. And
2 really, all I got from Dr. Price is that 93 to 98 percent
3 of children who disclose sexual abuse are telling the
4 truth.

5 Then they called the teacher from [S.A.]'s school who
6 didn't even know her during the dates that the defendant
7 is indicted for. She never saw what the defendant was
8 doing in [S.A.]'s house. So really, I'm not even sure
9 what testimony she was here to provide.

10 And for what? Who has the most motivation to lie to
11 you? Not [S.A.]. [S.A.] has been living with her mom and
12 her mom's new husband and her little sister for over three
13 and a half years. So why go through this? This man is
14 nothing to her now. She's not going to see him at family
15 Christmas. She doesn't have to go to his house as the
16 caregiver while mom's deployed. So why come in here and
17 relive the worst moments of your life unless it actually
18 happened? He is nothing to her now but the man who
19 sexually abused her. She didn't come in here and say,
20 "Oh, you know, my Aunt Kerri really hated this guy, and I
21 may have heard some things along the way that maybe I
22 misconstrued what had happened, and I don't think this
23 really happened, but you know what? I live with my mom
24 now, we've been living together for three and a half
25 years. I have a new dad, so I'm good. I don't need to

1 come in here." That is not what happened. She came up
2 here, testified for you all, and broke down. Why? Why go
3 through that unless it actually happened?

4 This isn't some simple story about falling down and
5 scraping your knee. This isn't some simple story about
6 being with your friend and falling off a swing. These are
7 serious, traumatic memories that I would think S.A.
8 tries every single day to forget. These are images and
9 memories that stick in your head for the rest of your
10 life, and those scars never heal.

11 You heard how the defendant was responsible for
12 caring for S.A. when her mother, Jessica, was deployed.
13 Normally, he would be the star of a stepdad. He cared for
14 her. She was -- he was her father figure. S.A.
15 testified that she was devastated when she found out that
16 he wasn't her real dad. But I ask you to look at these
17 pictures and think about what happened in that apartment.
18 Any other time, like I said, he'd be star stepdad. But
19 when that stepdad is on trial for performing oral sex on a
20 9-year-old, this shows opportunity. How convenient that
21 no one ever came over to the house. How convenient that
22 he was alone with her day in and day out, every night,
23 every day. How convenient. How convenient that he had
24 isolated both of them, Jessica and S.A., from their
25 entire family. How convenient.

1 The State has absolutely no interest in convicting an
2 innocent person. The State has every interest in
3 convicting people who abuse children.

4 The judge will tell you that the burden of proof in
5 this case is beyond a reasonable doubt. Beyond a
6 reasonable doubt does not mean beyond all doubt. It means
7 beyond a reasonable doubt. It means that if you leave
8 this courtroom to deliberate and you feel firmly convinced
9 of his guilt, then he's guilty. It means that if you
10 believe what S.A. said on the stand, then she's guilty.
11 If you believe -- then he's guilty. Excuse me. If you
12 believe S.A.'s words in her forensic interview, then
13 he's guilty.

14 If, at any point, any of you have any doubt about
15 whether or not this happened, I urge you to go back and
16 watch her forensic interview. You will have it back in
17 the deliberation room with you. Take all the time you
18 need. Go back and watch minute 27. Minute 27 is when
19 S.A. talks about seeing the water come out of that man's
20 penis. Minute 27. And when you do, I am sure that you
21 will find the defendant guilty. Find him guilty.

22 Thank you.

23 MR. HARBIN: May it please the Court.

24 THE COURT: Yes, sir.

25 MR. HARBIN: In my opening, I asked you to consider

1 that this trial is not about emotion. We all care for
2 children. We all want to believe children. We all want
3 to protect them. But that's not what this is about.
4 We're not here to decide that we're all good people.
5 Presumably, we are all good people that would do the right
6 thing when given the opportunity. This is about whether
7 the State has put on a case that allows you to know what
8 happened without having any reasonable doubt about what
9 happened.

10 These kinds of cases are hard. I told you I've been
11 doing this for -- this is my 20th year. And it doesn't
12 get easier. It pulls on your heartstrings. It hits home
13 for me as I'm sure it does for some of y'all. I've got
14 three children, two girls right around the same age, 8 and
15 10, as S.A. . I can't imagine what kind of stress that
16 just the accusation puts on a family. I certainly would
17 not be objective about that if I was involved in it in any
18 way. That's the reason that y'all have to be objective.
19 We have to have dispassionate jurors that don't get caught
20 up in emotion and what we want to believe. It's only what
21 we know, what we know from proof offered from that stand
22 right there.

23 It's a difficult truth, I think, to face that
24 children do lie. They do make stuff up. Most of the time
25 it's innocuous, just trying to get out of trouble for

1 eating candy when they're not supposed to or they didn't
2 want to get caught for breaking something and blames their
3 sister or their brother. It happens all the time at my
4 house.

5 My mother used to tell me that she didn't want me to
6 use the word "lie." She preferred "fib," she said, if
7 you're fibbing. She really applied that to children, and
8 I think that's because she didn't want to attribute malice
9 to that lie.

10 I don't know where I come down on that distinction in
11 this case, but that's because I don't know exactly how we
12 got here. I don't -- I admit what I don't know. The
13 State is unwilling to do that. I don't know exactly what
14 pressured her to say the things that she said. But I'll
15 point out some things to you that I believe make it fairly
16 impossible for that to be true. It is not my job to prove
17 anything to you. It is not my job to explain why this
18 happened. It is only my job to demonstrate that there is
19 not proof enough to escape beyond a reasonable doubt.

20 Adults, obviously, understand there's ramifications
21 and consequences of telling a lie. Similarly, I don't
22 know whether S.A. knows what's going to happen if he's
23 convicted. I'm assuming she knows that he's going to be
24 set free if he's acquitted. But I don't know that.
25 That's something we have to factor in is whether or not

1 she really appreciates exactly the gravity of this
2 situation.

3 I make room for the possibility that S.A. truly
4 believes this at this point even if it was originally made
5 up. I think there was some genuine emotion from the stand
6 that we saw. But I don't think that we know what that
7 emotion stemmed from. She hasn't seen this man that she
8 made this allegation against in three-plus years, who she
9 was very close to. So just the stress, guilt, surprise,
10 whatever, but I don't fault her for having emotions. One
11 way or the other, S.A. has been affected by this. She
12 was either manipulated by her family and asked to do
13 something horrendous knowingly or unknowingly, or she is
14 really the victim of sexual abuse. Either way, she's been
15 damaged.

16 The State has attempted to lower your expectations
17 for exactly what proof beyond a reasonable doubt is.
18 There is no escaping the fact that the only evidence in
19 this case is what S.A. said. Everything else was window
20 dressing. The medical exam, the forensic interview was
21 just asking her to say things. There's no witnesses,
22 there's no physical proof, there's no pictures. We know
23 that they examined everything under the sun. He
24 volunteered his phone. They searched his computer.
25 There's nothing there. It's just her statement.

1 Some cases like this are hard to prove, but that
2 doesn't have anything to do with whether or not you're
3 allowed to lower your expectation or whether you're
4 allowed to convict with less than beyond-a-reasonable-
5 doubt proof.

6 The solicitor said that -- I believe her quote was
7 she can't know exactly -- or she knew exactly what
8 happened and exactly what didn't happen. But that's
9 patently not true, right? We witnessed that. She can't
10 know everything that did happen and not happen and then
11 testify in opposite to that. We saw that firsthand. You
12 heard her on the stand. You heard her on the stand
13 clearly answer in the opposite way the solicitor expected.
14 She had to kind of regroup, restart. And you can compare
15 that to the forensic exam for yourself. There's multiple
16 inconsistencies, multiple disagreements with her own
17 statement within a statement from the stand.

18 So let's just review what we do know in this case.
19 From the outset, we know, and there's been admissions that
20 once Dustin met Jessica and he met the family, they didn't
21 like him. They were plenty ready to tell you that they
22 didn't like him. I think the State thinks this is
23 meaningless, and I really -- that kind of offends my sense
24 of context that the 2013 incident with DSS, this is an
25 accusation made that was unfounded by Aunt Kerri, who we

1 heard from her was a victim of sexual abuse herself, that
2 was apparently not supported in her own home when she
3 reported that because she admitted to us that her mother
4 put her in a mental hospital and told her that she had --
5 that it was her problem. Three different times that she
6 was hospitalized, and clearly, she has some trauma that
7 she's dealing with. I hope she gets help with that,
8 continues to. But you can't discount, you just simply
9 can't discount what that has to do with this case.

10 Because this case started, again, in 2017 from Kerri.

11 What did she tell you? She said she saw all the
12 signs that -- that she recognized because she was an abuse
13 victim herself, similar to the things that she said in
14 2013, right? Similar to the things that Marie said that
15 she saw in 2013. Remember, Marie is the one who picked up
16 her son at the same day care center that she was at where
17 Tina was teaching.

18 Marie told us in no uncertain terms that she wet her
19 pants at school. She told us that. Now, I told you at
20 the beginning of this trial I can't disprove a negative,
21 right? But I can prove some things are lies. That was a
22 lie, or at least you can decide whether the teacher is
23 lying or whether Marie is lying.

24 She also described the exact opposite relationship
25 that S.A. had with Dustin as opposed to had with her.

1 She described that she was standoffish and that she
2 exhibited kind of, you know, nervous behavior or however
3 you want to describe it. And the teacher said the
4 opposite, that she was welcoming of Dustin, excited to see
5 him and, in fact, cold and kind of stoic and reserved from
6 Marie. Now, do I know exactly what that means? Not
7 really, no. But this is the problem with this case. This
8 is the context of this case.

9 I think that it's clear that S.A. is desperate to
10 please. In the forensic interview with Christine
11 Carlberg, if you watch it again or if you noticed the
12 first time, she would ask a question, S.A. would give an
13 answer, you know. "Did he touch you?"

14 "Yes. He touched me under my pants."

15 "And did he touch you with anything else other than
16 his hand?"

17 "No." She said -- it was a definite answer, "No."

18 But that wasn't good enough for Christine. She had
19 to -- she wanted to elicit something else. Well, how
20 about this? How about this? And every time she said,
21 "Well, how about this? How about this?" what did she say?
22 Yeah, yeah. That is part of the dynamic of a child and an
23 adult having a conversation. Children will go where you
24 tell them to go. Shauna Galloway-Williams made that point
25 not in so many words, but she basically said it. Children

1 will tell you what you want to tell -- what you want them
2 to say. I think we all have personal experience in our
3 lives to know that, to a certain extent, that is
4 absolutely true.

5 Shauna Galloway-Williams also focused a lot on
6 sensory perception and how that was a powerful factor in
7 memory recall. And I think she made -- that she had some
8 examples, but they were something similar to perhaps you
9 don't see exactly how many pictures are on the wall or
10 where a chair was, but you'll remember if it was cold or
11 what the smell was like. Your senses just kind of have a
12 way of bringing these memories out.

13 Christine Carlberg asked a number of times, and you
14 can rewatch the video, again, a number of times, "How did
15 that feel? How did that feel? How did that feel?"

16 But what especially hit me is that she said -- well,
17 she said, "It felt weird," so basically, a vague
18 description of what it felt like, consistent with somebody
19 that doesn't know exactly how it feels. So that'd be
20 weird. It would certainly be weird.

21 And then she used the word "nauseous," which I would
22 submit sounds a little bit like adult vocabulary, not a
23 9-year-old vocabulary. So does "inappropriate acts," by
24 the way. "I don't do anything inappropriate," I think is
25 what she said. That's not the way a 9-year-old talks.

1 She also said -- I don't know if you caught this.
2 She said, "He's not normal. He's special." Now, "he's
3 special" is kind of a saying that we all know what it
4 means. It's kind of condescending. We also all know that
5 9-year-olds don't know how to talk like that. That's
6 rehearsed or coached or copied or suggested, whatever it
7 is. But that didn't come from the mind of a 9-year-old.
8 She's definitely been influenced by her family.

9 What is the one sensory perception that every single
10 one of us were waiting on her to say that she never said?
11 What is the one sensory perception that would have been
12 the absolute greatest sensory perception that she would
13 have experienced had she actually been raped by a grown
14 man as a 9-year-old? What were we waiting on her to say
15 to Christine Carlberg or anyone else? How does it feel?
16 Weird. I felt nauseous. No. It hurts. That's how it
17 feels. It hurts. It hurts a lot. Why are you doing
18 this? That hurts. Stop. Nothing. Not one mention. She
19 said she talked at least four or five times including
20 today to law enforcement, maybe prosecutors or forensic
21 interviewers, whatever. Not one mentioned that there's
22 pain involved.

23 And there's most certainly going to be pain involved.
24 She is a 9-year-old prepubescent female that was anally
25 penetrated by an adult male. The reason you don't have

1 that detail is because she didn't know. She doesn't know.
2 She's not able to see -- you know, accidentally see the
3 wrong movie, watch a video on the Internet, and we know
4 there's all kinds of awful stuff on the Internet. She's
5 not going to know that that detail is important.

6 It struck me that the clear liquid, the water, she
7 didn't describe anything like viscosity. She described
8 urine. She described clear urine and yellow urine. She
9 didn't describe a white milky substance. She didn't
10 describe anything with viscosity, sticky, nothing. Her
11 only point of reference for what has to do with private
12 parts is urination. So she gave you that detail.

13 I wrote down just a few examples of things that I
14 caught that her testimony did not jive with her forensic
15 interview. Y'all can rely on your own collective memories
16 for this, and there's going to be many more than I list
17 here. She said many times, "I don't know. I forgot."

18 She was asked, "Why didn't you tell your mother?"
19 And I thought that was an interesting question because I
20 expected her to say, "I was embarrassed," or "I was
21 scared," or "I didn't want to ruin my mother's
22 relationship," or "I didn't want Dustin to get in
23 trouble." But what did she say? Do you remember what she
24 said? She said -- and she said in this tone I will
25 suggest, "I probably just forgot." Probably just forgot.

1 She probably just forgot the most traumatic experience of
2 her life -- that would have been the most traumatic
3 experience of her life anyway. But I have a fairly
4 difficult time that that's the reason. It's not that I
5 have any question about whether she should or should not
6 or has to report to her mom specifically. I just think
7 that we saw a piece of evidence that that's not exactly
8 what happened. She didn't not tell her mom because she
9 forgot, because that's -- that's unlikely, let's say, if
10 I'm being polite.

11 I don't know what this means. I just think it's
12 worth mentioning. She's not British, but she spoke with a
13 British accent. I have no earthly idea why. I don't know
14 that that makes her any more able to tell the truth or to
15 lie, but it strikes me as something that is related to
16 role-playing. Role-playing, of course, is fantasy, it's
17 fiction, it's not true. I'll leave that for you to
18 digest.

19 She said it happened seven times or five times. She
20 seems to go in reverse order. Ten times or seven times.
21 It happened yesterday. It might have started a month ago.
22 It happened most every day, she says. Most every day.
23 Not every day. It happened most every day, keeping in
24 mind that she lived with him for the better part of six
25 years, I think. That's an enormous amount of opportunity.

1 Of course, we have to decide whether she was telling the
2 correct story when she said that it happened only at her
3 third house, which would have been 2015, 2017, or whether
4 it happened before that because she said it had been
5 happening for years before that. It's difficult to square
6 that she would swing that wildly in her story. It's not a
7 minor misstep. It's an incredible difference.

8 The interview, the forensic interview, started off, I
9 believe S.A. volunteered that he put his hands down my
10 pants. It was not an unclear statement. It did not seem
11 to be an open-ended statement. She asked what happened,
12 she said what happened. And then through the better part
13 of an hour of questioning, Christine got her to say more
14 things, more things, more things ending in, "I'm
15 completely naked lying on the floor." Started off
16 clothing, just touching underneath her clothes ending up
17 all the clothes removed.

18 She also said that Dustin would pleasure himself,
19 let's say, and she was asked, "Well, how do you know
20 that?"

21 "Well, he told me."

22 That's one of the things that just doesn't make
23 sense, right? Even if he's doing the things that he's
24 alleged to have done, why are you telling -- that doesn't
25 make sense. I think it's just a throwaway line because

1 she didn't know what to say at that point. "He told me
2 that." Why would he tell you?

3 So I've discussed a little bit about the genesis of
4 this case, which is Kerri. And I think that's important.
5 We need to focus on that, that Kerri started this. S.A.
6 did not disclose by herself. She was prodded by Kerri.

7 We also know that Kerri has such little care of the
8 emotional state of S.A. that without speaking to her
9 sister, without talking to Dustin, without any kind of
10 family decision, she decides to tell S.A. the most
11 traumatic news of her life, that Dustin is not her father.
12 And she lied to us about that on the stand, because she
13 said she knew all the time. Of course, S.A. told her
14 that wasn't true. And Jessica told us that wasn't true
15 because she said she thought she told her after this
16 happened. And I believe that might be possible. Perhaps
17 Jessica was left in the dark because the family didn't
18 want to tell the awful secret they had shared.

19 I submit to you, though, that that is the action of
20 somebody that is not interested in the well-being of a
21 child. She doesn't have good motives. It's just revenge,
22 vindication, whatever you want to call it. But that is
23 earth-shattering to me that somebody has the nerve to tell
24 a child that the person they call dad their whole life, or
25 at least the life they can remember since she's 2, that's

1 not her father. That is not somebody that you can trust.
2 And that is the genesis of all of this, somebody that you
3 know you can't trust. And then she told you several other
4 reasons that you shouldn't trust her.

5 The solicitor said she didn't know what the point of
6 me calling Tina, Ms. Driver, to the stand. And, of
7 course, we know that's because we were able to demonstrate
8 that this is a lie that they had concocted together or
9 coincidentally that she was misbehaving and bedwetting and
10 nightmares and all this other stuff, we were able to --
11 and it's almost impossible to do in these cases.

12 Remember, I can't prove a negative. It's really hard.

13 But I was able to prove she's a liar. She -- it's not
14 something that you mistake, right? It's a very specific
15 allegation. She's wetting her pants at school at 5 years
16 old, not at 2 or 3 years old. It wouldn't be that big a
17 deal, I guess. But at 5 years old she wet her pants, and
18 that was a significant sign that she saw back in 2013. I
19 didn't bring Tina here to tell you about 2015 because she
20 didn't know. I just needed to demonstrate to you that
21 these people are willing to do whatever they have to do to
22 get what they want, which is to remove Dustin from the
23 picture.

24 Dustin and his parents, his girlfriend, his friends,
25 they have been waiting for over three years to have the

1 opportunity to come to court. He's lost both of his
2 daughters, he's lost his reputation, and let's face it, he
3 may never get that back. One of the things that I worry
4 about when I talk to a jury is just the emotional distress
5 that you're put under when you're told about the
6 possibility that something happens, because it's awful.
7 It's hard to process. It makes you tired. When I go home
8 after these things, I'm exhausted just emotionally. It
9 takes a drain on you.

10 What is Dustin to do here? He is contacted and made
11 aware of the charges against him. He's asked, "Did you do
12 it?"

13 He says, "No."

14 "Will you come in and talk to me?"

15 "Sure."

16 He spent two hours without a lawyer talking to the
17 investigator offering anything and everything he can
18 offer: his computers, his phone. He was willing to
19 cooperate. The only thing he can do is deny this because
20 he cannot prove a negative. He just can't.

21 Now, the judge has told you that the indictment is
22 not evidence, and it's not. But I want to reiterate that
23 the fact that we're here, the fact that we've made it this
24 far is not evidence. It's not evidence that it's a good
25 case or a strong case or a case they prefer to take to

1 trial. In fact, what we heard from the investigator is
2 the statute required her to get the warrant. Once she had
3 the allegation, there was nothing that Dustin could have
4 done to not get arrested, which is kind of mind blowing.
5 She said, "I was going to get the warrant once I had the
6 statement from S.A. ."

7 We heard from that same law enforcement agent that
8 she admitted what is -- what everyone knows is a
9 reasonable possibility, that children are influenced by
10 adults, and it does happen that adults cause children to
11 make false allegations. She acknowledged that. Now, that
12 was maybe a slip, but I think it was honest.

13 But who wasn't being honest with us on the stand or
14 who wasn't being at least intellectually honest? I would
15 tell you that Shauna Galloway-Williams and Dr. Crosswell,
16 they weren't impartial witnesses. They were advocates,
17 right? Shauna Galloway-Williams was essentially put on
18 the stand to tell you that no matter what problems that
19 you hear from a story, no matter what inconsistencies, no
20 matter what the timeframe, no matter what the
21 believability, you are to believe them. And she said it's
22 important to believe them, right? Important to believe
23 them.

24 Dr. Crosswell refused to answer a direct question of
25 mine two or three or four times, instead opting to say

1 that finding nothing is consistent with abuse. Finding
2 nothing is consistent with abuse. That tells you right
3 there where she's coming from. And I asked her kind of
4 what I thought would be a rhetorical question about a
5 9-year-old being assaulted by a grown man. And she looked
6 all of us straight in the face and she said, "Not going to
7 be any physical findings." I can't believe that. I can't
8 believe it. I sure don't believe that it didn't hurt.

9 Dr. Crosswell also told you that she reviewed the
10 findings from the initial hospital report which happened
11 the same day. She didn't find anything. So we don't have
12 to hide behind this idea that it might have healed over
13 several weeks, because she also reviewed the
14 contemporaneous report. Because remember, she said, "I
15 think the last time this happened was yesterday," and
16 yesterday in that context would have been October 6, 2017.
17 Her exam was on October 7, 2017, the same day that she
18 reported.

19 I would suggest to you that Shauna Galloway-Williams
20 and Dr. Crosswell and maybe Christine Carlberg, they are a
21 brand of true believers. They are advocates. They're
22 important. We need those people. We need people that are
23 willing to do this really difficult, very stressful work.
24 But they can get caught up in this. And if they are true
25 believers and they don't have a critical eye, then they

1 don't really help us. They're just there to advocate for
2 the child. I have no problem with that. But I don't
3 think they're able to help us determine what is true and
4 what is false, what is proven and what is unproven. They
5 are in the belief business. But we're in court. We're in
6 the proof business here. And there just isn't enough
7 proof. I'll submit there isn't any proof. It's an
8 allegation. We call it an allegation until we decide that
9 it's proof. So if it's not proof, it's just an
10 allegation.

11 Someone famous and probably a whole lot smarter than
12 I am said -- once said, "I am not upset that you lied to
13 me. I am upset that from now on I cannot believe you."
14 That's the problem with this case. Considering what we
15 saw, what we heard, what we experienced yesterday, there
16 is simply not enough evidence here to convict. There's
17 not proof beyond a reasonable doubt. The true verdict in
18 this case is not guilty.

19 Thank you.

20 THE COURT: Ms. Kluska?

21 MS. KLUSKA: No rebuttal necessary, Your Honor.

22 CHARGE ON THE LAW

23 THE COURT: Okay. All right. Ladies and gentlemen
24 of the jury, during this trial you and I have certain
25 duties to perform. And as the trial judge, it is my

1 responsibility to preside over the trial of the case and
2 to rule on the admissibility of the evidence that's
3 offered during the trial. It is also my duty to charge
4 you the law of the case, and it is your duty as jurors to
5 accept and apply the law as I now state it to you. If you
6 think you have any idea as to what the law is or what the
7 law ought to be and it differs from what I now tell you
8 the law is, you have sworn an oath to set aside your own
9 opinion and apply the law precisely as I state it to you.

10 I would also remind you that in every case tried in
11 this court before a jury, the jury is the sole and
12 exclusive judge of the facts, so please don't think from
13 anything I've done or said throughout the course of the
14 trial I have such an opinion. I don't, and it is up to
15 you to make those determinations.

16 I again remind you the fact that the defendant was
17 arrested, charged and indicted in this case is not
18 evidence of guilt, nor does it create any presumption or
19 inference of guilt. These documents are simply the formal
20 written instruments which contain the charge made against
21 the defendant, and they serve as the formal documents by
22 which the case is processed and brought through our
23 systems into court for resolution.

24 Now, necessarily, you must determine the credibility
25 or believability of the witnesses who have testified in

1 the case, and it becomes your duty as jurors to evaluate
2 the evidence and determine which evidence you believe is
3 true. And in believing -- in determining the
4 believability of the witnesses, you may believe one
5 witness over several, or several over one, you may believe
6 a part of the testimony of a witness and reject the
7 remaining part, you may believe the testimony of a witness
8 in its entirety or reject that same testimony in its
9 entirety, and you may consider whether the witness has an
10 interest in the result of the trial, whether the witness
11 is prejudiced towards either the State or the defendant,
12 the opportunity for the witness to have seen the matters
13 and things about which the witness has testified, and the
14 way the witness acts on the witness stand, or what we call
15 a witness's demeanor.

16 Now, the rules of evidence ordinarily do not permit
17 witnesses to testify to opinions or conclusions. An
18 exception to this rule exists for witnesses we call
19 experts. So a witness who, by education and experience,
20 has become expert in some art, science, or profession may
21 give an opinion as to the subject the witness claims to be
22 an expert in, and may also give the reasons for the
23 opinion. And you should consider any expert opinion given
24 by a witness, and like all of the other evidence, give it
25 the weight that you think it deserves.

1 Now, I instruct you and I emphasize that the fact
2 that the defendant did not testify is not a factor to be
3 considered by you in any way in your deliberations on the
4 question of the guilt or innocence of the defendant. It
5 must not be considered by you in any manner whatsoever.
6 Every citizen has the constitutional right to remain
7 silent, and the assertion of this right must not be
8 considered by the jury in its deliberations.

9 The defendant has pled not guilty to this indictment,
10 and that plea puts the burden on the State to prove the
11 defendant guilty. A person charged with committing a
12 criminal offense in South Carolina is never required to
13 prove themselves innocent, so I charge you that it is a
14 cardinal and a signal rule of our law that the defendant
15 in a criminal trial will always be presumed to be innocent
16 of the crime for which an indictment has issued unless
17 guilt has been proven by evidence satisfying you the jury
18 of that guilt beyond a reasonable doubt.

19 Now, a reasonable doubt is the kind of doubt which
20 would cause a reasonable person to hesitate to act, and
21 reasonable doubt may arise from the evidence which is in
22 the case or from the lack or absence of evidence in the
23 case, and you the jury must determine whether or not
24 reasonable doubt exists as to the guilt of this defendant.

25 The defendant is charged with first-degree criminal

1 sexual conduct with a minor. The State must prove beyond
2 a reasonable doubt that the defendant engaged in a sexual
3 battery with the victim.

4 A sexual battery is sexual intercourse, cunnilingus,
5 fellatio, anal intercourse or any intrusion, however
6 slight, of any part of a person's body or of any object
7 into the genital or anal openings of another person's body
8 except, of course, when the intrusion is accomplished for
9 medically recognized treatment or diagnostic purposes.

10 Now, the State must then prove beyond a reasonable
11 doubt that the victim was less than 11 years of age at the
12 time of the sexual battery. Consent, willingness,
13 indifference or ignorance on the part of the minor, if
14 any, as to what was taking place does not, in any way,
15 affect the charge of criminal sexual conduct of a minor
16 because an unmarried woman under the age of 14 cannot
17 legally consent to sexual intercourse.

18 Now, Mr. Foreman and ladies and gentlemen of the
19 jury, there are two possible verdicts which you may render
20 with respect to the indictment that you are going to be
21 considering. And there's no significance in the order in
22 which I state them. One's got to be first and one second.
23 And they are either guilty or not guilty.

24 I want to tell you that all 12 of you must agree on
25 the verdict. Your verdict must be unanimous. Your

1 verdict cannot be based on sympathy, passion, prejudice,
2 emotion or any other consideration not in evidence in the
3 case. You have no friends to reward, you have no enemies
4 to punish.

5 Now, Mr. Foreperson, we prepared a verdict form.
6 It's very simple. If you have any trouble understanding
7 it or deciphering it, please let me know and I'll explain
8 it to you. And we're going to send this back to the jury
9 room with you along with the evidence in the case.

10 So when you reach a verdict, if you will, signal to
11 the bailiffs and we will receive you back into the
12 courtroom to receive your verdict.

13 So at this time, I'm going to excuse you all back to
14 your jury room. I'm going to ask you not to begin your
15 deliberations. And I'm searching around. I cannot allow
16 Ms. Simmons or Ms. Grimsley to go back into deliberations.

17 So I'm going to excuse the 12 original members of the
18 jury back and ask you not to begin your deliberations
19 until you receive the verdict form and the evidence in the
20 case, okay?

21 I'd ask you two just to stay in the courtroom with
22 us.

23 (WHEREUPON, the jury exits the courtroom at 12:55 PM.)

24 THE COURT: All right. Any exception or objection to
25 the charge from the State?

1 MS. KLUSKA: No, Your Honor.

2 THE COURT: Defense?

3 MR. HARBIN: Judge, I would renew my motion to
4 include the jury instruction that I provided on the basis
5 that there was direct comment, like exactly in the lane
6 that I was worried about from the State as to my defense
7 and suggesting that I needed to explain something, which
8 was precisely what I was worried about in that -- trying
9 to address with that instruction.

10 THE COURT: Okay. Well, you're in the record on
11 that.

12 All right. Ladies, I want to thank you all for your
13 service. You are just as qualified as all 12 of those
14 folks. You paid just as much attention. I knew it was
15 going to be a multiple-day trial, so we didn't know if
16 something would happen to somebody, so we needed to have
17 some alternates. The law won't allow me to let you go
18 back there and deliberate, so you have concluded your
19 service for today. And normally, I guess I'm supposed to
20 tell them to go call back -- call back after 6:00 tonight,
21 find out if you're -- what your next instruction would be.
22 So you can go, stay, whatever you prefer. All right?
23 Thank you.

24 All right. And for the record, I'm not sure it was
25 ever put on the record, we've only submitted one

1 indictment to the jury. The State -- that was the State's
2 decision. And so we're sending Indictment
3 2018-GS-23-00955 to the jury for their deliberation.

4 Okay. All right. Do y'all want to look at the --
5 make sure everything's together? And let's send it back
6 to them.

7 (WHEREUPON, a recess is taken at 12:59 PM, and the jury
8 starts deliberations; Court's Exhibit Number 2 was marked
9 for identification.)

10 THE COURT: I've got a question (as read), "Does the
11 defendant has seen or had access/custody rights to his
12 biological daughter Rosalie?" That's the question. And I
13 think the answer should probably be, "You all have all the
14 evidence in -- all the evidence has been presented," or
15 "You are in possession of all the evidence."

16 MR. HARBIN: Judge, my only concern with that is that
17 if there's a way to let them know that not only do they
18 not have that evidence, that's not part of this case.
19 That's -- I know that's kind of getting in a little bit
20 deeper than we normally do ---

21 THE COURT: Yeah.

22 MR. HARBIN: --- but it's my concern that they're
23 clearly kind of going someplace that's not relevant, I
24 guess.

25 THE COURT: It wouldn't be the first time a jury did

1 that.

2 MR. HARBIN: Yes, sir.

3 THE COURT: So my answer is, "You are in possession
4 of all of the evidence." They have to remember it. Okay?
5 I mean, there's nothing -- I can't comment on the facts.
6 I'll show you when I finish writing it.

7 (WHEREUPON, Court's Exhibit Number 3 was marked for
8 identification.)

9 THE COURT: All right. Y'all come look at it so we
10 know what it is.

11 (Pause in proceedings.)

12 THE COURT: Okay. Curt, you want to take it on back
13 to them?

14 All right. Let's just be at ease.

15 (WHEREUPON, a recess is taken at 3:02 PM.)

16 THE COURT: Okay. I understand we have a verdict.
17 And I want to make it very plain this is -- don't know
18 what it's going to be, but I do not expect any outburst in
19 this courtroom. Okay.

20 (WHEREUPON, the jury entered the courtroom at 3:31 PM.)

21 THE COURT: Please make sure all cell phones are off.

22 Mr. Foreman, I understand y'all have reached a
23 verdict.

24 JURY FOREPERSON: Yes, sir, we have.

25 THE COURT: Okay. If you would, hand it to the

1 bailiff for me. Thank you.

2 All right. Madam Clerk, would you please publish.

3 VERDICT

4 THE CLERK: In the case of the State of South
5 Carolina vs. Dustin Geoffrey Ready, Case Number
6 2018-GS-23-00955, as to the charge of criminal sexual
7 conduct with a minor in the first degree, we the jury find
8 the defendant guilty. I certify this decision was the
9 unanimous decision of the jury, signed Chris Sherman, jury
10 foreperson.

11 If this is the verdict that you came to in your
12 deliberation room, please raise your right hands.

13 (WHEREUPON, all jurors raised their right hand.)

14 THE CLERK: Thank you.

15 THE COURT: All right. Anything further from the
16 jury from the State?

17 MS. KLUSKA: No, Your Honor.

18 THE COURT: From the defense?

19 MR. HARBIN: No, sir.

20 THE COURT: All right. Ladies and gentlemen, I want
21 to thank you very much for your service. I think -- I
22 believe I have to ask you to call back after 6:00 tonight
23 to determine whether or not you will need to report again.
24 And with that, I hope you all feel a deep sense of
25 satisfaction for fulfilling a really difficult civic

1 responsibility.

2 With that, y'all are welcome to stay, leave, whatever
3 you would like to do. Okay.

4 (WHEREUPON, the jury exits the courtroom at 3:34 PM.)

5 THE COURT: All right. Any motions?

6 MR. HARBIN: Nothing from defense, Judge.

7 THE COURT: Okay.

8 MS. KLUSKA: Nothing from the State, Your Honor.

9 THE COURT: All right. Ready for sentencing?

10 MR. HARBIN: Do you want us to come up there?

11 THE COURT: No. Come on around.

12 All right. What do you want to tell me?

13 MR. HARBIN: Yes, sir, Judge. As you heard earlier,
14 my client doesn't have a record. To the extent that these
15 types of crimes can be -- cannot be aggravated, I don't
16 believe this was an aggravated case.

17 Judge, I just ask you to consider giving him the
18 minimum on this. It's still the rest -- the majority of
19 the rest of his productive adult life, I suppose. I'd ask
20 his parents if they would like to speak. Would you like
21 to say a few words, either of y'all? It might be too
22 emotional. Oh, okay. All right.

23 Judge, I'll let my client speak. I just ask you to
24 consider giving him the minimum, Judge.

25 THE COURT: Okay.

1 MR. HARBIN: 25 years is a long time.

2 DEFENDANT READY: What would you like for me to say,
3 sir?

4 THE COURT: Whatever you'd like to say.

5 DEFENDANT READY: I just -- I don't -- I just -- I
6 personally feel like they should have -- with the lack of
7 evidence, I just ---

8 MR. HARBIN: The judge is not asking you to argue the
9 case.

10 DEFENDANT READY: I understand.

11 MR. HARBIN: This is your opportunity ---

12 THE COURT: This carries 25 years mandatory minimum
13 to life in prison, and that's where we are.

14 MR. HARBIN: This is just your -- I apologize.

15 THE COURT: No. That's all right.

16 DEFENDANT READY: Yes, yes. Well, then, sir, I would
17 like to just say that I am a good person. I would -- I'm
18 asking respectfully from you, sir, for the -- for the
19 minimum here so that I can try to at least get out when
20 I'm an old man and try to live some kind of life.

21 THE COURT: Okay. Anything from the State?

22 MS. KLUSKA: Your Honor, while he doesn't have
23 anything that would have been impeachable against him if
24 he had testified, he does have just a few minor things on
25 his record.

Sentence

1 THE COURT: Okay.

2 MS. KLUSKA: 2003 out of North Carolina, misdemeanor
3 larceny; 2005, breaking and entering; and 2005, larceny
4 after breaking and entering. Those are all from North
5 Carolina.

6 MR. HARBIN: I apologize, Judge. I just completely
7 blanked on his record.

8 MS. KLUSKA: That's okay.

9 MR. HARBIN: I did not mean to misrepresent ---

10 THE COURT: That's all right. It's not ---

11 MS. KLUSKA: He does have credit, Your Honor, for
12 1,195 days on HIP and 35 days in jail.

13 THE COURT: 1,195?

14 MS. KLUSKA: Yes, Your Honor.

15 THE COURT: And how many?

16 MS. KLUSKA: And 35 days in jail.

17 And we leave sentencing to your discretion, Your
18 Honor.

19 THE COURT: Well, is there any victim input, anything
20 the victims want to say?

21 MS. KERRI FARMER: No, Your Honor.

22 SENTENCE

23 THE COURT: 30 years. Best of luck.

24 (WHEREUPON, proceedings concluded at 3:38 PM.)

25

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WITNESSES

Airien A Grimstad

Greenville County Sheriffs Office

1/6/2018

ARREST WARRANT NUMBER

2018A2310100001

ACTION OF GRAND JURY

TRUE BILL

Clay Tuttle
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-23-
LBP

000955

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

March

TERM 2018

THE STATE

vs.

DUSTIN GEOFFREY READY

Indictment for

0385

CRIMINAL SEXUAL CONDUCT WITH A MINOR
FIRST DEGREE

VIOLATION § 16-03-0655(A)(1)

ENTERED ACCT

AN

FILED

FEB 15 2018

Clerk of Court
Greenville County

234

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE) INDICTMENT FOR
) CRIMINAL SEXUAL CONDUCT WITH A MINOR FIRST DEGREE

At a Court of General Sessions, convened on **MAR 20 2018** the Grand Jurors of Greenville
County present upon their oath: *Em 5/17/21*

That DUSTIN GEOFFREY READY did in Greenville County, between August, 2015 and ~~September~~ **October 6**,
2017, commit a sexual battery on S.A., who was less than eleven years of age. This is in violation of
§16-03-0655(A)(1)[formerly 16-3-655(1)] 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.

Shirley J. Powell

SOLICITOR

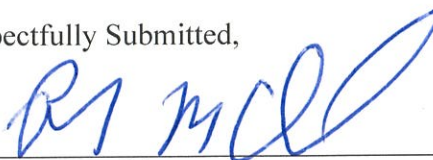
BAR # 69114

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Amended 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."

RECEIVED**Dec 08 2022****SC Court of Appeals**

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 8th day of December, 2022.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Dec 08 2022

SC Court of Appeals

Appeal from Greenville County

Honorable Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

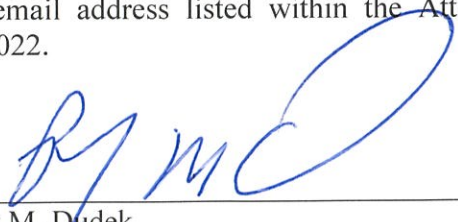
DUSTIN GEOFFREY READY,

APPELLANT.

APPELLATE CASE NO. 2021-000598

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Amended Record on Appeal in the above-referenced case has been served upon Ambree M. Muller, Esquire, at the primary email address listed within the Attorney Information System (AIS), this 8th day of December, 2022.



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT