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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County

Honorable Courtney Clyburn-Pope, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOSEPH EUGENE EDMOND,

APPELLANT

APPELLATE CASE NO. 2023-000799

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1 STATE OF SOUTH CAROLINA IN THE FAMILY COURT
2 COUNTY OF AIKEN CASE NO. 2021GS0201420
3 2023GS0201045
4 STATE OF SOUTH CAROLINA
5 Plaintiff,
6 -vs- TRANSCRIPT OF RECORD
7 JOSEPH EUGENE EDMOND
8 Defendant.
9
10 May 8, 9, & 11, 2023
11 Aiken, SC
12 BEFORE:
13 The Honorable Courtney Clyburn-Pope, Judge.
14
15 APPEARANCES:
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18 Attorneys for the State
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20 William McKellar, Esq.
21 Barry Thompson, Esq.
22 Attorneys for Defense
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25 Court Reporter

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1 MS. HAMMACK: The first case up for trial is
2 that of Joseph Eugene Edmond, represented by
3 Will McKellar and prosecuted by myself. They are
4 bringing in Mr. Edmond now.

5 (WHEREUPON, the defendant entered the
6 courtroom.)

7 THE COURT: All right, Madam Solicitor, what is
8 the status of this case?

9 MS. HAMMACK: Your Honor, Mr. Edmund is charged
10 with one count of criminal sexual conduct with a
11 minor first degree, and one count of criminal sexual
12 conduct with a minor in the third degree. It's my
13 understanding that this is a trial.

14 THE COURT: Mr. McKellar, is that your
15 understanding, sir?

16 MR. MCKELLAR: That is correct, Your Honor. It
17 is a trial.

18 THE COURT: All right. Mr. Edmond, you
19 understand that the Solicitor has called your case
20 for trial, and you are here today with your
21 attorney, Mr. McKellar. Are you prepared to go to
22 trial?

23 MR. EDMOND: Yes, ma'am.

24 THE COURT: Very well, sir. We will do that.
25 And I understand that there are some pretrial

1 motions that we're hearing?

2 MS. HAMMACK: That's correct, Your Honor.

3 THE COURT: Okay. All right, Mr. McKellar,
4 Ms. Hammack, I'm going to handle a little bit of
5 business prior to those pretrial motions, but we
6 will come back Mr. Edmond, and you will be present
7 for those pretrial motions.

8 MR. EDMOND: Yes, ma'am.

9 THE COURT: Do you have any questions for me?

10 MR. EDMOND: No, ma'am.

11 THE COURT: All right. Very good.

12 MR. MCKELLAR: Thank you, Your Honor.

13 (WHEREUPON, the Court handled other
14 matters.)

15 THE COURT: Madam Solicitor, and Mr. McKellar,
16 do you have just, copies of the motions? Something
17 I can reference?

18 MS. HAMMACK: I believe I've got a copy of
19 Mr. McKellar's motion.

20 THE COURT: All right. All right, Madam
21 Solicitor.

22 MS. HAMMACK: Thank you, Your Honor. This is
23 the case of Joseph Eugene Edmond charged in 2021
24 GSO2 01420 with criminal sexual conduct with a minor
25 in the first degree, in 2023 GSO2 01045 with

1 criminal sexual conduct with a minor in the third
2 degree. My understanding is that we need to first
3 arraign Mr. Edmond on his 2023 indictment for
4 criminal sexual conduct with a minor in the third
5 degree.

6 MR. MCKELLAR: Would you like us to approach,
7 Your Honor?

8 THE COURT: Yes, please. All right,
9 Mr. Edmond, I'm going to read, I'm going to read to
10 you during this arraignment the indictments with
11 which you have been charged. At a court of general
12 sessions convened on May 8, 2023 the grand jurors of
13 the Aiken County present upon their oath that Joseph
14 Eugene Edmond, being over the age of 14 years old,
15 did in Aiken County on or about March 7th, 2021,
16 willfully and brutally commit or attempt to commit a
17 lewd or lascivious act upon or with the body of
18 Minor [REDACTED] a child under the age of 16 years,
19 with the intent of arousing, appealing to, or
20 gratifying the lusts, passions, and sexual desires
21 of himself or such child on violation of statute
22 number 16-3-655 of the Code of Laws of
23 South Carolina as amended.

24 Madam Clerk, may I have the second indictment?
25 Mr. Edmond, the second indictment reads, at a court

1 of general sessions convened on September 13th, 2021
2 the grand jurors of Aiken County present upon their
3 oath that Joseph Eugene Edmond did in Aiken County,
4 on or about March 7th, 2021, commit the crime of
5 criminal sexual conduct with a minor in the first
6 degree. And that the defendant did commit a sexual
7 battery upon **Minor** a minor who was under
8 11 years of age at the time of the incident. All in
9 violation of Statute 16-3-655 Code of Laws of
10 South Carolina as amended. Mr. Edmond, at this time
11 you have been indicted under both charges. How do
12 you plead?

13 MR. EDMOND: Not guilty.

14 THE COURT: You plead guilty to -- you plead
15 not guilty to both charges, sir?

16 MR. EDMOND: Yes, ma'am.

17 THE COURT: All right. Mr. McKellar.

18 MR. MCKELLAR: Thank you, Your Honor.
19 Mr. Edmond requests a jury trial on each charge.

20 THE COURT: All right. Madam Solicitor, is the
21 State ready to proceed with a jury trial?

22 MS. HAMMACK: We are.

23 THE COURT: All right. Mr. Edmond, I am
24 accepting your plea of not guilty. We will move
25 forward with the trial. At this time -- we will

1 select your jury tomorrow, then. But at this time
2 we will hear some pretrial motions from the State
3 and from Mr. McKellar.

4 MR. EDMOND: Yes, ma'am.

5 THE COURT: Thank you, sir. Thank you,
6 Mr. McKellar.

7 MR. MCKELLAR: Thank you, Your Honor.

8 THE COURT: All right, Madam Solicitor.

9 MS. HAMMACK: Your Honor, the State has no
10 pretrial motions. We do have a copy of the child's
11 forensic interview for Your Honor to review before
12 you can make the necessary findings as to its
13 admissibility. But we're not actually calling any
14 witnesses to that effect right now. I believe the
15 only other pretrial motion is Defense's motion.

16 THE COURT: All right. Thank you, Madam
17 Solicitor. Mr. McKellar, she's going to -- you have
18 seen a copy of this video, I understand.

19 MR. MCKELLAR: I have, Your Honor.

20 THE COURT: All right. And so I will take the
21 time to review that over the lunch period, and then
22 issue my findings over the admissibility. Do you
23 have any argument regarding the admissibility that
24 you wish for me to consider?

25 MR. MCKELLAR: Not at this time, Your Honor.

1 THE COURT: Okay. All right. Your motions,
2 Mr. McKellar.

3 MR. MCKELLAR: Your Honor, the defense moves to
4 suppress the video of Mr. Edmond's statement to law
5 enforcement, the Jackson v Denno hearing. We would
6 ask for a ruling on the voluntariness of
7 Mr. Edmond's statement.

8 THE COURT: Do you have any -- do you wish to
9 call witnesses regarding this hearing?

10 MS. HAMMACK: The State is prepared to call
11 witnesses, Your Honor.

12 THE COURT: All right, very good. Let's
13 proceed.

14 MS. HAMMACK: The State would call Robert
15 Sullivan.

16 JOHN ROBERT SULLIVAN, called as a witness,
17 having been duly sworn by the clerk, was examined
18 and testified as follows:

19 DIRECT EXAMINATION

20 BY MS. HAMMACK

21 Q. Please state and spell your last name.

22 A. Yes, it's S-U-L-L-I-V-A-N.

23 Q. And Investigator, I'm not sure which of these
24 microphones is on, but I'm going to ask you to speak
25 into both of them so we can hear you clearly.

R. Sullivan - Direct by Ms. Hammack

11

1 A. Okay.

2 Q. Tell me, what do you do for a living?

3 A. I'm an investigator for the Aiken County
4 Sheriff's Office.

5 Q. And how long have you been employed by the
6 Aiken County Sheriff's office?

7 A. It's been -- it will be seven years in June.

8 Q. And as an investigator for the Aiken County
9 Sheriff's Office do your job, do your job duties
10 include interviewing and interrogating suspects and
11 investigating the crimes?

12 A. It does.

13 Q. And were you working on March 10th of 2021?

14 A. I was.

15 Q. Did you have an opportunity to interview the
16 defendant in this case, Mr. Joseph Edmond?

17 A. I did.

18 Q. And where did you interview him?

19 A. At the Aiken County Sheriff's Office.

20 Q. Now in March of 2021 were you using the
21 standard interview room at the sheriff's office?

22 A. I was not.

23 Q. Why were you not using the standard interview
24 room?

25 A. Because of COVID. They had a rule where we

1 were not allowed to let anyone outside of law
2 enforcement inside the building. So we made the
3 conference room our interview room.

4 Q. And when you interviewed Mr. Edmond in that
5 conference room at the sheriff's office, was he in
6 custody?

7 A. He was.

8 Q. Had he been arrested in this case at that time?

9 A. He was.

10 Q. And when was he arrested in this case prior to
11 your interview?

12 A. I'm sorry, when?

13 Q. Uh hmm.

14 A. Oh, March the 10th.

15 Q. Was he served with his warrant right before you
16 interviewed him?

17 A. He was.

18 Q. And because he was already in custody at the
19 time that you interviewed him, did you advise him of
20 his Miranda Rights?

21 A. I did.

22 Q. And when you advise a defendant of the Miranda
23 Rights, how do you do that?

24 A. We have a written -- standard written form that
25 we use. I will read it word for word. I will ask

R. Sullivan - Direct by Ms. Hammack

13

1 them or tell them if they have any questions, or
2 they don't understand something, to let me know and
3 I'll explain it to them that -- the best I can.

4 Q. And is that how you reviewed Mr. Edmond's
5 Miranda Rights with him on this day?

6 A. It was.

7 Q. And when you reviewed Mr. Edmond's Miranda
8 Rights with him, did you first read those rights and
9 explain them to him?

10 A. I did.

11 Q. And when you did that, did he indicate that he
12 had any questions about the rights that he had?

13 A. He did not.

14 Q. At any point did he appear confused by what you
15 read to him?

16 A. He did not.

17 Q. At any point did he appear to be under the
18 influence of any drugs or alcohol such that he could
19 not understand what y'all were talking about?

20 A. No.

21 Q. If that had been the case, would you have
22 continued to explain his Miranda Rights to him?

23 A. If he was under the influence where he could
24 not understand, I would not. I would stop.

25 Q. Investigator Sullivan, once you go over the

1 defendant's Miranda Rights with them, do you do
2 anything to make them notate that they understand
3 each of those rights?

4 A. Yeah. I'll have them initial in each block and
5 I'll tell them that it's -- that I read it to you
6 and you understand it.

7 Q. And in this case did Mr. Edmond initial next to
8 each of his Miranda Rights indicating that he
9 understood his rights?

10 A. He did.

11 Q. So he was able to follow your directions as you
12 explained that to him?

13 A. He did.

14 Q. After you reviewed his Miranda Rights with him,
15 did you ask him if he wished to give a statement to
16 you without a lawyer present?

17 A. I did.

18 Q. And what was his response?

19 A. He agreed. He signed the form, which is a
20 standard waiver of rights that we will read to them.

21 Q. And by signing that form, did that indicate
22 that he was willing to waive his rights and speak
23 with you at that time?

24 A. It is.

25 Q. And before he signed that form, did he indicate

R. Sullivan - Direct by Ms. Hammack

15

1 that he had any questions or concerns about waiving
2 his rights?

3 A. He did not.

4 Q. When he waived his rights, did you promise him
5 anything in order to get him to waive his Miranda
6 Rights and speak to you?

7 A. I did not.

8 Q. Did you threaten him in any way in order to get
9 him to waive his Miranda Rights and speak to you?

10 A. I did not.

11 Q. After he -- telling him he signed indicating
12 that he understood his rights, did he also sign or
13 initial indicating that he was willing to waive
14 those rights?

15 A. Yes, he initialed and signed.

16 Q. And did you then sign that indicating that you
17 witnessed Mr. Edmond's waiver of rights?

18 A. I did.

19 Q. Investigator Sullivan, I'm showing you what's
20 been premarked for purposes of this hearing, as
21 Exhibit 1. Do you recognize that?

22 A. I do.

23 Q. What is that?

24 A. That's the standard Miranda form I went over
25 with Joseph Edmond. I had him initial, sign, and I

1 signed. That's my signature at the bottom.

2 Q. And those are his initials and signatures that
3 you watched him initial and sign?

4 A. They are.

5 Q. And those indicated to you that he was willing
6 to waive his rights and speak to you at that point?

7 A. Yes, it was.

8 MS. HAMMACK: Your Honor, at this time we would
9 move Exhibit 1 for purposes of this hearing into
10 evidence.

11 THE COURT: Any objection?

12 MR. MCKELLAR: No objection, Your Honor.

13 THE COURT: Then it's so moved.

14 BY MS. HAMMACK

15 Q. Now Investigator Sullivan, after Mr. Edmond was
16 explained each of his Miranda Rights, he indicated
17 he understood those rights, and then he waived those
18 rights. Did he then speak with you about this
19 incident?

20 A. He did.

21 Q. And when y'all were speaking, did this occur in
22 that conference room?

23 A. Yes, we never moved.

24 Q. Tell me what that conference room looks like.

25 A. It had a large table, probably held four

R. Sullivan - Direct by Ms. Hammack

17

1 chairs, six -- or three chairs on each side, maybe.
2 It's a large room. The captain's office is on -- or
3 the former -- he's not captain anymore, but anyway,
4 his office was in there, behind a door. And then we
5 have another door -- excuse me -- that closes off to
6 the hallway, which leads to the rest of
7 investigations.

8 Q. And during the course of your interview with
9 the defendant, how many officers were in the room
10 with you?

11 A. When I interviewed him, it was just me.

12 Q. And did you do anything to record this
13 interview?

14 A. I did. We had a video camera.

15 Q. And while you were interviewing the defendant,
16 at any point, did you threaten him in order to get
17 him to continue talking to you?

18 A. I did not.

19 Q. Did you promise him anything in order to get
20 him to continue talking to you?

21 A. No.

22 Q. If the defendant, at any point, had requested
23 the interview end and that he have an attorney,
24 would you have ended the interview at that time?

25 A. I would have.

1 Q. And during the course of your conversation with
2 the defendant, did he ever ask that the interview
3 end and ask for an attorney?

4 A. He did not.

5 Q. At any point, if the defendant had indicated
6 that he didn't understand what was going on, would
7 you have concluded the interview at that point?

8 A. Yes.

9 Q. At any point did the defendant indicate that he
10 didn't understand what was going on?

11 A. He never did.

12 Q. In your experience, at any point, did his
13 behavior or speech indicate to you that he was not
14 in a position to speak to you?

15 A. No.

16 Q. If that had been the case would you have ended
17 the interview at that time?

18 A. Yes.

19 Q. You stated that you recorded the interview on
20 video. Were those then burned to a disc for
21 playing?

22 A. They were.

23 Q. Investigator Sullivan, I'm showing you what's
24 been premarked as Exhibit 2 for purposes of this
25 hearing. Will you take a look at that and tell me

R. Sullivan - Direct by Ms. Hammack

19

1 if you recognize it?

2 A. I do.

3 Q. What is that?

4 A. This is the recorded interview with Joseph
5 Edmond.

6 Q. And have you, have you had a chance to review
7 that interview to make sure that that is the
8 interview that you did with him?

9 A. Yes, I did.

10 Q. And did you memorialize that by initialing
11 those discs?

12 A. I did, both of them.

13 Q. And Investigator Sullivan, do you know why it's
14 two discs instead of one?

15 A. The camera we used was like a Handycam, so it
16 just made separate files. And the files are pretty
17 large.

18 Q. And was that also a result of things changing
19 and locations changing because of COVID?

20 A. Yes. Since we were in a conference, that's the
21 only camera we had.

22 Q. But even though it's separate files, and
23 ultimately on two discs, that's all just the one
24 interview that you had with Mr. Edmond on March 10th
25 of 2021?

1 A. Yes.

2 MS. HAMMACK: Your Honor, at this time we would
3 move Exhibit 2 into evidence for purposes of this
4 hearing.

5 THE COURT: Any objection?

6 MR. MCKELLAR: No objection.

7 THE COURT: All right. So moved.

8 BY MS. HAMMACK

9 Q. Investigator Sullivan, at the end of your
10 videotaped interview with the defendant, did you ask
11 him to give a written statement?

12 A. I did.

13 Q. And did you use a standard statement form that
14 the sheriff's office has?

15 A. I did.

16 Q. And did you explain that form to the defendant
17 before he wrote a statement?

18 A. I had him fill out the top, I believe, and told
19 him it is a written statement form.

20 Q. And once he did that, did you allow him to
21 write a statement on his own in his own words?

22 A. Yes, I wrote the questions and allowed him to
23 write the answers.

24 Q. At any point did you tell the defendant what to
25 write?

R. Sullivan - Direct by Ms. Hammack

21

1 A. I did not.

2 Q. At any point did you threaten him in order to
3 get him to write this written statement?

4 A. No.

5 Q. At any point did you promise him anything in
6 order to get him to write this written statement?

7 A. No.

8 Q. If he had asked not to write this written
9 statement, would you have made him do it anyway?

10 A. I wouldn't have.

11 Q. And ultimately, did he sign this statement
12 indicating that this was his statement in his own
13 writing?

14 A. Yes, he did.

15 Q. And did you witness that signature?

16 A. I did.

17 Q. And did you watch him as he wrote this
18 statement?

19 A. I did.

20 Q. Investigator Sullivan, I'm showing you what's
21 been premarked as Exhibit 3 for purposes of this
22 hearing. Do you recognize that?

23 A. I do.

24 Q. What is it?

25 A. That's the voluntary statement form that I --

1 written statement that I took from Joseph Edmond.

2 Q. And is that his handwriting in response to each
3 of your questions on that statement?

4 A. That is his handwriting.

5 Q. Is that his signature at the bottom of that
6 page?

7 A. Yes, it is.

8 Q. Is it, ultimately, two pages worth of
9 statement?

10 A. It is.

11 Q. And again, is that his handwriting and his own
12 words on the second page, as well?

13 A. It is.

14 MS. HAMMACK: Your Honor, at this time we would
15 move Exhibit 3 into evidence for purposes of this
16 hearing.

17 THE COURT: Any objection?

18 MR. MCKELLAR: No objection.

19 THE COURT: All right, so moved.

20 BY MS. HAMMACK

21 Q. And did you leave the camera on while he made
22 that written statement?

23 A. I did. It was still running. I never stopped
24 it until the end of the interview.

25 Q. And when you say the end of the interview, did

1 any other questions or conversations happen after
2 that recording stopped?

3 A. No, it did not.

4 MS. HAMMACK: Your Honor, at this time we would
5 like to publish Exhibit 2, the videotape recording
6 of the defendant's statement.

7 THE COURT: Any objection, Mr. McKellar?

8 MR. MCKELLAR: No objection.

9 THE COURT: All right, you are allowed to
10 publish.

11 (WHEREUPON, the State attempted to publish
12 the videotaped recording.)

13 MS. HAMMACK: And Your Honor, I apologize. If
14 you'll give us just a second. I'm having some audio
15 issues.

16 THE COURT: Certainly, Madam Solicitor.

17 MS. HAMMACK: And Your Honor, if you'd like for
18 purposes of this hearing, if Your Honor would like
19 to watch this video on your own, and then we can
20 argue after you've had a chance to watch the video.
21 Whichever you prefer.

22 THE COURT: We can certainly do that if it is
23 more convenient. You are still having technical
24 issues?

25 IT TECH: Yeah, I'm having to restart the

1 computer.

2 THE COURT: Okay, well we can certainly do that
3 just to save some judicial time. If there are any
4 questions that I have, then I can certainly come
5 back on the record regarding that video.

6 MS. HAMMACK: And I'm sure Mr. McKellar is
7 going to have either cross-examination or argument
8 at the conclusion of the motion, as well.

9 THE COURT: All right.

10 MR. MCKELLAR: At this time I don't have any
11 cross-examination planned.

12 THE COURT: Okay. So no questions for
13 Investigator Sullivan?

14 MR. MCKELLAR: At this time, I don't, no.

15 THE COURT: All right. So in the event I watch
16 that video and I have some questions I would allow
17 you to cross-examine at that time if it is
18 necessary. I don't really foresee that happening
19 after watching this video, but will certainly
20 reserve the right for you to do that.

21 MR. MCKELLAR: Yes, Your Honor.

22 THE COURT: Okay. All right, you want to just
23 go ahead and move forward, Madam Solicitor?

24 MS. HAMMACK: Yes, Your Honor.

25 THE COURT: Or do you wish to try again?

R. Sullivan - Direct by Ms. Hammack

25

1 IT TECH: It just powered down for a few
2 seconds.

3 MS. HAMMACK: Your Honor, I don't have any
4 further questions for -- well, I'll ask a couple
5 more.

6 THE COURT: All right.

7 MS. HAMMACK: And then that should conclude the
8 State's presentation.

9 THE COURT: All right. Mr. McKellar.

10 MR. MCKELLAR: I may have a very, very short
11 cross.

12 THE COURT: All right. She's got, she's got a
13 few more questions, and then we'll allow you to
14 cross. All right, Madam Solicitor.

15 BY MS. HAMMACK

16 Q. Investigator Sullivan, are you aware of how
17 long this interview is?

18 A. Yes, approximately.

19 Q. Is it about an hour long?

20 A. Yes, it's about an hour long.

21 Q. At any point did the defendant ask you for a
22 break or for questioning to pause?

23 A. He did not.

24 Q. Had he asked you for a break, would you have
25 allowed him one?

1 A. Yes.

2 MS. HAMMACK: I don't have any further
3 questions for purposes of this hearing. Please
4 answer any questions Mr. McKellar may have.

5 THE COURT: Mr. McKellar, your witness.

6 MR. MCKELLAR: Thank you, Your Honor.

7 CROSS EXAMINATION

8 BY MR. MCKELLAR

9 Q. Good morning.

10 A. Hey, good morning.

11 Q. Were you trained in the Reid Interrogation
12 Method?

13 A. I did take a class.

14 Q. Did you utilize the Reid Interrogation method
15 in this case?

16 A. Parts of it, or elements of it.

17 Q. Okay. Can you explain to me what parts you did
18 use?

19 A. The interview part, and then more of the --
20 when certain questions to potentially develop things
21 if it seemed he was not telling the truth. And then
22 on the interrogation -- I didn't take a break.
23 That's the normal process. And then I confronted
24 him with an accusation.

25 Q. Okay. Did you use any minimization techniques?

R. Sullivan - Redirect by Ms. Hammack

27

1 A. Yes.

2 Q. And what minimization techniques did you use?

3 A. I told him it was a mistake.

4 Q. Okay. And the objective -- what are you --
5 what's the point in telling Mr. Edmond that this was
6 a mistake?

7 A. For him to, I guess, feel better and tell me
8 the truth.

9 MR. MCKELLAR: Beg the Court's indulgence.

10 THE COURT: Sure.

11 MR. MCKELLAR: No further questions, Your
12 Honor.

13 THE COURT: All right. Any redirect?

14 MS. HAMMACK: Very briefly.

15 REDIRECT EXAMINATION

16 BY MS. HAMMACK

17 Q. Investigator Sullivan, the Reid Technique for
18 interrogation deals with identifying and dealing
19 with deception when you're talking with a suspect or
20 a defendant; isn't that correct?

21 A. Yes.

22 Q. Does it have anything to do with whether
23 somebody's willing to talk to you or not?

24 A. No.

25 MS. HAMMACK: No further questions.

1 THE COURT: Any recross?

2 MR. MCKELLAR: Nothing, Your Honor.

3 THE COURT: All right, this witness may be
4 excused.

5 THE WITNESS: Thank you.

6 THE COURT: Please watch your step going down.
7 All right, does the State have any other witnesses?

8 MS. HAMMACK: Not for this hearing.

9 MR. MCKELLAR: The defense does not intend to
10 call any witnesses, Your Honor.

11 THE COURT: All right. Madam Solicitor, do you
12 have any argument regarding the admission of this
13 interview?

14 MS. HAMMACK: Your Honor, for purposes of
15 Jackson v Denno the determination is whether the
16 defendant is making a knowing and voluntary
17 statement. The uncontroverted testimony in this
18 hearing is that the defendant was advised -- he was
19 in custody, he was advised of his Miranda Rights.
20 He was not required to read them on his own, but
21 actually had them read to him to minimize any issues
22 with being able to read or understand certain words.
23 He indicated that he understood each of those
24 rights. And he indicated that he was willing to
25 waive those rights and give a statement.

1 It was a brief interview. It was only about an
2 hour long. He wasn't kept for an unduly long time
3 without a break. The uncontroverted testimony by
4 the investigator is that no threats were made, and
5 no promises were given in order for the defendant to
6 make his statement, and that had he wanted the
7 interview to stop at any point, it would have. But
8 that the defendant did not request that the
9 interview stop.

10 So for purposes of this hearing, and the
11 voluntariness of this statement, the uncontroverted
12 testimony is that this was made knowing and
13 voluntarily, was reduced, both to writing in the
14 defendant's own hand, and he signed and initialed
15 indicating that he was willing to talk to law
16 enforcement.

17 THE COURT: Thank you, Madam Solicitor.
18 Mr. McKellar.

19 MR. MCKELLAR: Thank you, Your Honor. Are you
20 going to, are you going to watch the video before
21 making your ruling on this matter?

22 THE COURT: I will.

23 MR. MCKELLAR: Okay.

24 THE COURT: And so I'm hearing the argument.
25 If there are any questions, we will resume.

1 MR. MCKELLAR: Judge, I don't have any argument
2 to make. I would just ask for a finding on whether
3 or not the State will voluntarily give evidence.

4 THE COURT: All right, very good, Mr. McKellar.
5 Thank you. Madam Solicitor, if you will make sure
6 that I have copy of the disc but further I will need
7 a drive for which to play on. The State does not
8 equip us with --

9 MS. HAMMACK: An external --

10 THE COURT: -- an external drive. Yes, ma'am.

11 MS. HAMMACK: I will get one.

12 THE COURT: Thank you, all right. Any
13 objection on using the State's external disc drive?

14 MR. MCKELLAR: None, Your Honor.

15 THE COURT: Thank you. All right, Madam
16 Solicitor.

17 MS. HAMMACK: The only other thing I would
18 submit is the forensic interview for Your Honor's
19 review at your convenience, as well.

20 THE COURT: All right. We will review both of
21 those. Would you -- Well, with regards to the
22 Jackson v Dunno, I will review that and make my
23 ruling immediately after lunch. I'll need some more
24 time regarding the forensic interview.

25 MR. MCKELLAR: Thank you, Your Honor.

1 MS. HAMMACK: Would Your Honor like me to make
2 this the Court's exhibit, or I mean this could just
3 be your copy, however you prefer.

4 THE COURT: I'll make it a Court's exhibit.
5 Just for the purposes of this hearing it will be
6 Court's Exhibit 1.

7 MS. HAMMACK: Ms. Davis, can it be --

8 THE COURT: Or does it need to be Court's
9 Exhibit 4?

10 COURT MONITOR: (Inaudible).

11 MS. HAMMACK: Okay. Your Honor, I've marked it
12 as Exhibit 4. Ms. Davis is going to take care of it
13 and make sure it's properly marked for purposes of
14 this hearing.

15 THE COURT: All right.

16 MS. HAMMACK: Your Honor, the State has no
17 further pretrial motions.

18 THE COURT: Any further motions, Mr. McKellar?

19 MR. MCKELLAR: I don't believe so, Your Honor.
20 We -- I did ask the State for a couple of sentences
21 to be redacted from -- in the event that it is
22 admitted into evidence, I did ask the State to
23 redact a couple of, a few seconds of video footage.
24 They did agree to what I requested.

25 THE COURT: On the forensics interview?

1 MS. HAMMACK: No, Your Honor. For the
2 defendant's interview. The interview that we
3 entered as a pre-trial, for the pre-trial hearing
4 for Your Honor to review is a complete interview.
5 We did not want to take anything away from it for
6 Your Honor to be able to make your ruling. But we
7 do agree to the redactions as requested by the
8 defense.

9 THE COURT: Shouldn't be let in?

10 MS. HAMMACK: Yes. And so for, for the video
11 that the State intends to enter into evidence and
12 publish in front of the jury, those redactions will
13 be made and they will not hear those few seconds.

14 THE COURT: All right, very good. Anything
15 further, Mr. McKellar?

16 MR. MCKELLAR: Nothing, Your Honor.

17 THE COURT: Anything further from the State?

18 MS. HAMMACK: No, Your Honor.

19 THE COURT: All right. So that will conclude
20 the pretrial hearings regarding Mr. Joseph Eugene
21 Edmond. I will come back after lunch and give you
22 my ruling with regards to the motion to suppress.

23 MR. MCKELLAR: Thank you, Your Honor.

24 MS. HAMMACK: Do you know what time you would
25 like us to return, or just be on standby?

1 THE COURT: Madam Solicitor, let me handle a
2 few items and depending on where we fall for lunch,
3 I'll let you all know exactly when I need you to be
4 back.

5 MS. HAMMACK: Yes, Your Honor. Thank you.

6 (WHEREUPON, this case was recessed until
7 2:30 p.m.)

8 THE COURT: Mr. McKellar and Ms. Hammack, I
9 have had an opportunity to view the State's exhibit.
10 I believe it is 1, State's Exhibit 1, which is the
11 video.

12 MS. HAMMACK: Defendant's video.

13 THE COURT: The defendant's video, and I am
14 ruling that that video be admitted. So I am
15 denying, Mr. McKellar, the motion to suppress that
16 video. Are there any other motions, Mr. McKellar,
17 in that regard?

18 MR. MCKELLAR: None, Your Honor.

19 THE COURT: All right. Now you indicated that
20 the jury will see a different version with elements
21 redacted. Is that correct? That's been already
22 redacted, Madam Solicitor?

23 MS. HAMMACK: Yes, Your Honor, it has.

24 THE COURT: All right, and you had an
25 opportunity to view that? I'm just trying to make

1 sure we don't have any issue once the jury comes in.

2 MR. MCKELLAR: I have not. It's only 5 seconds
3 worth of redaction --

4 THE COURT: Okay.

5 MR. MCKELLAR: -- maybe 10 seconds worth of
6 redactions. I think she has them right now.

7 THE COURT: Oh. All right. Just as long as
8 there's no issue with that as long as you all are
9 satisfied in that regard. Any further issues
10 regarding Mr. Joseph Eugene Edmond?

11 MR. MCKELLAR: Nothing from the defense.

12 MS. HAMMACK: Nothing from the State, Your
13 Honor.

14 THE COURT: So we will begin jury qualification
15 tomorrow morning at 9:30. All right, and the jury
16 selection will run immediately after that. You all
17 are ready to present opening statements tomorrow?

18 MR. MCKELLAR: Yes, Your Honor.

19 MS. HAMMACK: Yes, Your Honor.

20 THE COURT: Okay. Are there any other
21 evidentiary issues that we want to discuss at this
22 time other than what we have already discussed?

23 MR. MCKELLAR: I can't think of anything, Your
24 Honor.

25 THE COURT: Okay.

1 MS. HAMMACK: I don't think so. And the State
2 will be prepared to proceed with witnesses after
3 opening.

4 THE COURT: All right, Madam Solicitor, how
5 many witnesses does the State plan to present?

6 MS. HAMMACK: Five.

7 THE COURT: And Mr. McKellar, do you have any
8 idea how many you will have at this time?

9 MR. MCKELLAR: We have somewhere between two
10 and five. It will depend upon whether we need any
11 of the State's witnesses for future purposes.

12 THE COURT: Okay. Your expert is not available
13 until Thursday.

14 MR. MCKELLAR: Thursday, correct.

15 THE COURT: Okay. So obviously you know there
16 is a state holiday that I cannot prevent on
17 Wednesday in the middle of the week. And so we will
18 get as far as we can get tomorrow, and then we will
19 reconvene on Thursday. All right?

20 MS. HAMMACK: Thank you, Your Honor.

21 THE COURT: All right, so that will conclude
22 that hearing on Mr. Edmond. Now with regards to the
23 forensic interview, what exactly are you just -- the
24 State's position is that all of it is admissible, or
25 are you looking for me to determine what is and is

1 not admissible regarding the interview?

2 MS. HAMMACK: Your Honor, it's the State's
3 position that the video in its entirety, is
4 admissible under 17-23-175. And so part of the
5 requirements of that statute are that Your Honor
6 make certain findings. 1: That the interview is
7 recorded. 2: That the child recorded is under the
8 age of 12. 3: That under the totality of the
9 circumstances that the statement provides
10 "particularized guarantees of trustworthiness."

11 And things that go into that are whether
12 there's leading questions, the training of the
13 interviewer, things of that nature. And so we would
14 just ask Your Honor to review the video so that you
15 can be able to make a ruling as to those
16 requirements under 17-23-175, with the understanding
17 that the State still has to lay the proper
18 foundation, and all of that, at trial.

19 THE COURT: All right. Mr. McKellar.

20 MR. MCKELLAR: Your Honor, I have nothing to
21 add to that.

22 THE COURT: Okay. All right. Very good. All
23 right, so we will see you all tomorrow morning at
24 9:30.

25 MR. MCKELLAR: Okay.

1 MS. HAMMACK: And your Honor, may we approach
2 very briefly?

3 THE COURT: Yes.

4 (WHEREUPON, a sidebar was held off the
5 record.)

6 MS. HAMMACK: And Your Honor, is the record
7 closed on this case for the remainder of today?

8 THE COURT: That's correct.

9 MS. HAMMACK: Thank you, Your Honor.

10 MR. MCKELLAR: Thank you, Your Honor.

11 (Court was in recess until 9:30 a.m. June
12 10, 2023.)

13 (Continuation of the matter of State v
14 Joseph Eugene Edmond.)

15 THE COURT: Mr. Clerk, the jury panel is now
16 qualified.

17 MR. HARTE: Yes, Your Honor.

18 THE COURT: All right, at this time does the
19 State or Defense counsel need a few minutes to look
20 over the jury -- qualified jury panel?

21 MS. HAMMACK: The State's ready to move
22 forward, Your Honor.

23 MR. THOMPSON: Defense is ready to proceed,
24 Your Honor.

25 THE COURT: All right. Mr. Harte, do we need

1 to give the clerks an opportunity for a few minutes
2 to gather the --

3 MR. HARTE: No, we're ready.

4 THE COURT: All right, very good. Ladies and
5 gentlemen, I want to tell you that Mr. Robert Harte
6 is our Clerk of Court here in Aiken, and he is the
7 best clerk in the entire state of South Carolina,
8 maybe the nation.

9 (Laughter erupts in the courtroom.)

10 All right, very well. We are going to begin
11 voir dire. Do we have the -- all right, ladies and
12 gentlemen of the jury panel, we're about to begin
13 the trial in the case of the State of South Carolina
14 versus Joseph Eugene Edmond. Before we select the
15 jury there are several questions which I will ask
16 you. At this time I will ask that the attorneys
17 from the Solicitor's Office please stand and
18 introduce themselves.

19 MS. HAMMACK: Thank you, Your Honor. Good
20 morning, y'all. My name is Ashley Hammack. I'm one
21 of your prosecutors here in Aiken County. I work
22 for the Second Circuit Solicitor's Office for
23 Solicitor Bill Weeks, and we represent the citizens
24 of Aiken County.

25 MS. SANDERLIN: And my name is Brandy

1 Sanderlin, and I work alongside Ms. Hammack, and I'm
2 also a prosecutor.

3 MR. WALKER: My name is Chris Walker, and I'm
4 an investigator with the Solicitor's Office.

5 THE COURT: All right. Thank you. At this
6 time I will ask that Defense counsel please stand
7 and introduce themselves and their client.

8 MR. MCKELLAR: Good morning. My name is
9 Will McKellar. This is my trial partner, Barry
10 Thompson. We represent Joseph Edmond who's sitting
11 here.

12 THE COURT: Thank you. Is there any member of
13 the jury panel who's related by blood or marriage to
14 either anyone from the State, or the defense
15 counsel, or the defendant?

16 JUROR: Possibly.

17 THE COURT: All right, please stand, sir.

18 JUROR: Married to (inaudible).

19 THE COURT: Well, tell me your juror number.

20 JUROR: Juror 95.

21 THE COURT: 95. And you are married to whom,
22 I'm sorry?

23 JUROR: Teresa Sanderlin.

24 MS. SANDERLIN: Is she from south Georgia?

25 JUROR: Georgia, South Carolina, they are kind

1 of spread out.

2 THE COURT: Well, let me ask you this. Are you
3 aware?

4 JUROR: Not that I'm aware of.

5 THE COURT: Okay. Very good, sir. Thank you.
6 All right.

7 Is there any member of the jury panel who has a
8 close personal or social relationship with anyone
9 from the State or anyone from the defense? If so,
10 please stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: Is there any member of the jury
13 panel who has ever been represented by, consulted
14 with, or sued by anyone from the State, or anyone
15 from defense counsel's table?

16 (WHEREUPON, there was no response.)

17 THE COURT: Ladies and gentlemen, please listen
18 carefully. I'm going to read a list of the possible
19 witnesses in this case. If there is any member of
20 the jury panel who is related by blood or marriage
21 to anyone that I name off, please stand. If there's
22 anyone who has a close personal relationship or
23 social relationship with anyone on the list, please
24 stand.

25 Mr. Joseph Edmond. Investigator J.R. Sullivan.

1 Rachel Fulton. Amanda Smith. Professor Alan
2 Hirsch. Agnetha --

3 MS. HAMMACK: Deputy Farrell.

4 THE COURT: -- Deputy Farrell. Robert
5 Sullivan. Donna Money. Sarah Goodman. Kim Sawyer.

6 Minor [REDACTED] Rachel Fulton. Amanda Smith.

7 (WHEREUPON, there was no response.)

8 THE COURT: This case -- I will read the
9 indictments for this case. There are two
10 indictments. Indictment one reads: At a court of
11 general sessions convened on September 13th, 2021,
12 the Grand Jurors of Aiken County present upon their
13 oath that Joseph Eugene Edmond did in Aiken County,
14 on or about March 7, 2021, commit the crime of
15 criminal sexual conduct with a minor in the first
16 degree in that the defendant did commit a sexual
17 battery upon Minor [REDACTED] a minor who was under
18 11 years of age at the time of the incident, on the
19 violation of Statute 16-3-655, Code of Laws of
20 South Carolina 1976 as amended.

21 The second indictment reads: At a court
22 of general sessions convened on May 8th, 2023, the
23 grand jurors of Aiken County present upon their oath
24 that Joseph Eugene Edmond being over the age of 14
25 years did in Aiken county, on or about March 7,

1 2021, willfully and brutally commit, or attempt to
2 commit, a lewd or lascivious act upon or with the
3 body of Minor [REDACTED] a child under the age of 16
4 years, with the intent of arousing, appealing to, or
5 gratifying the lust, passions, and sexual desires of
6 himself or such child on the violations of 16-03-655
7 of the Code of Laws of South Carolina, 1976 as
8 amended.

9 I've just read to you the indictments,
10 which list the charges for which the defendant will
11 be going to trial. Have any member of the jury
12 panel formed or expressed an opinion about any issue
13 or matter involved in this case?

14 (WHEREUPON, there was no response.)

15 THE COURT: Is there any member of this jury
16 panel who's aware of any bias or prejudice toward
17 either the State, the Solicitor's Office, or the
18 defense counsel, or the defendant?

19 (WHEREUPON, there was no response.)

20 THE COURT: Is there any member of the jury
21 panel who is a former law enforcement employee?

22 (WHEREUPON, jurors respond at this time.)

23 THE COURT: Yes, sir. What's your juror
24 number?

25 THE JUROR: 100.

1 THE COURT: Yes, sir. Where were you employed?

2 THE JUROR: Aiken County Detention Center and
3 the City of New York Police Department.

4 THE COURT: And what did you do there, sir?

5 THE JUROR: I was a detention officer and a
6 police officer.

7 THE COURT: When was that?

8 THE JUROR: Decades ago. '90 --

9 THE COURT: 1990s?

10 THE JUROR: Yeah.

11 THE COURT: All right, that's good. Thank you,
12 sir.

13 Is there any member of the jury panel who has a
14 member of their immediate family who was employed by
15 a law enforcement agency?

16 (WHEREUPON, there was no response.)

17 THE COURT: Is there any member of the jury
18 panel who has a member of their immediate family
19 employed by a law enforcement agency?

20 (WHEREUPON, jurors respond at this time.)

21 THE COURT: Yes, ma'am. What's your juror
22 number?

23 THE JUROR: 177.

24 THE COURT: All right, and who is employed?

25 THE JUROR: Well, he's retired from state

1 police. My father.

2 THE COURT: When did he retire?

3 THE JUROR: It's been about 20 years I think.

4 THE COURT: Okay. Ma'am, is your relationship
5 with your father and his employment, do you believe
6 that that would affect your ability to listen to the
7 facts and the witnesses in this case in a fair and
8 impartial way?

9 THE JUROR: No, ma'am.

10 THE COURT: Thank you.

11 Is there any member of the jury panel who would
12 give more credibility or believability to the
13 testimony of a child simply because the witness is a
14 child as compared to a witness who was not a child?
15 If you believe that you would be more prone to
16 believe the testimony of a child simply because they
17 are a child, please stand at this time.

18 (WHEREUPON, there was no response.)

19 THE COURT: Is there any member of the jury
20 panel who holds the belief that if a person alleges
21 a sexual assault, that a sexual assault must have
22 happened? If that is your belief, please stand at
23 this time.

24 (WHEREUPON, there was no response.)

25 THE COURT: Is there any member of the jury

1 panel who themselves, or have had an immediate
2 family member, who has been a victim of a sex crime?
3 If that applies to you, you can come forward.

4 Is there any member --

5 MS. HAMMOCK: Your Honor.

6 THE COURT: -- okay.

7 (WHEREUPON, jurors respond at this time.)

8 (WHEREUPON, conferences were held off the
9 record.)

10 THE COURT: Is there any member of the jury
11 panel or any members of your family who are members
12 of victim's rights or law enforcement organizations
13 such as Darkness to Light, Citizens Against Violent
14 Crimes, People Against Rape, Mothers Against Drunk
15 Driving, Persons Empowered to Save Teens, or any
16 community or neighborhood watch programs just like
17 those that I have mentioned? If you are a member or
18 you have a family member who is a member of those
19 organizations, please stand.

20 (WHEREUPON, there was no response.)

21 THE COURT: Is there any member of the jury
22 panel who believes that it is impossible for an
23 innocent person to make a confession to a crime that
24 they did not commit? If that is your belief, please
25 stand.

1 (WHEREUPON, there was no response.)

2 THE COURT: Is there any member of this jury
3 panel that knows of any reason, any reason
4 whatsoever, why he or she should not serve as a
5 juror in this case with particular emphasis being
6 upon your ability to be fair and impartial to both
7 the State and the defendant?

8 If there is anyone who knows of any reason
9 whatsoever why they should not serve as members of
10 this jury panel, please stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: Does the State have any additional
13 questions that it would like me to ask the jury
14 panel?

15 MS. HAMMOCK: No, Your Honor.

16 THE COURT: Does the defense have any
17 additional questions that it would like for me to
18 ask the jury panel?

19 MR. THOMPSON: No, ma'am.

20 THE COURT: Does the State or the defense need
21 any additional time to review the jury panel?

22 MS. HAMMOCK: No, Your Honor.

23 MR. THOMPSON: No, Your Honor.

24 THE COURT: Thank you. Madam Solicitor, and
25 Mr. Thompson, Mr. McKellar, we will be handling our

1 strikes, and we are going to select two alternates.

2 MS. HAMMOCK: Thank you, Your Honor.

3 THE COURT: We will begin once our clerk has
4 had the opportunity to give those to me. Alternate
5 strikes are one and one.

6 MR. HARTE: Ladies and gentlemen of the jury
7 panel, if you will bear with us the computer was
8 showing a number of names that have already been
9 called so it takes a minute to put -- to get the
10 computer to put the names.

11 MR. THOMPSON: Your Honor, we would request
12 that the alternate strikes be one and two. Your
13 Honor? Your Honor?

14 THE COURT: I heard you.

15 MR. THOMPSON: Thank you.

16 THE COURT: Did I say one and one,
17 Mr. Thompson?

18 MR. THOMPSON: Yes, ma'am.

19 THE COURT: The strikes will be one and two on
20 the alternates.

21 MR. THOMPSON: Thank you, Your Honor.

22 THE COURT: Thank you. Mr. Clerk.

23 MR. HARTE: As I call your name, please come
24 forward. Stand just a little bit in front of me and
25 turn around and face the front. Also would you

1 please bring any of your personal belongings because
2 you may not be going back to your seat. You may be
3 going to the jury box.

4 Juror No. 25, Jeanie Cabral. Come up here
5 where everybody can see you. Now turn around, face
6 them. Thank you very much. What says the State?

7 MS. HAMMOCK: Please present Ms. Cabral.

8 MR. HARTE: What says the defense?

9 MR. THOMPSON: Please seat this juror.

10 MR. HARTE: Please have a seat in the jury box.
11 Juror number 132, Hunter Oliver. What says the
12 State?

13 MS. HAMMOCK: Please present Mr. Oliver.

14 MR. HARTE: What says the defense?

15 MR. THOMPSON: Please seat Mr. Oliver.

16 MR. HARTE: Please have a seat in the jury box.
17 Juror number 122, Benjamin Morgan. What says the
18 State?

19 MS. HAMMOCK: Please present Mr. Morgan.

20 MR. HARTE: What says the defense?

21 MR. THOMPSON: Please seat Mr. Morgan.

22 MR. HARTE: Please have a seat in the jury box.
23 Juror number 61, David Gonzales. What says the
24 State?

25 MS. HAMMOCK: Please present Mr. Gonzales.

1 MR. HARTE: What says the defense?

2 MR. THOMPSON: Please seat Mr. Gonzales.

3 MR. HARTE: Juror number 119, Jessica Mills.

4 What says the State?

5 MS. HAMMOCK: Please present Ms. Mills.

6 MR. HARTE: What says the defense?

7 MR. THOMPSON: Please seat Ms. Mills.

8 MR. HARTE: Please have a seat in the jury box.

9 Juror number 100, Dennis Kitchings. What says the
10 State?

11 MS. HAMMOCK: Please present Mr. Kitchings.

12 MR. HARTE: What says the defense?

13 MR. THOMPSON: Please excuse Mr. Kitchings from
14 the trial.

15 MR. HARTE: You may return to your seat. Juror
16 number 135, Beverly Patterson. What says the State?

17 MS. HAMMOCK: Please excuse Ms. Patterson from
18 this case.

19 MR. HARTE: You can return to your seat. Juror
20 number 107, Lynn Littleton. What says the State?

21 MS. HAMMOCK: Please present Ms. Littleton.

22 MR. HARTE: What says the defense?

23 MR. THOMPSON: Please seat Ms. Littleton.

24 MR. HARTE: Please have a seat in the jury box.
25 Juror number 88, James Jendraszek.

1 THE JUROR: Jendraszek.

2 MR. HARTE: I've got no chance of that. What
3 says the State?

4 MS. HAMMOCK: Please present Mr. Jendraszek.

5 MR. HARTE: What says the defense?

6 MR. THOMPSON: Please seat Mr. Jendraszek.

7 MR. HARTE: Please have a seat in the jury box.
8 Juror number 166, Elizabeth Sheppard. What says the
9 State?

10 MS. HAMMOCK: Please present Ms. Sheppard.

11 MR. HARTE: What says the defense?

12 MR. THOMPSON: Please seat Ms. Sheppard.

13 MR. HARTE: Juror number 162, Sharonda Sapp.
14 What says the State?

15 MS. HAMMOCK: Please present Ms. Sapp.

16 MR. HARTE: What says the defense?

17 MR. THOMPSON: Please seat Ms. Sapp.

18 MR. HARTE: Please have a seat in the jury box.
19 Juror number 99, Darryl Kitchens. What says the
20 State?

21 MS. HAMMOCK: Please present Mr. Kitchens.

22 MR. HARTE: What says the defense?

23 MR. THOMPSON: Please excuse Mr. Kitchens.

24 MR. HARTE: Please return to your seat. Juror
25 number 146, Patrick Quill. What says the State?

1 MS. HAMMOCK: Please present Mr. Quill.

2 MR. HARTE: What says the defense?

3 MR. THOMPSON: Please seat Mr. Quill.

4 MR. HARTE: Please have a seat in the jury box.

5 Juror number 105, Relferd Lanier. What says the

6 State?

7 MS. HAMMOCK: Please present Mr. Lanier.

8 MR. HARTE: What says the defense?

9 MR. THOMPSON: Please seat Mr. Lanier.

10 MR. HARTE: Please have a seat in the jury box.

11 Juror number 152, Todd Reddick. What says the

12 State?

13 MS. HAMMOCK: Please present Mr. Reddick.

14 MR. HARTE: What says the defense?

15 MR. THOMPSON: Please seat Mr. Reddick.

16 MR. HARTE: Your Honor, that is 12 jurors. The

17 first alternate, juror number 52, Catherine Flint.

18 What says the State?

19 MS. HAMMACK: Please present Ms. Flint.

20 MR. HARTE: What says the defense?

21 MR. THOMPSON: Please seat Ms. Flint.

22 MR. HARTE: Second alternate, juror number 84,

23 Melanie Inabinet. What says the State?

24 MS. HAMMOCK: Please present Ms. Inabinet.

25 MR. HARTE: What says the defense?

1 MR. THOMPSON: Please excuse Ms. Inabinet.

2 MR. HARTE: Please return to your seat. Juror
3 number 82, Jason Hutto. What says the State?

4 MS. HAMMOCK: Please present Mr. Hutto.

5 MR. HARTE: What says the defense?

6 MR. THOMPSON: Please seat Mr. Hutto.

7 MR. HARTE: Your Honor, we have a jury.

8 THE COURT: Thank you, Mr. Harte. Are there
9 any matters that we need to take outside of the
10 presence of the jury and the jury panel?

11 MS. HAMMOCK: Not from the State, Your Honor.

12 MR. THOMPSON: Nothing from the defense, Your
13 Honor.

14 THE COURT: All right, very good. All right
15 ladies and gentlemen of the jury and alternates,
16 congratulations. To the rest of you on the jury
17 panel, you're not quite off the hook yet. You will
18 still need to call back in, I believe, Thursday. Is
19 it after five? You will need to call back in. You
20 should have slips of paper that have a phone number
21 for you for Thursday after 5 p.m., Thursday after
22 5 p.m. call that number. It will tell you whether
23 or not you are to come back in on Friday morning.

24 If you need work or school excuses, our
25 bailiffs will get those for you from the clerk's

1 office. At this time for today you are now excused.
2 Remember to call back in in order to determine
3 whether you are here Friday or not. Thank you for
4 your service.

5 (WHEREUPON, the jury panel departed the
6 courtroom.)

7 THE COURT: All right ladies and gentlemen of
8 the jury, as well as the two alternates, at this
9 time I have just a few instructions for you. We are
10 going to let you go and get something to eat for
11 lunch. However, you will need to be back here at
12 1:45. All right. I'm going to excuse you in just a
13 few minutes but I do have some instructions for you.

14 While you go out to lunch, obviously, you will
15 want to contact your family and maybe your employer,
16 I'm not sure, but you are not to discuss any
17 elements of the case. You really shouldn't even
18 tell them what type of case that this is. Do not
19 discuss anything that you have learned today in this
20 short amount of time with each other. Do not
21 attempt to do any type of research, Google searches
22 on anyone in this courtroom, any of the subject
23 matter. We will give you everything that you need
24 in order to consider and come to a fair and
25 impartial decision.

1 While you are out for lunch, Aiken is small.
2 You may run into somebody in this courtroom, one of
3 us here. If we do not speak or we avoid eye
4 contact, we're not trying to be rude. The attorneys
5 especially are not trying to be rude. They are
6 following my instructions. We are to have
7 absolutely no contact with you during the duration
8 of this trial, all right? Does anyone have any
9 questions for me at this time? All right, we will
10 see you back here at 1:45. Mr. Trotter will escort
11 you.

12 (WHEREUPON, the jury departed the
13 courtroom.)

14 THE COURT: All right, just a few housekeeping
15 items. I want you to take note that we do have a
16 member of the jury who has indicated to us,
17 Juror 152, that he has some vision. So please keep
18 that in mind as you all proceed through the trial.
19 It looks like we have another juror who I will sit
20 in the front who may have some hearing issues. And
21 I will accommodate that the best that I can do, but
22 please remember that during the duration of the
23 trial. All right. Do y'all have any questions or
24 any matters that we need to handle prior to lunch?

25 MS. HAMMOCK: Not from the State, Your Honor.

1 MR. THOMPSON: Nothing from the defense, Your
2 Honor.

3 THE COURT: All right, very good. We will see
4 you back at 1:45.

5 (WHEREUPON, the Court recessed until 1:45
6 p.m.)

7 THE COURT: Be seated.

8 IT TECH: Your Honor, would you like the
9 screens on?

10 THE COURT: Yes, please. We're going to go
11 ahead and get started. I'll charge the jury.

12 Madam Solicitor and Mr. McKellar, I failed
13 earlier to rule with regards to the forensic video.
14 And I did have an opportunity to watch that video in
15 its entirety, and I do believe that it complies with
16 all of the requirements in the statute. And I am
17 going to admit that video in. It is appropriate. I
18 understand, Mr. McKellar, you have some redactions
19 in that video?

20 MR. MCKELLAR: Not in the child advocacy video.

21 THE COURT: Not in the -- okay. That is only
22 unique to the, the police video.

23 MR. MCKELLAR: Correct.

24 THE COURT: All right.

25 MS. HAMMOCK: And we have reviewed that with

1 the defense. So he's had a chance to see those
2 redactions.

3 THE COURT: All right, very good.

4 MS. HAMMOCK: We are all on the same page.

5 THE COURT: All right, any issues that we need
6 to go over before I bring in the jury and charge the
7 jury?

8 MS. HAMMOCK: None from the State, Your Honor.

9 MR. THOMPSON: Nothing from the defense.

10 THE COURT: All right, so I will charge the
11 jury and then we'll go straight into our opening.
12 Madam Solicitor, you have, I know you have five
13 overall witnesses. What do you think that we will
14 get to today?

15 MS. HAMMOCK: I imagine we will likely get
16 through four of those five witnesses.

17 THE COURT: All right.

18 MS. HAMMOCK: And then conclude with the final
19 witness Thursday morning.

20 THE COURT: All right. All right,
21 Mr. McKellar, we will go and get started then.
22 Okay. Can we bring the jury in, please?

23 (WHEREUPON, the jury entered the courtroom
24 at 1:51 p.m.)

25 THE COURT: Ladies and gentlemen of the jury,

1 welcome back. At this time I will turn it over to
2 our clerk of court.

3 CLERK: Please stand and raise your right hand.
4 You shall well and truly try in the true deliverance
5 make between the State of South Carolina, and the
6 defendant at the bar, a true verdict rendered
7 according to the law and the evidence in this case,
8 so help you God.

9 ALL JURORS: I do.

10 CLERK: You may be seated.

11 THE COURT: Ladies and gentlemen of the jury,
12 the case that we are about to try is the case of the
13 State of South Carolina versus Joseph Eugene Edmond.
14 Before we begin this trial I want to tell you this
15 trial will probably be different from what you may
16 expect. Many people do not have the chance to
17 attend actual court sessions as you are doing now.
18 And they may think from watching television or
19 movies that trials are always full of high drama and
20 tense action and riveting circumstances. Some of
21 these things may be true at some times, however this
22 trial is not for entertainment. It is a fundamental
23 part of our democracy. It is an effort to make sure
24 that justice is done before the parties, before the
25 Court, and sometimes in doing that -- excuse me --

1 THE COURT: Are there any exceptions to
2 anything that I have said to the jury by the
3 defendant?

4 MR. MCKELLAR: Nothing, Your Honor.

5 THE COURT: All right. We will now begin the
6 trial.

7 MS. SANDERLIN: May it please the Court?

8 THE COURT: Yes.

9 MS. SANDERLIN: Ladies and gentlemen of the
10 jury, welcome. Thank you for being here. I know it
11 can be a big inconvenience. I know that you have
12 got family matters to take care of. You may have
13 work piling up, you may have vacations coming up,
14 but I ask you to try to put those things out of your
15 mind for the next few days and focus on this case.
16 My name is Brandy Sanderlin, and I, along with
17 Ms. Ashley Hammack, represent the State in today's
18 case.

19 The case is State versus Joseph Edmond.
20 Mr. Edmond has been charged with criminal sexual
21 conduct with a minor in the first degree, and
22 criminal sexual conduct with a minor in the third
23 degree. It is our job and our burden to prove to
24 you beyond a reasonable doubt that that defendant is
25 guilty of the crimes with which he has been charged.

1 Now kind of what the judge alluded to, you
2 know, you're a crime show fan or if you paid
3 attention to the Murdaugh trial, you may have
4 certain thoughts about what you will see in court.
5 Every case is not like that. There are not dozens
6 of witnesses. There is not necessarily tons of
7 forensic evidence, and that's okay. Each case is
8 different. This case is not going to be like those
9 types of cases. But that doesn't mean that this
10 case isn't of equal importance. And for the victim
11 in this case, this case is of the utmost importance.

12 You see, we intend to show that on March 7th of
13 2021, little Minor [REDACTED] five years old, was
14 sexually assaulted by that defendant. We intend to
15 show you that Minor [REDACTED] was in the backseat of
16 her mom's car, she was in her booster seat, and
17 already buckled up. We intend to show that that
18 defendant had Minor [REDACTED] climb out of her booster seat
19 into the front seat area of the car where he was
20 seated in the passenger seat. We intend to show
21 that he unzipped his pants, he pulled out his penis,
22 and he instructed little 5-year-old Minor [REDACTED] to
23 perform oral sex on him. And we intend to prove
24 that to you beyond a reasonable doubt.

25 Now as I stated earlier, he has been charged

1 with criminal sexual conduct with a minor in the
2 first degree, and criminal sexual conduct with a
3 minor in the third degree. The judge will instruct
4 you later on what the specific law is for each of
5 those, but I want to kind of give you some
6 understanding of what that is.

7 Criminal sexual conduct with a minor in the
8 first degree involves the sexual battery of a child
9 under the age of 11. Criminal sexual conduct with a
10 minor in the third degree involves someone over the
11 age of 14 willfully and lewdly touching, or
12 attempting to touch the private parts of someone
13 under the age of 16, with the intention of arousing,
14 or sexually gratifying either the individual
15 themselves or the child. So for us to prove this to
16 you beyond a reasonable doubt, we are going to
17 present evidence over the course of the next few
18 days.

19 First you will hear from Rachel Fulton,
20 **Minor's** mom. She will provide some background
21 information for you. She'll tell you who everyone
22 is. She'll let you know how she came to know the
23 defendant. And she will explain to you who all the
24 parties are, and why **Minor** was in the vehicle with
25 that defendant on March 7th of 2021. She will also

1 explain to you what she saw as she exited her home
2 and went back to that car.

3 The next witness you will hear from is little
4 **Minor** herself. Now she is eight years old
5 now. She will tell you about herself. She will
6 tell you about her family, and she will tell you
7 about who Joey was. She will tell you what happened
8 to her that day in that vehicle with that defendant.

9 After you have heard from Rachel and **Minor**
10 you will hear from some witnesses that were involved
11 in the investigation of the case. You will first
12 hear from Sarah Goodman. She's with SLED and she
13 will explain to you a bit about how DNA works.
14 After Sarah testifies, you will hear from
15 Investigator Sullivan with the Aiken County
16 Sheriff's Office. He will explain to you the steps
17 that he took during the course of this
18 investigation. He will talk to you about the
19 interviews, and the statement that he collected, as
20 well as the evidence that he collected in this case.

21 After Investigator Sullivan testifies you will
22 hear from Kim Sawyer, who works at the Child
23 Advocacy Center, and conducted a forensic interview
24 on **Minor** following this disclosure.

25 As I indicated there is going to be different

1 types of evidence that are presented throughout the
2 course of this case. Some of that evidence is what
3 we consider direct evidence. That would be
4 eyewitness testimony. So the testimony of **Minor**
5 **[REDACTED]** will fall under that category. She will give
6 you the testimony as to what happened to her in that
7 car on March 7th of 2021.

8 You will also hear eyewitness testimony from
9 her mother, Rachel Fulton. She will explain, not
10 what happened in the car, because she wasn't there,
11 but what she saw as she exited her home and
12 approached that vehicle.

13 You may also hear about some circumstantial
14 evidence in this case. And circumstantial evidence
15 is just evidence that leads you to a logical
16 conclusion. The Judge will give you more details on
17 both of those types of evidence so make sure that
18 you listen to her during her instructions at the
19 end.

20 The Judge will also instruct you on what it
21 means to prove a case beyond a reasonable doubt. As
22 I indicated earlier that is the burden that
23 Ms. Hammack and I have in this case. We must prove
24 to you beyond a reasonable doubt that that defendant
25 is guilty of the crime of criminal sexual conduct

1 with a minor in the first degree, and criminal
2 sexual conduct with a minor in the third degree.

3 Now beyond a reasonable doubt is a high burden,
4 but it is not an insurmountable one. It does not
5 mean beyond every doubt. It does not mean beyond
6 all doubt. Is simply means that you must find
7 yourself firmly convinced at the end.

8 We are confident that after you consider the
9 evidence in this case, that you will find that that
10 defendant violated the trust of Minor [REDACTED] that
11 he snatched away her innocence, and that he is
12 guilty of criminal sexual conduct with a minor in
13 the first degree, and criminal sexual conduct with a
14 minor in the third degree. Thank you.

15 THE COURT: Mr. McKellar.

16 MR. MCKELLAR: Thank you, Your Honor. Good
17 afternoon, my name is William McKellar. It's my
18 honor today to represent Joseph Edmond. Mr. Edmond,
19 please stand up. Thank you. Mr. Edmond is from
20 Central, South Carolina -- you can sit down -- which
21 is actually not in central South Carolina. It's in
22 Northwest South Carolina. He is 44 years old. He
23 has two kids, a boy and girl. They are both under
24 the age of 18. He sits there in that chair presumed
25 to be an innocent man.

1 The presumption of innocence, some people say,
2 is like a cloak of righteousness. So in your mind,
3 the jurors' mind, when they see him they have to see
4 a man who is presumed innocent. If a juror is asked
5 before a trial begins, do you think he is guilty or
6 not guilty, the answer can't be, well, I haven't
7 heard the evidence yet. The answer has to be he's
8 not guilty. Why? Because he is presumed to be
9 innocent. That presumption means that the State has
10 to prove his guilt beyond a reasonable doubt. The
11 State has to prove his guilt. He does not have to
12 prove his innocence. They have to prove his guilt.

13 So if you don't have to prove your innocence
14 what does that mean? That means you don't have to
15 call any witnesses. That means you don't have to
16 testify. And you could still win your case. Why,
17 because he's innocent. They have to prove their
18 case. You don't have to prove your case if you're a
19 defendant. It's one of the great things of living
20 in our country is that you don't have to prove your
21 innocence when you are charged with a crime.

22 What I believe you're going to hear, you're
23 going to hear testimony from probably five or six
24 witnesses. You're going to hear testimony from the
25 alleged victim, the alleged victim's family. You're

1 going to hear a statement that was given by
2 Mr. Edmond to law enforcement. That statement was
3 incriminating. He more or less said, yeah, I did
4 it. But you are also going to hear they wouldn't
5 let up to him saying yeah, I did it. You're going
6 to hear the interview itself, you're going to hear
7 significant pressure in the interview to get him to
8 say that he did this.

9 You will have to be the judge, the judge of the
10 facts of whether or not his statement is reliable.
11 Whether or not this is a -- whether this statement
12 should be believed, or should it be set aside
13 because it was under -- it was unfairly pressured.

14 And that is really what Mr. Edmond -- all he
15 asks you to do is to listen to the evidence, not
16 with an open mind, but listen to the evidence
17 considering the presumption of innocence. The
18 presumption of innocence has to construe all the
19 ambiguities in his favor. There's not a presumption
20 of guilt. There is a presumption of innocence.

21 So when you hear every witness, I ask you to
22 keep that in the back of your mind. He is proven
23 innocent despite what they -- what the evidence I'm
24 hearing, he's still -- despite it, he's still
25 presumed innocent.

1 He is going to get on the stand and he is going
2 to tell you why he said what he said. And he's
3 going to tell you why he's an innocent man.

4 And after you hear all the evidence and after
5 you hear him explain why he said what he did, I
6 believe there will be only one verdict that reflects
7 justice, and that verdict would be a not guilty
8 verdict. That is what I'll be asking for. Thank
9 you.

10 THE COURT: The State will present its first
11 witness.

12 MS. SANDERLIN: The State calls Rachel Fulton
13 to the stand.

14 CLERK: Please have a seat in the witness box.
15 Please watch your step. State your full name to the
16 court, spelling your last.

17 THE WITNESS: My name is Rachel Lee Smith
18 Fulton. F-U-L-T-O-N.

19 RACHEL LEE SMITH FULTON, called as a
20 witness, being first duly sworn by the clerk, was
21 examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MS. SANDERLIN

24 Q. Ms. Fulton, where are you from?

25 A. I'm from Georgetown, South Carolina.

1 Q. And where do you work?

2 A. Right now I work at a barn. Eddie Braxton's
3 Training Center. I'm the barn manager.

4 Q. Barn manager, can you tell us a little bit
5 about that?

6 A. Oh, yeah. I work with horses. So I run the
7 barn. I run the show barn, the home barn. I do
8 everything with horses.

9 Q. So if you do that, are you now living here in
10 Aiken?

11 A. Yes.

12 Q. How long have you lived here?

13 A. I've lived here for five years.

14 Q. Can you tell us when you moved here exactly?

15 A. Yes, August 2019.

16 Q. Can you tell us why you moved here? Was there
17 a specific reason?

18 A. I moved for the horses, to work in the horse
19 field. Aiken is considered horse country.

20 Q. When you moved here in 2019, did you move by
21 yourself?

22 A. No.

23 Q. Who did you move with?

24 A. My daughter, Minor [REDACTED] and Amanda Smith,
25 my mother.

1 Q. And tell me a little bit about Minor . How
2 old is she?
3 A. She's eight years old as of last week.
4 Q. So when is her birthday?
5 A. .
6 Q. So when you moved here, how old was she?
7 A. She was four.
8 Q. Four. When you moved to Aiken, where did you
9 live?
10 A. 3903 Charleston Highway.
11 Q. And is that in Aiken County?
12 A. Yes, the Montmorenci area.
13 Q. Who did you live with at that address?
14 A. Minor of course, my daughter, and
15 Amanda Smith.
16 Q. Were you still working as a barn manager at
17 that point?
18 A. No, I moved here, and I started working as a
19 surgical tech at Doctor's Hospital.
20 Q. And then you gave that up for the horses?
21 A. Of course.
22 Q. So you said when you were living at that
23 Montmorenci address, that was back in 2019. Do you
24 still live there?
25 A. No.

1 Q. Do you still live in Aiken County?

2 A. Yes.

3 Q. Do you know Joseph Edmond?

4 A. Yes.

5 Q. Can you tell us how you know him?

6 A. We have known each other for years. He used to
7 work with my ex-husband at his job at Interstate
8 Tire in Pelzer, South Carolina.

9 Q. And when you say for years, can you give us a
10 ballpark?

11 A. Yeah, for about 13 years now.

12 Q. Can you tell us a little bit about your
13 relationship with Mr. Edmond?

14 A. For years up until the incident me and him were
15 just friends. Up until 2019.

16 Q. And then what would you consider yourself in
17 2019?

18 A. 2019 we were just friends on Facebook, talking
19 back-and-forth.

20 Q. Were y'all ever in a relationship?

21 A. When he moved here, yes.

22 Q. And when did he move here?

23 A. May of 2021.

24 Q. So when he moved here, y'all were in a
25 relationship?

1 A. Yes, ma'am.

2 Q. Can you describe that relationship?

3 A. Actually it was a very good relationship at the

4 time.

5 Q. When he moved here was he living with you?

6 A. No.

7 Q. Where was he living?

8 A. He was living in an apartment in Williston,

9 South Carolina.

10 Q. Would you ever stay with him?

11 A. Yes, on occasion.

12 Q. Did he ever stay with you?

13 A. No.

14 Q. When you would stay with him, would **Minor** ever

15 stay there?

16 A. On occasion.

17 Q. Okay. And can you tell us about how long y'all

18 were in a dating relationship?

19 A. It was almost a year. I would say

20 eight months.

21 Q. Do you know when Joey's birthday is?

22 A. Yes, **[REDACTED]**, **[REDACTED]**.

23 Q. Is there a reason you remember that?

24 A. Yes, my dad's birthday is actually the day

25 before his birthday. And my mom's is December

1 17th.

2 Q. So it's kind of right there in the middle.

3 A. Yes.

4 Q. So, Ms. Fulton, I want to talk to you a little
5 bit about Mr. Edmond and about why we are here
6 today. Can you tell me what you remember about
7 March 7th of 2021?

8 A. March 7th, I know I worked all day until
9 about 7 or 8 o'clock that day.

10 Q. And were you at the barn?

11 A. Yes, in Ridge Spring, South Carolina that day.

12 Q. So when you left work, what did you do?

13 A. I ended up going to Mr. Edmond's apartment.

14 Q. And was this when y'all were in a relationship?

15 A. Yes.

16 Q. Did you stay at Mr. Edmond's apartment?

17 A. That night or...

18 Q. When you went there.

19 A. No.

20 Q. What did you do?

21 A. I picked him up. We were going to go get

22 **Minor** and go get supper.

23 Q. Where did you go to pick up **Minor**

24 A. I picked **Minor** up at the Montmorenci area from
25 my mother.

1 Q. So she was staying with your mom --
2 A. Yes.
3 Q. -- where y'all resided?
4 A. Yes.
5 Q. So you and Mr. Edmond went to Montmorenci --
6 A. Yes.
7 Q. -- to your residence?
8 A. Yes, ma'am.
9 Q. Can you tell me who was driving?
10 A. I was.
11 Q. And was that your vehicle or --
12 A. Yes.
13 Q. Where was Mr. Edmond?
14 A. In the passenger side.
15 Q. What type of vehicle were you driving that day?
16 A. A Nissan Pathfinder.
17 Q. Do you still have that vehicle?
18 A. No.
19 MS. SANDERLIN: I beg the Court's indulgence.
20 I am showing defense what has been premarked as
21 State's Exhibits 1, 2, 3, and 4. Permission to
22 approach the witness, Your Honor?
23 THE COURT: Yes.
24 BY MS. SANDERLIN
25 Q. Ms. Fulton, can you take a look at each of

Rachel Fulton - Direct by Ms. Sanderlin

80

1 these, and tell me if you recognize what those are?

2 A. Yes, ma'am. This one is the passenger side of
3 my Pathfinder.

4 Q. Okay. Does it appear to be changed or altered
5 in any way?

6 A. No, ma'am.

7 Q. What's the next one?

8 A. The next one is the front seat of the passenger
9 side.

10 Q. And that's your vehicle as well?

11 A. Yes, ma'am.

12 Q. And does it appear to be changed or altered in
13 any way?

14 A. No, ma'am.

15 Q. Can you take a look at the next one? Do you
16 recognize that?

17 A. Yes, ma'am.

18 Q. And how do you recognize that?

19 A. That's the front seat driver's side, and the
20 backseat where my daughter's car seat is in.

21 Q. Does it appear to be changed or altered in any
22 way?

23 A. No, ma'am.

24 Q. And can you take a look at that last one for
25 me? Do you recognize that?

1 A. Yes, ma'am.

2 Q. How do you recognize that?

3 A. It's the front seat of the driver -- passenger
4 side, excuse me.

5 Q. Okay. And does that appear to be changed or
6 altered in any way?

7 A. No, ma'am.

8 MS. SANDERLIN: Your Honor, the State would
9 move to enter Exhibit -- or what has been premarked
10 as State's Exhibit 1-4 at this time.

11 THE COURT: Any objection?

12 MR. MCKELLAR: No objection.

13 THE COURT: So moved.

14 BY MS. SANDERLIN

15 Q. Ms. Fulton, when you had **Minor** in your car,
16 where would she normally ride?

17 A. Behind me on the front side -- excuse me, back
18 seat passenger -- driver's side, excuse me.

19 Q. In the back seat where you could view the
20 child?

21 A. Yes.

22 Q. Did she have a car seat or something back in
23 2021?

24 A. A booster.

25 Q. A booster seat. And so, on that day after you

1 get off work and go to Mr. Edmond's apartment, you
2 pick him up, and then you go to your mom's
3 residence.

4 A. Yes, ma'am.

5 Q. Can you tell me what happened once you got to
6 your mom's residence?

7 A. We got to Mom's residence. Mr. Edmond stayed
8 in the car. I went inside to go get **Minor** and to
9 get her ready to go get something to eat.

10 Q. And when you say he stayed in the car, where
11 did he stay?

12 A. Passenger side.

13 Q. And so you go into the house. What happens
14 next?

15 A. **Minor** gets dressed and gets ready. I send her
16 out to the car, I walk her out to the car --

17 Q. Okay.

18 A. -- and I put her in the passenger -- driver's
19 side in her car seat.

20 Q. Okay. So she's then in the back seat of that
21 vehicle?

22 A. Yes, ma'am.

23 Q. And did you immediately get in the car to leave
24 --

25 A. No.

1 Q. -- or what did you do?
2 A. I went back inside to talk to my mom for a few
3 minutes.
4 Q. Do you know about how long you were inside?
5 A. 15, 20 minutes.
6 Q. And where was Joey?
7 A. Joey was in the car with Minor
8 Q. And I called him Joey. Is that something --
9 A. Sorry, yes.
10 Q. -- that you called him?
11 A. Yes.
12 Q. Do you know what Minor called him?
13 A. She called him all kind of things. Good ones,
14 not bad ones. She called him Joey. She actually
15 referred to him as her stepfather sometimes. But
16 Joey mainly.
17 Q. Okay. So you were inside speaking with your
18 mom, and then what happened after that?
19 A. When I got finished talking to my mom I came
20 outside, and I found Minor in the front seat
21 passenger side facing Joey. And she was in shock.
22 She was pale. Her face was red cheeks. She just --
23 she couldn't move.
24 Q. Did she do anything at that point?
25 A. No.

1 Q. What else do you remember about that moment?

2 A. She was just scared to talk. She just looked
3 like something bad was going to happen to her if she
4 talked or said anything to me.

5 Q. So she was in the front side passenger seat
6 area.

7 A. Yes, ma'am.

8 Q. Did she stay there?

9 A. No.

10 Q. Can you tell me where she went?

11 A. I got her, and she went inside to my mom.

12 Q. Can you describe how she went inside, how she
13 was acting?

14 A. Yeah. She crawled across the front seat to the
15 driver's side to come out the door and when she came
16 out she was just shaking. She didn't even look at
17 me or talk to me. She was just crying. I said, do
18 you want to go eat and she goes, no. And she ran
19 back inside.

20 Q. And that was even though y'all had planned to
21 go eat dinner together?

22 A. Yes.

23 Q. So was your mom still inside the house?

24 A. Yes.

25 Q. Did she look after **Minor**

1 A. Yes.

2 Q. Can you tell me what you did after that?

3 A. After that me and Mr. Edmond went back where he
4 was living. I took him back to his room.

5 Q. Did you take him straight to where he lived?

6 A. Before I got a phone call, yes.

7 Q. And after you got that phone call, what did you
8 do?

9 A. I slammed on brakes and did a U-turn and went
10 back to the house.

11 Q. Was Mr. Edmond with you?

12 A. Yes.

13 Q. Can you tell us how old **Minor** was on March 7th
14 of 2021?

15 A. Five years old.

16 Q. Did you eventually take Mr. Edmond back to
17 where he lived?

18 A. Yes.

19 Q. And what did you do after that?

20 A. I went to the hospital with **Minor**

21 Q. Okay. And how did **Minor** get to the hospital?

22 A. My mom took **Minor** to the hospital, and I met
23 her there.

24 Q. Okay. When you were at the hospital, did you
25 meet with anyone there?

1 A. A couple of police officers and the nurses and
2 doctors.

3 Q. You say the police officers. Were they
4 called --

5 A. Yes.

6 Q. -- in this case? Were you able to talk to the
7 police officers?

8 A. Yes.

9 Q. Do you know what happened to **Minor** while she
10 was at the hospital?

11 A. She got all kind of exams on her pelvis area --
12 pelvic, throughout her body, and everything.

13 Q. Do you see Mr. Joseph Edmond in the courtroom
14 here today?

15 A. Yes, ma'am.

16 Q. Can you point him out and identify him by an
17 article of clothing?

18 A. Yes, ma'am. He is wearing a blue shirt with a
19 jacket over it.

20 MS. SANDERLIN: May the record reflect that the
21 witness has identified the defendant.

22 THE COURT: Yes, ma'am.

23 MS. SANDERLIN: Beg the Court's indulgence.

24 BY MS. SANDERLIN

25 Q. Ms. Fulton, just a few more points. Can you

1 tell us, again, when Joseph Edmond moved to the
2 Aiken area?

3 A. Yes, May 2020. Sorry, I said 2021 earlier.

4 Q. 2020?

5 A. Yes.

6 Q. And that was when y'all started --

7 A. Yes.

8 Q. -- a relationship? And then you mentioned that
9 you had taken Mr. Edmond back to where he lived.
10 Where was he living on March 7th?

11 A. He was staying in the Econo Lodge behind Jiffy
12 Lube on Richland.

13 Q. So it wasn't actually an apartment or a house?

14 A. No.

15 Q. And I think you mentioned that **Minor** had been
16 staying with your mom on March 7th earlier in that
17 day. And where was that, that they were?

18 A. Oh, 3903 Charleston Highway.

19 Q. And that's in Aiken County?

20 A. Yes, ma'am.

21 Q. And then you mentioned that you left after
22 **Minor** ran in the house to go take Mr. Edmond back,
23 and you got a phone call. Who called you?

24 A. My mother, Amanda Smith.

25 Q. And that prompted you to turn back around --

1 A. Yes, ma'am.

2 Q. -- and go back to the house. And you
3 identified the man in the courtroom as Joseph
4 Edmond. Do you also know him as Joey?

5 A. Yes, ma'am.

6 Q. And that's who you were talking about?

7 A. Yes, ma'am.

8 MS. SANDERLIN: Nothing further for this
9 witness at this time, Your Honor.

10 THE COURT: Cross.

11 MR. MCKELLAR: Thank you, Your Honor. Good
12 afternoon. I only have a few questions for you.

13 CROSS EXAMINATION

14 BY MR. MCKELLAR

15 Q. Did you notice when you got in the car with
16 Mr. Edmond to take him back home whether he had an
17 erection?

18 A. No, at the time I did not pay attention to
19 that.

20 Q. How did he seem on the way back home? What was
21 his demeanor like?

22 A. Kind of confused and anxious at the same time.

23 Q. Do you recall telling Investigator Sullivan
24 when you met with him on that Sunday night that he
25 seemed like everything was normal?

1 A. No.

2 Q. Okay. Do you recall telling Investigator
3 Sullivan that Minor has a habit of lying?

4 A. No.

5 Q. Same night?

6 A. Same night.

7 Q. Okay. I'm going to ask you some, some personal
8 questions, okay? Have you had sexual relations with
9 Mr. Edmond?

10 A. Yes.

11 Q. Does he have a piercing in his penis?

12 A. He did.

13 Q. He did. Can you describe that piercing?

14 A. Not that I can recall anymore.

15 Q. Well, was it -- piercings are often studs or
16 rings. Was it a stud or a ring?

17 A. It was a loop.

18 Q. A loop.

19 A. Yeah.

20 Q. Where was that loop?

21 A. In his penis.

22 Q. Where on his penis?

23 A. I can't recall that. It's been too long ago to
24 remember any of that.

25 Q. Where the loop on his penis was?

Minor

- Direct by Ms. Hammack

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1 A. Yes.

2 Q. Did he always have it in?

3 A. No.

4 MR. MCKELLAR: Beg the Court's indulgence. No
5 further questions, Your Honor.

6 THE COURT: Thank you. Any redirect?

7 MS. SANDERLIN: No redirect, Your Honor.

8 THE COURT: All right. This witness may be
9 excused. Please watch your step coming down, ma'am.
10 The State will call its next witness.

11 MS. HAMMACK: Thank you, Your Honor. The State
12 calls **Minor**

13 CLERK: You can have a seat in that box. Watch
14 your step. Okay, I'll give you a hand up. And can
15 you spell your last name for me when you get up
16 there?

17 **Minor** called as a witness,
18 being first duly sworn by the clerk, was examined
19 and testified as follows:

20 DIRECT EXAMINATION

21 BY MS. HAMMACK

22 Q. Now **Minor**, not **Minor**, right?

23 A. Yes, ma'am.

24 Q. And do you go by **Minor**

25 A. Yes, ma'am.

Minor - Direct by Ms. Hammack

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- 1 Q. Can I call you Minor today?
- 2 A. Yes, ma'am.
- 3 Q. Minor can you tell me how old are you?
- 4 A. Eight years old.
- 5 Q. And did you just turn eight?
- 6 A. Yes, ma'am.
- 7 Q. When was your birthday?
- 8 A. .
- 9 Q. And Minor can you tell me what grade are you
- 10 in?
- 11 A. Second grade.
- 12 Q. All right, and before I ask you any more
- 13 questions I just want to make sure that everybody
- 14 all the way to the end can hear you okay. All
- 15 right. Now, Minor let me ask you this. Do you
- 16 know the difference between the truth and a lie?
- 17 A. Yes, ma'am.
- 18 Q. So if I'm standing here talking to you, and I
- 19 tell you that I'm wearing a blue shirt. Is that the
- 20 truth or is that a lie?
- 21 A. Truth.
- 22 Q. And if I tell you that I'm wearing a yellow
- 23 shirt, is that the truth or a lie?
- 24 A. Lie.
- 25 Q. And Minor what can happen if we tell a lie?

Minor

Direct by Ms. Hammack

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- 1 A. You will get in trouble.
- 2 Q. Okay. Well, let me ask you a few questions.
- 3 You said that you were in second grade. What's your
- 4 teacher's name?
- 5 A. Ms. Laney.
- 6 Q. And what is your favorite thing about second
- 7 grade?
- 8 A. I love when we do activities together.
- 9 Q. Yeah. **Minor** who lives at home with you?
- 10 A. My mama, me, and my daddy.
- 11 Q. And when you say your mama, is that your mama
- 12 over there?
- 13 A. Yes, ma'am.
- 14 Q. And sitting next to your mama, that's your
- 15 Mimi?
- 16 A. Yes, ma'am.
- 17 Q. Is that your grandmother?
- 18 A. Yes, ma'am.
- 19 Q. And you live with them and your daddy. Do you
- 20 have any pets?
- 21 A. I got dogs.
- 22 Q. How many dogs do you have?
- 23 A. Three.
- 24 Q. Three dogs. So you have you, your mom, your
- 25 dad, your Mimi, and three dogs in the house? All

Minor

- Direct by Ms. Hammack

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1 right. Oh, let me tell you this. When I ask you a
2 question, when you answer, you have to answer it out
3 loud so that this lady right here can write down
4 what you said. Can you do that for me?
5 A. Yes, ma'am.
6 Q. Thank you. Now, **Minor** you have told me about
7 what grade you're in, and who lives in your house
8 with you. I'm going to ask you about somebody else.
9 Do you know who Joey is?
10 A. The bad guy that hurt me.
11 Q. I want to ask you a couple of questions about
12 Joey, okay? You have got to answer out loud for me.
13 Is that okay?
14 A. Yes, ma'am.
15 Q. Can you tell me, is Joey a little kid or a
16 grown-up or something different?
17 A. A grown-up.
18 Q. And is -- well, let me ask you this. Joey's a
19 grown-up. How do you know Joey?
20 A. 'Cause we had a lot of fun together.
21 Q. Okay. And did you ever go to Joey's house?
22 A. Yes, ma'am.
23 Q. Did Joey ever come to your house?
24 A. To pick up my mama, yes, ma'am.
25 Q. Okay. And you say that Joey would pick up your

Minor

- Direct by Ms. Hammack

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1 mama. Did your mama and Joey used to be boyfriend
2 and girlfriend?

3 A. He was her ex-girlfriend.

4 Q. Okay. Okay. So tell me this, **Minor** You
5 said that Joey hurt you. Now I want you to help me
6 understand that, and help them understand that.
7 Okay? Can you tell me where you were when Joey hurt
8 you?

9 A. At my house.

10 Q. You were at your house? And who stayed at the
11 house with you?

12 A. My Mimi and mama.

13 Q. And when Joey hurt you at your house, were you
14 inside the house, or were you outside the house, or
15 were you somewhere else?

16 A. I was in the car.

17 Q. Whose car were you in?

18 A. My mama's.

19 Q. Do you remember if it was a big car, or a
20 little car, or a truck, or something different?

21 A. It was something different.

22 Q. Do you remember if it had just one set of
23 seats, or different rows of seats?

24 A. Four seats.

25 Q. Four seats? Did it have four doors?

- 1 A. Yes, ma'am.
- 2 Q. Okay. So if you were in the car, where was
- 3 Joey?
- 4 A. In the passenger seat on the front side.
- 5 Q. Okay. And where were you in the car?
- 6 A. Backseat.
- 7 Q. Did you always sit in the backseat?
- 8 A. Yes, ma'am.
- 9 Q. And if you were in the car, and Joey was in the
- 10 car, where was your mom?
- 11 A. In the house.
- 12 Q. And where was Mimi?
- 13 A. In the bed in the house.
- 14 Q. Okay. So when you were in the backseat, and
- 15 Joey was in the front passenger seat, did you stay
- 16 in the backseat?
- 17 A. No, ma'am.
- 18 Q. Why did you not stay in the backseat?
- 19 A. Joey told me to get in the front seat.
- 20 Q. And how did you get in the front seat?
- 21 A. By climbing into the front.
- 22 Q. And did you climb to the front without getting
- 23 out of the car, or did you have to get out and walk
- 24 around?
- 25 A. No, ma'am.

Minor

- Direct by Ms. Hammack

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1 Q. Okay. So when you climbed to the front seat,
2 where did you go?

3 A. I went to Joey's side.

4 Q. Did Joey tell you to go to his side?

5 A. Yes, ma'am.

6 Q. Okay. And what happened when you went to
7 Joey's side of the car?

8 A. He told me to get down in the very, like, in
9 the very bottom.

10 Q. Okay. And did you do what he said?

11 A. Yes, ma'am.

12 Q. What happened when you got down in the very
13 bottom of Joey's seat?

14 A. He unzipped his pants.

15 Q. Okay. And what happened when he unzipped his
16 pants?

17 A. I sucked on his thing.

18 Q. Okay. Let's do this, **Minor** I want to make
19 sure that I understand exactly what you're telling
20 me, okay. So give me just a second. I'm going to
21 get a picture so you can help me understand, okay?
22 Now, **Minor** I am showing you a really big picture
23 of a boy. And just then you told me that when you
24 got down in the bottom of Joey's seat, that he
25 unzipped his pants, and that you sucked on his

Minor

- Direct by Ms. Hammack

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1 thing. Can you show me on this picture of the boy,
2 where you are talking about when you say his thing?

3 MS. HAMMACK: Your Honor, may the record
4 reflect that the witness has identified the penis.

5 THE WITNESS: Yes, ma'am.

6 THE COURT: Yes.

7 BY MS. HAMMACK

8 Q. **Minor** whose idea was it for you to suck on
9 Joey's thing?

10 A. Joey's idea.

11 Q. And did he tell you to do that?

12 A. Yes, ma'am.

13 Q. This is going to be a hard question. Do you
14 know how long you sucked on Joey's thing?

15 A. For an hour I think.

16 Q. Did it seem like a long time?

17 A. No, ma'am.

18 Q. And when Joey told you to suck on his thing,
19 what part of your body did Joey's thing touch?

20 A. My mouth.

21 Q. And did it go in your mouth?

22 A. Yes, ma'am.

23 Q. Okay. Did Joey touch any other part of your
24 body?

25 A. No, ma'am.

Minor

- Direct by Ms. Hammack

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1 Q. Did Joey ask you to touch any other part of his
2 body?

3 A. No, ma'am.

4 Q. And when he had you suck on his thing, what did
5 he do afterwards?

6 A. He zipped up his pants back up.

7 Q. Okay. Well, let me ask you this. Did anything
8 come out of his thing?

9 A. No, ma'am.

10 Q. Okay. And after Joey zipped his pants back up,
11 what did you do?

12 A. Went inside of the house.

13 Q. And why did you go inside the house?

14 A. 'Cause my mama told me to.

15 Q. And who was in the house when you went back
16 inside?

17 A. My Mimi.

18 Q. Did you tell your Mimi what happened?

19 A. Yes, ma'am.

20 Q. And after you told your Mimi what happened in
21 the car, did y'all go anywhere?

22 A. I stayed home with my Mimi.

23 Q. So you didn't go eat?

24 A. No, ma'am.

25 Q. Did you ultimately have to go to the doctor?

Minor - Cross by Mr. McKellar

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1 A. Yes, ma'am.

2 Q. And then after that, did you go and talk to
3 somebody else about what happened?

4 A. Yes, ma'am.

5 Q. And did you talk to police officers about what
6 happened?

7 A. Yes, ma'am.

8 Q. **Minor** give me just a minute, okay? I'll be
9 right back.

10 MS. HAMMACK: **Minor** I don't have any more
11 questions for you right now, but Mr. Will may have
12 some questions for you. So if he does, you answer
13 his questions, okay?

14 THE WITNESS: Okay.

15 THE COURT: Any cross?

16 MR. MCKELLAR: Yes, Your Honor.

17 CROSS EXAMINATION

18 BY MR. MCKELLAR

19 Q. Hey **Minor** my name is Mr. Will.

20 A. Hi.

21 Q. How are you?

22 A. Good.

23 Q. Well, my -- **Minor** my job is to help Joey,
24 okay. **Minor** when -- you said that he told -- he
25 unzipped his pants, and you did what you did. When

Minor

- Cross by Mr. McKellar

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1 he unzipped his pants and he pulled his penis out,
2 was there anything on his penis?

3 A. No, sir.

4 Q. There was no, there was no large earring on the
5 penis?

6 A. No, sir.

7 Q. **Minor** has anybody told you what to say today?

8 A. Only my Mimi and my mama.

9 Q. They told you what to say? Did you practice
10 what you would say?

11 A. Yes, sir.

12 Q. Okay. Did you practice with Mimi and mama?

13 A. Yes, sir.

14 Q. Did you practice it with Ms. Ashley as well?

15 A. Yes, ma'am -- I mean, yes, sir.

16 Q. Some people get to come in here and practice.
17 Did you get to come in here and practice?

18 A. No, sir.

19 Q. No, okay. Do you remember speaking to a lady
20 named Ms. Kim, or Ms. Casso about this?

21 A. No, sir.

22 Q. Okay. Ms. Ashley just corrected me. It's not
23 Ms. Casso. It's Ms. Kim Sawyer.

24 A. No, sir.

25 Q. Does that name not ring a bell either? I'm

Minor

- Redirect by Ms. Hammack

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1 going to show you a picture to see if that helps
2 you -- help you remember, okay?

3 (WHEREUPON, the witness was shown a
4 photograph.)

5 A. Yes, sir.

6 Q. You remember speaking to this lady?

7 A. Yes, sir.

8 Q. Do you remember being asked how it -- what it
9 felt like?

10 A. I felt nervous when I did it.

11 Q. Hmm?

12 A. I felt nervous when I did it.

13 Q. Okay. Do you remember saying that it felt like
14 his hand?

15 A. No, sir.

16 Q. Do you remember telling her that he made you
17 suck on his finger?

18 A. Yes, sir.

19 Q. You do. Okay.

20 MR. MCKELLAR: Beg the Court's indulgence. I
21 don't have any further questions. Thank you,

22 **Minor**

23 THE WITNESS: You're welcome.

24 THE COURT: Redirect?

25 REDIRECT EXAMINATION

Minor - Redirect by Ms. Hammack

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1 BY MS. HAMMACK

2 Q. Minor Mr. Will asked you if anybody told you
3 what to say. And you said that your mom and Mimi
4 told you what to say. What did they tell you to
5 say?

6 A. They told me to tell the truth.

7 MS. HAMMACK: Thank you, Minor

8 THE WITNESS: You're welcome.

9 THE COURT: Any recross?

10 MR. MCKELLAR: Nothing further.

11 THE COURT: All right. This witness, Minor
12 Ms. Minor you can come down. I want you to grab
13 his hand so we make sure that you don't fall, okay?
14 Thank you.

15 THE WITNESS: You're welcome.

16 THE COURT: Ladies and gentlemen of the jury,
17 at this time we will break for about ten minutes.
18 If you need to take a stretch break, take a bathroom
19 break, Mr. Turner will escort you out. If you'll
20 escort the jury, please.

21 (WHEREUPON, the jury exited the courtroom
22 at 2:59 p.m.)

23 THE COURT: All right, we will stand down for
24 ten minutes. Take a bathroom break.

25 (WHEREUPON, the Court took a recess.)

1 (WHEREUPON, the jury entered the courtroom
2 at 3:13 p.m.)

3 THE COURT: All right, ladies and gentlemen of
4 the jury, at this time we will proceed. The State
5 will call its next witness.

6 MS. SANDERLIN: The State calls Sarah Goodman.

7 CLERK: You may have a seat in the witness box.
8 Please State your full name, spelling your last.
9 Watch your step.

10 THE WITNESS: My name is Sarah Goodman.
11 G-O-O-D-M-A-N.

12 SARAH GOODMAN, called as a witness, being
13 first duly sworn, was examined and testified as
14 follows:

15 DIRECT EXAMINATION

16 BY MS. SANDERLIN

17 Q. Ms. Goodman, where do you work?

18 A. I work at the South Carolina Law Enforcement
19 Division, commonly referred to as SLED.

20 Q. And what is your title there?

21 A. I am a forensic scientist assigned to the DNA
22 casework department.

23 Q. Can you tell us a little bit about what your
24 duties include?

25 A. Yes, so we receive items of evidence and known

1 standards from law enforcement agencies throughout
2 the State of South Carolina. So we will take those
3 items of evidence, go through all of our laboratory
4 processes to develop a DNA profile, and we will do
5 the same for any known standards that we have. And
6 then we will write a report based on our findings.

7 Q. And can you tell us a little bit about how you
8 became a forensic scientist, what your background
9 is?

10 A. Sure. So I have a Bachelor of Science in
11 Biology degree from Erskine College, as well as a
12 Master's of Science in Forensic Science from Arcadia
13 University. And then upon my employment at SLED I
14 underwent about a year-and-a-half training program
15 under another court-qualified analyst, which
16 included laboratory and classroom and practical
17 instruction in all of the duties of my job as a DNA
18 analyst. At the end of that training I successfully
19 completed a series of competency tests to be
20 certified to perform DNA casework.

21 Q. And can you tell us how long you have worked in
22 this role?

23 A. Yes, approximately eight years.

24 Q. Okay. Have you ever testified in court before?

25 A. I have.

1 Q. Have you testified as an expert before?

2 A. Yes.

3 Q. And so you have been qualified as an expert.

4 A. I have, yes.

5 MS. SANDERLIN: Your Honor, the State would
6 move to tender Ms. Goodman as an expert in DNA
7 analysis.

8 THE COURT: Mr. McKellar, do you have any
9 questions for this witness?

10 MR. MCKELLAR: I do not. We have no objection.

11 THE COURT: No objection. All right, Madam
12 Solicitor, I will find that the subject matter is
13 beyond the ordinary knowledge of the jury, and that
14 the expert has the requisite knowledge and skill to
15 be qualified as an expert witness in the subject
16 matter of DNA analysis.

17 MS. SANDERLIN: Thank you, Your Honor.

18 BY MS. SANDERLIN

19 Q. Ms. Goodman, I want to talk with you a little
20 bit about DNA, which is your expertise. Can you
21 tell us whether SLED received DNA samples in the
22 case of State versus Joseph Edmond?

23 A. Yes, we did.

24 Q. And can you tell us how that would have come to
25 your office?

1 A. So it would have come to our office from the
2 law enforcement agency, which in this case, I
3 believe, was the Aiken County Sheriff's Office. So
4 they would have submitted the evidence to SLED, and
5 I would have taken the evidence into my custody when
6 it was my -- or the analyst would have taken it into
7 their custody when it was their turn to analyze the
8 evidence.

9 Q. And so SLED did conduct DNA analysis in this
10 case?

11 A. Yes.

12 Q. Were there results that were gained?

13 A. Yes.

14 Q. And can you tell us what those results were?

15 A. Yes, so in this case there was a sexual assault
16 evidence collection kit from Minor [REDACTED]
17 submitted. So for the items in that kit there were
18 oral swabs, and the result for those is that the DNA
19 profiles developed are attributable to Minor [REDACTED]

20 [REDACTED]
21 There were also right hand fingernail swabs
22 from Minor [REDACTED] and the result there is of a
23 DNA profile developed is attributable to Minor [REDACTED]
24 [REDACTED] The presence of a minor male contributor is
25 indicated, but it is insufficient for

1 interpretation.

2 And then for the left hand fingernail swabs the
3 DNA profile developed is attributable to Minor

4 And lastly we had buccal swabs from
5 Minor and the DNA profile developed was
6 suitable for use as a known standard.

7 Q. And can you tell us, based on the information
8 that you received from the law enforcement agency,
9 where these samples were taken from, or, I guess,
10 who they were taken from?

11 A. These samples were taken from Minor
12 as part of a sexual assault evidence collection kit.

13 Q. Can you explain to us what ownership DNA is?

14 A. Sure. So ownership DNA is DNA that is left
15 behind, typically, on clothing from the wearer of an
16 item. So, for example, if I took my jacket and
17 swabbed it for ownership DNA, I would expect to get
18 my DNA on that item. So it's a type of collection
19 to determine who was wearing or handling an item
20 most often.

21 Q. And can you explain, if someone were to swab my
22 nose or my mouth, what type of DNA might be found
23 there, or would DNA be found there?

24 A. Typically you would expect DNA to be found from
25 the mouth. It would typically be from saliva. From

1 the nose, also, just from the bodily fluids, from
2 mucous, potentially, is where the DNA cells would be
3 from, most likely.

4 Q. And so, if you swabbed my mouth, would you
5 expect to find my DNA in my mouth?

6 A. Yes, I would.

7 Q. And would that be pretty common?

8 A. Yes.

9 Q. Can you explain what touch DNA is?

10 A. Yes, touch DNA is DNA that is left behind when
11 you touch or handle an item. So it's the skin cells
12 that are left behind after you touch an item.

13 Q. Are you always able to detect touch DNA?

14 A. Not always, no.

15 Q. Is DNA always left behind when you touch an
16 item?

17 A. Not necessarily.

18 Q. Can you explain why not?

19 A. Sure, so there are different factors that
20 determine how much DNA is left behind when a person
21 handles an item. For example, body fluids typically
22 have more DNA than just your skin cells. So
23 typically if there is saliva, or blood, or semen
24 that's going to have more DNA than just if you
25 touched an item with your hand.

1 There's different environmental factors that
2 can determine how much DNA is left behind. Some
3 things like heat can degrade or breakdown DNA. If
4 there's -- if it's outdoors and it's raining, that
5 can wash away some of the DNA. And, additionally,
6 people shed different amounts of DNA. So some
7 person might leave more skin cells behind than
8 another person, just organically.

9 Q. And so you mentioned environmental factors
10 affecting DNA, heat, and rain, and that sort of
11 thing. Going back to that example of swabbing my
12 mouth, what sorts of factors might affect DNA
13 presence in that environment?

14 A. So depending on the type of DNA, like I said,
15 body fluids typically have more cells than just
16 touch DNA. So swabbing someone's mouth, I would
17 expect to get their DNA from their saliva. Anything
18 else, like if there's other types of body fluid in
19 there, there might be DNA from there, as well.

20 In terms of if you are looking at touch DNA
21 inside of someone's mouth you may or may not be able
22 to develop a profile from that just because the body
23 fluid would typically overpower that DNA. Or
24 there's also chemicals called enzymes in your mouth
25 in your saliva that break down other chemicals and

1 cells.

2 So, again, there's a lot of different
3 environmental factors that can affect the type of
4 DNA that you would expect to get from oral swabs.

5 Q. And just to clarify, is touch DNA like skin
6 cells, or what all does that encompass?

7 A. Touch DNA is typically skin cells. It could be
8 cells from sweat, as well, from your hands or body.
9 But it's typically skin cells that are left behind.

10 MS. SANDERLIN: Beg the Court's indulgence.

11 BY MS. SANDERLIN

12 Q. Ms. Goodman, you mentioned the factors that can
13 affect the presence of DNA. Is the absence of DNA,
14 or the fact that DNA is not found, does that
15 indicate that someone did not touch it?

16 A. Not necessarily, no.

17 Q. And would that be because of the effects of the
18 factors on that, environmental or otherwise?

19 A. Yes.

20 MS. SANDERLIN: Nothing further from the State
21 for this witness, Your Honor.

22 THE COURT: Cross.

23

24 CROSS EXAMINATION

25 BY MR. THOMPSON

1 Q. Hi, Ms. Goodman.

2 A. Hello.

3 Q. I'm just not really sure why we are doing this
4 so I want to go through the report and just make
5 sure I understand. They did a sexual assault kit
6 for Minor's mouth, right?

7 A. Yes, the oral swabs were part of the kit, yes.

8 Q. And the only DNA they found in her mouth is her
9 DNA, right?

10 A. Yes.

11 Q. Which doesn't really tell us anything, right?

12 A. It tells us that she is contributing to her
13 oral swabs.

14 Q. It tells us that she is her, but it doesn't
15 really tell us anything else, right?

16 A. Sure. I'm not sure what you're asking.

17 Q. Well, what I'm asking you is this. Is there
18 any other logical scientific conclusion we can draw
19 from the fact that the only DNA in Minor's mouth
20 is Minor's DNA? And I would think the answer is
21 no, correct?

22 A. Based off of my report, all I have is her DNA.

23 Q. Right. If I swabbed your mouth, we would
24 expect to find your DNA in it.

25 A. Yes.

1 Q. If I swabbed my mouth, we would expect to find
2 my DNA in it.

3 A. Yes.

4 Q. That doesn't mean that anything else hasn't
5 been in my mouth, or that anything has been in -- it
6 doesn't mean anything all. Right?

7 A. It doesn't necessarily mean anything has or has
8 not been in there.

9 Q. And I think that there's a, there's a presence
10 of male DNA on her right hand fingernail swab. But
11 we don't have any idea who it, who that might be,
12 correct?

13 A. Correct.

14 Q. It could be somebody she shook hands with,
15 somebody that she's in school with, it could have
16 been a male nurse or a police officer at the
17 hospital. We have no idea of who that is, right?

18 A. Correct, all of those are a possibility.

19 Q. Okay. And the only DNA it looks like on her
20 left is her DNA, which, again, doesn't really mean
21 anything.

22 A. I'm sorry, is that a question?

23 Q. Yes, ma'am.

24 A. Okay. Yes, it's just her DNA on her swabs.

25 Q. Right. And it doesn't mean anything, right?

1 A. Besides the fact that it's her DNA, no.

2 Q. Is there any -- related to guilt or innocence
3 of the accused, is there any logical inference that
4 you can make about nobody else's DNA being on her
5 hand other than her DNA?

6 A. All I can tell you is whose DNA is or isn't
7 there. I just state the facts of my report, which
8 is that it's only her DNA on those swabs.

9 Q. You would agree with me that -- and I'm sure
10 you did a wonderful job, and did a wonderful report,
11 but you would agree with me that this DNA evidence
12 is not terribly helpful to determining guilt or
13 innocence of the accused today, correct?

14 A. I can't personally determine that.

15 Q. Okay.

16 MR. THOMPSON: I have no further questions.

17 THE COURT: Any redirect?

18 MS. SANDERLIN: No, Your Honor.

19 THE COURT: All right, this witness may be
20 excused. Please watch your step.

21 THE WITNESS: Thank you.

22 THE COURT: The State may call its next
23 witness.

24 MS. HAMMACK: The State calls Robert Sullivan.

25 CLERK: Please have a seat in the witness box.

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1 Please state your full name, spelling your last.
2 Please watch your step.

3 THE WITNESS: It's John Robert Sullivan.
4 S-U-L-L-I-V-A-N.

5 JOHN ROBERT SULLIVAN, called as a witness,
6 being first duly sworn by the clerk, was examined
7 and testified as follows:

8 DIRECT EXAMINATION

9 BY MS. HAMMACK

10 Q. Are you situated?

11 A. Yeah, I was trying not to knock the cord loose.

12 Q. Investigator Sullivan, what do you do for a
13 living?

14 A. I'm an investigator with the Aiken County
15 Sheriff's Office.

16 Q. And how long have you been doing that?

17 A. I've been doing investigations with Aiken
18 County Sheriff's Office since December 2018.

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

20 A. A total of, it's going on 17 -- 16, 17 years.

21 Q. Now as an investigator with the sheriff's
22 office, what does that mean you do every day?

23 A. I'm assigned cases, and -- well, my part is I'm
24 in juvenile investigations, so anything involving a
25 child or anyone under the age of 18, whether they

1 are a suspect or a victim of some incident.

2 Q. And as far as getting assigned cases, once you
3 get a case do you then, for lack of a better word,
4 investigate it?

5 A. Yes.

6 Q. And what does that investigation typically
7 involve?

8 A. Interviewing witnesses. Well, reviewing the
9 report, what's initially been stated, interviewing
10 the victims, witnesses, and suspects.

11 Q. Now were you working as an investigator for the
12 Aiken County Sheriff's Office on March 7th of 2021?

13 A. I was.

14 Q. Was that a Sunday?

15 A. It was.

16 Q. Do you typically work from the office on
17 Sundays?

18 A. I do not.

19 Q. Do y'all have a system where an investigator is
20 on-call on the weekends?

21 A. Yes, we do.

22 Q. And what does it mean to be on-call on a
23 weekend?

24 A. So on a weekend we'll start at 8 a.m. in the
25 morning on a Saturday. And we're off-call 8 a.m.

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1 the following Monday morning. So if a deputy goes
2 out on something involving a child, and they feel
3 like they need an investigator to take over the
4 case, then they will call me or whoever's on-call.

5 Q. And were you on-call on Sunday March 7th of
6 2021?

7 A. I was.

8 Q. And while you were on-call that Sunday did you
9 get a call to become involved in the investigation
10 of this case?

11 A. I did.

12 Q. Now when you're on-call and you get called out,
13 do you typically get a summary of what's going on so
14 you know what to expect?

15 A. I do. Normally we'll speak to whoever is on
16 scene, either the supervisor or whatever deputy is
17 on scene at the time, and will get some brief
18 rundown.

19 Q. And you mentioned on the scene, when you got
20 called out in this case, where did you get called
21 out to?

22 A. It was Aiken Regional Hospital at the emergency
23 room.

24 Q. And who did you speak with first when you got
25 to the emergency room at the Aiken Regional

1 Hospital?

2 A. Ms. Amanda Smith.

3 Q. And who is Amanda --

4 A. Or I spoke to the deputy first. I apologize.
5 And then I spoke to Amanda Smith.

6 Q. And did that deputy give you a summary of what
7 had been going on so far?

8 A. She did.

9 Q. And what was the general nature of the call
10 that you responded to?

11 A. That a 5-year-old had been sexually assaulted,
12 and it had just recently happened four -- about
13 four hours prior to me being notified.

14 Q. When you say about four hours prior, about what
15 time did you get called out?

16 A. It was shortly after midnight. So March 8th.
17 Monday morning.

18 Q. So you got called out shortly after midnight
19 and this had happened about four hours prior, so
20 this had happened in the evening time of March 7th,
21 2021, is that correct?

22 A. Yes, that's what I was told.

23 Q. And you got called out, technically, on March
24 8th, because it was just after midnight?

25 A. Yes, that's correct.

1 Q. Now after you got that summary that this was a
2 sexual assault call, you stated that you spoke to
3 Amanda Smith. Who is Amanda Smith?

4 A. That was the victim's grandmother.

5 Q. And was there anybody else at the hospital with
6 her?

7 A. Ms. Rachel Fulton, and then **Minor** was
8 also there.

9 Q. And who is Rachel?

10 A. **Minor's** mother.

11 Q. And did you speak with her as well?

12 A. I did.

13 Q. And did you do anything to memorialize your
14 conversations both with **Minor's** mother and
15 grandmother?

16 A. Yeah, we're given digital recorders -- audio
17 recorders. I had that. Also Ms. Rachel Fulton had
18 already written a statement, and I had Ms. Smith
19 give a statement, a written statement.

20 Q. Did you talk to **Minor** at the hospital?

21 A. I did.

22 Q. And when you talked to Ms. Smith, Ms. Fulton
23 and **Minor** what were they doing at the hospital?

24 A. She -- I don't remember if they, if the nurse
25 had already examined her or not, but they were there

1 for a sexual assault exam. And they were in the
2 hospital room, or, yeah, in the room.

3 Q. And I apologize if I asked you this. I know I
4 thought it in my head, but I can't remember if I
5 actually said it out loud. Did you talk to **Minor**
6 in the hospital?

7 A. I did talk to **Minor**

8 Q. And was anybody present in the room when you
9 talked to **Minor**

10 A. Her mother was in there with her.

11 Q. And was that a long conversation, or a short
12 conversation?

13 A. It wasn't very long.

14 Q. And when you get called out on a case where a
15 child is a victim of a crime, do you have a standard
16 procedure that you follow as to how you get a
17 statement from that child?

18 A. Yes.

19 Q. What do you typically do?

20 A. I'll speak to the child. It's based on the
21 age. Since the incident had -- was a freshly
22 committed incident so it just recently happened, I
23 want to kind of gather what happened. If there's
24 any evidence to check -- to collect. I'll have a
25 recorder, and when I speak to a 5-year-old I'll ask

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1 questions in a way where I'm not giving an answer,
2 so a non-leading way.

3 Q. And did you speak to **Minor** and her mom and her
4 grandmother in an attempt to determine your next
5 steps of your investigation?

6 A. Yes, that's correct.

7 Q. And in speaking to them did you get an idea of
8 where this incident happened?

9 A. I did.

10 Q. And where was that?

11 A. It was in Ms. Rachel Fulton's vehicle at --
12 which at the time was at her mother's residence off
13 Charleston Highway.

14 Q. And her mother's residence off Charleston
15 Highway, is that here in Aiken County?

16 A. It is.

17 Q. You mentioned that it was your understanding
18 that this happened in Rachel's vehicle. Did you
19 have an opportunity to see Rachel's vehicle?

20 A. I did.

21 Q. And where was her vehicle when you saw it?

22 A. It was in the parking lot of the hospital.

23 Q. Do you remember what kind of car she drove?

24 A. It was a black Nissan SUV.

25 Q. Now Investigator Sullivan, did you ask

1 permission from Rachel to do anything to her
2 vehicle, or to examine her vehicle in any way?

3 A. Yes, I did. She actually led me to her
4 vehicle.

5 Q. And why did you want to examine her vehicle?

6 A. To see if there was any potential evidence I
7 could collect or send it off -- or hold it for our
8 forensic investigator to come process it.

9 Q. And did you do anything to document what her
10 vehicle looked like?

11 A. I did. I took photographs of the vehicle on
12 the outside and the inside of it.

13 Q. Investigator Sullivan, I'm showing what's
14 already been entered as State's 1, 2, 3, and 4.
15 Will you take a look at those?

16 A. Okay.

17 Q. Do you recognize those?

18 A. I do.

19 Q. Are those the photographs that you took of
20 Rachel's vehicle at the hospital that night?

21 A. They are.

22 MS. HAMMACK: Your Honor, at this time I would
23 like to publish State's 1-4 to the jury.

24 THE COURT: Any objection to publication?

25 MR. MCKELLAR: No objection.

1 THE COURT: All right.

2 MS. HAMMACK: And I'll give the jury just a
3 moment to review those.

4 (WHEREUPON, the jury reviewed the
5 referenced photographs.)

6 BY MS. HAMMACK

7 Q. Investigator Sullivan, when you were taking
8 these photographs of Rachel's vehicle was there a
9 particular area of the vehicle that was of
10 significant interest to you?

11 A. The main area was the front passenger side seat
12 area.

13 Q. And what types of things were you examining as
14 far as like size and spacing of that front passenger
15 seat?

16 A. I was trying to see if it was -- there was
17 enough space for what the disclosure said had
18 occurred. See if there was enough space for it
19 actually to have happened.

20 Q. And is that why you photographed that
21 particular area?

22 A. Yes.

23 Q. Did you have forensics come and process the
24 vehicle?

25 A. I did not.

1 Q. Why?

2 A. There was no disclosure of any type of
3 ejaculation so, you know, I'm not going to find any
4 DNA from that.

5 Q. So once you documented the vehicle by taking
6 these photographs did you do any other follow-up as
7 it related to going to the [REDACTED]
8 address?

9 A. I did not.

10 Q. And is that because the incident occurred in
11 that vehicle, and not inside the home, or somewhere
12 else at that property?

13 A. Yeah, that is correct. That is where the crime
14 had occurrence so it's the only thing I needed to
15 look at.

16 Q. Did you do any follow-up for [REDACTED] Minor

17 A. I did. Typically whenever we have a child, you
18 know, under the age of 18 whether they are a victim
19 or a witness, in this case [REDACTED] Minor was a victim, we
20 sent her to the Children's Advocacy Center for a
21 forensic interview.

22 Q. And after talking to the deputy on scene,
23 [REDACTED] Minor's mother, [REDACTED] Minor's grandmother, and [REDACTED] Minor
24 was there anybody else that you were aware of that
25 had been at the incident at the time that it

1 occurred?

2 A. Joseph Edmond.

3 Q. Did you talk to him?

4 A. Not that night, I did not. I did later.

5 Q. And when did you ultimately talk to Joseph
6 Edmond?

7 A. It was on March the 10th of 2021.

8 Q. And when you talked to him, where did you talk
9 to him?

10 A. At the Aiken County Sheriff's Office where I
11 interviewed him.

12 Q. Now in March of 2021, were things a little bit
13 different at the sheriff's office than they had been
14 historically?

15 A. Yeah, that was the year of COVID so they had
16 the -- I don't want to say locked down, but they
17 weren't allowing anyone outside of law enforcement
18 inside the building. So we -- when we did any type
19 of interview we had a conference room for our
20 criminal investigation division, and that's where we
21 would bring people in for an interview.

22 Q. So instead of using like an interview room like
23 we would see on TV, you interviewed the defendant in
24 a conference room?

25 A. Yes, that's correct.

1 Q. And did you have any type of equipment to
2 record this interview for later?

3 A. Yeah, we were making use of a hand-held video
4 camera.

5 Q. Now before you talked to the defendant at the
6 sheriff's office in the conference room, was he in
7 custody?

8 A. He was. Prior to me making first contact with
9 him I obtained a warrant for his arrest.

10 Q. And because he was in custody, was there
11 anything that you did in your interaction with the
12 defendant before you talked to him, before you
13 interviewed him?

14 A. No, just the only thing I did was transport him
15 to -- I asked him if he would be willing to talk
16 about it. He told me yes. We hadn't talked about
17 any specifics about this case. I transported him to
18 the sheriff's office.

19 Q. And once you transported him to the sheriff's
20 office and you began to talk to him in that
21 conference room, did you go ahead and turn that
22 video on so it's recording?

23 A. Yeah. As -- I think he had already -- we had
24 just sat him down. The camera is set up on a
25 tripod. We activated the video camera.

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1 Q. And before you began asking him questions about
2 this, did you advise him that he had rights?

3 A. I did.

4 Q. And those rights that the defendant had, are
5 those rights that everybody has when they talk to
6 law enforcement?

7 A. Yes, that's correct.

8 Q. And do we call those Miranda Rights?

9 A. Yes.

10 Q. And do you have a standard way of reviewing
11 Miranda Rights with someone before you talk to them?

12 A. Yeah, we have a standard form that everyone at
13 the sheriff's department has access to that we use
14 to advise people of their rights, of the Miranda
15 Rights.

16 Q. So before you talk to somebody you make sure
17 they know each of those rights that they have?

18 A. I do.

19 Q. And how do you explain those rights to
20 somebody? You say it's a form. Do you just hand
21 them the form, or how does that work?

22 A. No, what I'll do -- I've learned to read
23 sideways. But I'll turn the paper so they can see
24 it, and then I will read it word-for-word,
25 line-for-line. Prior to me actually starting to

1 read it I'll ask them -- or I'll tell them if there
2 is something they don't understand, or they have a
3 question about, that they can let me know and I'll
4 explain it to them the best I can. I'll then go
5 through the Miranda form and read it like I said
6 word for word.

7 Q. And in this case did you read word-for-word the
8 defendant's Miranda Rights to him?

9 A. I did.

10 Q. At any point did he have any questions or seem
11 confused about the rights that he had?

12 A. He did not.

13 Q. And did he do anything on that form to indicate
14 that he understood each of those rights that he had?

15 A. Yeah. There's boxes next to -- I don't
16 remember how many it is separated into, but there's
17 boxes next to each line. I'll tell them to initial
18 it, and all that is saying is that they -- I read it
19 to them and they understand it.

20 Q. And then after initial -- initialing by each
21 right that he understands, is there a space for the
22 defendant to then sign saying he understands all of
23 the rights that he has?

24 A. Yeah, there's a statement there, pretty much in
25 sum it says that they understand their rights, and

1 then they sign there.

2 Q. And did the defendant do that in this case?

3 A. He did.

4 Q. Did you watch him sign saying that he
5 understood those rights he had already initialed?

6 A. Yes, I did.

7 Q. And after you reviewed his rights with him and
8 he indicated that he understood those rights he had,
9 did he then say that he was willing to give up those
10 rights and talk to you?

11 A. Yes, he did. We have a -- underneath that we
12 have a section called waiver of rights. And I'll
13 read that word-for-word also. And he initialed that
14 he understood and signed that he would be willing to
15 talk with me.

16 Q. And at any point when you were asking him about
17 waiving his rights and talking to you, did he, at
18 any point, appear confused or have questions about
19 giving up those rights?

20 A. No. He appeared to completely understand what
21 I told him.

22 Q. At any point did you threaten him in any way to
23 get him to give up his rights to talk to you?

24 A. I did not.

25 Q. At any point did you promise him anything in

1 order to get him to give up his rights and talk to
2 you?

3 A. No.

4 Q. Investigator Sullivan, I'm showing you what has
5 been premarked as State's Exhibit 5. Can you take a
6 look at this for me? And then tell me if you
7 recognize it.

8 A. I recognize that.

9 Q. And what is that?

10 A. That's the Miranda form that I went over with
11 Joseph Edmond that I had him initial in the blocks
12 and sign.

13 Q. And is that his handwriting with the initials
14 and signature understand -- indicating he
15 understands his rights?

16 A. Yes, that is his signature and initials.

17 Q. And is it his handwriting and his initials and
18 signature stating that he's willing to give up those
19 rights and talk to you?

20 A. It is.

21 Q. And did you watch him sign and initial that
22 form?

23 A. I did.

24 Q. And did you ultimately sign indicating that you
25 had done all this with him?

1 A. I did at the bottom.

2 MS. HAMMACK: Your Honor, at this time we would
3 move State's Exhibit 5 into evidence.

4 THE COURT: Any objection?

5 MR. MCKELLAR: No objection.

6 THE COURT: So moved.

7 BY MS. HAMMACK

8 Q. Now Investigator Sullivan, you indicated that
9 you went over his rights with him. He was willing
10 to give them up and talk to you. Did you then
11 interview the defendant?

12 A. I did.

13 Q. And did you continue to record that on that
14 hand-held recorder on the tripod?

15 A. Yes, it never stopped.

16 Q. Now in recording him, do you know about how
17 long that interview lasted?

18 A. I think from when we started the recording to
19 when we stopped it, it was just over an hour, maybe
20 a minute or two over an hour.

21 Q. And since you were in the middle of COVID and
22 having to use some different equipment did, did the
23 recorder save that into different files, for lack of
24 a better word?

25 A. Yeah, the recorder saves the files onto an SD

1 card and it just splits it up, I guess, based on how
2 large the file is. Once it reaches a certain size
3 it starts a new file.

4 Q. But all of these files are just one single
5 interview that you did on March 10th --

6 A. Yeah.

7 Q. -- 2021, correct?

8 A. Yeah, that's correct. I never stopped it until
9 the very end of the interview.

10 Q. Investigator Sullivan, I'm showing you what has
11 been premarked as State's Exhibit 6. Will you take
12 a look at that and tell me if you recognize it?

13 A. I do.

14 Q. How do you recognize that thumb drive?

15 A. I reviewed the files that were on this thumb
16 drive.

17 Q. Is that thumb drive -- does that thumb drive
18 contain the digital recording of the interview you
19 did with the defendant on March 10th, 2021?

20 A. Yes. I reviewed all the files, and that's the
21 interview.

22 Q. And is that the only thing that is on that
23 thumb drive?

24 A. Yes, that's correct.

25 MS. HAMMACK: Your Honor, at this time we would

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1 move State's 6 into evidence.

2 THE COURT: Any objection to 6?

3 MR. MCKELLAR: No objection.

4 THE COURT: So moved.

5 BY MS. HAMMACK

6 Q. Now investigator Sullivan, I want to come back
7 to that interview in just a minute, but before I do,
8 after you spoke with the defendant and interviewed
9 him, did you also get him to make a written
10 statement?

11 A. I did.

12 Q. And when I said you got him to make a written
13 statement, did you ask him if he was willing to make
14 a written statement?

15 A. Yes.

16 Q. At any point before that, during the interview
17 at any point, if he had said he wanted to stop the
18 interview would you have let him?

19 A. Yes.

20 Q. If at any point during the interview he had
21 asked for an attorney, would you have stopped the
22 interview?

23 A. Yes, I would have stopped.

24 Q. When you asked him if he was willing to make a
25 written statement, did he indicate one way or the

1 other to you?

2 A. Yes. That he would generate a statement.

3 Q. And when you did the written statement with
4 him, did he write his own answers?

5 A. Yeah, I did it where a Q from -- I wrote my
6 question, and I gave him the paper, A, and he wrote
7 the answer.

8 Q. At any point did you tell him what to say when
9 he wrote in his own writing the answers?

10 A. No, I didn't tell him what to write.

11 Q. And at any point did you threaten him in any
12 way to tell him what to write on his own statement?

13 A. I did not.

14 Q. Did you promise him anything in order to get
15 him to write certain things on this statement?

16 A. I did not.

17 Q. Did you allow him to answer in his own words
18 and in his own writing on his statement?

19 A. Yes, I did.

20 Q. Investigator Sullivan, I'm showing you what has
21 been premarked as State's Exhibit 7. Will you take
22 a look at that and tell me if you recognize it? I'm
23 sorry.

24 A. That's fine. Yes, I do. This is the written
25 statement of Joseph Edmond that I took.

1 Q. And each of those lines that began with the
2 letter Q, is that a question that's written in your
3 handwriting?

4 A. Yes, that's a question that I wrote.

5 Q. And each of the lines of handwriting below
6 those questions, is that the defendant's
7 handwriting?

8 A. Yes, it is.

9 Q. And you watched him write the answers to each
10 of those questions that you asked?

11 A. I did.

12 MS. HAMMACK: Your Honor, at this time I would
13 move State's 7 into evidence.

14 THE COURT: Any objection to 7?

15 MR. MCKELLAR: No objection.

16 THE COURT: So moved.

17 MS. HAMMACK: Your Honor, at this time I would
18 like to publish State's 6 to the jury. That is the
19 video interview.

20 THE COURT: Any objection to the video?

21 MR. MCKELLAR: No objection.

22 THE COURT: All right, I'll allow for
23 publication.

24 Ladies and gentlemen, as they are preparing
25 that video, if you need to stand and stretch, wiggle

1 around, please take the liberty to do that now.

2 (WHEREUPON, a video was played for the
3 jury.)

4 BY MS. HAMMACK

5 Q. I just have a few more questions for you,
6 Investigator Sullivan. I want to come back to the
7 end of that interview, but before I do, you talked
8 about how you went to the hospital, Minor was
9 undergoing a sexual assault kit. And you talked
10 about the sexual assault kit in this interview.
11 When somebody does not, or when a child does not
12 disclose ejaculation, would you typically recommend
13 that they have to go through a sexual assault kit?

14 A. We still do it normally just in case.

15 Q. And so in this case, even though she didn't
16 disclose ejaculation you said just in case y'all
17 collected that sexual assault kit?

18 A. Yes.

19 Q. And did you send it off to SLED for analysis?

20 A. We did.

21 Q. Now going back to this interview, at the
22 beginning you asked the defendant if he was under,
23 or if he had used any drugs or alcohol, and he
24 indicated that he had. So you then followed that up
25 with some more questions. Had the defendant

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1 appeared impaired to you, would you have continued
2 that interview?

3 A. No, I would have stopped.

4 Q. And is that why you asked him if he could still
5 function and work?

6 A. Yes, that's correct.

7 Q. And did he appear to be impaired by any drug or
8 alcohol such that he could not give you a statement?

9 A. No, he did not.

10 Q. At then, lastly, we saw at the end of this
11 interview that you wrote questions down on a piece
12 of paper, and you allowed him to answer those
13 questions in his own handwriting. Is that what we
14 entered into evidence as State's Exhibit 7?

15 A. Yeah, that's the statement.

16 MS. HAMMACK: Your Honor, at this time I would
17 like to publish State's 7 by having Investigator
18 Sullivan read it out loud.

19 THE COURT: Any objection?

20 MR. MCKELLAR: No objection.

21 THE COURT: All right. Yes, ma'am.

22 MS. HAMMACK: And Investigator, if you could
23 just read those questions and answers. The
24 questions that you wrote and then the answers that
25 the defendant wrote for the jury to hear.

1 (WHEREUPON, the witness read the written
2 statement into the record. Questions were written by
3 Investigator Sullivan. Answers were written by
4 Joseph Edmond. Both questions and answers were read
5 by Investigator Sullivan.)

6 THE WITNESS: All right, so.

7 Q. What happened on 3/7 of '21?

8 A. I stuck my fingers in [Minor's] mouth. She got
9 in the floor. I pulled my penis out. Told her to
10 suck it, but she didn't have time. I zipped my
11 pants back up before she could.

12 Q. Did you pull [Minor's] pants down?

13 A. No, I don't know if they were down. And if
14 they were they could have got hung on the dash.

15 Q. Did you tell [Minor] not to tell anyone?

16 A. No, I didn't.

17 Q. Were you drinking alcohol that night?

18 A. Yes, I was.

19 Q. Are you sorry for what you did?

20 A. Yes, I'm very sorry. I've never did (sic)
21 anything like this before. I was instantly sick at
22 my stomach I could even say anything like that. I'm
23 sorry for everything.

24 Q. Is this statement the truth?

25 A. Yes.

1 Q. Is there anything else I should know?

2 A. No.

3 (WHEREUPON, the witness concluded reading
4 into the record.)

5 BY MS. HAMMACK

6 Q. At the conclusion of that interview, and that
7 statement that you just read, was the defendant then
8 processed for his arrest with criminal sexual
9 conduct upon Minor

10 A. Yes, he was.

11 MS. HAMMACK: I don't have any further
12 questions at this time.

13 MR. MCKELLAR: May we approach, Your Honor?

14 THE COURT: Yes.

15 (WHEREUPON, a sidebar was held off the
16 record.)

17 THE COURT: All right, ladies and gentlemen,
18 let me explain a few things to you. Right now we
19 are going to conclude for the day. We will
20 reconvene, again, on Thursday morning. Tomorrow is
21 a State holiday, and so we are actually not
22 permitted to have court on tomorrow. However, we
23 will reconvene on Thursday morning. We ask that you
24 be here on Thursday morning at 9 o'clock. We will
25 provide you with some tasty biscuits. Right,

1 Mr. Turner?

2 BAILIFF: If you say so.

3 (WHEREUPON, the courtroom erupts in
4 laughter.)

5 THE COURT: So is anyone -- do we have any
6 vegans? We usually get sausage biscuits, but we'll
7 get some plain biscuits also, just in case. Okay.
8 Or does it matter to -- I see y'all -- it doesn't to
9 you. All right, sometimes we get very strong
10 objections.

11 That said, these are your instructions. Again,
12 do not attempt to obtain any type of information
13 tonight or over the next day. We'll give you
14 everything that you need. You cannot talk about
15 this case with anyone. When you go home, your
16 family or your friends will ask you what you were
17 doing all day. You certainly can tell them that you
18 are serving as a juror on a case here in Aiken. But
19 that's really the extent of what you should be
20 discussing. Do not discuss this case with each
21 other. We will certainly allow you enough time to
22 deliberate to do that.

23 Does anyone have any questions for me? All
24 right, so we will see you back on Thursday at 9 a.m.
25 Thank you, all. Have a good evening.

1 (WHEREUPON, the jury exits the courtroom
2 at 5:06 p.m.)

3 THE COURT: All right, Investigator Sullivan,
4 so, let me remind you that you are still under oath,
5 and so keep that in mind over the next, this evening
6 and on Thursday.

7 So we will ask that everyone come back on
8 Thursday. If you all could be here -- I asked the
9 jury to come in at 9 o'clock, but really if we can
10 get started at 9:15. I know that's early, but I
11 would like to try -- let's come back and try to get
12 started on Thursday at 9:15.

13 If there are any issues in between that time,
14 obviously, please feel free to email me. We're
15 still working even though it's this holiday, okay.
16 All right, very good. Are there any questions or
17 any matters that we need to take up outside the
18 presence of the jury?

19 MS. HAMMACK: None from the State.

20 MR. MCKELLAR: Judge, I ask this only because I
21 don't know if Investigator Sullivan is familiar with
22 the rules of evidence and court rules. I just
23 ask -- would ask Investigator Sullivan not to
24 discuss the case between now and Thursday when I
25 have a chance to examine him.

1 THE COURT: Certainly. Thank you,
2 Mr. McKellar. So Mr. Sullivan, please do not
3 discuss this case with the Solicitor's Office, or
4 anyone else before Thursday morning -- when your
5 testimony concludes Thursday morning. All right?
6 All right, very good.

7 Thank you. Court is -- I'm sorry.

8 MR. MCKELLAR: No, that's it.

9 THE COURT: All right, court is adjourned for
10 the day. We'll see you Thursday at 9:15.

11 MS. HAMMACK: Thank you, Your Honor.

12 (Court was in recess until 9:25 a.m.,
13 May 11, 2023.)

14 (Continuation of Trial on May 11, 2023.)

15 THE COURT: Madam Solicitor and Mr. McKellar, I
16 have a jury issue that I wish to handle. Let the
17 record reflect that on Tuesday there -- I believe it
18 was during witness three we played the video,
19 State's evidence 1 -- Exhibit 1 --

20 MS. HAMMACK: I believe it's State's --

21 THE COURT: Nevertheless, it was -- we'll get
22 the number in just a --

23 MS. HAMMACK: State's 6.

24 THE COURT: All right, State's Exhibit 6 was
25 played for the jury. It's approximately an hour

1 long and during the playing of that video I did -- I
2 became concerned with a juror who appeared to be
3 asleep on the record -- asleep, while watching the
4 video, several times, and so after much
5 consideration I am going to remove the juror because
6 I do find that that video is important to, as all
7 evidence is, important to this trial but
8 particularly this video. And so I'm going to remove
9 that juror and replace her randomly with an
10 alternate. I need the alternate numbers. I
11 actually think the statute requires me to use the
12 first alternate.

13 The first alternate is number -- Juror No. 52.
14 Madam Clerk, is that what you have in your records?

15 CLERK: Yes, ma'am.

16 THE COURT: All right, so Juror No. 162 is our
17 current juror, and I will be replacing her with
18 Juror No. 52. That will leave us with one remaining
19 alternate. Are there any objections, Mr. McKellar?

20 MR. MCKELLAR: No objections, Your Honor.

21 THE COURT: Are there any objections, Madam
22 Solicitor?

23 MS. HAMMACK: Not from the State.

24 THE COURT: All right. Mr. Charlie, will you
25 bring in Juror No. 162. Her name -- will you bring

1 in Juror No. 162?

2 (Whereupon, Juror No. 162 entered the
3 courtroom.)

4 THE COURT: Good morning. Ms. Sapp?

5 THE JUROR: Yes, ma'am.

6 THE COURT: Good morning. So Ms. Sapp, we are
7 now in a position -- we noticed -- or I noticed
8 yesterday that during the playing of the video you
9 seemed to struggle to stay awake and that's okay.
10 But because that evidence was, was missed, the rest
11 of this testimony will probably be out of context
12 for you. And so we are going to excuse you as a
13 juror. But let me say this, this happens more than
14 you would think. But it's, it's quite all right.
15 It's quite all right. I promise you. But because
16 it's necessary for this trial, I do need to replace
17 you with an alternate, and so we're going to give
18 you a work excuse. You'll still receive that.

19 THE JUROR: I don't need one. I didn't work
20 today.

21 THE COURT: Okay, all right. And you don't.
22 You didn't need one -- did you work last night?

23 THE JUROR: No, ma'am.

24 THE COURT: Okay.

25 THE JUROR: It was that Tuesday. Tuesday

1 morning I had just got off at 7:00 that morning.

2 THE COURT: It makes sense. It makes sense.

3 But that's okay, Ms. Sapp. But what we're going to
4 do is now, you have got a free day today, but we are
5 going to replace you. Thank you for your jury
6 service and the time you spent here with us.

7 THE JUROR: You're welcome.

8 THE COURT: All right, thank you.

9 (WHEREUPON, Juror No. 162 exited the
10 courtroom.)

11 THE COURT: All right. Are we ready to begin
12 testimony again?

13 MS. HAMMACK: We are, Your Honor.

14 THE COURT: All right, so I will have the
15 witness to take his place again on the stand so we
16 are all in position when the jury comes in. I may
17 have neglected to say this at the beginning of the
18 trial but when the jury comes in, if we could stand
19 and, just, anytime they come back into the
20 courtroom. I think I forgot to say that. All
21 right. Anything that we need to discuss out of the
22 presence of the jury before I bring them back in?

23 MS. HAMMACK: Nothing from the State.

24 THE COURT: All right. He's with me,
25 Mr. Charlie. All right. Can we bring the jury back

1 in, please?

2 (WHEREUPON, some jurors entered the
3 courtroom at 9:34 a.m.)

4 THE COURT: We are waiting on two jurors.
5 Y'all can be seated. See what happens when you try
6 something new.

7 (WHEREUPON, the final jurors entered the
8 courtroom at 9:36 a.m.)

9 THE COURT: All right, you may be seated. Good
10 morning, ladies and gentlemen of the jury.

11 ALL JURORS: Good morning.

12 THE COURT: Juror number 52. Where's alternate
13 number 50 -- very good. Good Morning.

14 THE JUROR: Good morning.

15 THE COURT: You have now been placed as a
16 member of the jury.

17 THE JUROR: Okay.

18 THE COURT: We have one alternate remaining but
19 now -- very good. All right, very good. Thank you.
20 All right, at this point we will now resume
21 testimony. Madam Solicitor, according to my notes
22 you had just concluded with this witness. Is that
23 correct, ma'am?

24 MS. HAMMACK: That's correct, Your Honor.

25 THE COURT: All right, very good. We will now

1 begin our cross. Mr. McKellar, your witness.

2 MR. MCKELLAR: Thank you, Your Honor.

3 CROSS EXAMINATION

4 BY MR. MCKELLAR

5 Q. Good morning, Investigator Sullivan, how are
6 you?

7 A. Good morning.

8 Q. We have a few questions for you this morning.
9 The first place you went to investigate was Aiken
10 Regional Medical Center, correct?

11 A. Yes, that's correct.

12 Q. You were not the first law enforcement officer
13 on the scene.

14 A. I was not.

15 Q. A uniformed deputy got there before you.

16 A. Yes.

17 Q. And you spoke to the uniformed deputy first.

18 A. Yes. I spoke to her on the phone first.

19 Q. Okay. And after speaking to the deputy, you
20 spoke with **Minor** Rachel, and the grandmother,
21 Amanda Smith, correct?

22 A. That's correct.

23 Q. Do you recall which order you interviewed them
24 in?

25 A. I spoke to Amanda Smith first. I then spoke to

1 **Minor** And then I spoke to Ms. Fulton, Rachel
2 Fulton.

3 Q. And you recorded each interview?

4 A. Yes.

5 Q. And you documented in your incident report what
6 each person said?

7 A. Yes.

8 Q. You documented specifically what Rachel
9 informed you?

10 A. Yes, I did.

11 Q. And she did inform you --

12 MS. HAMMACK: Objection.

13 THE COURT: What's the basis of your objection?

14 MS. HAMMACK: Hearsay.

15 THE COURT: Mr. McKellar?

16 MR. MCKELLAR: It's going to be a prior
17 existing statement, Your Honor.

18 MS. HAMMACK: And Your Honor, that's something
19 that would be proper to cross examine Ms. Fulton on.
20 She didn't deny making any statements that
21 Mr. McKellar asked her, so at this point the proper
22 foundation for bringing in a statement has not been
23 made.

24 THE COURT: All right, let's sidebar.

25 (WHEREUPON, a sidebar was held off the

1 record.)

2 THE COURT: Sustained. Mr. McKellar, go ahead.

3 MR. MCKELLAR: Thank you, Your Honor.

4 BY MR. MCKELLAR

5 Q. When allegations like these arise, and the
6 child is sent to the hospital, it is common practice
7 that a rape kit be taken on the child, correct?

8 A. Yes, for these type of allegations.

9 Q. And a nurse will examine the child.

10 A. Yes.

11 Q. And the nurse will look for signs of trauma.

12 A. That's the way I understand it, yes.

13 Q. And the nurse will look for, potentially,
14 bodily fluids on the child.

15 A. Yes.

16 Q. And then a nurse will swab for DNA.

17 A. Yes.

18 Q. And in our case, the nurse did swab for DNA,
19 correct?

20 A. Yeah. Did an oral swab.

21 Q. And in that -- and that oral swab was sent off
22 to SLED?

23 A. Yes, it was.

24 Q. And the result of that DNA analysis was there
25 was no DNA other than the child's DNA on that swab,

1 correct?

2 A. Yes, that's correct.

3 Q. And are you -- do you have a copy of your --
4 the rape kit with you?

5 A. I think so.

6 Q. Will you reference it, please? And if you
7 would, turn to Page 2 of 8 of the rape kit.

8 A. Okay, I believe I'm on the page here.

9 Q. Okay. And when rape kits are performed, nurses
10 frequently ask whether anything has happened that
11 would remove potential DNA or bodily fluids,
12 correct?

13 A. Yes.

14 Q. They'll ask the alleged victim whether the
15 alleged victim took a shower or bathed.

16 A. Yes.

17 Q. They'll ask whether the alleged victim ate or
18 drank anything.

19 A. Yes, they do.

20 Q. Brushed their teeth.

21 A. Yes.

22 Q. Used mouthwash.

23 A. That's correct.

24 Q. And in this particular case you had not --
25 received -- no evidence that **Minor** did anything

1 that would remove DNA from her mouth.

2 A. There was nothing indicated.

3 Q. Okay. I'd like to change gears and talk about
4 your interview with Mr. Edmond briefly. Have you
5 been trained in interrogation techniques?

6 A. I have.

7 Q. You've also been trained in interviewing
8 techniques?

9 A. Yes.

10 Q. And they are different?

11 A. Yes.

12 Q. You interrogate people who you believe have
13 committed a crime.

14 A. Yes.

15 Q. In fact, you believe Mr. Edmond had committed a
16 crime before you even spoke with him, right?

17 A. I did.

18 Q. You already got an arrest warrant out for him.

19 A. Yes.

20 Q. And he entered the room in handcuffs.

21 A. Yes, that's correct.

22 Q. So you didn't interview him. You interrogated
23 him.

24 A. I interviewed him first.

25 Q. You did? Well, when did that interview become

1 an interrogation?

2 A. After he had denied. I went through his part
3 of what he wanted to tell me, and then he denied and
4 I interrogated him.

5 Q. Okay. Are you trained in the Reid Method?

6 A. I am.

7 Q. Okay. Are you trained in avoiding obtaining
8 false confessions?

9 A. Yes.

10 MR. MCKELLAR: Beg the Court's indulgence. I
11 have no further questions, Your Honor.

12 THE COURT: All right. Thank you,
13 Mr. McKellar. Madam Solicitor?

14 MS. HAMMACK: Just two quick questions.

15 REDIRECT EXAMINATION

16 BY MS. HAMMACK

17 Q. Investigator Sullivan, going back to that same
18 Page 2 of the sexual assault exam on **Minor**

19 A. Okay.

20 Q. Does it indicate at the bottom of that page
21 approximately what time the sexual assault occurred?

22 A. Yes, it does?

23 Q. And what time was that?

24 A. It says between 8pm and 8:30pm.

25 Q. On March 7th, 2021?

1 A. Yes, on March 7th, 2021.

2 Q. And on that very last page of that sexual
3 assault exam report, does it indicate what time that
4 exam was completed, at the bottom?

5 A. Yes, it does.

6 Q. And what time was that?

7 A. She was discharged at 4:30 in the morning,
8 4:30am.

9 Q. On the following morning, March 8th, 2021?

10 A. Yes, on March 8th, 2021.

11 Q. So approximately, oh gosh, I shouldn't have
12 tried to do math -- approximately eight hours later?

13 A. Yes.

14 Q. Thank you, Investigator Sullivan.

15 THE COURT: Any recross?

16 MR. MCKELLAR: Nothing further, Your Honor.

17 THE COURT: All right. At this time this
18 witness may be excused. Please watch your step.
19 Does the State have any further witnesses?

20 MS. SANDERLIN: Yes, Your Honor. We have one
21 more.

22 THE COURT: Very good. State will call its
23 next witness.

24 MS. SANDERLIN: The State calls Kim Sawyer to
25 the stand.

1 CLERK: You may have a seat in the witness box.
2 Please state your full name, spelling your last.

3 THE WITNESS: My name is Kimberly Sawyer,
4 S-A-W-Y-E-R.

5 KIMBERLY SAWYER, called as a witness,
6 being first duly sworn by the clerk, was examined
7 and testified as follows:

8 DIRECT EXAMINATION

9 BY MS. SANDERLIN

10 Q. Good morning, Ms. Sawyer. Can you tell us
11 where you live?

12 A. Where I live?

13 Q. Uh hmm.

14 A. In Aiken County.

15 Q. And what do you do for work?

16 A. Currently I am a licensed professional
17 counselor in private practice.

18 Q. Can you tell us a little bit about how you got
19 into that?

20 A. I previously was employed with the Child
21 Advocacy Center in Aiken County. And after working
22 there for 11 years, I left to open a private
23 practice.

24 Q. Did you do anything before the 11 years that
25 you spent at the Child Advocacy Center?

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1 A. I did. I was the victim advocate at Aiken
2 Public Safety.

3 Q. And can you tell us what your training is for
4 becoming a licensed professional counselor?

5 A. I have a Bachelor's of Science in Psychology
6 from Wofford College, and then I have a Master's of
7 Science in Applied Clinical Psychology from
8 USC-Aiken.

9 Q. When you were at the Child Advocacy Center,
10 what was your title there?

11 A. I was their forensic interview specialist and
12 multidisciplinary team coordinator.

13 Q. Can you tell us what your job duties included?

14 A. I conducted the majority of the forensic
15 interviews that were done there, and also I led the
16 team that met biweekly that included investigators
17 from law enforcement and the Department of Social
18 Services, guardian ad litem, (sic) the Department
19 of Juvenile Justice, the Solicitor's Office, and
20 other community agencies to staff the cases we had
21 done, children we had interviewed.

22 Q. And I apologize, but can you explain a little
23 bit about what you mean by forensic interviews?

24 A. Sure. A forensic interview is an interview
25 that is done with any child or adolescent who was

1 referred to us by either law enforcement or
2 Department of Social Services after there was some
3 kind of allegation of any kind of maltreatment,
4 whether it's physical abuse, sexual abuse, witness
5 to violence, or maybe drugs.

6 Q. And so where would these referrals typically
7 come from?

8 A. They would either come from law enforcement --
9 really anywhere but mostly within Aiken County or
10 the Department of Social Services.

11 Q. Over the course of your time at the Child
12 Advocacy Center, can you estimate approximately how
13 many forensic interviews you conducted?

14 A. I have conducted almost 2,500.

15 Q. And were you working at the Child Advocacy
16 Center on March 10th of 2021?

17 A. I was.

18 Q. And did you conduct a forensic interview on
19 Minor [REDACTED] on that day?

20 A. I did.

21 Q. Can you tell us how you came to conduct that
22 interview of her? Where was that referral from?

23 A. I believe it came from the Aiken County
24 Sheriff's Office.

25 Q. Can you tell us who was involved in the

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1 interview?

2 A. In the actual interview itself was just myself
3 and **Minor**

4 Q. And is that typical?

5 A. Yes.

6 Q. Are you aware of how old **Minor** was at the
7 time of the interview?

8 A. She was five.

9 Q. And where did that interview take place?

10 A. It took place within the building of the Child
11 Advocacy Center.

12 Q. Is it a private room in that building, or can
13 you describe it a little bit for us?

14 A. It's a -- there are two interview rooms. It's
15 a private room with two chairs and an easel. There
16 are cameras in the room and observers, people who
17 are directly involved in investigating the case, can
18 observe live from another room. But they do not
19 have any direct interaction during the interview.
20 And parents are -- whoever brings the child sits in
21 the lobby.

22 Q. Do you recall whether there was anyone
23 observing from that private -- or the observation
24 room, I guess?

25 A. Another staff member from the Child Advocacy

1 Center would have been in there, and, I believe,
2 Investigator Sullivan was there.

3 Q. And you said the parents are in a separate
4 area?

5 A. Yes, they are not allowed to interact with the
6 child, or be -- or observe the interview.

7 Q. And you mentioned that there were video
8 cameras. Was this interview memorialized in any
9 particular way?

10 A. It was. It was video and audio recorded.

11 Q. And is that in keeping with the standard
12 practice of conducting forensic interviews?

13 A. Yes.

14 Q. Was the interview ever stopped at any point?

15 A. The interview -- I took a break at one point,
16 but the recording was not stopped.

17 Q. And can you explain why you took a break?

18 A. I take a break when I am basically done with
19 questions, or, or I might have a question for the
20 investigator, to go to the other room and see if
21 there's anything additional I need to ask or
22 anything to follow up on. And then come back to the
23 room to finish up with the interview or ask any
24 additional questions.

25 Q. And so in this case after you took that short

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1 break, you returned and completed the interview?

2 A. Yes.

3 Q. And after the interview concluded, what did you
4 do at that point?

5 A. I thanked the child and walked her back out to
6 the lobby and we were done.

7 Q. And what happens with the recorded interview
8 after that?

9 A. It is given to the investigating agency.

10 Q. Okay. And have you, have you had an
11 opportunity to review the video recorded interview
12 since that initial date of the interview?

13 A. I have.

14 MS. SANDERLIN: Your Honor, I'm showing the
15 defense what has been premarked as State's
16 Exhibit 8. Permission to approach the witness?

17 THE COURT: Yes.

18 BY MS. SANDERLIN

19 Q. Ms. Sawyer, do you recognize this?

20 A. I do. It is a copy of the interview that I
21 conducted with **Minor**

22 Q. And how do you recognize that?

23 A. I initialed it after the interview.

24 Q. And does this appear to be changed or altered
25 in any way since you initialed it?

1 A. No.

2 MS. SANDERLIN: Your Honor, at this time we
3 would move to enter State's Exhibit 8 and to publish
4 it to the jury once admitted.

5 THE COURT: Any objection?

6 MR. MCKELLAR: No objection.

7 THE COURT: All right, so moved.

8 MS. SANDERLIN: Permission to publish, Your
9 Honor.

10 THE COURT: Yes. Any objection to publication,
11 Mr. McKellar?

12 MR. MCKELLAR: No objection.

13 (WHEREUPON, the State tried to publish
14 Exhibit 8.)

15 THE COURT: Okay. Mr. Charlie, will you escort
16 the jury out and allow them to make their lunch
17 orders, please?

18 Ladies and gentlemen of the jury, take some
19 opportunities to stretch and place your lunch order,
20 all right?

21 (WHEREUPON, the jury exited the courtroom
22 at 9:59 a.m.)

23 (WHEREUPON, the jury entered the courtroom
24 at 10:13 a.m.)

25 THE COURT: All right, thank you. You may be

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1 seated.

2 All right, ladies and gentlemen of the jury, we
3 will now resume the trial at this time. Madam
4 Solicitor, will you tell the jury what they're
5 watching?

6 MS. HAMMACK: I believe we were publishing
7 Exhibit 8 to the jury.

8 THE COURT: Thank you.

9 (WHEREUPON, a video was played for the
10 jury.)

11 MS. SANDERLIN: I have no further questions for
12 this witness at this time, Your Honor.

13 THE COURT: Thank you. Cross examination?

14 MR. MCKELLAR: No questions, Your Honor.

15 THE COURT: All right, this witness may be
16 excused. Please watch your step going down. Thank
17 you. Does the State have any more witnesses to
18 present?

19 MS. HAMMACK: Your Honor, at this time the
20 State rests.

21 THE COURT: All right, thank you.

22 All right, ladies and gentlemen of the jury, at
23 this time we need to handle some matters of law
24 outside of your presence. Mr. Charlie, will you
25 please escort the jury to the jury room?

1 (WHEREUPON, the jury exited the courtroom
2 at 10:46 a.m.)

3 THE COURT: All right, at this time I will take
4 any motions.

5 MR. MCKELLAR: Your Honor, the defense moves
6 for a directed verdict on the basis of there not
7 being (inaudible) evidence on every element of the
8 (inaudible).

9 THE COURT: All right, specifically is there
10 a -- is there one element --

11 MR. MCKELLAR: No, Your Honor.

12 THE COURT: -- over the other? All right.

13 MS. SANDERLIN: Your Honor, as you're aware the
14 evidence must be viewed in the light most favorable
15 to the non-moving party, which is the State. During
16 the State's case-in-chief, we've presented multiple
17 witnesses who attested to the (inaudible) date being
18 March 10th -- or March 7th of 2021, that the
19 incident happened in a vehicle parked at [REDACTED]
20 [REDACTED] which is within Aiken County,
21 and that the defendant seated at the defense counsel
22 table is known as Joseph "Joey" Edmond, and was
23 known as such by the victim in this case.

24 Further, Your Honor, there's been testimony
25 that the age and birthdate of the, age and birthday

1 of the defendant making him over the age of 14, as
2 well as the age and birthdate of the victim making
3 her under the age of 16, as well as under the age of
4 11. Meeting both of those elements for criminal
5 sexual conduct with a minor in the first degree, and
6 in the third degree with respect to age.

7 Additionally, Your Honor, there was testimony
8 that the defendant pulled out his penis, that he
9 instructed the victim to suck it, and that his penis
10 was in her mouth for a period of time.

11 Additionally, there was testimony that the
12 defendant kissed the victim and that he had his
13 finger in her mouth at approximately the same time
14 as that other incident.

15 Based on these specific statements made during
16 testimony, as well as the other evidence presented
17 during the State's case, we do believe that there is
18 significant evidence such that a jury could find
19 that Mr. Joseph Edmond is guilty of criminal sexual
20 conduct with a minor in the first degree, as well as
21 criminal sexual conduct with a minor in the third
22 degree. And we do believe that this motion should
23 be denied.

24 THE COURT: All right, any response,
25 Mr. McKellar?

1 MR. MCKELLAR: No, Your Honor.

2 THE COURT: All right. I am going to deny the
3 motion for directed verdict. I will allow this case
4 to go to the jury. Mr. McKellar, any further
5 motions, sir?

6 MR. MCKELLAR: Your Honor, I would like to
7 proffer what Investigator Sullivan's answer would
8 have been had he been allowed to --

9 THE COURT: All right.

10 MR. MCKELLAR: -- hadn't been objected to.

11 THE COURT: I'll take the proffer.
12 Investigator Sullivan. Investigator Sullivan is
13 still under oath. Mr. McKellar.

14 PROFFER DIRECT EXAMINATION

15 BY MR. MCKELLAR

16 Q. Investigator Sullivan, did you ask Ms. Fulton
17 what the demeanor was of Mr. Edmond when he was
18 taken home?

19 A. I did.

20 Q. And what was her answer for that?

21 A. If I can refer to my notes.

22 Q. Please.

23 A. She said Joey was normal acting.

24 MR. MCKELLAR: Thank you, Your Honor. That's
25 it.

1 THE COURT: All right. Any cross exam?

2 MS. HAMMACK: I don't require any cross
3 examination. I just would like to put on the record
4 the nature of the sidebar. The State's argument in
5 the hearsay objection that defense had previously
6 asked another witness, Rachel Fulton, if she -- and
7 I want to make sure I get this exactly right --
8 remembered telling Investigator Sullivan that the
9 defendant seemed everything was normal. Her answer
10 was no.

11 The State's argument is that there's a
12 distinction between repression and recollection,
13 when a witness does not remember a prior statement
14 versus denying making a prior inconsistent
15 statement. And so we objected to the hearsay of
16 asking this witness what another witness said.

17 THE COURT: All right, and just for the record,
18 I did sustain that and did not allow the
19 questioning, hence the proffer. All right,
20 Investigator Sullivan, you can step down. Please
21 watch your step down.

22 Mr. McKellar, no additional motions?

23 MR. MCKELLAR: Nothing, Your Honor.

24 THE COURT: Any motions from the State at this
25 time?

1 MS. HAMMACK: No, Your Honor.

2 THE COURT: All right. We need to break for
3 just five very short minutes. And then at that time
4 we'll allow you to present your case, sir.

5 MR. MCKELLAR: Yes, Your Honor.

6 THE COURT: All right, thank you. We'll stand
7 down for five minutes.

8 (WHEREUPON, the Court took a brief
9 recess.)

10 THE COURT: All right, Ms. Hammack,
11 Mr. McKellar. Are you all ready to proceed?

12 MR. MCKELLAR: Yes, Your Honor.

13 THE COURT: All right.

14 MS. HAMMACK: Your Honor, before we bring the
15 jury in I did not know if you wanted to advise the
16 defendant of his rights --

17 THE COURT: Yes, thank you.

18 MS. HAMMACK: -- before we do that.

19 THE COURT: Yes. All right. Mr. McKellar,
20 does your, does your client plan on testifying?

21 MR. MCKELLAR: He does, Your Honor.

22 THE COURT: He does plan on testifying, all
23 right. Mr. Edmond, stand up for me, sir. All
24 right, can we place Mr. Edmond under oath, please?

25 CLERK: The testimony you shall give the Court

1 in this case will be the truth, the whole truth, and
2 nothing but the truth so help you God

3 MR. EDMOND: Yes, ma'am.

4 CLERK: You can put your hand down. Your
5 Honor, he is sworn.

6 THE COURT: Thank you. All right, Mr. Edmond,
7 a few questions for you. At this time, I'm going to
8 explain to you your rights -- certain rights that
9 you have. If you do not understand anything that I
10 tell you, you have Mr. McKellar standing right there
11 next to you to help you. You can stop at anytime
12 and ask him any questions. Do you understand, sir?

13 MR. EDMOND: Yes, ma'am.

14 THE COURT: All right, Mr. Edmond, we've
15 reached the stage of the trial where you and your
16 attorney will present your defense. You have the
17 right to claim the protections given to you by the
18 Constitution, specifically the Fifth Amendment of
19 the Constitution of the United States. Can you hear
20 me?

21 MR. EDMOND: Yes, ma'am.

22 THE COURT: All right. This amendment states
23 in part, no person shall be compelled, in any
24 criminal case to be a witness against himself. This
25 means, Mr. Edmond, that you cannot be required to

1 testify in this case. You have the right to testify
2 on your own behalf, however, no one can make you
3 testify. This is a personal right and no one can
4 waive that personal right except for you,
5 Mr. Edmond. Do you understand, sir?

6 MR. EDMOND: Yes, ma'am.

7 THE COURT: If you do indeed decide to go
8 forward with testimony, you will be subject to the
9 same rules that govern other witnesses in this case,
10 and you may be examined and cross-examined on any
11 relevant issue in this case.

12 In addition, if you have any convictions
13 involving dishonesty, or false statements, or for
14 crimes punishable by imprisonment for more than one
15 year, and this Court determines that the probative
16 value of admitting that evidence outweighs the
17 prejudicial value to you, the solicitor will be able
18 to introduce your record in order to attack your
19 credibility. Do you understand what I've explained
20 to you just now?

21 MR. EDMOND: Yes, ma'am.

22 THE COURT: All right. If you decide to
23 testify, this decision on your part must be made
24 freely, voluntarily and intelligently with the
25 knowledge of the protections given to you by the

1 Fifth Amendment of the Constitution, and the
2 consequences of your decision to testify. If you
3 decide not to testify, Mr. Edmond, I will instruct
4 the jurors that they cannot give the fact that you
5 did not testify any consideration whatsoever, and
6 that there is to be absolutely no prejudice to you,
7 because you chose not to testify. It is left
8 entirely up to you whether or not you testify.

9 Certainly you've talked with your attorney,
10 your family and your friends, or anyone else, but
11 that final decision has to be left entirely up to
12 you. Do you understand that, Mr. Edmond?

13 MR. EDMOND: Yes, ma'am.

14 THE COURT: Do you understand everything that
15 I've just explained to you?

16 MR. EDMOND: Yes, ma'am.

17 THE COURT: All right, do you have any
18 questions for me, or for Mr. McKellar about what I
19 have explained to you just now?

20 MR. EDMOND: No, ma'am.

21 THE COURT: Do you -- have you discussed with
22 your attorney whether or not you should testify?
23 You don't need to tell me what you discussed, but
24 have you had that discussion with Mr. McKellar?

25 MR. EDMOND: Yes, ma'am.

1 THE COURT: Do you wish to talk to Mr. McKellar
2 anymore at this point?

3 MR. EDMOND: No, ma'am.

4 THE COURT: All right. Do you wish to testify
5 on your behalf, Mr. Edmond?

6 MR. EDMOND: I do, ma'am.

7 THE COURT: All right, thank you, sir. Do you
8 have any questions for me at this point?

9 MR. EDMOND: No, ma'am.

10 THE COURT: All right. All right,
11 Mr. McKellar, do you have any questions, or anything
12 that I need to be aware of before we bring the jury
13 in?

14 MR. MCKELLAR: It may be a good idea to address
15 with the prosecutor if she intends to impeach --

16 THE COURT: All right, y'all go back.

17 MR. MCKELLAR: -- Mr. Edmond, with any prior
18 conviction.

19 THE COURT: All right, Mr. Edmond and
20 Mr. McKellar, y'all go back so I can see her. All
21 right. Madam Solicitor?

22 MS. HAMMACK: I do, Your Honor. Mr. Edmond has
23 a conviction for assault and battery second degree
24 from 2018 out of Greenville County. It carries over
25 a year and is within the last 10 years, and is

1 eligible for impeachment if he testifies.

2 THE COURT: All right, Mr. McKellar.

3 MR. MCKELLAR: Your Honor, we would argue that
4 the prejudicial value outweighs the probative value
5 of that assault and battery second degree, and that
6 it should be inadmissible.

7 THE COURT: All right. I'm going to overrule
8 that objection and allow that conviction to come in,
9 Mr. McKellar. Anything further, Ms. Hammack or...

10 MS. HAMMACK: Mr. McKellar.

11 MR. MCKELLAR: I'm sorry.

12 THE COURT: Okay.

13 MS. HAMMACK: Nothing from the State.

14 THE COURT: Anything further, Mr. McKellar?

15 MR. MCKELLAR: Nothing, Your Honor.

16 THE COURT: All right. Mr. McKellar, who are
17 you calling -- just for housekeeping purposes, who
18 are you calling first?

19 MR. MCKELLAR: I'm calling Mr. Edmond first.

20 THE COURT: All right. And then how long do
21 you anticipate his testimony?

22 MR. MCKELLAR: The direct will be between, I'm
23 guessing 20 -- no longer than 30 minutes.

24 THE COURT: Okay, very good. And I -- after
25 Mr. Edmond we will most likely break to allow the

1 jury -- for lunch. All right, and then we'll bring
2 your -- you have two more witnesses?

3 MR. MCKELLAR: Just one more.

4 THE COURT: All right, very good. Thank you,
5 Mr. McKellar. Anything further?

6 MS. HAMMACK: No, Your Honor.

7 THE COURT: All right, please bring the jury
8 in.

9 (WHEREUPON, the jury entered the courtroom
10 at 11:07 a.m.)

11 THE COURT: You may be seated. Ladies and
12 gentlemen of the jury, as you may have heard,
13 hopefully you have heard before you exited, the
14 State has rested its case. It is now time for the
15 defendant to present his case. Mr. McKellar?

16 MR. MCKELLAR: Thank you, Your Honor. The
17 defense calls Joseph Edmond to the stand.

18 CLERK: Please have a seat in the witness
19 stand. Please state your full name, spelling your
20 last. Watch your step.

21 THE WITNESS: Joseph Eugene Edmond,
22 E-D-M-O-N-D.

23 JOSEPH EUGENE EDMOND, called as a witness,
24 being first duly sworn by the clerk, was examined
25 and testified as follows:

1 DIRECT EXAMINATION

2 BY MR. MCKELLAR

3 Q. Thank you, Mr. Edmond. Mr. Edmond, how old are
4 you?

5 A. 44.

6 Q. Are you married?

7 A. No, ma'am -- no, sir.

8 Q. Have you ever been married?

9 A. Yes, sir.

10 Q. When were you divorced?

11 A. 2014.

12 Q. Do you have any children?

13 A. Yes.

14 Q. How many children do you have?

15 A. I have two.

16 Q. What are their ages?

17 A. My daughter turns 17, and my son is 12.

18 Q. Okay. Where did you grow up?

19 A. Central, South Carolina.

20 Q. Is that where you went to high school?

21 A. Yes.

22 Q. How far did you get in school?

23 A. I completed the 10th grade.

24 Q. Okay. So you started the 11th grade?

25 A. I started the 11th grade.

1 Q. Okay. When did you move to Aiken?

2 A. April 20th, 2020.

3 Q. Okay. Can you mind -- would you mind pulling
4 the microphones a little bit closer to you so -- I
5 think it may be a little hard to hear you. Now
6 where did you move here from?

7 A. Greenville, South Carolina.

8 Q. Did you know Rachel when you moved down here?

9 A. Yes, sir.

10 Q. And how long have you known Rachel?

11 A. Since 2008.

12 Q. What was your relationship with Rachel when you
13 moved here?

14 A. We were just acquaintances then, talking over
15 Facebook. I moved down here to be closer to her so
16 we could have a relationship.

17 Q. Now I said Rachel. Rachel who?

18 A. Rachel Fulton.

19 Q. Okay. The mother of the alleged victim.

20 A. Yes, sir.

21 Q. When did you -- did you two ever become
22 romantically involved?

23 A. Yes.

24 Q. And when was that?

25 A. When I came -- when I moved down here.

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- 1 Q. How did you first meet her?
- 2 A. Her ex-husband used to work with me at a tire
- 3 shop in Pelzer, South Carolina.
- 4 Q. Okay. Where exactly did you move when you
- 5 moved here?
- 6 A. I moved to Williston.
- 7 Q. Was it in a neighborhood?
- 8 A. It was on a farm.
- 9 Q. Describe your house.
- 10 A. It was -- the best thing I can describe it as
- 11 is one of those little office buildings with just a
- 12 bathroom and a kitchenette.
- 13 Q. Sort of a one room.
- 14 A. Yes.
- 15 Q. Farmhouse?
- 16 A. Yeah. That was all that was in it except for
- 17 the bathroom.
- 18 Q. Okay. And did you live there by yourself?
- 19 A. Yes.
- 20 Q. Did any -- did anyone eventually move in the
- 21 house with you?
- 22 A. Four months prior to me having to leave, Rachel
- 23 and **Minor** actually did come live with me.
- 24 Q. Okay and how, how often did -- you say they
- 25 moved in.

1 A. Yes.

2 Q. What does that mean?

3 A. They (sic) was there every day.

4 Q. They were there every day. They spent the

5 night there every night?

6 A. Yes.

7 Q. Okay. Were you living there at the time of the

8 alleged assault?

9 A. No, sir.

10 Q. Where were you living?

11 A. I was staying at the Econo Lodge.

12 Q. And why did you move out of the horse farm?

13 A. It's because they rented the farm out during

14 the wintertime for -- and moved to Florida for horse

15 shows.

16 Q. Okay. Did you intend to stay at the Econo

17 Lodge forever?

18 A. No.

19 Q. What was your plan?

20 A. We was trying (sic) to find a place that we

21 could afford together.

22 Q. You say "we", who's that?

23 A. Rachel and I.

24 Q. Okay. So after they moved out and you were

25 living on your own at the Econo Lodge, how often did

1 you see Rachel and Minor

2 A. Up until two weeks before the alleged, the

3 alleged incident was about every weekend.

4 Q. Okay. Did, did Rachel ever spend the night

5 with you at the Econo Lodge?

6 A. Yes.

7 Q. Did Minor ever come with her to spend the

8 night?

9 A. Yes.

10 Q. And where would Minor sleep?

11 A. In the double bed beside the double bed we was

12 on (sic).

13 Q. So you were in a two, two-bed room?

14 A. Yes, two-bed room.

15 Q. Okay. I'd like to change gears a little bit.

16 I want to shift to the day of the alleged incident,

17 okay?

18 A. Yes, sir.

19 Q. Do you remember what day of the week that was?

20 A. That was on a Sunday.

21 Q. Now walk me through that Sunday. Where did you

22 wake up?

23 A. I woke up at the Econo Lodge.

24 Q. Who did you wake up with?

25 A. Me.

- 1 Q. By yourself?
- 2 A. Yeah.
- 3 Q. What did you do when you woke up?
- 4 A. I had to go, actually, had to go to work and
- 5 get ready for an annual inspection.
- 6 Q. Where did you work?
- 7 A. At Jiffy Lube right in front of the Econo
- 8 Lodge.
- 9 Q. Were you wearing a Jiffy Lube uniform in your
- 10 interview with Investigator Sullivan?
- 11 A. Yes.
- 12 Q. I'm just curious. Why did you take the Jiffy
- 13 Lube uniform off and turn it inside out?
- 14 A. Because he had suggested not to show the logo.
- 15 Q. So you did it out of respect for Jiffy Lube?
- 16 A. Yes.
- 17 Q. Okay. How long were you at Jiffy Lube that
- 18 day?
- 19 A. That day?
- 20 Q. Yes.
- 21 A. Up until about 2:30.
- 22 Q. And what did you do after that?
- 23 A. Me and the district manager of Jiffy Lube went
- 24 out and had dinner, or had lunch.
- 25 Q. Where?

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1 A. At a Mexican restaurant over there in the
2 Walmart Plaza Center off of Richland.

3 Q. Okay. So you said you worked at Jiffy Lube.
4 Where was the Jiffy Lube? There are Jiffy Lubes
5 everywhere. Which location was it?

6 A. It was off Richland Avenue right in front of
7 the Walmart.

8 Q. Okay, and the Econo Lodge, the Econo Lodge was
9 where?

10 A. Directly behind it.

11 Q. And the Mexican restaurant was where?

12 A. Across the road in the Walmart parking.

13 Q. So y'all -- did you have to drive anywhere?

14 A. No, well, yeah. I didn't have to. I could
15 walk there, yeah.

16 Q. Right, okay. So when you went to the Mexican
17 restaurant with your boss or your coworker, how long
18 were you there?

19 A. We was there (sic) a couple of hours.

20 Q. Did you have anything to drink there?

21 A. Yes, I had a couple of Bud Lights to drink.

22 Q. Okay. Where did you go from there?

23 A. I went back to my room.

24 Q. And what did you do there?

25 A. I went into the room and then across the street

1 to the store, and bought a few Four Locos and went
2 back to the room and set there.
3 Q. Okay. What is a Four Locos?
4 A. It's a beer.
5 Q. And did you drink those beers?
6 A. Yes, sir.
7 Q. Did you stay there all night?
8 A. No, sir.
9 Q. Where did you go?
10 A. Rachel came to pick me up and we went to her
11 mama's house.
12 Q. Why did you go there?
13 A. To pick up Minor
14 Q. Okay, and what were y'all going to do next?
15 A. Go back to the room.
16 Q. Did you go inside Ms. Smith's home?
17 A. No, sir.
18 Q. Did Minor ever come outside?
19 A. Yes, she come running out the door as soon as
20 Rachel went in the house.
21 Q. Did what -- where did Minor go?
22 A. She come to my side of the car like she always
23 does. We talked.
24 Q. Did she ever get in the back of the car?
25 A. No.

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1 Q. She did not get in her car seat?

2 A. No, sir.

3 Q. So where, where did she go? You said, I
4 believe, I don't want to put words in your mouth.
5 Where did she go when she came outside?

6 A. She come running around to the passenger side
7 where I was sitting, and we were sitting there
8 talking.

9 Q. Okay.

10 A. She got up, she got up in the front floor well.

11 Q. Did she got up -- did she stand in front of
12 you?

13 A. Yes, she was standing.

14 Q. Okay. And what happened?

15 A. We talked about her day at school and all that
16 stuff. And that's about it.

17 Q. All right. Well, now I'm starting to get to
18 the hard questions, okay?

19 A. Yes, sir.

20 Q. Did anything inappropriate happen with **Minor**

21 A. No, sir.

22 Q. Did you ask **Minor** to suck your penis?

23 A. No, sir.

24 Q. Did you ask **Minor** to suck it?

25 A. No, sir.

- 1 Q. Did Minor suck your penis at all?
- 2 A. No, sir.
- 3 Q. Did she suck your finger?
- 4 A. No, sir.
- 5 Q. Did you pull down Minor's pants?
- 6 A. No, sir.
- 7 Q. Okay. So how long was -- while you were
- 8 speaking with Minor where was Rachel?
- 9 A. She was in the house.
- 10 Q. And how long was she in there?
- 11 A. Maybe 10 minutes.
- 12 Q. So what happens next?
- 13 A. I told Minor it was getting cold. I kissed
- 14 her on the cheek like I normally do. She got out of
- 15 the car.
- 16 Q. Okay? And where did she go?
- 17 A. She went back into the house.
- 18 Q. Where did you go?
- 19 A. I stayed in the car.
- 20 Q. Did you stay in the car all night, or did you
- 21 go somewhere?
- 22 A. I went back to -- we went back to the room.
- 23 Q. Okay. Who's we?
- 24 A. Me and -- Rachel and I.
- 25 Q. Did you get back to the room?

1 A. Not the first trip. We left. We was, we was
2 about (sic) 5, 10 miles down the road, and she got a
3 call and turned around and went back.

4 Q. Did she tell you why she was turning back?

5 A. No.

6 Q. What happened when you got there? When you got
7 back.

8 A. She went in the house, and all three of them
9 come out, and that's when they started questioning
10 me.

11 Q. Okay. And then where did you go?

12 A. After all of that she took me back to the room.

13 Q. I want to discuss -- I'm going to change gears
14 again. I'm going to discuss genital piercing.

15 A. Uh hmm.

16 Q. Do you have a genital piercing?

17 A. Yes, sir.

18 Q. What is a genital piercing?

19 A. It's actually called a Prince Albert. It's a
20 hoop earring that goes through the tip of it and
21 comes out the bottom.

22 Q. It goes through the tip of what --

23 A. The penis.

24 Q. -- and comes out the bottom of what?

25 A. The tip of the penis, and comes out the bottom.

1 Q. Does it -- what does it look like?

2 A. It's a round ring. It's got a little ball in

3 between to hold it in.

4 Q. Approximately how large is it?

5 A. It's probably about an inch in diameter.

6 Q. An inch in diameter. Would you make a circle

7 with your finger and show the jury?

8 A. About like that. (indicating).

9 Q. Were you wearing that on the night of this

10 incident?

11 A. Yes, sir.

12 Q. Did you always wear it?

13 A. The only time I took it out was when I cleaned

14 it.

15 Q. What happened to that loop?

16 A. It was in my property. I signed my property

17 out to my family so they can come and get my cards

18 and stuff.

19 Q. When you say your property, you mean when you

20 were arrested?

21 A. When I was arrested.

22 Q. They took it with your personal belongings?

23 A. Yes, when they dressed me out.

24 Q. Okay. So you removed it then?

25 A. Yes.

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1 Q. Okay. All right, I want to talk to you about
2 your interview and interrogation with Investigator
3 Sullivan. Okay?

4 A. Yes, sir.

5 Q. You were -- where were you picked up from to
6 speak with Mr. Sullivan?

7 A. At Jiffy Lube.

8 Q. Were you working that day?

9 A. Yes, sir.

10 Q. How many days leading up to that had you
11 worked?

12 A. I was -- that was on my 10th day.

13 Q. Tenth day overall?

14 A. No straight.

15 Q. Tenth day of ever working there?

16 A. No, no, 10 days straight.

17 Q. Ten days straight. What did you do the night
18 before?

19 A. We celebrated because we got a 98% on that
20 annual inspection.

21 Q. How did you celebrate?

22 A. We went to Tequilas next door and had a few,
23 few drinks there.

24 Q. When you say a "few", what's a few?

25 A. A few, probably about six or eight.

1 Q. Were you hungover?

2 A. Yes.

3 Q. Did you consume any other illicit -- did you
4 consume any illicit substances the night before?
5 Illicit being illegal.

6 A. Marijuana.

7 Q. Okay. How much sleep did you get the night
8 before?

9 A. Not much, probably about three hours the night
10 before.

11 Q. To summarize the -- I'm searching for the right
12 word. You testified that you had -- you felt
13 hungover. Explain that a little bit.

14 A. I had a very bad headache. I was exhausted and
15 tired from being at work. Like I said it was on my,
16 my 10th day.

17 Q. Now you informed Investigator Sullivan that
18 you -- you told Investigator Sullivan that you did
19 commit a crime.

20 A. Yes.

21 Q. Why did you tell Investigator Sullivan that?

22 A. Because I was exhausted, hungover, and it --
23 just fighting with somebody that already had it in
24 their mind that I was guilty and evil, I just gave
25 up.

1 Q. One last question. Have you ever been
2 convicted of assault and battery second degree?

3 A. Yes, I have.

4 Q. Did you plead guilty?

5 A. Yes, sir.

6 Q. Why did you plead guilty?

7 A. Because I was guilty.

8 Q. Are you guilty of this?

9 A. No, sir.

10 Q. Okay.

11 MR. MCKELLAR: I have no further questions.
12 Please answer any questions the State has for you.

13 THE WITNESS: Yes, sir.

14 THE COURT: Cross?

15 CROSS EXAMINATION

16 BY MS. HAMMACK

17 Q. All right, Mr. Edmond. You go by Joey, right?

18 A. Yes, ma'am.

19 Q. And you're the Joey that Rachel talked about
20 earlier?

21 A. Yes, ma'am.

22 Q. And you admit that you know Rachel.

23 A. Yes.

24 Q. You admit that you know Minor

25 A. Yes.

1 Q. You admit that you were in a relationship with
2 Rachel back in March of 2021, right?

3 A. Yes.

4 Q. You admit that Rachel's mama was living at that
5 [REDACTED] address, right?

6 A. Yes.

7 Q. And that house is, like, if you're going out
8 towards Montmorenci, right?

9 A. Uh hmm.

10 Q. And it's on your left?

11 A. Right beside Annie's Bed and Breakfast.

12 Q. Okay. Perfect. You admit that you weren't
13 living at the house.

14 A. No.

15 Q. And specifically in March of 2021, you admit
16 that you were living at the Econo Lodge behind Jiffy
17 Lube.

18 A. Yes, ma'am.

19 Q. And you admit that on March 7th, 2021, Rachel
20 came and picked you up from there.

21 A. Yes.

22 Q. You admit that y'all rode back to her mama's
23 house in Montmorenci by Annie's Inn.

24 A. Yes, ma'am.

25 Q. Rachel was driving.

- 1 A. Yes, ma'am.
- 2 Q. You were sitting in the front passenger seat?
- 3 A. Yes, ma'am.
- 4 Q. She had a Nissan Pathfinder, right?
- 5 A. Right.
- 6 Q. Four door?
- 7 A. Yes, sir.
- 8 Q. SUV?
- 9 A. Yes, ma'am.
- 10 Q. All right. And when y'all get to the house,
- 11 Rachel goes in the house, right?
- 12 A. Exactly.
- 13 Q. You admit that you stayed in the car.
- 14 A. Yes, ma'am.
- 15 Q. You admit that you were in that front passenger
- 16 seat.
- 17 A. Yes, ma'am.
- 18 Q. You admit that **Minor** came out of the house to
- 19 the car.
- 20 A. Yes, ma'am.
- 21 Q. You admit that **Minor** was in the front
- 22 passenger seat with you.
- 23 A. The front pass -- she was standing up in front
- 24 of me. She wasn't in the seat with me.
- 25 Q. But she was in that front passenger area.

1 A. She was in the area.
2 Q. She wasn't in the backseat.
3 A. No.
4 Q. She wasn't in the trunk.
5 A. No.
6 Q. She wasn't in the driver's seat.
7 A. No.
8 Q. She wasn't out in the yard.
9 A. No.
10 Q. She was standing right in front of you in that
11 front passenger seat.
12 A. Yep.
13 Q. And you admit that y'all were alone in that
14 car.
15 A. Yeah.
16 Q. You admit that Rachel was in the house.
17 A. Uh hmm.
18 Q. Mimi was in the house.
19 A. Yes, ma'am.
20 Q. And the whole purpose of going over there was
21 to pick **Minor** up to go eat dinner, right?
22 A. No, I didn't know about the dinner.
23 Q. Okay, let's go back because I want to make sure
24 when you were talking with Mr. McKellar just then
25 you stated Rachel came to pick you up to go to her

- 1 mama's house to get Minor right?
- 2 A. Right.
- 3 Q. Okay. And after Minor was in the car with
- 4 you, she went back in the house.
- 5 A. Right.
- 6 Q. And y'all left without Minor
- 7 A. Yeah.
- 8 Q. Right?
- 9 A. Uh hmm.
- 10 Q. Okay, and that was the whole point of y'all
- 11 being there was to get Minor but something
- 12 changed. Is that right?
- 13 A. Right.
- 14 Q. Because when y'all left y'all didn't leave with
- 15 the one thing y'all came for.
- 16 A. Now, I don't know what, what to tell you on
- 17 that one.
- 18 Q. So is that a yes?
- 19 A. Yeah.
- 20 Q. Okay. And in fact, y'all don't even make it
- 21 back to your room?
- 22 A. No.
- 23 Q. Because you admit that as y'all were driving
- 24 Rachel gets a phone call.
- 25 A. Yes.

1 Q. And as a result of that phone call, y'all quit
2 doing what you are doing.

3 A. Yes.

4 Q. And y'all turn around and go right back to
5 where you were.

6 A. Yes, ma'am.

7 Q. And you admit that after that, they all come
8 out of the house and start questioning you.

9 A. Yes, ma'am.

10 Q. And after that you go back to the room?

11 A. Exactly.

12 Q. Nobody goes out to dinner, right?

13 A. No, because I didn't even know -- like I told
14 you before I didn't know we were supposed to go out
15 to dinner. We were supposed to pick her up and go
16 back to the room.

17 Q. And that didn't happen, right?

18 A. No.

19 Q. Now, Mr. Edmond, you let us know on direct
20 examination that you did admit to a crime when you
21 talked to Investigator Sullivan.

22 A. I did.

23 Q. And you did that because you were so tired and
24 so hungover and you were tired of fighting so you
25 gave up.

1 A. Exactly.

2 Q. Okay. Well, let's look at that for just a
3 second. When you were talking to Investigator
4 Sullivan, you initially told him nothing happened,
5 right?

6 A. Exactly.

7 Q. Okay. You were so hungover and so tired and
8 you gave up so much that you said, Well, I did put
9 my fingers in her mouth, but I didn't pull her pants
10 down, right?

11 A. Right.

12 Q. And then after that you said, but I didn't
13 touch her, right?

14 A. Exactly.

15 Q. And then after that you were so hungover and so
16 tired and so given up that you said, well, my pants
17 were already unzipped. I didn't realize it, right?

18 A. Right.

19 Q. And you said I reached down and zipped them
20 back up.

21 A. Yes, ma'am.

22 Q. You said, I didn't tell her to suck it. And
23 then you said, when you were so hungover and so
24 tired, you said, quote, I can't admit to something
25 that didn't happen, end quote, right?

1 A. Exactly.

2 Q. Okay, and after you said that, the next thing
3 you said was, I was drinking that day, and I was
4 pretty buzzed that night, right?

5 A. Right.

6 Q. And then after you told Investigator Sullivan
7 you couldn't admit to something that didn't happen,
8 you then said, I told her to suck it, but I didn't
9 pull her pants down, right?

10 A. Exactly.

11 Q. And you said, well, it was just like she said
12 except for the pants, right?

13 A. After I asked him what he wanted me to say,
14 because I was giving up. I was frustrated. I was
15 tired, ill that this is even happening.

16 Q. So you were frustrated?

17 A. Yeah. If you was accused, --

18 Q. I'm sorry, I'm asking you a question. You were
19 so frustrated that his response to you saying that
20 the very next thing he said was quote, tell me what
21 happened, right?

22 A. Right.

23 Q. And your response to that was that you had a
24 bunch of beer that night, your pants were unzipped,
25 but you -- her head was going that way, but you

1 zipped back up before she got down there, and it had
2 to have been your hand or your thumb that her mouth
3 touched, right?

4 A. That's what I said.

5 Q. Okay. And then at the end of that interview,
6 the other thing that you said was, quote, it's
7 killing me. I just want to get it off my chest,
8 quote. Remember?

9 A. Yes, ma'am.

10 Q. Okay. Thank you, Joey.

11 A. You're welcome.

12 THE COURT: Redirect.

13 REDIRECT EXAMINATION

14 BY MR. MCKELLAR

15 Q. Mr. Edmond, when Rachel Fulton -- when Rachel
16 came back out of the house to take you home, what
17 was her demeanor like?

18 A. It was normal. She was putting stuff in the
19 car.

20 Q. And where was Rachel when she came out of the
21 house?

22 A. On the driver's side.

23 Q. Did Rachel fuss at Minor for not being in the
24 car seat already?

25 A. No.

1 MS. HAMMACK: Objection. This is going beyond
2 the scope of cross examination because redirect
3 needs to be limited to what was addressed on cross.

4 THE COURT: Okay. Mr. McKellar?

5 MR. MCKELLAR: Your Honor, I, I withdraw the
6 question.

7 THE COURT: All right.

8 MR. MCKELLAR: I have no further questions.
9 Thank you.

10 THE COURT: All right, any recross, Madam
11 Solicitor?

12 MS. HAMMACK: No, Your Honor.

13 THE COURT: Okay. This witness may be excused.
14 Please watch your step, sir.

15 THE WITNESS: Thank you.

16 (WHEREUPON, a sidebar was held off the
17 record.)

18 THE COURT: All right, ladies and gentlemen of
19 the jury, at this time we do have a matter of law to
20 take up outside of your presence. Mr. Charlie, will
21 you escort them to the jury room, please?

22 (WHEREUPON, the jury exited the courtroom
23 at 11:34 a.m.)

24 THE COURT: All right. A few moments ago we
25 did have a sidebar regarding some housekeeping.

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1 During that sidebar it was determined that we need
2 to proffer the testimony of the defense's witness --
3 Mr. McKellar, what's your witness' name?

4 MR. MCKELLAR: His name is Professor Alan
5 Hirsch.

6 THE COURT: All right. So we will proffer the
7 testimony of Mr. Hirsch.

8 MR. MCKELLAR: The defense calls Professor Alan
9 Hirsch.

10 CLERK: The testimony you give the Court in
11 this case will be the truth, the whole truth, and
12 nothing but the truth, so help you God.

13 THE WITNESS: I do.

14 THE COURT: Mr. Hirsch, when you get in the
15 stand will you please spell your last name for the
16 court reporter?

17 THE WITNESS: Sure.

18 THE COURT: Thank you.

19 THE WITNESS: H-I-R-S-C-H.

20 ALAN HIRSCH, being first duly sworn, was
21 examined and testified as follows:

22 PROFFER DIRECT EXAMINATION

23 BY MR. MCKELLAR

24 Q. Professor Hirsch, how are you?

25 A. I'm well, thank you.

1 Q. Please state your current position.

2 A. I teach in the Justice and Law Studies program
3 at Williams College in Massachusetts. And I am
4 chair of the program.

5 Q. How long have you taught at Williams?

6 A. This is the conclusion of the 16th year.

7 Q. Would you describe for the Court your
8 educational background?

9 A. I received my BA from Amherst College in 1981,
10 and law degree from Yale Law School in 1985.

11 Q. While at Yale did you concentrate in any
12 particular field?

13 A. I took a particular interest in the
14 intersection between law and psychology.

15 Q. Have you maintained that interest after you
16 finished law school?

17 A. Yes.

18 Q. Do you continue to work in that area?

19 A. Yes.

20 Q. You are not a psychologist, correct?

21 A. That's correct.

22 Q. Tell me, tell me about confession experts, if
23 you would. There are different kinds.

24 A. There are two kinds. There is the mental
25 health professional, a psychiatrist, a clinical

1 psychologist who can evaluate defendants, and try to
2 assess their particular susceptibility.

3 And then there are legal scholars, social
4 psychologists like myself, who are not mental health
5 professionals. Our primary expertise, at least
6 mine, is in the interrogation methods that
7 contribute to false confessions. And I'm aware of,
8 intimately aware of, all other aspects of the
9 literature. But I am not a mental health
10 professional, and I do not evaluate defendants.

11 Q. Okay. Will you state some of the law-related
12 work that you've done with -- in our criminal
13 justice system?

14 A. Sure. After law school, I spent one year as a
15 law clerk for Judge Edward Becker on the United
16 States Court of Appeals for the Third Circuit. I
17 then spent three years at a government agency, the
18 Federal Judicial Center in Washington, DC as an
19 attorney slash writer, and ever since my work has
20 been primarily teaching and writing about the law
21 and serving as a trial consultant.

22 Q. When you say write about the law, is there a
23 subject that you focused on?

24 A. I've written quite a bit about different
25 things, but my focus for the last 15 years or so,

1 close to 20 now, has been in interrogations and
2 false confessions.

3 Q. Okay. Is there a lot written on interrogations
4 and false confessions?

5 A. There is a voluminous literature, numerous
6 books and countless articles.

7 Q. Okay. Are you acquainted with this literature?

8 A. Yes, you have to be in order to contribute to
9 it, which I have done substantially, as well.

10 Q. Okay. And how have you done that?

11 A. I've written many articles for both -- in law
12 journals and mainstream publications, such as the
13 Los Angeles Times.

14 Q. Have you done anything else related to
15 interrogations and confessions?

16 A. I started the first website devoted to the
17 subject, and continue to operate that, and also the
18 work as a trial consultant and expert witness.

19 Q. Okay. How -- in about how many cases have you
20 been retained as an expert witness?

21 A. I've been retained -- or I've been retained as
22 an expert in more than 300. I've testified in, I
23 believe, it's 47.

24 Q. Were any -- have you testified in
25 South Carolina before?

1 A. I have on three occasions.

2 Q. Okay, and what -- do you recall what counties
3 those were?

4 A. I think so. One was in Horry County. That was
5 during the pandemic, so that was remote, but I think
6 that's in Myrtle Beach. That was a few years ago.
7 And then in 2017, I testified in a case in
8 Lexington. I don't remember the name of the county
9 but -- unless it's Lexington County. And I
10 testified in Chester back in 2008, I want to say.

11 Q. Were you qualified as expert witnesses -- were
12 you deemed an expert witness in all of those?

13 A. Yes.

14 Q. Okay. You referenced extensive literature on
15 false confessions. Does some of that literature
16 relate to interrogation methods used by law
17 enforcement?

18 A. Yes, that's a substantial part of the
19 literature.

20 Q. Are there police organizations that train --
21 that produce interrogation manuals on -- that law
22 enforcement relies on?

23 A. Yes.

24 Q. Okay. Is there one organization that's
25 particularly influential in this regard?

1 A. Yes, Reid and Associates has by far the most
2 widespread training sessions and the most widely
3 read manual.

4 Q. Okay. Have you read and studied this manual?

5 A. Oh, yes. I've written about it extensively and
6 obviously read it. I read it, and about it,
7 extensively.

8 Q. Okay.

9 MR. MCKELLAR: Judge, at this time we would
10 proffer Professor Hirsch as an expert in
11 interrogations and confessions.

12 THE COURT: All right. Ms. Hammack, do you
13 have any questions for this witness?

14 MS. HAMMACK: I do, Your Honor.

15 THE COURT: All right.

16 MS. HAMMACK: And you're specifically tendering
17 him as an expert in interrogations and confessions,
18 not false confessions?

19 MR. MCKELLAR: Correct.

20 PROFFER CROSS EXAMINATION

21 BY MS. HAMMACK

22 Q. Professor Hirsch, it's typical when someone
23 testifies as an expert witness that they review
24 specific things about this case before testifying,
25 correct?

- 1 A. Yes.
- 2 Q. What did you specifically review in this case?
- 3 A. The videotaped interrogation of the defendant.
- 4 Q. Have you spoken with the defendant?
- 5 A. No.
- 6 Q. Have you spoken with Investigator Sullivan that
- 7 conducted the interview?
- 8 A. No.
- 9 Q. Were you present for the interview?
- 10 A. No.
- 11 Q. You've spoken to Mr. McKellar, correct?
- 12 A. Yes.
- 13 Q. And the only time you and I have spoken is when
- 14 I told you good morning in the back room?
- 15 A. Yes.
- 16 Q. Okay. And you indicated that you're not a
- 17 psychologist.
- 18 A. That's correct.
- 19 Q. And you're not a mental health professional.
- 20 A. That's correct.
- 21 Q. You haven't been provided any information about
- 22 this defendant's social or mental health history?
- 23 A. That's correct.
- 24 Q. You don't know about his childhood.
- 25 A. That's correct.

1 Q. You don't know about his personality.

2 A. That's correct.

3 Q. And you don't know Investigator Sullivan
4 either, right?

5 A. That's correct.

6 Q. You don't know about his childhood?

7 A. No, of course not.

8 Q. His social or mental health history?

9 A. No.

10 Q. Okay. You never talked to him for two minutes?

11 A. Investigator Sullivan? No.

12 Q. Okay. And so your focus really is not on the
13 people involved, but it's just on the method of
14 interrogation, correct?

15 A. That's correct.

16 Q. Okay. You've never interrogated anybody
17 before.

18 A. You mean formally, like a law enforcement
19 context? That's correct.

20 Q. That's correct, Professor. You've never worked
21 in law enforcement.

22 A. That's correct.

23 Q. You've never sat in on an interrogation of a
24 suspect by law enforcement?

25 A. That's correct.

1 Q. You don't -- I know you have gone to Yale, you
2 were a law clerk and an attorney, but you don't
3 represent defendants charged with crimes.

4 A. That's correct.

5 Q. And you don't represent defendants who have
6 been interrogated?

7 A. That's correct.

8 Q. Or defendants who have given inculpatory
9 statements to law enforcement?

10 A. That's correct.

11 Q. You don't work on criminal appeals from
12 convictions of defendants?

13 A. I have a few times over the years, but not
14 regularly.

15 Q. And so -- and I want to make sure I get it
16 right. You stated that you're aware of the many
17 aspects of the literature in this case -- or in the
18 case of --

19 A. In general, yes.

20 Q. You've never conducted your own studies or
21 experiments into confessions.

22 A. That's correct.

23 Q. And you testified that you have testified
24 before in other courts. You have been qualified as
25 an expert. There's also been times where the courts

1 have not allowed your testimony, is that correct?

2 A. A handful of times, that's correct.

3 Q. And there are times the Court has declined to
4 qualify you as an expert?

5 A. I believe that's happened only once.

6 Q. And that was in 2020?

7 A. 2011.

8 Q. Okay, State v Jocs?

9 A. United States v Jocs.

10 Q. Okay.

11 MS. HAMMACK: Your Honor, at this time the
12 State would argue -- well, let me ask you one last
13 question.

14 BY MS. HAMMACK

15 Q. You're not here to give an opinion that a false
16 confession was given in this case, right?

17 A. That's correct.

18 MS. HAMMACK: So, Your Honor, at this time, the
19 State would argue that this witness should not be
20 qualified as an expert in interrogations and
21 confessions.

22 He has no real world experience in
23 interrogations or confessions. He's never conducted
24 an interrogation. He's never sat in on an
25 interrogation. He's never worked with law

1 enforcement. He's never represented a defendant
2 that has been interrogated or has given a
3 confession.

4 He's read a lot of articles. And he's written
5 a lot of articles. He's never conducted his own
6 studies. And in fact, other courts have declined
7 to, quote, qualify him as an expert, or allow his
8 testimony. So the testimony that he would be giving
9 today would be anecdotal from reading books, and it
10 would be about the techniques used in an
11 interrogation.

12 As it relates to this case, the jury has a
13 video of the interrogation, and they can make
14 determinations from watching that video. In fact,
15 they already have as to the veracity of the witness
16 in that case, but there's nothing that
17 Professor Hirsch could add that would assist the
18 jury in a field that they don't know anything about.

19 He mentioned the United States v Jocs case
20 where the Court did decline to qualify him as an
21 expert, and I want to quote that case because I find
22 it exceedingly relevant in Your Honor's
23 determination. To quote, the Court stated, quote,
24 although these efforts, referring to his articles
25 and reading of the literature, although these

1 efforts further illustrate that Professor Hirsch has
2 a genuine interest in academic credentials in this
3 area, his degree of specialized knowledge is simply
4 too thin to give his testimony the foundation needed
5 to commit a jury to consider. In the end, he is
6 simply an intelligent man, well read in the area,
7 who has written a bit on the general topic of false
8 confessions, and who holds an opinion on the topic.
9 That is not enough, end quote.

10 And so at this time, the State's position would
11 be that Professor Hirsch should not be qualified as
12 an expert in interrogations and confessions or any
13 testimony in that area should not admissible.

14 MR. MCKELLAR: Your Honor, I do have a few more
15 questions for Mr -- Professor Hirsch before you
16 rule.

17 THE COURT: All right, Mr. McKellar.

18 MR. MCKELLAR: Thank you, Your Honor.

19 PROFFER REDIRECT EXAMINATION

20 BY MR. MCKELLAR

21 Q. Professor Hirsch, how many interviews or
22 interrogations have you witnessed as an expert?

23 A. Several hundred.

24 Q. Several hundred? Since this Massachusetts
25 court trial judge memorandum, or whatever it was she

1 was reading was authored, how many times have you
2 been declared an expert?

3 A. That was in 2011, and most of the times that
4 I've testified has been since then, so probably 40,
5 ballpark.

6 Q. How many times have you not been declared, how
7 many times have you not been declared an expert
8 since that opinion was written?

9 A. I think zero. There have been a handful of
10 cases, as I indicated, where my testimony was
11 excluded on some other grounds. But I do not
12 believe a single judge has followed that court in
13 finding me not qualified.

14 Q. Okay. The fact that you're not law
15 enforcement, does that mean you can't analyze law
16 enforcement techniques?

17 A. No, of course not. And I would just add that
18 confessions experts have testified in thousands of
19 cases, cumulatively. One alone, Professor Richard
20 Leo, has testified in 400 cases, and none of us work
21 for law enforcement, conducted interrogations, did
22 the other things the Solicitor pointed out that I
23 have not done.

24 Q. That was actually going to be my next question.
25 Do you know of any experts that are former law

1 enforcement?

2 A. I do know one.

3 Q. You do?

4 A. Yeah.

5 Q. Who is he?

6 A. Jim Trainum is his name. And he testifies
7 primarily for the defense. He is a law enforcement
8 officer who has come to believe that the tactics he
9 used were improper.

10 MR. MCKELLAR: All right. I have no further
11 questions, Your Honor.

12 THE COURT: Do you have any further questions,
13 Ms. Hammack? I know you have made your arguments.
14 But following those questions, do you have any
15 additional questions?

16 MS. HAMMACK: Just, just very briefly.

17 PROFFER RECROSS EXAMINATION

18 BY MS. HAMMACK

19 Q. The questions that I asked you about conducting
20 interrogations, witnessing interrogations,
21 representing clients, conducting studies, that
22 answer is unchanged since 2011, correct?

23 A. That's correct.

24 Q. And you say that you've read the Reid Manual.
25 Have you gone through the Reid and Associates

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1 training on their technique?

2 A. No, I don't think they would have me.

3 MS. HAMMACK: Your Honor, the only thing that I
4 would say is that this witness' publications haven't
5 changed since 2011 when the Court declined to allow
6 him to testify as an expert. He hasn't been through
7 the training of the very thing that he refutes. I
8 would stand by my argument that he just doesn't
9 really assist the jury in something that he has any
10 experience in.

11 THE COURT: All right. Mr. McKellar?

12 PROFFER RE-REDIRECT

13 BY MR. MCKELLAR

14 Q. Professor Hirsch, what have you done --

15 A. Yeah.

16 Q. -- since 2011 that makes you more educated
17 today than you were then?

18 A. Right, yeah. I would like to correct the
19 Solicitor because in that opinion one of the
20 principal complaints with my credentials was that
21 my, my publications did not deal with interrogation
22 methods, which wasn't true, but putting that aside,
23 subsequent to then, I've done extensive writing
24 about interrogation methods, which includes writing
25 in the Ohio State Journal of Criminal Law, which is

1 a peer-reviewed journal, a thorough evaluation of
2 the latest Reid Manual. I believe the most thorough
3 that's been written to date. And obviously, I've
4 also testified an awful lot since 2011.

5 MR. MCKELLAR: Your Honor, we're not offering
6 Professor Hirsch as an expert in whether my client
7 falsely confessed. We're offering him as an expert
8 into the technique itself. And he has studied it.
9 He has written about it. He has testified. And I
10 believe he is an expert in this field.

11 MS. HAMMACK: And Your Honor, if he's going to
12 testify about the Reid Technique in interrogations,
13 he's read about it, and he's written about it. He's
14 never been trained in it. He's never done it. He's
15 never witnessed it live. He's never conducted his
16 own studies on it. He simply does not have the
17 necessary experience to be an expert on
18 interrogations and confessions.

19 THE COURT: All right. Thank you.
20 Madam Solicitor and Mr. McKellar, I am going to
21 allow Dr. -- I'm sorry.

22 THE WITNESS: It's professor.

23 THE COURT: Professor --

24 THE WITNESS: Hirsch.

25 THE COURT: -- I am going to allow Professor

1 Hirsch's testimony. Is there a particular --
2 obviously, you will cross-examine Professor Hirsch.
3 Is there something that perhaps -- is there some
4 dispute as to admitting certain parts of his
5 testimony, or was it just the qualification of him
6 being an expert?

7 MS. HAMMACK: Your Honor, I think we've largely
8 handled the issue of him being an expert. It's my
9 understanding he's not going to offer an opinion on
10 this case at all.

11 THE COURT: All right. Madame Solicitor,
12 when --

13 MR. MCKELLAR: Judge, that's a
14 mischaracterization of what I intend to do.

15 THE COURT: All right. All right, well, let's
16 note it for the record, Mr. McKellar. Ms. -- Madam
17 Solicitor, Ms. Hammack, obviously, when I'm bringing
18 the jury back in he will go through the questioning
19 for him to be an expert. I will allow you to object
20 if you wish to, or we can run the objection to his
21 testimony as an expert. Does not matter to me.

22 But I don't need you to put another argument
23 on. We'll just refer back to this objection.

24 MS. HAMMACK: So long as it's noted for the
25 record, I'll just do the cross-examination.

1 THE COURT: Certainly. All right. That is
2 noted for the record, Madam Solicitor. Thank you
3 very much.

4 MR. MCKELLAR: Judge, do you want me to call
5 Professor Hirsch as a witness before the jury comes
6 in?

7 THE COURT: We are determining where their
8 lunch is.

9 MR. MCKELLAR: Okay.

10 THE COURT: I'll have an answer for you in 30
11 more seconds. It doesn't feel like they have their
12 lunch. All right, so I am going to bring the jury
13 back in, and you'll call this witness -- you think
14 about 45 minutes or so? I mean --

15 MR. MCKELLAR: Total.

16 THE COURT: Yeah, total.

17 MR. MCKELLAR: I think so.

18 THE COURT: All right, but if not -- even an
19 hour is -- don't make it an hour if it's not an
20 hour, but we'll allow you all to ask questions and
21 go through. I think we've got at least another hour
22 before people get upset with me.

23 MR. MCKELLAR: Okay.

24 THE COURT: Okay. All right.

25 MR. MCKELLAR: Should Professor Hirsch be

1 sitting in the gallery?

2 THE COURT: Yes, we're going to bring him back.
3 Please watch your step right here, sir.

4 THE WITNESS: Oh, yes, thank you, Your Honor.

5 THE COURT: All right. Can we bring the jury
6 back in, please.

7 (WHEREUPON, the jury entered the courtroom
8 at 11:56 a.m.)

9 THE COURT: Please be seated, ladies and
10 gentlemen. All right, ladies and gentlemen of the
11 jury, we'll allow defense to call their next
12 witness. Let me remind -- please be reminded that
13 it is imperative that we are alert and listening to
14 all of the witnesses. All right. Mr. McKellar,
15 will you please call your next witness, sir.

16 MR. MCKELLAR: The defense calls Professor Alan
17 Hirsch.

18 CLERK: Please have a seat in the witness box.
19 Please watch your step. State your full name,
20 spelling your last.

21 THE COURT: Alan Hirsch, H-I-R-S-C-H.

22 ALAN HIRSCH, called as a witness, being
23 first duly sworn by the clerk, was examined and
24 testified as follows:

25 DIRECT EXAMINATION

1 BY MR. MCKELLAR

2 Q. Professor Hirsch, how are you?

3 A. I'm well, thank you.

4 Q. Would you please state your current position?

5 A. I teach in the Justice and Law Studies program
6 at Williams College in Massachusetts, and I am chair
7 of the program.

8 Q. How long have you taught there?

9 A. 16 years.

10 Q. Would you please describe your educational
11 background?

12 A. I received my undergraduate degree from Amherst
13 College, a liberal arts college in Massachusetts,
14 and a law degree from Yale Law School.

15 Q. While at Yale did you focus on any particular
16 area of the law?

17 A. I did. I took a particular interest in the
18 overlap between the intersection of law and
19 psychology.

20 Q. And have you maintained that interest in the
21 intersection of law and psychology as you -- do you
22 continue to work in that area?

23 A. Yes.

24 Q. Okay. Now you mentioned psychology. Are you a
25 psychologist?

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1 A. I am not.

2 Q. Okay. Now other different types of -- are
3 there different types of -- let me put it this
4 way -- confession experts?

5 A. Yes, there are mental health professionals,
6 which would be clinical psychologists and
7 psychologists -- or psychiatrists who can assess
8 individuals to determine whether they are
9 particularly susceptible. And then there are people
10 like myself, legal scholars or social psychologists,
11 whose primary expertise is in the interrogation
12 methods that contribute to false confessions.

13 Q. Okay. Do people with your experience evaluate
14 whether a person has a particular susceptibility
15 to --

16 A. No.

17 Q. Okay. If you would, please tell the jury some
18 of the law-related work that you've done in the
19 criminal justice system.

20 A. So immediately after law school I spent one
21 year as a law clerk for a judge on the United States
22 Court of Appeals -- the third, excuse me, for the
23 Third Circuit in Philadelphia. After that I spent
24 three years as an attorney and writer for a
25 government agency called the Federal Judicial Center

1 in Washington. And ever since then my law-related
2 work has been primarily writing, teaching, and
3 consulting.

4 Q. Okay. Is there a subject that you focused on?

5 A. For the last 20 years or so my focus has been
6 on criminal interrogations and confessions.

7 Q. Okay. Have you written much on interrogations
8 and confessions?

9 A. Yes, I've written a great deal.

10 Q. Okay. Are you well acquainted with the
11 literature in this field?

12 A. Yes, you have to be in order to contribute to
13 it. I'm intimately acquainted with it.

14 Q. And you have -- and you contributed to it?

15 A. Yes, quite a bit.

16 Q. Have you done anything else related to
17 interrogations and confessions?

18 A. I started the first website devoted to the
19 subject of false confessions and I continue to
20 operate that. And I serve as a trial consultant and
21 expert witness.

22 Q. Okay. Approximately how many cases have you
23 been retained as an expert witness?

24 A. It's well over 300. I think it's getting close
25 to 400 at this point.

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1 Q. Have you testified in some of those cases?

2 A. I've testified in 47 cases before today.

3 Q. Have you previously testified in
4 South Carolina?

5 A. Yes, on three occasions.

6 Q. You referred to the extensive literature on
7 interrogations and confessions. Does some of that
8 literature pertain to interrogation methods used by
9 law enforcement?

10 A. That's at the heart of it.

11 Q. Okay. Are there organizations that train
12 people in interrogations and produce interrogation
13 manuals that are relied upon by law enforcement?

14 A. Yes, there are.

15 Q. Is there one that is particularly influential?

16 A. By far the most influential is Reid and
17 Associates.

18 Q. And have you read this manual?

19 A. Oh, yes.

20 Q. Have you studied it?

21 A. Yes, I have, and written about it.

22 Q. Have you written about the interrogation
23 techniques described in this and other manuals?

24 A. Yes.

25 MR. MCKELLAR: Your Honor, at this point the

1 defense would like to submit Professor Hirsch as an
2 expert in interrogations and confessions.

3 THE COURT: Madam Solicitor, any questions for
4 this witness?

5 MS. HAMMACK: Your Honor, just subject to my
6 prior objection.

7 THE COURT: All right. All right,
8 Mr. McKellar, I'm going to rule that the subject
9 matter is beyond the ordinary knowledge of the jury,
10 and that the expert has the requisite knowledge and
11 skill in order to be qualified. So I will be
12 qualifying Professor Hirsch as an expert in the area
13 of interrogations and confessions. Mr. McKellar.

14 MR. MCKELLAR: Thank you, Your Honor.

15 BY MR. MCKELLAR

16 Q. Professor Hirsch, are -- regarding
17 interrogations, do people ever -- when interrogated,
18 do people ever confess to committing a crime that
19 they did not in fact commit?

20 A. Oh, yes.

21 Q. And what is that called?

22 A. A false confession.

23 Q. Okay. Are there different categories of false
24 confessions?

25 A. Yes, there are -- we break them down into

1 three. Sometimes people come forward voluntarily,
2 typically after a notorious crime, and take credit
3 or blame for it. That's the voluntary false
4 confession.

5 There's the coerced-internalized false
6 confession where a person under the pressure of an
7 interrogation actually comes to believe that they
8 may have committed the crime and then repressed it
9 or were too drunk to remember it or something like
10 that.

11 And then there's the most common. The
12 coerced-compliant false confession. This is someone
13 who, under interrogative pressure, knows they're
14 innocent, but they come to believe that confessing
15 is the best or only way to escape a very stressful
16 situation.

17 Q. Do we know approximately how often false
18 confessions occur?

19 A. No, not with any precision, but there is some
20 relevant data that I'd be happy to share.

21 Q. Okay, well what is that data?

22 A. So beginning in the late 1980s the Innocence
23 Project began using DNA testing to assess the guilt
24 or innocence of people who were convicted but
25 protested their innocence. And many hundreds of

1 wrongful convictions were revealed this way. And it
2 turned out that roughly one fourth of those people
3 had confessed, which was staggering to the legal
4 community.

5 And spurred by that discovery, legal scholars
6 and social scientists began digging to identify
7 proven false confessions. And many, many hundreds
8 of people, in the thousands, have been identified.
9 But, crucially I think, experts in the area are
10 unanimous that that -- those that have been
11 discovered represent the tip of a large iceberg.

12 Q. Are any interrogation methods more risky than
13 others?

14 A. Yes. Well, the Reid Method is the most
15 widespread and it is exceptionally risky.

16 Q. Okay, can you summarize the Reid Method for me?

17 A. Yes, so technically it's nine steps but really
18 they come down to two, because it's these two that
19 are what they are all about and what breaks people
20 down.

21 So the first is what we call confrontation.
22 The interrogator confronts the suspect with
23 certainty of his guilt. I know you did it. We've
24 got evidence that proves you did it. Nothing will
25 convince me otherwise. If the suspect protests that

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1 he's innocent, the interrogator cuts it off. Don't
2 bother. We know you're guilty.

3 And then having established, ideally, a sense
4 of futility in the defendant, I can't convince them
5 I'm innocent, they do what we call the second step,
6 minimization. They find various ways of suggesting,
7 explicitly or by implication, that if the defendant
8 confesses it won't be that bad. The crime isn't
9 that serious or there are good excuses for it. For
10 example, it was an accident or mistake or it was
11 induced by alcohol or bad upbringing. It could have
12 been much worse. You are a good person who
13 committed an act one time, one bad act. There's --
14 you may need help more than punishment.

15 There are all of these different kinds of
16 minimization themes. But they are united in
17 suggesting to the defendant that confession won't be
18 that bad.

19 So now you've communicated via confrontation
20 that maintaining your innocence will not get you
21 anywhere. And you've communicated via minimization,
22 that confessing will produce a fairly acceptable,
23 benign result. Under the circumstances many people
24 come to conclude, as I said before, the only, or
25 best way out is to confess.

1 Q. So it's your opinion that a combination of
2 confrontation and minimization contributes to false
3 confessions.

4 A. And not just my opinion, but that of virtually
5 every expert in the, in the field.

6 Q. Okay. Now tell me why would a person confess
7 to a crime that he or she did not commit?

8 A. Well, it would be, it would be repeating what I
9 just said to some extent. It is when they are
10 driven to the conclusion, in rather desperate
11 circumstances, that that's the only way out or the
12 best way out. That maintaining their innocence
13 isn't getting them anywhere and admitting guilt
14 won't be that bad. It's the combination of that
15 stick and that carrot that leads many, even innocent
16 people, to confess.

17 Q. Now you've been referencing a lot of academics
18 have studied the technique, and shy -- try to shy
19 away from -- without having used the technique have,
20 are there any people outside of academia that
21 maintain the Reid Technique contributes to false
22 confession?

23 A. Yes. So a few years ago a group called
24 Wicklander and Zulawski, which are basically
25 competitors of Reid, they use their own version of

1 the Reid method, but they didn't call it that. And
2 they trained people, they put out manuals, and they
3 announced publicly that they will not be using their
4 version, or any version of the Reid Technique
5 anymore, because they had come to realize that it
6 contributes to many false confessions.

7 Q. Okay. All right, let's turn to the case at
8 hand. When I retained you, what did I ask you to
9 do?

10 A. To review the interrogation of the defendant,
11 and to offer my assessment of it.

12 Q. And did you review his interrogation?

13 A. I did.

14 Q. And what did you find?

15 A. Investigator Sullivan most definitely utilized
16 the Reid Technique.

17 Q. Okay, would you explain that?

18 A. Yes. So after roughly 20 minutes of innocuous
19 chit chat, Investigator Sullivan told the defendant,
20 I know based on my experience no five-year-old would
21 make this up. So I, basically, know that you did
22 commit these offenses.

23 And then he offered a number of minimization
24 themes. He said, it probably just happened one
25 time. It was a mistake. You care for her and so

1 you stopped without hurting her. Alcohol probably
2 contributed to it. There were about a half dozen
3 minimizations themes. So you have the standard Reid
4 Technique, confrontation and minimization.

5 Q. Okay, was there anything else?

6 A. Yes. So he also utilized a specific tactic
7 that Reid and Associates recommends, that our
8 critics of Reid -- the Reid Technique find very
9 objectionable, which is what's called the alternate
10 scenario. He gave the defendant two choices.

11 He says, well, you're either a fine guy who
12 made a mistake one time, or you're a molester, a
13 serious molester. And you can imagine anyone
14 innocent or guilty, given that kind of a choice,
15 typically, their instinct is to say, well, it's
16 the -- just a mistake one time, not the more severe.

17 Q. What would you -- did Investigator Sullivan do
18 anything else that stands out in your mind?

19 A. Well, I would say there was one way in which he
20 even went beyond the Reid Technique and did
21 something that is exceptionally risky, which is he
22 implied that the defendant would get no punishment
23 if he confessed. And I'm referring specifically to
24 a couple of remarks he made.

25 He said, when you make a mistake, you have a

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1 problem, you fix it, and you move on. And then
2 another time -- at another point, maybe more than
3 once he said, what this is about is how people will
4 see you going forward. And those remarks are,
5 basically, suggesting this isn't about punishing
6 you. This is about fixing a mistake and moving on.
7 And to the extent you're communicating to the
8 suspect, tell me you did it, and we'll move on. You
9 can understand how innocent people as well as guilty
10 people are going to say I'm going to seize that
11 opportunity.

12 Q. Okay. Are you testifying that the defendant's
13 confession is false?

14 A. I am not. I don't know whether it's false or
15 not. I haven't seen all the evidence that -- that's
16 for the jury to decide.

17 Q. The only evidence you have seen is his
18 interrogation?

19 A. That's correct.

20 Q. Okay. Well, can you summarize what you're
21 saying about this interrogation tactic?

22 A. Risky interrogation tactics were utilized
23 against the defendant in this case.

24 MR. MCKELLAR: I have nothing further, Your
25 Honor. Please answer any questions the State has.

1 THE WITNESS: Sure.

2 THE COURT: Cross.

3 MS. HAMMACK: Thank you, Your Honor.

4 CROSS EXAMINATION

5 BY MS. HAMMACK

6 Q. Professor Hirsch, you indicated at the
7 beginning of your testimony that there are two types
8 of confession experts, correct?

9 A. Yes.

10 Q. And you distinguish those between mental health
11 professionals, and then legal scholars or social,
12 social psychologists, correct?

13 A. Yes.

14 Q. And you were clear, you are not a mental health
15 professional, right?

16 A. That's correct.

17 Q. You don't know anything about the defendant
18 other than watching his video, right?

19 A. That's correct.

20 Q. And you don't know anything about Investigator
21 Sullivan other than watching this video?

22 A. That's correct.

23 Q. So you have no opinion whatsoever as to the
24 defendant's personality, or how he would respond to
25 different things, right?

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- 1 A. That's basically correct.
- 2 Q. And then the other categories of the legal
- 3 scholar, social psychologist, you are not a
- 4 psychologist, right?
- 5 A. That's correct. I'm the legal scholar.
- 6 Q. Okay. That means you read articles.
- 7 A. Well, everybody reads. That's not quite what
- 8 it means to be a scholar. That would mean you
- 9 produce scholarship.
- 10 Q. Right. But part of that is reading the
- 11 literature, right? You testified to that.
- 12 A. I certainly -- I certainly read, yes.
- 13 Q. Okay, so you read the literature and you write
- 14 --
- 15 A. Yes.
- 16 Q. -- articles, correct?
- 17 A. That's correct.
- 18 Q. And then you come to court and testify. I
- 19 think you called yourself a trial consultant, is
- 20 that right?
- 21 A. That's correct.
- 22 Q. Okay. And you made a website?
- 23 A. That's correct.
- 24 Q. Now, Professor Hirsch, you are not a law
- 25 enforcement officer, right?

1 A. That's correct.

2 Q. You have never actually conducted an
3 interrogation of someone accused of a crime,
4 correct?

5 A. That's correct.

6 Q. You have never sat in on an interrogation of
7 someone accused of a crime?

8 A. That's correct.

9 Q. And as an attorney, you've never represented
10 someone accused of a crime.

11 A. I don't practice law. I'm trained as an
12 attorney but that's correct.

13 Q. So you've never represented someone in court
14 who's been interrogated?

15 A. That's correct.

16 Q. And you've never represented someone in court
17 who's given a confession.

18 A. That's right.

19 Q. And you stated, in being aware of all the
20 literature, that you've read this, this Reid Manual,
21 right?

22 A. That's correct.

23 Q. But you haven't actually been trained on it.
24 You haven't gone through Reid's training.

25 A. That's correct. I'm not a member of law

1 enforcement.

2 Q. Now, as we're talking about this Reid
3 Technique, and I want to make sure that I don't mess
4 up your words. You stated that your opinion is that
5 the use of the Reid Technique, quote, contributes to
6 false confessions.

7 A. That's correct.

8 Q. So your opinion is that it contributes. Your
9 opinion is not that the use of the Reid Technique
10 causes false confessions.

11 A. It's hard to know. That's a distinction I'll
12 leave to philosophers.

13 Q. So that's a no. You're not saying they cause
14 confessions or false confessions?

15 A. I'll stick to contribute to. It's a safer
16 assertion.

17 Q. But you would agree that the use of the Reid
18 Technique doesn't mean that every single person that
19 experiences it gives a false confession?

20 A. Of course not. In fact, something I often
21 testify to is the problem with the Reid Technique is
22 not that it's ineffective, it's that it's too
23 effective. It definitely breaks down guilty people.
24 The problem is it also breaks down innocent people.

25 Q. And in fact, it is essentially the most

1 recognized and trained interrogation technique by
2 law enforcement, right?

3 A. That's, that's the problem.

4 Q. Well, let's talk about that problem a little
5 bit. You mentioned you produced a report in this
6 case, correct?

7 A. That's correct.

8 Q. And you testified to the content of a lot of
9 that report in that there were some studies
10 beginning back in the 1980s, about proven false
11 confessions, correct?

12 A. Actually I said the Innocence Project began in
13 the 1980s identifying wrongful convictions of which
14 many were false. The literature does go back into
15 the 1980s, that's correct. But it primarily
16 proliferates in the 1990s and beyond.

17 Q. Okay. Well, the -- I want to talk about the
18 stats that you specifically mentioned in your report
19 when you were talking about the many hundreds.

20 A. Uh hmm.

21 Q. And I want to make sure that we're talking
22 about the same numbers. I believe in your report
23 you mentioned that we were talking about how DNA
24 testing had revealed around 300 wrongful convictions
25 at that point.

1 A. It's close to 400, closer to 400 now, but, yes.

2 Q. And you stated that in one fourth of those
3 people had confessed.

4 A. That's correct.

5 Q. So we would assume that those were false
6 confessions?

7 A. Exactly.

8 Q. I'm not a math person, but $1/4$ of 300 is 75,
9 right?

10 A. That's correct. This was the start.

11 Q. And $1/4$ of 400 is 100, right?

12 A. That's correct.

13 Q. In your preparation for trial and your review
14 of the literature in interrogations and confessions,
15 do you know how many cases are heard and disposed
16 of, resolved in South Carolina in a year?

17 A. In South Carolina, I have no idea.

18 Q. How about nationally?

19 A. No, the thing is, that's why it's crucial. You
20 can minimize the 100 that the Innocence Project
21 alone identified. But that's why it's crucial that
22 we've since identified many hundreds, and I -- as I
23 said, they are the tip of the iceberg. I'd be happy
24 to explain why, why I say that.

25 Q. Well, I just want to make sure that we're all

1 on the same page, because you mentioned many
2 hundreds and you mentioned the quarter, but also in
3 South Carolina, would you agree that we probably
4 have thousands of criminal cases --

5 A. Yes.

6 Q. -- a year?

7 A. Yes.

8 Q. So --

9 A. They don't all involve confessions, obviously.

10 Q. You're right. You're right. Tens of
11 thousands, hundreds of thousands across the nation
12 in a year?

13 A. Yes.

14 Q. And although they don't all involve
15 confessions, a lot of those are guilty pleas, right?

16 A. Exactly, and --

17 Q. So -- I'm sorry -- so people that come up here,
18 and they put their hand on the Bible, and they swear
19 to tell the truth, and then they tell the judge I'm
20 guilty of this crime, is that correct?

21 A. It is, and unfortunately, we know for a fact
22 that some of those guilty pleas involve false
23 confessions.

24 Q. I'm sure some of them do, Professor, but have
25 you ever seen a judge use the Reid Technique in

1 getting someone to admit their guilt?

2 A. No, that would typically be up to law
3 enforcement has got them to admit their guilt.

4 Q. And you don't sit in a courtroom for guilty
5 pleas and court cases and things like that, unless
6 you're here to testify?

7 A. Yeah, not routinely, that's right.

8 Q. Now, I know that, and I want to use your words,
9 again, when you're talking about the tip of this
10 large iceberg --

11 A. Uh hmm.

12 Q. -- you said that we don't actually know how
13 often false confessions occur.

14 A. That's correct.

15 Q. And those were your words?

16 A. Yes.

17 Q. Okay. But the point is, there's a whole lot of
18 cases that don't involve confessions.

19 A. That's correct.

20 Q. And there's a whole lot of cases that involve
21 confessions that are, in fact, truthful confessions.

22 A. That's, that's correct.

23 Q. And you stated that the Reid Technique doesn't
24 always create a false confession.

25 A. Certainly.

1 Q. Now Professor Hirsch, you talked about how
2 often you've been retained, and how often you've
3 testified. And you -- Mr. McKellar mentioned
4 retaining you. Can you tell the jury what it means
5 to be retained?

6 A. Hired is a synonym. I think people know what
7 retains means.

8 Q. So you didn't volunteer to come here, right?

9 A. That's correct. Well, it depends what you mean
10 by that. I'm being paid if that's what you're
11 asking.

12 Q. Okay. Well, you didn't seek out Mr. McKellar
13 and call him up and say, Hey, can I come to Aiken?

14 A. I did not. He asked me.

15 Q. Okay. And if part of him asking you, like any
16 person that works for a living, you're paid to be
17 here, right?

18 A. That's correct.

19 Q. Now, are you paid for the initial consult?

20 A. No.

21 Q. Are you paid to review the video in this case?

22 A. Yes.

23 Q. Are you paid for conversations and meetings
24 that you would have with Mr. McKellar before trial?

25 A. Yes.

1 Q. Are you paid for writing this report?

2 A. Yes.

3 Q. Are you paid to travel to be here?

4 A. Yes.

5 Q. Are you paid to sit there and testify?

6 A. Yes.

7 Q. Are you paid for any expenses you may incur
8 while you're here?

9 A. Reimbursed, yes.

10 Q. And you are here from Massachusetts.

11 A. That's correct.

12 Q. Do you charge a flat fee for each of those
13 things, or do you charge hourly?

14 A. Hourly for pretrial work, a flat fee to travel
15 and testify.

16 Q. And so all of that is the case in this case,
17 right?

18 A. I don't understand. You mean that involves
19 both pretrial work and travel, yes.

20 Q. Right. Okay. And that's coming from that
21 table right there.

22 A. That's correct.

23 Q. That's what you're saying?

24 A. Oh, I don't know. I mean that could be -- in
25 South Carolina --

1 Q. I'm not paying you, am I?

2 A. -- it's a public, it's a public defender,
3 right? So I think I'm being paid by the state.

4 Q. But I'm not paying you?

5 A. No, you're not.

6 Q. Okay. Now, Professor Hirsch, you stated that
7 you're not involved in interrogations, you don't
8 conduct them, or you don't watch -- or you don't
9 participate in them, you don't represent those
10 people. You watched a video of the interrogation in
11 this case, right?

12 A. That's correct.

13 Q. The same video that these guys watched?

14 A. I assume so.

15 Q. You weren't there for it, right?

16 A. No.

17 Q. And you weren't at the incident location when
18 this incident occurred?

19 A. That's correct.

20 Q. So you weren't there when it happened. You
21 weren't there for the interrogation. You're not
22 here representing Mr. Edmond.

23 A. No.

24 Q. You're not here saying that this was a false
25 confession.

1 A. I'm not. That's for the jury to determine.

2 Q. You're exactly right, Professor, thank you.

3 A. Thank you.

4 THE COURT: Any redirect?

5 MR. MCKELLAR: Nothing, Your Honor.

6 THE COURT: All right. This witness may be
7 excused. Please watch your step.

8 THE WITNESS: Thank you, Your Honor.

9 THE COURT: All right, does the defense have
10 any more witnesses?

11 MR. MCKELLAR: I'm sorry?

12 THE COURT: Do you have any more witnesses,
13 sir?

14 MR. MCKELLAR: The defense rests, Your Honor.

15 THE COURT: All right. All right, ladies and
16 gentlemen of the jury, you must -- Mr. Charlie, will
17 you please excuse -- please escort the jurors to
18 receive their lunches.

19 (WHEREUPON, the jury exited the courtroom
20 at 12:22 p.m.)

21 THE COURT: All right. Please be seated. I
22 will hear any motions at this time.

23 MR. MCKELLAR: Your Honor, the defense renews
24 its directed verdict motion.

25 THE COURT: All right. Any argument,

1 Mr. McKellar?

2 MR. MCKELLAR: The argument is the same.

3 THE COURT: All right. Thank you. Any
4 arguments?

5 MS. HAMMACK: We will just stand on what we
6 said before, Your Honor.

7 THE COURT: All right. Thank you,
8 Mr. McKellar, Madam Solicitor. I am going to deny
9 your motion for a directed verdict. It's 12:25 now.
10 The jury has -- or is receiving their lunch. We
11 have received a copy of your proposed charges. Did
12 you receive each other's proposed charges?

13 MS. HAMMACK: We did, Your Honor.

14 THE COURT: All right. We'll have the charge
15 conference, but is there any -- are there any
16 disagree -- any issues for that charge conference?

17 MS. HAMMACK: The State has issue -- takes
18 issue with two of Defense proposed charges. One
19 that was entitled Confession. It appears to closely
20 follow but not mirror Your Honor's standard charge
21 entitled Statement of Defendant. There are some
22 changes to it. So we would ask that Your Honor use
23 your standard charge that's entitled Statement of
24 Defendant.

25 And then our argument would be that the charge

1 for prior inconsistent statement is not applicable.

2 THE COURT: All right, Mr. --

3 MR. MCKELLAR: I don't know what the -- Your
4 Honor's standard statement is for --

5 THE COURT: For confessions?

6 MR. MCKELLAR: Yes -- what your standard charge
7 is. If it's close to my confession charge, I don't
8 think I would have a problem with it.

9 THE COURT: It's close. It's not the exact
10 same charge. We're going to -- we'll take a look at
11 it while at lunch.

12 MR. MCKELLAR: And I don't disagree with --

13 THE COURT: The prior inconsistent?

14 MR. MCKELLAR: -- standard regarding the prior
15 inconsistent statement.

16 THE COURT: Do you have any, any issue with the
17 other standard charges or anything?

18 MR. MCKELLAR: Involuntary intoxication? No
19 objection to involuntary intoxication -- excuse me,
20 voluntary intoxication.

21 THE COURT: Okay. All right, very good. So
22 what we will do now is break for lunch and we'll
23 come back, and we'll give you a final copy of the
24 charges so we can make sure that everyone's in
25 agreement.

1 And if I need to make rulings on those, I will
2 do so after lunch. And then we'll go into closing.
3 Mr. McKellar?

4 MR. MCKELLAR: Nothing further, Your Honor,
5 sorry.

6 THE COURT: Okay. That's okay. All right.
7 Anything further before we break for lunch?

8 MS. HAMMACK: Not from the State.

9 MR. MCKELLAR: Not from the defense.

10 THE COURT: All right. We will have a shorter
11 lunch than we had on Tuesday. And so again it's
12 12:25 now. We will reconvene back at, at 1:30. All
13 right. We'll see you then, thank you.

14 (WHEREUPON, the Court recessed until 1:30
15 p.m.)

16 THE COURT: Can you hear me? Okay. Usually I
17 can hear myself. I can't hear myself today. It's
18 okay. It's all right. Test. Okay. All right.
19 With regards to the charges, we're going to get you
20 a copy of those charges in just a moment. But I did
21 change to the standard charge with regards to
22 statements by the defendant. Have you seen a copy
23 of that, Mr. McKellar?

24 MR. MCKELLAR: No. No, Your Honor.

25 THE COURT: Okay.

1 MR. MCKELLAR: Unless you -- did you just send
2 it to us?

3 THE COURT: You should receive it in just a few
4 seconds.

5 MR. MCKELLAR: Okay.

6 THE COURT: And I -- we did remove
7 inconsistent -- prior inconsistent statements. Is
8 that all with regards to the charges that we had
9 concern about?

10 MS. HAMMACK: That's all from the State.

11 MR. MCKELLAR: I believe so. Yes, Your Honor.

12 THE COURT: All right. We will also send you a
13 copy of the proposed verdict form. Madam Solicitor,
14 how long do you anticipate in your closing?

15 MS. HAMMACK: Judge, that's a serious question
16 for me, but I will try to keep it to 20 minutes.

17 THE COURT: Okay, it's okay. I always add on
18 in my head.

19 MS. HAMMACK: That's probably (inaudible).

20 THE COURT: Mr. McKellar?

21 MR. MCKELLAR: I'm thinking 15 minutes, Your
22 Honor.

23 THE COURT: Okay. And the State will be
24 rebutting?

25 MS. HAMMACK: Yes.

1 THE COURT: Depends? Oh, okay. All right.
2 Have you all received a copy yet?

3 MR. MCKELLAR: Yes, Your Honor.

4 THE COURT: You're looking at it? All right
5 and, Mr. McKellar, if you want to just look at that
6 very quick -- the Statement of Defendant. It is --
7 I want to say it's almost identical. It's very
8 similar to your proposed charge.

9 Madam Solicitor, while he's reading that, is
10 there anything further from the State before I bring
11 in the jury?

12 MS. HAMMACK: No, Your Honor.

13 MR. MCKELLAR: I have no objections to that
14 (inaudible).

15 THE COURT: All right, thank you, Mr. McKellar.
16 All right, can you bring the jury in, please?

17 (WHEREUPON, the jury entered the courtroom
18 at 1:43 p.m.)

19 THE COURT: Thank you, ladies and gentlemen of
20 the jury. You may be seated. Did you enjoy your
21 lunch? Y'all know where it's from? All right.

22 Members of the jury, we are now at the stage of
23 the trial where we will have the final arguments by
24 both attorneys in the case. Once they have
25 completed that, I will then instruct you on the law.

1 The State will go first, followed by the defendant.
2 Then the State has the right to reply to anything
3 that the defendant may have said in their closing.

4 Closing arguments are just like opening
5 statements. They are not evidence in the case. Now
6 obviously, these attorneys will be arguing the
7 evidence in the light most favorable to their
8 positions, but it is not evidence.

9 You have already heard all of the evidence
10 through the testimony and the exhibits. That is
11 where you will make your decision. However, please
12 pay very, very close attention to these arguments,
13 and once they have completed, I will then instruct
14 you on the law. And it will be in your hands for
15 deliberations.

16 Madam Solicitor.

17 MS. HAMMACK: Thank you, Your Honor.

18 I sucked on his thing. The words of an
19 8-year-old little girl. Words you would never
20 expect a child to say. Words that grown-ups don't
21 say in mixed company. And yet on Tuesday **Minor**
22 **██████** in her dress and princess heels sat in this
23 chair in front of a group of stranger grown-ups that
24 she didn't know, and told you what that man made her
25 do when she was five. She was in preschool.

1 Members of the jury, because of what that man
2 made that little girl do on March 7th, 2021, he was
3 charged with criminal sexual conduct with a minor in
4 the first degree, and criminal sexual conduct with a
5 minor in the third degree. Now in a few minutes,
6 the judge is going to explain to you exactly what
7 those laws are, and what you should consider when
8 you review the evidence in this case. But as I talk
9 to you I just want to give you an idea, like
10 Ms. Sanderlin did all the way back on Tuesday, of
11 what to be looking for.

12 First, criminal sexual conduct with a minor in
13 the first degree requires that someone commit a
14 sexual battery upon a child under the age of 11.
15 What's not in dispute is how old **Minor** is. Her
16 birthdate is . She just turned 8
17 and on March 7th of 2021 she was 5.

18 Now the judge is going to tell you what a
19 sexual battery is. Because, of course, in the law,
20 as lawyers, we have to overcomplicate things. And
21 so there's an actual definition for sexual battery.
22 And what sexual battery is, is any intrusion into a
23 bodily opening, however slight. So any intrusion,
24 any penetration of the opening of a part of the
25 body. That includes the mouth. So when we are

1 talking about the defendant making Minor put his
2 penis in her mouth, that's sexual battery. That's
3 the basis for the charge of criminal sexual conduct
4 with a minor in the first degree.

5 Now criminal sexual conduct with a minor in the
6 third degree has a few different elements. It
7 requires that a person over the age of 14 commit a
8 lewd and lascivious act upon, or with, the body of a
9 child under 16. We know the defendant is over
10 14-years-old. He was born on [REDACTED]
11 He told you that he's 44, and back when this
12 happened, he was 41, 42. I can't do math. But he
13 was over 14. Not a question.

14 A lewd and lascivious act is any act of a
15 sexual nature. And the judge is going to tell you,
16 because, of course, lawyers have a definition for
17 that as well, but it's essentially a sexual act upon
18 or with the body of a child under 16, Minor was 5,
19 with the intent to arouse (inaudible). So because
20 of this incident those are the two charges before
21 you today to consider.

22 Now over the course of Tuesday, and then today,
23 y'all have heard a lot of testimony, and I want to
24 go through that as we talk about how the State has
25 proven beyond a reasonable doubt that that's what

1 the defendant did to Minor You're going to hear
2 that there's different types of evidence, and
3 Ms. Sanderlin talked about that a little bit on
4 Tuesday.

5 But one type of evidence is eye-witness
6 testimony. A little girl who should be in school
7 came to tell me about what happened to her. What
8 she saw. What she experienced. What she did. Her
9 mother talked about coming out of the house, seeing
10 her little girl crawling across the driver's seat,
11 face red, shaking, crying, running back into the
12 house, and all of a sudden she's not in the mood to
13 eat anymore. You heard from the defendant himself
14 talking about that day, about being there in the car
15 alone with Minor her mother and her grandmother in
16 the house.

17 Now members of the jury, you also heard about
18 other types of evidence and I want to talk about
19 that very briefly. We talked about people's
20 statements, people's testimony, and you got to hear
21 the defendant's testimony. You got to hear what he
22 told law enforcement on March 10th, 2021. And then
23 you got to hear him talk to you today.

24 And they are a little bit different. And by a
25 little bit I mean, like, worlds different. And

1 after you heard the defendant come in here today and
2 tell you that nothing happened, and this big, bad,
3 mean, scary investigator just -- he was so tired
4 that he just gave up and said -- he made up all
5 these lies. But today he came and wanted to tell
6 you about what really happened, which was nothing.

7 But he told you a lot of things before that.
8 As you're reviewing the evidence and the testimony
9 you heard, you have to decide who you believe and
10 who you don't. And the defendant agreed with almost
11 everything that [Minor] and her mother, Rachel, said.

12 He agreed he was here in Aiken when this
13 happened. He agreed he was in a relationship with
14 [Minor's] mom. He agreed he knew [Minor] He agreed
15 that Rachel came and picked him up and took him to
16 the house that day. He agreed that he stayed in the
17 car. He agreed that [Minor] came out to the car. He
18 agreed that both mom and grandma were in the house.
19 He agreed that [Minor] was in the front seat with
20 him. The things this little girl told you, he said,
21 yeah, that's right. She's telling the truth. She
22 was in that front passenger floorboard right in
23 front of me just like she said. He agreed that
24 after they were in the car alone together, she went
25 running in the house. And he agreed that that's

1 when plans changed.

2 That's when they were no longer picking Minor
3 up. They were no longer going anywhere together.
4 They were no longer spending the evening together.
5 They were no longer going to get something to eat.
6 He agreed to all of those things. He agreed that
7 they didn't even make it back to the motel before
8 they turned around and hauled it back to grandma's
9 house.

10 He agreed to everything that Minor and her
11 mother told you except for any of the things that
12 would actually get you into trouble. That part he
13 didn't agree with. But members of the jury, most of
14 what happened on March 7th, 2021, everybody agrees
15 to. And everybody acknowledges that Minor and her
16 mother were telling you the truth sitting up there.

17 Now on March 10th, 2021, when the defendant
18 gave a statement to law enforcement, he started out
19 with that same story. He started out with, well,
20 none of that ever happened. But he ultimately ended
21 up giving four stories to law enforcement that day
22 over the course of about an hour. You got to watch
23 it. The first one, none of that ever happened. And
24 then the second story was, well, I did put my
25 fingers in her mouth, but I didn't pull her pants

1 down. And then we got the third story, well, you
2 know what, I forgot my pants were already unzipped.
3 I didn't realize that my pants were unzipped with a
4 five-year-old standing in front of me. That was
5 story number three. And then story number four was,
6 I told her to suck it, but she didn't get a chance
7 to before I put it back up.

8 Now today he wanted you to believe that he had
9 been out celebrating some stuff at work the night
10 before, and he didn't sleep a whole lot, and so he
11 was hungover, and he was tired. And he had to go to
12 the police department, to the sheriff's office, to
13 this room that wasn't an interrogation room with a
14 single dangling bulb and the one-way glass. He went
15 to a conference room. And he sat in the conference
16 room for about an hour with one person, Investigator
17 Sullivan.

18 He didn't have five officers crowding around
19 him, surrounding him, in his face. He didn't have
20 anybody yelling at him, raising their voice, banging
21 their hand on the table, you're a liar. He had a
22 conversation. You guys got to watch that video.
23 Investigator Sullivan never raised his voice, never
24 made any loud bangs on the table. He never
25 threatened the defendant. You never heard him say

1 you're going to jail, you're going to sit under the
2 jail. You know what they do to people like you? He
3 never did any of that.

4 And despite what our professor from
5 Massachusetts said, he also didn't promise him
6 anything. Investigator Sullivan never said, you
7 know, you just confess to this, I'll go talk to the
8 prosecutor and see what we can do about this. Or if
9 you just confess this you get to go home today.
10 Everything will be better if you confess to this.
11 You know, it won't be as bad. Investigator Sullivan
12 never said any of that.

13 But some of the things that Investigator
14 Sullivan did say that are important -- and you guys
15 heard this. You can hear it in the video. He said,
16 quote, I'm not trying to pressure you, end quote.
17 Quote, tell me what happened, end quote. The
18 professor liked -- something he said that he said
19 made it sound like a promise. He was talking about
20 the quote that Investigator Sullivan used where he
21 said this is like alcoholics. At first you admit
22 you have a problem, and then you move forward and
23 fix it.

24 Now the professor would want you to believe
25 that that's a promise that nothing's going to

1 happen. But that just doesn't make any sense at
2 all. That's not what that means.

3 One thing that the defendant said -- he was
4 talking about how much he had to drink. The judge
5 is going to talk to you. She's going to let you
6 know that drinking is not a defense or an excuse
7 under the law. It's not -- it don't matter how much
8 you had to drink, or what he was doing that day.
9 It's not a defense. It doesn't make him not guilty.
10 What it is, is a man trying to find an excuse or a
11 way out.

12 The professor talked about confrontation and
13 minimization. Every time the defendant talked about
14 how much he had to drink, or every time he gave just
15 a little bit, well, I did put my fingers in her
16 mouth. Yeah, I did tell her to suck it but it
17 didn't happen. He's the one minimizing. He's the
18 one cutting back. You know, I may have done all
19 these other things you said but I didn't quite do
20 that last thing. There's your minimization.

21 Now let's talk about our professor for a
22 minute. He came all the way down here from his
23 college in Massachusetts, got paid to. Got paid to
24 talk to them, got paid to watch the video that you
25 guys got to watch for free. Got paid to come sit

1 right here and to tell you about all the articles he
2 read.

3 Y'all, he reads all the literature and he even
4 writes some. That's great. And because he writes a
5 website or a blog, and reads things, that makes him
6 an expert on interrogations, even though he's never
7 done one. He's never sat and watched one live.
8 He's never been trained in interrogation. He's
9 never even conducted his own studies, but he's read
10 about them so he's an expert.

11 And then all that expertise from all of that
12 reading, he said, well, this Reid Technique is bad.
13 It's the most used, the most accepted, the most
14 trained interrogation technique in law enforcement,
15 and it's really good. It makes guilty people
16 confess. But I don't like it because it may make
17 innocent people confess. He can't be sure and I
18 can't tell you how many times it's ever happened
19 because, you know, I mean, we've got a lot of
20 literature on it, but we just don't have the data on
21 how many times it's happened. But it could happen.
22 It could y'all. It's bad. It's bad. And it causes
23 this defendant to despair and feel like this is the
24 only way out. Well, let's talk about that for a
25 minute.

1 The defendant didn't say anything like that on
2 March 10th, 2021. But when he testified before you
3 today it was amazing how all of a sudden he told you
4 that he felt exactly the way that professor said
5 would happen if he was interrogated that way. He
6 said, I was just tired of fighting somebody who
7 thought I was guilty, so I just gave up. I gave up
8 and just said all these things that weren't true.
9 But members of the jury, you can watch that video.
10 You see how Investigator Sullivan acts. You see how
11 he talks. And you see how he let the defendant use
12 his own words to describe what happened.

13 One of the things that the defendant had to
14 admit when he was up on the stand was that he said I
15 can't admit to something that didn't happen. Now
16 this man is so beaten down, and so hungover, and so
17 tired that he's given up, but members of the jury,
18 he said that quote, I can't admit to something that
19 didn't happen, after story number three.

20 So he's still proclaiming his innocence, still
21 standing up to big bad Investigator Sullivan after
22 he said, Well, I did put my fingers in her mouth,
23 and I did have my pants unzipped. But he's given up
24 so bad that he's still saying, well, I can't admit
25 to that. That doesn't sound like somebody that's

1 given up.

2 One thing that is interesting is that in all
3 the talk about false confessions the most important
4 word in that is confession. If you ain't got a
5 confession it can't be false. He's never said that
6 he put his penis inside little **Minor's** mouth. So
7 if he's so beaten down that he's given up and he's
8 just gonna admit everything that Investigator
9 Sullivan said, he didn't actually do it. He didn't
10 actually confess to that last step. So if you're
11 going to have a false confession you got to confess
12 first.

13 A couple of other things that were important
14 about what the defendant said in his interview to
15 law enforcement back two years ago. Did you notice
16 his first response when Investigator Sullivan asked,
17 is **Minor** lying? The very first thing that he said
18 about whether or not **Minor** was lying was, I don't
19 know. You don't know? You don't know if that
20 little girl just made up that you put your penis in
21 her mouth?

22 Now, he took a second and after that he said,
23 well, about that part she is. But his first gut
24 reaction answer to is that little baby lying on you
25 is, I don't know.

1 The other thing that was interesting that he
2 said back in 2021, and he also said today in his
3 story about how nothing happened and he was just
4 talking to her about her day, he said he talked to
5 her about school. He said, yeah, you know, we
6 talked about school and it was getting cold and then
7 I gave her a kiss on the jaw. And then today he
8 testified, yeah, we talked about what she did in
9 school. She had a great (inaudible) at school. It
10 was Sunday. Kids don't go to school on Sundays in
11 South Carolina. Why would they be talking about
12 school that day?

13 One thing that I want to address and it's
14 weird. I'm not going to spend much time on it.
15 Because I don't think it has much to do with
16 anything, is this whole hullabaloo about a piercing.
17 The defense says he's got his penis pierced.
18 Mr. McKellar asked **Minor** if there was anything on
19 his penis and she said no. Rachel told you, yeah,
20 he's got a piercing. He didn't wear it all the
21 time. He wore it sometimes. Guys, piercings aren't
22 tattoos. They're not permanent fixtures. You can
23 take them in and out.

24 Another thing I want to talk to you about is
25 talking about DNA in this case. I'm assuming you

1 guys all watch TV and there's some real good TV
2 shows out there right now. And you can't flip to a
3 network television channel without finding some CSI,
4 or crime show, or courtroom show. They're super
5 popular. Everybody sees them on the (inaudible)
6 whether you watch them or not. The problem with
7 those shows is they're entertainment. And the whole
8 point is to be interesting and to get people to
9 watch and get ratings. And so in these shows it's
10 amazing that right before that second commercial
11 break somebody uses a special purple wipe or some
12 fancy tool that costs millions of dollars to find
13 the secret DNA evidence that nobody knew existed
14 that cracks the case wide open. And that's awesome
15 TV, but it ain't real life.

16 Now you heard in this case that **Minor** went to
17 the hospital right after this happened and she had a
18 sexual assault kit done on her body. They took
19 swabs and sent those swabs to SLED, the state crime
20 lab, for analysis. And even though she did not say
21 that the defendant ejaculated in her mouth or on her
22 body, they did it just in case. The investigator
23 (inaudible). We will try.

24 And so Sarah Goodman from SLED came and
25 testified and she told you, yeah, we looked at those

1 swabs of [Minor's] mouth. And it was [Minor's] DNA.
2 That's what we expect to get out of somebody's mouth
3 is their DNA off of their body. And she talked
4 about the difference between the DNA from bodily
5 fluids, which is a very high amount of DNA, versus
6 DNA from touch DNA, where somebody who's just
7 handling an item and maybe leaving skin cells, maybe
8 not, according to Sarah Goodman. Some people leave
9 behind touch DNA, some don't.

10 But she also told you that bodily fluids
11 overpower touch DNA. In this case, we don't have an
12 amazing purple light that found the defendant's
13 touch DNA inside [Minor's] mouth. And that doesn't
14 mean that this didn't happen. It just means that
15 law enforcement was trying everything they could to
16 find any possible evidence.

17 Now Mr. McKellar asked about the fact that
18 [Minor] didn't drink or brush her teeth before her
19 mouth was swabbed by those doctors. But Sarah
20 Goodman told you that saliva enzymes break down DNA.
21 And you heard Investigator Sullivan also tell you
22 that this sexual assault kit was completed
23 approximately eight hours after this incident
24 happened. Eight hours of enzymes breaking down.

25 And so, as you're evaluating this case, think

1 about the fact that whether it's on TV or in court,
2 we use DNA to try to identify an unknown person when
3 we don't know who's broken into a house. We don't
4 know who's touched an item or handled an item or
5 done something. We don't have an unknown person in
6 Rachel's car in the front yard on March 7th, 2021.
7 We know who was in that car. It was [Minor] and it
8 was him. [Minor] told you that. Rachel told you
9 that. And he told you that. So you don't need DNA
10 to tell you who was with [Minor] at the time that
11 this happened.

12 Members of the jury, it's your job to consider
13 the credibility of witnesses, and the judge is going
14 to talk to you about that. It's your job to decide
15 who to believe and who not to believe. And you get
16 to take into account a lot of things when you do
17 that. You get to take into account how somebody
18 acts when they are on the stand or on the video.
19 How they talk. And their reasons for saying what
20 they say.

21 The defendant's got a really good reason to
22 come in here and say, all those bad things I said I
23 did, I didn't mean it. That wasn't true. That was
24 a lie. But what I'm telling you today is the truth,
25 that I didn't do any of these things.

1 And it's something really important to note.
2 You watched the video of Minor [REDACTED] at 5 years
3 old in 2021. And in that video she told the
4 forensic interviewer that the defendant stuck his
5 penis in her mouth, told her to suck it, and then
6 afterwards as he was zipping his pants up, he put
7 his fingers in her mouth. In 2023, eight-year-old
8 Minor [REDACTED] sat in this chair and told you that
9 the defendant told her to suck his thing, and that
10 it went in her mouth. And when the defense asked
11 she said, yes, he also put his fingers in my mouth.
12 You heard the same story from her two years apart.

13 You didn't get that from the defendant.
14 Two years ago he went from, none of this happened,
15 to, well, I did put my fingers in her mouth, but I
16 didn't pull her pants down, to, well, I did have my
17 pants unzipped, to, well, I did tell her to suck it
18 and pulled my penis out in front of that 5-year-old
19 little baby. But before she could do it I put it
20 back. And then now in 2023 he tells you, I didn't
21 do any of that. That was a lie. I lied. He
22 admitted that he lied, if you believe him. But that
23 what he is saying today, which is a complete
24 opposite, that that's the truth. When you're
25 determining who to believe and who not to believe,

1 who has a reason to lie?

2 You can also consider how somebody acts.

3 March 7th, 2021 was a normal day. There was a plan
4 for that day. And that plan changed immediately.

5 Minor told you on Tuesday when I asked her about
6 who Joey was she said, we used to have fun together.
7 Joey told you when she came out of the house that
8 she ran to the car like always. She ran to me.

9 Minor went from happy to see the man that she
10 called her step-dad, the man that she told y'all she
11 had fun with. She went from happy to see him and
12 running to the car to running back inside not
13 wanting to go eat, not wanting to go with her mom,
14 red-faced, crying and shaking.

15 And you see the response from her mother and
16 her grandmother. They didn't even make it back to
17 the motel. When grandmama called, Rachel hit the
18 brakes and pulled a u-turn. And they took a
19 5-year-old to the hospital until almost five o'clock
20 in the morning to be examined, tested. Their
21 actions show you what happened that day.

22 The judge is going to tell you at the end of
23 this trial that we have to prove guilt beyond a
24 reasonable doubt. And she's going to tell you what
25 a reasonable doubt is. A reasonable doubt -- proof

1 beyond a reasonable doubt is the kind of proof that
2 leaves you firmly convinced of the defendant's
3 guilt. It's not proof beyond all doubt or any
4 doubt, however silly or contrived. It's what's
5 reasonable.

6 And so members of the jury, if you walked into
7 the courthouse and the sky was blue and the sun was
8 out and you conducted your business here. Maybe you
9 sat here for a few hours, held captive, and when you
10 went to leave you noticed through the glass that it
11 was dark outside, and the people coming in the
12 courthouse were wearing jackets and carrying
13 umbrellas and wearing boots and they're dripping
14 water on the floor. And the ones that aren't
15 carrying umbrellas, their hair's wet and their
16 clothes are wet. You know that it's been raining
17 outside because you have common sense. And that
18 common sense is what you need in determining what's
19 reasonable and what's not.

20 Is it reasonable that a grown adult would be so
21 beaten down by this investigator after about
22 20 minutes that he's going to make up a story that
23 magically fits with what a little girl says, and
24 that he's going to lie about doing unspeakable
25 things? Or is it reasonable that he just got

1 caught, and he has to explain why a 5-year-old was
2 in the front seat in front of his lap in a car. And
3 why she went running upset, and why she would say at
4 5 years old that he pulled his thing out -- she
5 didn't even have a name for it, y'all. She had to
6 point to it. She had to circle it on a piece of
7 paper. That she would say he put that in her mouth.

8 Y'all don't need a DNA expert to come in here
9 and talk to you about skin cells to tell you what
10 happened that day. And you don't need some
11 professor from Massachusetts who hasn't done nothing
12 but read stuff on the internet to tell who's
13 believable and who's not. If each of you in your
14 life experiences, each of you in your common sense,
15 know that on March 7th, 2021 that the defendant,
16 that grown adult, took out his penis, put it in the
17 mouth of a kindergartener. That he committed the
18 crimes of criminal sexual conduct with a minor in
19 the first degree, and criminal sexual conduct with a
20 minor in the third degree.

21 THE COURT: Mr. McKellar.

22 MR. MCKELLAR: Thank you, Your Honor. I beg
23 the Court's indulgence.

24 THE COURT: Yes.

25 MR. MCKELLAR: So if I understand this

1 correctly Joey just got a blowjob. Rachel, Mom,
2 gets in the car with him, doesn't see an erection,
3 drives to take him home, gets almost there, gets a
4 call from Grandma. Grandma says your daughter's
5 just been sexually assaulted. She doesn't leave
6 Joey there. She doesn't drop him off. She doesn't
7 say get out of my car. She takes Joey back to see
8 the girl that he just supposedly molested. And then
9 she doesn't immediately call the police, right? Who
10 doesn't call the police when that happens? You just
11 found out that your five-year-old gave a grown man
12 oral sex. You don't call the police. You say, all
13 right, come on honey, hop in the car, I'll take you
14 home.

15 So she takes him home. She goes to the Aiken
16 Regional Medical Center. It looks like at some
17 point she finds time to get an ice cream on the way
18 there. Right? We know that was not there while she
19 was driving. That's not going to stay there if
20 you're driving. It's falling off. So she put that
21 ice cream there after she got to Aiken Regional. So
22 oral sex, still spending quality time with the guy
23 who did it. Time for an ice cream. (inaudible).

24 Does that pass the smell test? Reasonable
25 doubt is sometimes defined as stuff that makes you

1 go, hmm. That makes me pause. That doesn't make
2 sense. So let's talk about how all the allegations
3 unfolded.

4 The outcry witness. Who is the outcry witness?
5 Who is the one person, the first person that came in
6 contact with this information who heard about it?
7 Did she testify? Nope. Been sitting here the whole
8 time. Did not say a word.

9 These types of cases we hear from police. You
10 hear from investigators. You hear from child
11 advocacy center interviewers. You hear from the
12 outcry witness, and we hear from the victim. We
13 don't hear from the outcry witness. Why?

14 The first law enforcement officer on the scene
15 was not Investigator Sullivan. Deputy Farrell.
16 Where is Deputy Farrell? He is the first person to
17 take a -- to arrive at the hospital, find out what's
18 going on, and call for backup, call for juveniles.
19 Why isn't he here?

20 So they get back from the hospital. He
21 takes -- Investigator Sullivan takes interviews from
22 the three witnesses, Minor Grandma, and Rachel.
23 They do a rape kit. No evidence of anything that
24 corroborates her statement. They swab her mouth for
25 DNA. They don't find any DNA. They wanted to find

1 DNA, right? Why else would they swab it? They're
2 thinking (inaudible) if we can get DNA. So they
3 swab it hoping they would find it. They didn't care
4 how much time had elapsed. Right? If they know
5 it's a foregone conclusion that it's not there, you
6 don't test. These ain't done free. They swab it.
7 They send it off. And there's nothing. So after
8 all that there was a period of two days, two days
9 elapses and she goes to the Child Advocacy Center.
10 And she gives her statement.

11 When asked do you know why you're here? She
12 knew exactly why she was here. Why does she know
13 exactly why she is there? What child knows what the
14 Child Advocacy Center is for? What five-year-old
15 knows this? No five-year-old knows this. What
16 five-year-old knows that I'm going to have to go
17 talk about this? A five-year-old that's been told
18 to go and talk about this.

19 And then she takes the stand. Asked if she
20 practiced her testimony. Yes. Did you practice
21 with Mom? Yes. Did you practice with Grandmother?
22 Yes. Did you practice with the prosecutor? Yes.
23 Did they tell you what to say -- or did Mom and
24 Grandma tell you what to say? Yes. And then when
25 they asked what did they tell you, she said to tell

1 the truth. But at what point does the story you
2 have been telling over and over and over, begin, in
3 a five-year-old's mind, to become the truth?

4 Let's talk a little. You may be wondering what
5 does a five-year-old girl even know about sucking
6 (inaudible). How does that make sense? How did she
7 know that? No five-year-old knows that. I mean
8 five-year-olds don't know how to operate the
9 internet, or get on the internet to see things they
10 shouldn't be seeing that some older kids know how to
11 do.

12 Well, all the places that Rachel and Joey were
13 living in were one-bedroom. He said, yeah, we live
14 in a one-bedroom place on the horse farm. Now he's
15 living at Econo Lodge. Just one room. There's one
16 bed beside the other. **Minor** slept in one bed. We
17 slept in the other. Rachel acknowledges they had
18 sex. Here's an explanation, here's an explanation
19 how a five-year-old would know this.

20 We'll talk about the statements. The statement
21 that my client made to Investigator Sullivan. You
22 know ultimately he says that, yeah, I pulled it out.
23 I didn't make her suck it. He sucked her finger.
24 She sucked his finger. When did he say all this?
25 He said it after he had been aggressively

1 confronted, confrontation, with what she, **Minor**
2 said. The investigator already thought that he did
3 it because he already had an arrest warrant out for
4 him. The guy walked in with cuffs. He was in
5 confinement. This wasn't like a conference. This
6 was a custodial interrogation.

7 Investigator Sullivan said, I know you're
8 guilty. Five-year-olds don't make this stuff up.
9 The psychology is there. So now he's a
10 psychologist. There's no point in denying. We know
11 you're guilty. We know you're guilty. We know
12 you're guilty. We know you're guilty. Why don't
13 you just tell us you're guilty. And after that,
14 only after that, does he begin to change his
15 statement.

16 And he changes it incrementally trying to get
17 the interrogation to stop. What do I need to say to
18 get this to stop? If I say she sucked on my finger,
19 will that get it to stop? It didn't. I know you're
20 guilty. It wasn't just your finger. Everybody's
21 story matches. This is what she said. This is what
22 you need to admit to. And then he goes on to
23 minimize -- Investigator Sullivan minimizes how
24 awful this act really is, right? If you minimize
25 it, you're more likely to accept that I did it. You

1 know, that's why you are saying that you think that
2 I did it.

3 How did he minimize? Well, let's listen. It
4 happened only one time. You didn't want to hurt
5 her. She wasn't hurt. And you care for her. And
6 then, at one point, he gave Mr. Edmond two
7 scenarios. One is -- they are both awful. And he
8 said you are one or the other. One is awful. The
9 other is much more awful. It's either this happened
10 one time and, I guess, he can go and fix it or
11 whatever. You can go fix it. That's the not
12 express promise of leniency that the state argues on
13 him saying this -- but it's an implied promise of
14 leniency. If you say this, no one will hold it
15 against you. That if he can be rehabilitated, he
16 will be rehabilitated.

17 But he gives two examples -- excuse me, I got
18 off track. He gives two examples. If you did this
19 once and you're not honest, then you're bad but you
20 can recover from it. Or you're a serial molester.
21 Pick, pick one. Those are your two options.

22 So he breaks down. And I think he even says,
23 my client, I think Joey even says, I feel pressure,
24 before he does anything. I feel pressured. I feel
25 like you want me to tell you that I am guilty.

1 Which he did, right? Because that's the whole point
2 of the Reid Method is to get somebody to tell you
3 I'm guilty. And he'll -- he says, I'll say it. I'm
4 guilty. I'm guilty.

5 How reliable are statements like that?
6 Wouldn't it -- if you -- a confession should not be
7 pressured. If a person, if you want a reliable
8 confession ask them open-ended questions, and maybe
9 they confess, maybe they don't. But if you
10 repeatedly confront them and tell them they are
11 guilty over and over and over again, and then
12 minimize the consequences for saying that you are
13 guilty, innocent people are going to confess.

14 And we heard the -- we heard stats from the
15 Innocence Project. Four hundred people convicted, I
16 think, later exonerated, proven innocent, about a
17 quarter of them had -- and a quarter of them
18 confessed. So that's just the cases that are
19 exonerated. The others are exonerated through DNA
20 evidence. We don't know that's the ones we can
21 prove -- actually prove are not guilty. It's really
22 hard to prove somebody's not guilty. It's easier --
23 I'm not going to say it's easier. That's why the
24 burden is on the State because innocence is hard to
25 prove. You often can't prove your innocence.

1 That's why they have to prove your guilt. But in
2 some instances the Innocence Project is able to
3 prove innocence, prove factual innocence, and
4 they're usually able to do that with (inaudible).
5 So we know it happens.

6 So the State brought up that the one thing he
7 talked about with **Minor** was school on Sunday. We
8 know that in South Carolina we don't have school on
9 Sundays. Well, he said, I hadn't seen her in a week
10 or so, right? I see her every week. I'm not sure
11 exactly if he said one or two weeks, but I don't see
12 her all the time. I used to see them a lot
13 (inaudible). So that's perfectly reasonable to
14 discuss school on Sunday if you don't see a person
15 every day. It doesn't mean you're a liar. And
16 another, that everything that comes out of your
17 mouth shouldn't be believed.

18 When I first talked to y'all we talked about
19 the presumption of innocence, reasonable doubt, and
20 burden of proof. I would like to briefly talk about
21 those again, and then that will be it. The
22 presumption of innocence stays with Mr. Edmond until
23 y'all find him -- until if and when y'all find he's
24 guilty beyond a reasonable doubt. Right now,
25 presumed innocent. Throughout the entire trial,

1 presumed innocent.

2 Reasonable doubt -- beyond reasonable doubt is
3 not an easy burden to meet by the State. It's the
4 highest evidentiary burden of proof in the land. To
5 my knowledge there are three burdens of proof for
6 different types of cases. There are civil. In
7 civil cases somebody is in a car wreck and gets
8 sued. It's a preponderance of the evidence. Well,
9 who the evidence favors -- one person more than the
10 other. That's who has more than fifty percent of
11 the evidence on their side. That's the
12 preponderance. It's the lowest burden of proof.

13 The next highest is clear and convincing. Some
14 civil cases require clear and convincing evidence
15 for a plaintiff to win.

16 Criminal cases require proof beyond a
17 reasonable doubt. Preponderance of the evidence,
18 the plaintiff just has to have a little bit more
19 weight on their -- on the scales of justice to win.
20 Clear and convincing, they have to have even more.
21 Burden of proof, the highest is reasonable doubt.
22 This case does not meet that burden. There are too
23 many "but whys, "but why", for Mr. Edmond to be
24 convicted. Too many unanswered questions.

25 Why did she get the ice cream? Why isn't she

1 testifying? Why does she not know about the penis
2 loop? Why is there no DNA? Why are you hanging out
3 with somebody that just said -- that you supposedly
4 just molested? Why not call the police? It doesn't
5 make sense. And those "but whys" are why a not
6 guilty verdict is the only verdict justice allows.
7 Thank you.

8 THE COURT: State?

9 MS. HAMMACK: In his closing Mr. McKellar told
10 you that the defendant made a false confession about
11 what he did because, quote, what do I need to say to
12 get this to stop? How about I want a lawyer? How
13 about I want this interview to end? Those are a
14 whole lot easier than you caught me. I made a
15 little baby perform oral sex on me. He didn't have
16 to give a false confession if he wanted that
17 interview to end. He was told at the beginning all
18 he had to do was say he wanted it to stop.

19 Mr. McKellar wants you to believe so badly that
20 the defendant gave this false confession, but his
21 own expert couldn't even tell you if was a false
22 confession. He made it clear, I'm not here to say
23 that this is a false confession. I'm telling you I
24 don't like the interrogation technique, but I can't
25 even say it's a false confession. It's for you guys

1 to decide. And he's right. It's your job.

2 One of the things that Defense mentioned in
3 closing was that Rachel was, quote, still spending
4 quality time with the defendant after this came out.
5 Slamming on brakes, pulling a u-turn, taking him
6 back to the house and having her and mama and that
7 little girl come out of the house and confront
8 him -- because he said that happened. Does that
9 sound like quality time? Or does that sound like a
10 mama that's just found out what happened to her
11 little girl. A mama that then gets rid of him so
12 she can go to the hospital where her baby is.

13 Mr. McKellar made a big deal about the fact
14 that y'all didn't hear from grandmama or
15 Deputy Farrel, who's a female by the way. That they
16 didn't come in here and tell you about their part.
17 You heard earlier in the trial -- I stood up at one
18 time and I said, objection, that's hearsay. And
19 y'all have heard hearsay on TV. People aren't
20 allowed to say what other people told them.
21 Grandmama can't get up here and tell you what
22 somebody told her -- what **Minor** told her.
23 Deputy Farrell can't get up here --

24 MR. MCKELLAR: Objection, Your Honor. Can we
25 get a sidebar?

1 (WHEREUPON, a sidebar was held off the
2 record.)

3 THE COURT: Solicitor.

4 MS. HAMMACK: Thank you, Your Honor. Members
5 of the jury, another thing that was mentioned in
6 closing was that how in the world would a
7 five-year-old know about oral sex. And he's right.
8 That's the best thing he said all day. How would a
9 five-year-old know how to describe that unless they
10 experienced it. The defense wants you to think that
11 the defendant and mama were having sex in front of
12 this kid because it's a one-bedroom apartment, or
13 one-bedroom motel.

14 So first you have to actually believe the
15 defendant that **Minor** was over there every single
16 night, because that is not what Rachel said. She
17 said **Minor** stayed on occasion. She said on this
18 day she was with my mom all day. We had to go get
19 her because she was at that house. She wasn't with
20 us. And so Rachel told you **Minor's** not spending
21 the night with them every night. They're not
22 sitting there being porn stars in front of her. Is
23 that reasonable to think that's where a
24 five-year-old got this sexual knowledge?

25 The defense said there's a whole lot of "but

1 whys". Why would he do this? And luckily I don't
2 have to answer that question. The State doesn't
3 have to prove why a grown man would force a child to
4 perform oral sex on him when he's in a romantic
5 relationship with a grown, consenting adult. And
6 it's a good thing that the State doesn't have to
7 prove why because there's no acceptable why for that
8 behavior. There's no acceptable why for that crime.

9 He talked about, you know, it would have been a
10 better interrogation if the investigator had just
11 used open-ended questions. Oh, you mean like tell
12 me what happened? That's a pretty good open-ended
13 question. And what's funny is that question came
14 right after the defendant said I am guilty. But
15 Investigator Sullivan didn't accept it. He said,
16 no. Tell me what happened. And the defendant
17 starts conveniently backtracking. Well, I did tell
18 her to suck it but she, she didn't get that far. So
19 all of a sudden I'm not quite guilty when I get to
20 use my own words.

21 Investigator Sullivan also let him write his
22 own words in a statement. He didn't put words in
23 his mouth. So if you want open-ended questions,
24 you've got it. You got to watch it on the video.
25 You got that statement you get to read back in the

1 jury room.

2 One thing that I think is important when you're
3 considering the credibility of witnesses and who to
4 believe, the defense wants you to believe that, you
5 know, the defendant is telling the truth now. I
6 mentioned why he would have reason to lie other than
7 the fact that he's gotten caught committing a crime
8 with a five-year-old. But going to the credibility
9 of Rachel and Minor what does Rachel gain from
10 this? If she's practicing her daughter to say this,
11 what does this get her? How does she benefit? How
12 can this make her life --

13 MR. MCKELLAR: Objection. Burden shifting.

14 MS. HAMMACK: That's not burden shifting. It
15 goes to credibility which is the main purpose of the
16 entire jury.

17 THE COURT: All right, we'll move on.
18 Overruled.

19 MS. HAMMACK: She was in a relationship with
20 the defendant. She spent the night with him. She
21 trusted him. She left her baby in the car with him.
22 Why should you not believe her? When you're
23 deciding whether or not to believe Minor whether
24 or not she's credible, why would Minor make this
25 up?

1 MR. MCKELLAR: Objection, burden shifting.

2 THE COURT: I will sustain that objection.

3 Move forward, Madam Solicitor.

4 MS. HAMMACK: Members of the jury, the truest
5 thing and maybe the only true thing that you heard
6 out of his mouth is at the end of his statement on
7 March 10th, 2021. It's not in response to a
8 question. You go back and listen. Investigator
9 Sullivan hadn't even asked him anything. He had
10 said, is there anything else you want to tell me and
11 then there's silence for about five seconds. And
12 after that silence, out of the blue, that man says
13 quote, it's killing me. I just want to get it off
14 my chest. Find him guilty.

15 THE COURT: Ladies and gentlemen of the jury,
16 at this time I want you to stand up. Anyone in the
17 courtroom can stretch.

18 (WHEREUPON, the jury took a stretch
19 break.)

20 THE COURT: You can be seated whenever you are
21 comfortable.

22 JURY CHARGE

23 Madam Foreperson and members of the jury, you
24 have heard the testimony, evidence, and arguments of
25 the State and the defendant. I will now explain to

1 you the law that applies in this case.

2 Under the Constitution and laws of
3 South Carolina, you are the finders of the facts in
4 this case. I do not have the right to pass upon the
5 facts or even express any opinion I might have as to
6 them. This is a matter solely for you, the jury, to
7 determine. As jurors, then, it is your duty to
8 determine the effects, the values, the weight, and
9 the truth of the evidence presented during this
10 trial.

11 As the trial judge it is my responsibility to
12 preside over the trial of this case, and I also have
13 a duty to rule upon the admissibility of the
14 evidence offered during the trial. You are only to
15 consider the testimony which has been presented from
16 this witness stand, along with any exhibits, which
17 have been made a part of the record in this case,
18 and any stipulations that counsel made into the
19 record.

20 I have the additional duty to charge you the
21 law applicable to this case. As the judge, I am the
22 sole authority of the law in this case. It is your
23 duty as jurors to accept it and apply the law as I
24 state it to you, and then to reach your verdict.
25 Finally, I charge you in this regard that you should

1 not be concerned with what, with what you think the
2 law ought to be, but what I charge you the law to
3 be.

4 You are also the judges, the sole judges, of
5 the credibility - that is the believability - of the
6 witnesses who have testified in this case. And in
7 passing upon their credibility you may take into
8 consideration many things, such as: The demeanor,
9 or manner of testifying, whether the witness had
10 reason to be biased or prejudiced; whether a
11 witness' testimony was contradicted on the one hand,
12 or supported and corroborated on the other hand.

13 You may believe a small portion of the witness'
14 testimony and disregard the larger, or vice versa.
15 You may believe one witness against many, or many
16 against one. All these things you will consider,
17 bearing in mind that you should give the defendant
18 the benefit of any reasonable doubt. It becomes
19 your duty as jurors to analyze and to evaluate the
20 evidence and to determine that evidence which
21 convinces you of its truth.

22 During this trial you have heard testimony from
23 a child. When a witness is a child, you must
24 determine, as with any other witness, whether that
25 testimony is believable. In deciding believability

1 you may not consider not only the matters I have
2 already discussed with you, but you may also
3 consider the age of the child, the child's ability
4 to observe and remember facts, and the child's
5 ability to understand and answer questions. Because
6 young children may not fully understand what is
7 happening here it is up to you to decide whether the
8 child understood the seriousness of appearing as a
9 witness at this criminal trial, whether the child
10 understood the questions, whether the child has a
11 good memory, and whether the child understands the
12 difference between lying and telling the truth.

13 In addition, young children may be influenced
14 by the way the questions are asked. It is up to you
15 to decide whether the child understood the questions
16 asked.

17 The Rules of Evidence ordinarily do not permit
18 witnesses to testify to opinions or conclusions. An
19 exception to this rule exists for witnesses we call
20 "expert witnesses". A witness who, by education and
21 experience, has become an expert in some art,
22 science, profession, or calling may state an opinion
23 as to relevant and material matter, in which the
24 witness claims to be an expert, and may also state
25 the reasons for the opinion.

1 You should consider any expert opinion received
2 in evidence in this case and, like any other
3 evidence, give it the weight you think it deserves.
4 If you decide that the opinion of an expert witness
5 is not based on sufficient education and experience,
6 or if you conclude that the reasons given in support
7 of the opinion are not sound, or that the opinion is
8 outweighed by other evidence, you may disregard the
9 opinion entirely.

10 An expert witness' testimony is to be given no
11 greater weight than that of other witnesses simply
12 because the witness is an expert. Further, you are
13 not required to accept an expert's opinion; even
14 though it is not contradicted.

15 There are two types of evidence which are
16 generally presented during the trial - direct
17 evidence and circumstantial evidence. Direct
18 evidence is the testimony of a person who claims to
19 have actual knowledge of a fact, such as an
20 eyewitness. Circumstantial evidence is proof of a
21 chain of facts and circumstances indicating the
22 existence of a fact.

23 The law makes absolutely no distinction between
24 the weight or value to be given to either direct or
25 circumstantial evidence. Nor is a greater degree of

1 certainty required of circumstantial evidence than
2 that of direct evidence. You should weigh all of
3 the evidence in this case. After weighing all of
4 the evidence, if you are not convinced of the guilt
5 of the defendant beyond a reasonable doubt, you must
6 find the defendant not guilty.

7 You may not consider as evidence any statement
8 of counsel made during the trial. Statements of
9 counsel -- excuse me, the trial. Statements of
10 counsel do not constitute evidence, rather counsel
11 is articulating the position and contention of his
12 or her client. This rule applies to the opening
13 statement of counsel and the closing arguments.

14 Attorneys are officers of the court. Attorneys
15 have the absolute right and duty to bring matters to
16 the attention of the Court by way of objection. Do
17 not inferentially, or otherwise, become upset or
18 disturbed by counsel by virtue of an objection. Our
19 trial procedure includes the objection process as a
20 means of control of evidence, for example letting in
21 proper evidence and keeping out improper evidence.
22 Counsel, by objecting, are simply performing their
23 role in the trial case.

24 Once the Court makes a ruling of an objection,
25 the jury is bound by that ruling. If the objection

1 is sustained, the question is improper. If the
2 objection is overruled, the question is proper. In
3 that regard, the jury must not, under any
4 circumstances, derive any inference from any ruling
5 made by the Court on objections as to any opinion
6 the Court may have on the case. The judge does not
7 have an opinion on the evidence and is not entitled
8 to an opinion under the law. The judge is
9 performing her role in the trial of the case.

10 As to any questions as to which an objection
11 was sustained, you must not speculate as to what the
12 answer might have been or as to the reason for the
13 objection.

14 The fact that the defendant was arrested,
15 charged and indicted in this case, is not evidence
16 in this case, and cannot be considered by you as
17 evidence of guilt in this case, nor does it create
18 any presumption of, or inference of guilt. This
19 document is simply the formal written instrument
20 which contains the charges made against a defendant.
21 It is a formal document by which this case is
22 brought into this court.

23 The defendant is presumed to be innocent
24 until -- unless and until the State has established
25 guilt beyond a reasonable doubt. It is a vital and

1 important rule of the law that the defendant in a
2 criminal trial, no matter how grave or how serious
3 may be the offense with which he is charged, must
4 always be presumed innocent, unless and until his
5 guilt has been proven beyond a reasonable doubt.

6 A person charged with committing a criminal
7 offense in South Carolina is never required to prove
8 himself innocent. This presumption of innocence is
9 legal proof of innocence. This presumption of
10 innocence remains with the defendant at all times
11 from the moment of his arrest, throughout the trial
12 proceeding, and goes into your jury room and remains
13 with the defendant even then unless and until you,
14 the jury, reach a verdict of guilty based on
15 evidence which the State has presented satisfying
16 you of the defendant's guilt beyond a reasonable
17 doubt.

18 You have heard evidence that the defendant was
19 convicted of a crime other than the one for which
20 the defendant is now on trial. This evidence may be
21 considered by you, if you conclude it is true, only
22 in deciding whether the defendant's testimony is
23 believable, and for no other purpose. You must not
24 consider the defendant's prior record as any
25 evidence of the defendant's guilt of the charges we

1 are trying today.

2 Proof beyond a reasonable doubt is proof that
3 leaves you firmly convinced of the defendant's
4 guilt. There are very few things in this world that
5 we know with absolute certainty. In criminal cases
6 the law does not require proof that overcomes every
7 possible doubt. The law does not require that.

8 If, based on your consideration of the
9 evidence, you are firmly convinced that the
10 defendant is guilty of the crime charged, you must
11 find him guilty.

12 If on the other hand you conclude that there is
13 a real possibility that he's not guilty, you must
14 give the defendant the benefit of the doubt and find
15 the defendant not guilty.

16 I charge you, ladies and gentlemen of the jury,
17 that if you have a reasonable doubt, not a
18 substantial doubt, but a reasonable doubt about the
19 defendant's guilt, you must resolve that doubt in
20 favor of the defendant and find him not guilty.
21 Just as the defendant may be found guilty beyond a
22 reasonable doubt due to the evidence presented, a
23 defendant may be found not guilty due to a lack of
24 evidence against him. I charge you that, suspicion,
25 however strong, is not enough to sustain a

1 conviction.

2 The law imposes the burden of proof on one
3 party or the other in all cases. In the present
4 case, the burden of proof is upon the State to
5 establish every element of the crime charged beyond
6 a reasonable doubt. And if, as to any element of
7 the crime, you are left with any reasonable doubt,
8 the defendant is entitled to the benefit of the
9 doubt and must be acquitted.

10 The indictments in this case allege two
11 different offenses against the defendant. The
12 charges are: Criminal sexual conduct with a minor
13 in the first degree, criminal sexual conduct with a
14 minor in the third degree. Each indictment charges
15 a separate and distinct offense. You must decide
16 each indictment separately from the evidence and the
17 law applicable to it uninfluenced by your decision
18 as to the other indictment.

19 The defendant may be convicted or acquitted on
20 any and all -- or all of the offenses charged. You
21 will be asked to write a separate verdict of guilty
22 or not guilty for each indictment.

23 The defendant is charged with criminal sexual
24 conduct with a minor in the first degree. Section
25 16-3-655, subsection A, of the South Carolina Code

1 of Laws sets forth the following:

2 (A) A person is guilty of criminal sexual
3 conduct with a minor in the first degree if,

4 (1) The actor engages in sexual battery with a
5 victim who is less than 11 years of age; or

6 (2) The actor engages in sexual battery with a
7 victim who was less than 16 years of age and the
8 actor has previously been convicted of, pled guilty,
9 or nolo contendere to, or adjudicated delinquent for
10 an offense listed in Section 23-3-430(c) or has been
11 ordered to be included in the sex offender registry
12 pursuant to section 23-3-430.

13 Section 16-3-651(a) defines actor as a person
14 accused of criminal sexual conduct.

15 Section 16-3-651(i) defines victim as the
16 person alleging to have been subjected to criminal
17 sexual conduct.

18 The first element the State must prove beyond a
19 reasonable doubt is that the defendant engaged in
20 sexual battery with the victim.

21 Section 16-3-651(h) defines sexual battery as
22 sexual intercourse, cunnilingus, fellatio, anal
23 intercourse, or any intrusion, however slight, of
24 any part of a person's body or with any object into
25 the genitalia or anal openings of another person's

1 body, except when such intrusion is accomplished for
2 medically recognized treatment or diagnostic
3 purposes.

4 If you find the State has not proven beyond a
5 reasonable doubt that sexual battery occurred, you
6 must stop deliberating and find the defendant not
7 guilty of this charge.

8 If you find that sexual battery did occur, you
9 must then decide whether the State has proven beyond
10 a reasonable doubt that:

11 (1) The victim was less than 11 years of age at
12 the time of the sexual battery, or

13 (2) The victim was less than 16 years of age at
14 the time of the alleged incident and the defendant
15 has previously been convicted of, pled guilty or
16 nolo contendere to, or adjudicated delinquent for an
17 offense listed in section 23-3-430(c) or has been
18 ordered to be included in the sex offender registry
19 pursuant to section 23-3-430(d).

20 The following offenses are listed in Section
21 23-3-430(c):

22 (1) Criminal sexual conduct in the first
23 degree. That's section 16-3-652.

24 (2) Criminal sexual conduct in the second
25 degree. Section 16-3-653.

1 (3) Criminal sexual conduct in the third
2 degree. Section 16-3-654.

3 (4) Criminal sexual conduct with minors, first
4 degree. Section 16-3-655(i) -- (1), Excuse me.

5 (5) Criminal sexual conduct with minors, second
6 degree.

7 The defendant is charged with criminal sexual
8 conduct with a minor in the third degree. Section
9 16-3-655(c) of the South Carolina Code of Laws sets
10 forth the following: A person is guilty of criminal
11 sexual conduct with a minor in the third degree if
12 the actor is over 14 years of age, and the actor
13 willfully and lewdly commits, or attempts to commit,
14 a lewd or lascivious act upon or with the body, or
15 its parts, of a child under 16 years of age, with
16 the intent of arousing, appealing to, or gratifying
17 the lust, passions or sexual desires of the actor or
18 the child.

19 However, a person may not be convicted of a
20 violation of the provisions of this subsection if
21 the person is 18 years of age or less when a person
22 engages in consensual lewd or lascivious conduct
23 with another person who is at least 14 years of age.

24 Section 16-3-651(a) defines actor as a person
25 accused of criminal sexual conduct.

1 Section 16-3-651(i) defines victim as a person
2 alleged to have been subjected to criminal sexual
3 conduct.

4 The State must prove beyond a reasonable doubt
5 the following elements of the offense:

6 (1) That the accused is over the age -- is over
7 14 years of age, and

8 (2) That the accused willfully and knowingly
9 committed, or attempted to commit, a lewd or
10 lascivious act upon the body, or its parts, of a
11 child under 16 years of age, with the intent of
12 arousing, appealing to, or gratifying the lust,
13 passions, or sexual desires of the actor or the
14 child.

15 The statement alleged to have been made by the
16 defendant has been admitted into evidence in this
17 case. While the Court has determined that the
18 statement is admissible, I instruct you that you
19 make the ultimate decision of whether or not the
20 defendant made the statement. If the defendant did
21 make the statement, you must determine the
22 statement -- determine whether the statement was
23 made by the defendant voluntarily and of his own
24 free will. This means that the statement was not
25 caused by pressure, force, fear, threats, coercion,

1 or intimidation, or by hope or a promise of leniency
2 or reward of any kind.

3 In determining whether the statement was
4 voluntary, you should consider both the
5 characteristics of the defendant and the details of
6 the questioning. Some factors that you must
7 consider are the age of the defendant, the
8 defendant's education or lack of education, the
9 defendant's mental ability or capacity, the
10 defendant's IQ or intelligence, the defendant's
11 background and environment, the place and length of
12 the detention, the nature of the questioning, and
13 the advice, or lack thereof, to the defendant of his
14 constitutional rights including, but not limited to,
15 the right to remain silent; that any statement could
16 be used against him in a court of law; the right to
17 have a lawyer present; that if he could not afford a
18 lawyer, a lawyer would be appointed to represent him
19 without any cost; and that he could stop making a
20 statement at any time. You must carefully consider
21 all of the surrounding circumstances before you give
22 any weight to an alleged statement.

23 The State has the burden of proving beyond a
24 reasonable doubt that the alleged statement was
25 voluntary. If you determine it was, you may give

1 the statement any further consideration that you
2 deem proper. You must decide what weight, if any,
3 should be given to the alleged statement. If you
4 determine the alleged statement was not the free and
5 voluntary statement of the defendant, you should not
6 consider the statement at all.

7 Voluntary intoxication is not a defense unless
8 the use of alcohol or drugs causes permanent
9 insanity, or -- and destroys the defendant's ability
10 to know right from wrong.

11 Now you have been chosen and sworn to give the
12 parties a fair and impartial trial. When you have
13 done so you will have completed with your oath --
14 complied with your oath and no one will have a right
15 to criticize your verdict. You must not be
16 influenced by opinions or expressions of opinions
17 you may have heard outside of the courtroom, but
18 rather should base your verdict solely on the
19 testimony of sworn witnesses who took the stand, the
20 exhibits received into evidence, and the law which I
21 have stated. Passion, prejudice, or improper
22 sympathy for or against anyone should not sway you.
23 Remember, you have no friends to reward or enemies
24 to punish, and all parties are entitled to a fair
25 and impartial trial.

1 It is your duty as jurors to consult with one
2 another and to deliberate in an effort to reach an
3 agreement. Each of you must decide this case for
4 yourself, but only after impartial consideration of
5 all the evidence with your fellow jurors.

6 In the course of your deliberations, do not
7 hesitate to reexamine your own views and change your
8 opinion if you become convinced that it is
9 erroneous. However, do not surrender your honest
10 conviction as to the verdict -- excuse me -- as to
11 the weight or effect of the evidence solely because
12 of the opinion of your fellow jurors or for the mere
13 purpose of returning a verdict.

14 As I stated earlier, you are the judges - the
15 judges of the facts. Your verdict must represent
16 the considered judgment of each juror. In other
17 words, your verdict must be unanimous.

18 Now you may have noticed that I read the
19 instructions and I do so to give you the law as
20 accurately as possible. I will give you a copy of
21 these instructions to have in the jury room. You
22 may refer to these instructions as a whole and may
23 not follow some and ignore others.

24 Madam Foreperson, if all -- it will be your
25 duty to preside over the deliberations of the jury.

1 If, during your deliberations, you should desire to
2 communicate with the Court, please reduce your
3 message or your question to writing, signed by you
4 and by you only, and pass the note to the bailiff
5 and they will bring it to my attention. I will then
6 respond as promptly as possible, either in writing
7 or by having you to return to the courtroom. I
8 caution you, however, with regard to any message or
9 question that you may send, that you must never
10 state or specify your numerical division at that
11 time.

12 Now you have heard the evidence and you have
13 heard the law. Whatever your verdict is, Madam
14 Foreperson, you will indicate the verdict on the
15 back of the indictment and then sign and date your
16 verdict. You will also complete this jury form that
17 I will attach at the back of these instructions.

18 Remember that although the foreperson is the
19 only juror who writes the verdict, it is not hers
20 alone. The verdict has to be unanimous. Madam
21 Foreperson, you are not authorized to write the
22 verdict until all of you have agreed on the verdict.

23 Now ladies and gentlemen, I will send you to
24 your jury room but do not begin discussing this case
25 until you receive a copy of this jury charge and the

1 exhibits. Once you receive those items that will be
2 your signal to begin your deliberations.

3 Once you begin deliberations, you will
4 deliberate until you have reached a verdict, at
5 which time you'll knock on the door and advise the
6 bailiff, and we will bring you out to receive your
7 verdict.

8 In order to preserve everyone's rights, is
9 there any objection from the State?

10 MS. HAMMACK: None from the State.

11 THE COURT: Is there any objection from the
12 defense?

13 MR. MCKELLAR: None from the defense.

14 THE COURT: All right. Please escort the
15 jurors to the jury room.

16 (WHEREUPON, the jury exited the courtroom
17 at 3:13 p.m.)

18 THE COURT: All right, before I pull -- please
19 be seated. Before I pull the alternate out of there
20 any concerns with the jury?

21 MS. HAMMACK: No, Your Honor.

22 MR. MCKELLAR: None, Your Honor.

23 THE COURT: All right. Will you go ahead and
24 pull the foreperson out?

25 BAILIFF: The alternate?

1 THE COURT: The alternate, I'm sorry.

2 (WHEREUPON, the alternate juror entered
3 the courtroom.)

4 THE COURT: Good afternoon, sir. All right, so
5 you are our lone alternate left, and at this time
6 you have completed your jury duty. The jury is
7 going to deliberate. Alternates do not deliberate
8 with the jury. I want to thank you for the service
9 for this week. And also invite you -- you do not
10 have to stay, but if you would like to stay we will
11 allow you to sit in the gallery here and determine
12 -- or to witness the jury's verdict.

13 I cannot tell you how long they will
14 deliberate. It could be a few minutes. It could be
15 a few hours. But thank you for your service.

16 We'll stand down and let you all get your
17 exhibits to send back.

18 (WHEREUPON, the Court took a recess.)

19 THE COURT: Madam Solicitor, Mr. McKellar, we
20 have a verdict so I'm going to bring the jury up at
21 this time. Can you bring the jury up?

22 (WHEREUPON, the jury entered the courtroom
23 at 4:07 p.m.)

24 THE COURT: Please be seated. Madam
25 Foreperson, it was told to me by a bailiff that the

1 jury has reached a verdict. Is that correct?

2 THE JUROR: Correct.

3 THE COURT: Was that verdict unanimous?

4 THE JUROR: Yes.

5 THE COURT: Did you indicate the jury's verdict
6 on the verdict form?

7 THE JUROR: Yes.

8 THE COURT: And is that signed and dated by
9 you?

10 THE JUROR: Yes.

11 THE COURT: All right, very good. Can you
12 please give that to the bailiff?

13 Madam Clerk, if you will read the verdict.

14 JURY VERDICT

15 CLERK: Your Honor, we have the State of
16 South Carolina, County of Aiken versus Joseph Eugene
17 Edmond with indictment numbers 2021 GS 02 01420 and
18 2023 GS 02 01045.

19 As to the charge of criminal sexual conduct
20 with a minor in the first degree, we the jury
21 unanimously find beyond a reasonable doubt the
22 defendant Joseph Eugene Edmond guilty.

23 As to the charge of criminal sexual conduct
24 with a minor in the third degree, we the jury
25 unanimously find beyond a reasonable doubt the

1 defendant Joseph Eugene Edmond guilty.

2 Signed by Foreman Jeanie Cabral, dated
3 May 11th, 2023.

4 THE COURT: Madam Foreperson, is that the
5 jury's unanimous verdict?

6 THE JUROR: Yes.

7 THE COURT: Does anyone wish to poll the jury?

8 MR. MCKELLAR: Defense asks that they be
9 individually polled.

10 THE COURT: Madam Clerk, please poll the jury.

11 CLERK: As I call your name please answer the
12 following questions. Juror number 25. Jeanie
13 Cabral, is this your verdict?

14 THE JUROR: Yes.

15 CLERK: Do you still agree?

16 THE JUROR: Yes.

17 CLERK: Juror number 132, Hunter Oliver.

18 THE JUROR: Yes, ma'am.

19 CLERK: Is this your verdict?

20 THE JUROR: Yes.

21 CLERK: Do you still agree?

22 THE JUROR: Yes.

23 CLERK: Juror number 122, Benjamin Morgan.

24 THE JUROR: Yes.

25 CLERK: Is this your verdict?

1 THE JUROR: Yes.
2 CLERK: Do you still agree?
3 THE JUROR: Yes.
4 CLERK: Juror number 61, David Gonzales. Is
5 this your verdict?
6 THE JUROR: Yes.
7 CLERK: Do you still agree?
8 THE JUROR: Yes.
9 CLERK: Juror number 119 --
10 THE JUROR: Yes.
11 CLERK: -- Jessica Mills. Is this your
12 verdict?
13 THE JUROR: Yes.
14 CLERK: Do you still agree?
15 THE JUROR: Yes.
16 CLERK: Juror number 107, Lynn Littleton. Is
17 this your verdict?
18 THE JUROR: Yes.
19 CLERK: Do you still agree?
20 THE JUROR: Yes.
21 CLERK: Juror number 88, James Jendraszek.
22 THE JUROR: That's close, yes.
23 CLERK: Is this your verdict?
24 THE JUROR: Yes.
25 CLERK: Do you still agree?

1 THE JUROR: (inaudible).
2 MR. MCKELLAR: I'm sorry, I didn't hear a
3 response to the last question.
4 THE COURT: Do you still agree?
5 THE JUROR: Yes.
6 CLERK: Juror number 166, Elizabeth Sheppard.
7 THE JUROR: Yes.
8 CLERK: Is this your verdict?
9 THE JUROR: Yes.
10 CLERK: Do you still agree?
11 THE JUROR: Yes.
12 CLERK: Juror number 146, Patrick Quill.
13 THE JUROR: Yes.
14 CLERK: Is this your verdict?
15 THE JUROR: Yes.
16 CLERK: Do you still agree?
17 THE JUROR: Yes.
18 CLERK: Juror number 105, Relferd Lanier.
19 THE JUROR: Yes.
20 CLERK: Is this your verdict?
21 THE JUROR: Yes.
22 CLERK: Do you still agree?
23 THE JUROR: Yes.
24 CLERK: Juror number 152, Todd Reddick.
25 THE JUROR: Yes.

1 CLERK: Is this your verdict?

2 THE JUROR: Yes.

3 CLERK: Do you still agree?

4 THE JUROR: Yes.

5 CLERK: And Juror number 52, Catherine Flint.

6 Is this your verdict?

7 THE JUROR: Yes.

8 CLERK: Do you still agree?

9 THE JUROR: Yes.

10 CLERK: Your Honor -- and Juror number 82,
11 Jason Hutto. That was the second alternate. Okay.

12 THE COURT: Thank you. The jury has been
13 polled. Ladies and gentlemen of the jury, at this
14 time we should thank you for your jury service.
15 Your jury service for this week is now complete. At
16 this portion of the trial we enter into our
17 sentencing phase. If you would like to stay and see
18 sentencing, you are certainly welcome to do so. We
19 ask that you -- after you gather your things -- sit
20 in the gallery if you do wish to stay and hear the
21 sentencing. Does anyone have any questions for me?
22 All right, if you all need work or school excuses
23 that will be provided to you by the bailiffs. Thank
24 you again for your jury service.

25 (WHEREUPON, the jury was excused.)

1 All right, at this time -- you may be seated.
2 If there are any post-trial motions I will hear them
3 now, or I will allow post-trial motions to be
4 submitted within 10 days if there are not any to be
5 heard now.

6 MR. MCKELLAR: Your Honor, we'll go ahead and
7 ask for our post-trial -- ask for our motions now.

8 THE COURT: All right, certainly.
9 Mr. McKellar.

10 MR. MCKELLAR: Your Honor, the defense moves
11 for a new trial on the basis of its previously made
12 objections, and we renew our motions for
13 (inaudible).

14 THE COURT: All right. Does anyone wish --
15 does the State wish to respond?

16 MS. HAMMACK: Your Honor, we would stand on
17 previous argument and Your Honor's previous rulings.

18 THE COURT: All right. Mr. McKellar, I'm going
19 to deny your motion for the trial. The jury has
20 spoken. I do not wish to change my rulings on the
21 prior motions.

22 Is the State prepared for the sentencing phase
23 of the trial?

24 MS. HAMMACK: Your Honor, if we may have
25 approximately two minutes to complete the sentence

1 sheets and submit them. Literally 2 minutes.

2 THE COURT: All right, Mr. McKellar, are you
3 prepared for the sentencing phase of the trial?

4 MR. MCKELLAR: We are, Your Honor.

5 THE COURT: All right. We'll stand down for
6 approximately 30 minutes or so.

7 (WHEREUPON, the Court took a recess.)

8 THE COURT: I have been given the sentencing
9 sheets. I'm ready for the State's presentation.

10 MS. HAMMACK: Thank you, Your Honor. I'm not
11 going to go back through the facts as determined by
12 the jury. Your Honor was been present all week and
13 heard the testimony in this case.

14 The defendant does have a history of criminal
15 convictions. They began in 1998. He was convicted
16 of assault and battery -- simple assault and
17 battery. In 2003 he was convicted of fraudulent
18 check. In 2006 he was convicted of simple assault
19 and battery. In 2014 he was convicted of disorderly
20 conduct. In 2018 he was convicted of malicious
21 injury to personal property valued under \$2,000.
22 And again in 2018 was convicted of assault and
23 battery second degree that pled down from assault
24 and battery of a high and aggravated nature charge.

25 THE COURT: All right, Madam Solicitor, do --

1 does the State wish to have anyone to speak?

2 MS. HAMMACK: Your Honor, I've asked Ms. Fulton
3 and Ms. Smith, as the mother and grandmother of
4 **Minor** if they wish to address Your Honor. They've
5 indicated that they do not. But they would like
6 Your Honor to know their position on sentencing.
7 They both are asking you for a maximum sentence in
8 this case.

9 THE COURT: All right. On both charges, Madam
10 Solicitor?

11 MS. HAMMACK: That's correct, Your Honor.

12 THE COURT: All right. All right, anything
13 further from the State?

14 MS. HAMMACK: No, Your Honor.

15 THE COURT: Thank you. Mr. McKellar?

16 MR. MCKELLAR: Thank you, Your Honor.
17 Mr. Edmond is 44 years old. As you heard from the
18 solicitor, he -- his prior criminal record only
19 consists of misdemeanors. He -- the most serious
20 offense he's been convicted of today is a
21 misdemeanor -- up through today carries -- it's a
22 misdemeanor and it carries up to three years.

23 He's from Greenville County originally. He has
24 two children 16 -- or I think 17 and --

25 THE COURT: Twelve.

1 MR. MCKELLAR: -- 12. He went to school in the
2 upstate and he played football. He's a mechanic by
3 trade as you heard, but he was working at Jiffy Lube
4 at the time of his arrest.

5 He respects the jury's verdict, as we all do
6 sitting at this table. It's a serious, it's a
7 serious charge that he was -- that was levied
8 against him and he was convicted of. And we ask for
9 a 25-year sentence. We think a 25-year sentence
10 would reflect the gravity of this crime, Your Honor.

11 THE COURT: All right, Mr. McKellar, does your
12 client wish to speak on his behalf? Certainly, he
13 does not have to but I always do ask.

14 MR. MCKELLAR: I do not believe he does, Your
15 Honor.

16 THE COURT: All right. Anything further from
17 the defense, Mr. McKellar?

18 MR. MCKELLAR: Nothing further.

19 THE COURT: Thank you. Mr. McKellar.

20 MR. MCKELLAR: Yes, Your Honor.

21 THE COURT: How much time has Mr. Edmond served
22 to date?

23 MR. MCKELLAR: One second, Your Honor.

24 THE COURT: Certainly.

25 MR. MCKELLAR: He has 792 days time served.

1 THE COURT: Thank you, Mr. McKellar. All
2 right, Mr. Edmond, your sentence is as follows.
3 With regards to indictment number 2023 GS02 01045,
4 CSC with a minor in the third degree, I sentence you
5 to the State Department of Corrections for a term of
6 15 years. You will receive credit for the time that
7 you have served in the amount of 792 days. That
8 charge will run concurrent with your next charge,
9 which is indictment number 2021 GS02 0142, criminal
10 sexual conduct with a minor, the first degree,
11 victim under 11 years of age. Mr. Edmond, I
12 sentence you to the State Department of Corrections
13 for a term of 32 years. You will receive credit for
14 the time that you have served in the amount of
15 792 days. As stated prior that charge will run
16 concurrent to your previous charge. Good luck to
17 you, Mr. Edmond.

18 Madam Solicitor and Mr. McKellar, I wish to
19 thank you all for your litigation here today. You
20 were very professional and I respect the both of
21 you. Thank you again for your service.

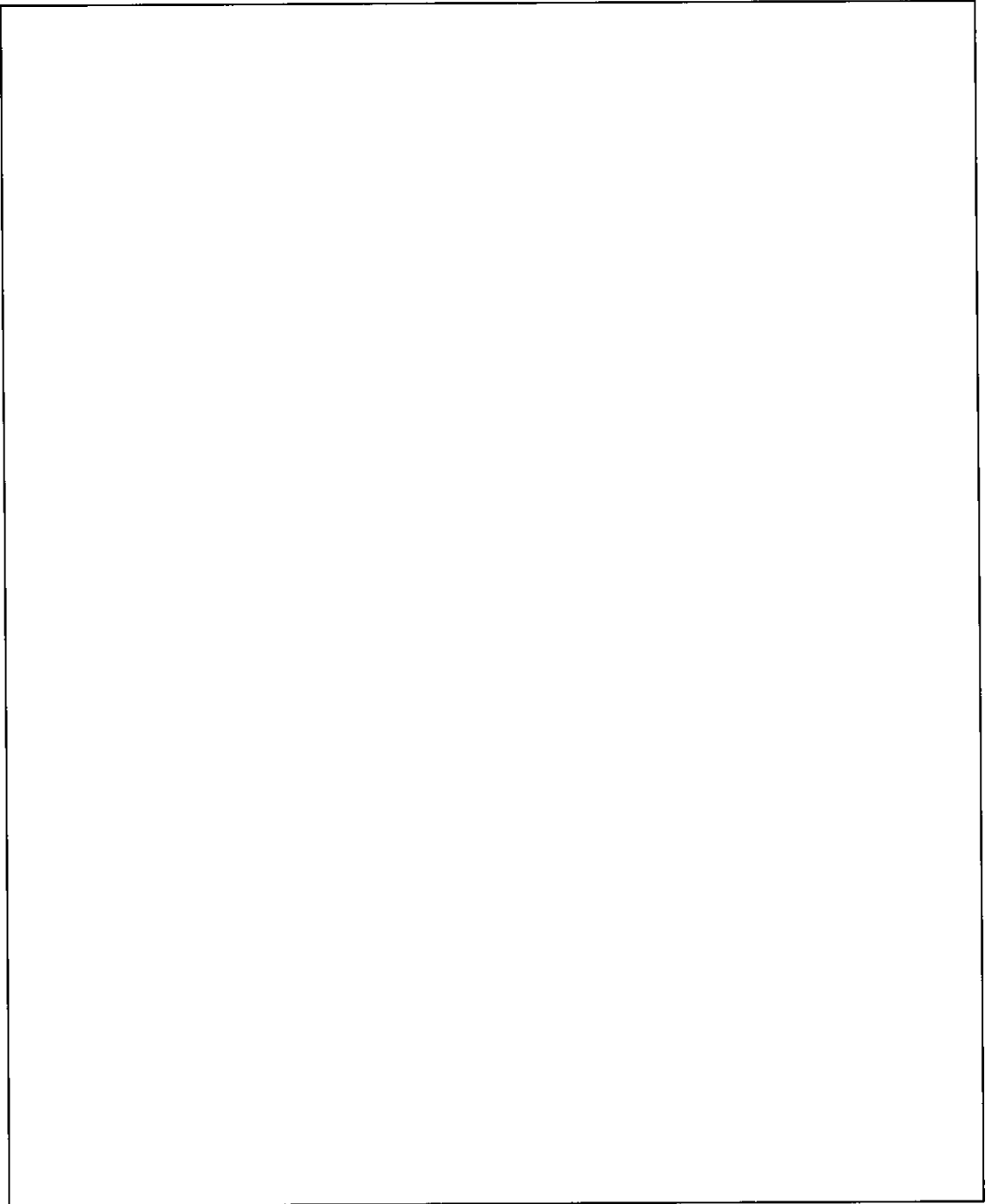
22 MS. HAMMACK: Thank you, Your Honor.

23 MR. MCKELLAR: Thank you, Your Honor.

24 THE COURT: Court is adjourned.

25 END OF TRANSCRIPT OF RECORD

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1 CERTIFICATE OF REPORTER

2

3 STATE OF SOUTH CAROLINA)

4 COUNTY OF AIKEN)

5 I, the undersigned Emily H.
6 Walker, official Court Reporter for the 2nd Judicial
7 Circuit of the State of South Carolina, do hereby
8 certify that the foregoing is a true, accurate, and
9 complete transcript of the record of all proceedings
10 had and evidence introduced in the hearing of the
11 captioned case, relative to appeal, in the Court of
12 General Sessions for Aiken County, South Carolina,
13 on the 8th, 9th & 11th of May, 2023.

14 I do further certify that I am
15 neither kin, counsel, nor interest to any party
16 hereto.

17 In witness whereof, I have
18 hereunto subscribed my name, this 4th of August,
19 2023.

20

21

22

23 Emily H. Walker, CVR
24 Court Reporter

25

WITNESSES

Aiken County Sheriff

John R Sullivan Jr

Law Enforcement Case #: 21-011116

AAH

ARREST WARRANT NUMBER

2021A0210200389

FILED September 9, 2021

Robert J. Harte
C.C.P. & G.S.Joseph S. Johnson
Deputy ClerkACTION OF GRAND JURYTrue BillForeperson of Grand Jury
Date: September 9, 2021VERDICTGuilty

Foreperson of Petit Jury

Date: 5/11/23

DOCKET NO. 2021GS0201420The State of South CarolinaCounty of AikenCOURT OF GENERAL SESSIONSSEPTEMBER TERM 2021THE STATEVS.JOSEPH EUGENE EDMONDCDR #: 0385Indictment forCRIMINAL SEXUAL CONDUCT WITH A
MINOR-FIRST DEGREE§ 16-03-0655(A)(1)BILL WEEKS, SOLICITORSTATE OF SOUTH CAROLINA
COUNTY OF AIKEN

I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

17 day of May 2023

Robert J. Harte

C.C.P. & G.S., Aiken County, S.C. LFH

Deputy Clerk

Robert J. Harte

STATE OF SOUTH CAROLINA)
)
 COUNTY OF AIKEN)
)

INDICTMENT FOR
 CRIMINAL SEXUAL CONDUCT WITH A
 MINOR-FIRST DEGREE

§ 16-03-0655(A)(1)

At a Court of General Sessions, convened on September 13, 2021, the Grand Jurors of Aiken County present upon their oath:

That **JOSEPH EUGENE EDMOND** did in Aiken County on or about March 7, 2021, commit the crime of Criminal Sexual Conduct With A Minor In The First Degree, in that the Defendant did commit a sexual battery upon _____, a minor who was under eleven (11) years of age at the time of the incident. All in violation of §16-3-655, Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 BILL WEEKS, SOLICITOR

2.5 years - life
mandatory Sex Offender Registry
mandatory GPS

RECEIVED

May 17 2023

305

STATE OF SOUTH CAROLINA

COUNTY OF Aiken

STATE

VS.

Joseph Eugene Edmond

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address: 7

City, State, Zip: 1

DL#:

SID#

IN THE COURT OF GENERAL SESSIONS

SC Court of Appeals

INDICTMENT/CASE#: 2021 - GS - 02 - 01420

A/W#: 2021A0210200389

Date of Offense: 3/7/2021

S.C. Code §: 16-03-0655(A)(1)

CDR Code #: 0385

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above Indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Sex / Criminal sexual conduct with minor - victim under 11 yrs of age - First degree

In violation of § 16-03-0655(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0385

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☒ Mandatory GPS ☐ § 17-25-46

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Osby O. Hammack 80176 Joseph E. Edmond W. J. Hart 77702
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,

for a determinate term of 32 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2023-05-02-01045

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOP.

752 days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

I, Robert J. Hart, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

17 day of May, 2023

Robert J. Hart
C.C.C.P. & C.S., Aiken County, S.C.

Deputy Clerk

LFH
Debra Maguire-Hynes

STATE VS. Joseph Eugene Edmond INDICTMENT/CASE#: 2021 - GS - 02 - 01420

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5%)			\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$ _____
§56-5-2995 (DUI Assessment)	\$12		\$ _____
§56-1-286 (DUI Breath Test)	\$25		\$ _____
§14-1-212 (Law Enforce. Funding)	\$25		\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150		\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$ _____
3% to County (if paid in installments)	TBD		\$ <u>3.75</u>
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500		\$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD		\$ _____
TOTAL			\$ <u>128.75</u>

 Clerk of Court/Deputy Clerk: Ann Sanders
 Court Reporter: D.C.R.

 Presiding Judge: Q S B
 Judge Code: 2707
 Sentence Date: 5/11/2023

WITNESSES

Aiken County Sheriff

John R Sullivan Jr

Law Enforcement Case #: 21-011116

Kim Casso

AAH

ARREST WARRANT NUMBER

2023

23-DI02-0023

C.C.P. & G.S.

Deputy Clerk

ACTION OF GRAND JURY

JOSEPH EUGENE EDMOND

CDR #: 3661

Foreperson of Grand Jury

Date: May 4, 2023

VERDICT*Guilty*

Foreperson of Petit Jury

Date: 5/11/23

DOCKET NO. 2023GS0201045

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

MAY TERM 2023

THE STATE
vs.

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A
MINOR-THIRD DEGREE

§ 16-03-0655(C)

BILL WEEKS, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

I, Robert J. Hart, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

17 day of May 2023

Robert J. Hart

C.C.P. & G.S., Aiken County, S.C.

LFH

Deputy Clerk

STATE OF SOUTH CAROLINA)
)
 COUNTY OF AIKEN)
)

INDICTMENT FOR
 CRIMINAL SEXUAL CONDUCT WITH A
 MINOR-THIRD DEGREE

§ 16-03-0655(C)

At a Court of General Sessions, convened on May 8, 2023, the Grand Jurors of Aiken County present upon their oath:

That **JOSEPH EUGENE EDMOND**, being over the age of fourteen (14) years, did in Aiken County on or about March 7, 2021, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All in violation of §16-03-655 of the Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 BILL WEEKS, SOLICITOR

0-15 years
mandatory Sex Offender Registry
mandatory GPS

STATE OF SOUTH CAROLINA

COUNTY OF Aiken

STATE

VS.

Joseph Eugene Edmond

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address:

City, State, Zip:

DL#

SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2023 - GS - 02 - 01045AW#: 23-DI02-0023Date of Offense: 3/7/2021S.C. Code §: 16-03-0655(C)CDR Code #: 3661

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: CSC with a Minor in the Third DegreeIn violation of § 16-03-0655(C) of the S.C. Code of Laws, bearing CDR Code # 3661☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☒ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Sofactor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 15 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2021-GS-02-01400☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

I, Robert J. Hart, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

17 day of

May

2023

Robert J. Hart
C.C.C.P. & G.S., Aiken County, S.C.

Deputy Clerk

L.H.
Deputy Clerk

STATE VS. Joseph Eugene Edmond INDICTMENT/CASE#: 2023 - GS - 02 - 01045

SPECIAL CONDITIONS:

- ☐ PTUP after _____ months/years
- And Other Terms Listed Below:**
- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

\$14-1-206 (Assessments 107.5%)		\$
\$14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100.00</u>
\$14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$56-1-286 (DUI Breath Test)	\$25	\$
\$14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
\$14-1-213 (Drug Court Surcharge)	\$150	\$
\$34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
\$50-21-114 (BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in Installments)	TBD	\$ <u>3.75</u>

- ☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees
- ☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: Ann Sanders
Court Reporter: D.C.B.

Presiding Judge: C. C. D.
Judge Code: 2707
Sentence Date: 5/11/2023

Aiken County Sheriff's Office

VOLUNTARY STATEMENT

Time: 4 : 20PM Date: 3/10/21Page 1 of 2 pagesLocation where statement was obtained: ACSO HQ'sName: Joseph EdmondDate of Birth: [REDACTED]

Address: _____

City: AikenState: SCZip: 29603I completed the 10th grade in school, and (CAN) CANNOT read and write. (Circle one)

Q: What happened on 3/7/21?

A: I stuck my fingers in **Minor**'s mouth she got into the floor I pulled my pants out told her to suck it but she didn't have time I zipped my pants back up before she couldQ: Did you pull **Minor**'s pants down?

A: NO I don't know if they were down and if they were they could've got hung on the dash

Q: Did you tell **Minor** out to tell anyone?

A: NO I didn't

Q: Were you drinking alcohol that night?

A: yes I was

Q: Are you sorry for what you did? A: yes I'm very sorry I've never done anything like this before I was instantly sick at my stomach I could even say anything like that I SORRY for Everything

I have read or have had read to me this statement consisting of _____ page (s). This statement is true. I have initialed all corrections and initialed the bottom of each page containing the statement. I declare that the voluntary statement is made of my own free will, without promise or reward, without fear or threat of physical harm/punishment, without coercion, unlawful influence or unlawful inducement.

This statement was completed at _____ a.m./p.m. on 10 day of MAY, 20 21.

Signature of person giving voluntary statement

Witness

Witness

I have been given a copy of this statement consisting of 2 pages.Initials of person making statement: JE

VOLUNTARY STATEMENT

Q: Is this statement the truth?

A: yes

Q: Is there anything else I should know?

A: NO

~~X [Signature]~~

✓ [Signature] 5344

[Signature]

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

May 31 2024

SC Court of Appeals

Kathrine H. Hudgins for

Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 31st day of May, 2024.

RECEIVED

May 31 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Aiken County

Honorable Courtney Clyburn-Pope, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

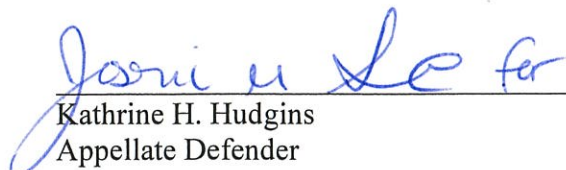
JOSEPH EUGENE EDMOND,

APPELLANT

APPELLATE CASE NO. 2023-000799

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Andrew D Powell, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 31st day of May, 2024.



Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

From: [Stock, Chris](#)
To: [Andrew Powell](#); [Grace Sommer](#)
Cc: [Hudgins, Kathrine](#)
Subject: Edmond, J - Record on Appeal - 2023-000799
Date: Friday, May 31, 2024 11:40:41 AM
Attachments: [Edmond, J - Record on Appeal - 2023-000799.pdf](#)

Mr. Powell,

Please find attached for service the Record on Appeal for Joseph Eugene Edmond's appeal which will be filed today with the Court of Appeals.

Thank you.

Chris

Chris Stock
Administrative Assistant
Commission on Indigent Defense
Appellate Division
(803) 734-1330