

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Darlington County

Honorable Michael S. Holt, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TERRY L. SANDERS,

APPELLANT

APPELLATE CASE NO. 2023-001100

RECORD ON APPEAL

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE EXHIBIT #3 (VIDEO OF MINOR)**

State of South Carolina)	In Court of General Sessions
)	Fourth Judicial Circuit
County of DARLINGTON)	2016-GS-16-00190; 0191; 0680

STATE OF SOUTH CAROLINA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Transcript of Record
	)	
TERRY LEE SANDERS,	)	
	)	
Defendant.	)	
	)	
_____	)	

Darlington, South Carolina
September 12-16, 2023

B E F O R E:

The Honorable Michael S. Holt

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

Ms. Patti Parker, Esquire
Attorney for Plaintiff

Ms. Tonya Copeland-Little, Esquire
Attorney for Defendant

Lisa Carter
Circuit Court Reporter

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1 and just leave your button, leave your button -- just
2 bring your buttons back with you when you come. When
3 you get on the courthouse grounds that way people
4 will know you are a juror and they will not contact
5 you in anyway, okay.

6 THE COURT: If you -- when you arrive Wednesday
7 morning, if you see somebody, a court officials or
8 one of the lawyers and they're not, they're not
9 particularly friendly to you, they're following the
10 Court's instructions. There not to have any contact
11 with you, okay. But these bailiffs and the clerk,
12 they'll take care of you, all right. Y'all have a
13 good evening. We'll see you Wednesday morning.

14 (Whereupon, the jury exits the courtroom at 11:58
15 a.m.)

16 (Whereupon, the Court talks with the jury panel and
17 excuses them off the record)

18 (Whereupon, the Court returns from lunch and back on
19 the record at 1:30 p.m.)

20 THE COURT: All right. Court will come to order.
21 Madam Solicitor?

22 MS. PARKER: Thank you, Your Honor. If it pleases,
23 the Court? At this time the State would like to
24 proceed with this hearing by calling Robin Griggs to
25 the stand.

1 THE COURT: All right.

2 THE CLERK: You swear the testimony you give this
3 Court will be the truth, the whole truth, and nothing
4 but the truth so help you God?

5 MS. GRIGGS: I do.

6 THE COURT: All right. Would you state your name
7 for the record please?

8 MR. GRIGGS: Robin Taylor Griggs.

9 THE COURT: Okay. Madam Solicitor, your witness?
10 Was there something y'all need to ---

11 MS. PARKER: Well, maybe just before we get
12 started, just for, to protect the privacy of the
13 victim before I play the video that, you know, it's
14 got some graphic content to it, you know, do we need
15 all these extra people in the courtroom. Can we ask
16 it be cleared before I play the video.

17 THE COURT: What is the -- what's the nature --
18 are these folks here for this child?

19 MS. LITTLE: No, sir. They're here for afternoon
20 ---

21 MS. PARKER: There here afternoon matters.

22 THE COURT: All right. Okay. This is your
23 request that we sequester ---

24 MS. PARKER: There was just -- before I play the
25 forensic interview, if the Court could clear all

1 unnecessarily parties that aren't ---

2 THE COURT: Okay. All right. Folks, in the
3 audience we're going to have some -- at a -- is there
4 a particular point you feel like we need to -- you're
5 gonna take some testimony and then get to that or
6 you're gonna play that right off?

7 MS. PARKER: I'mma take some testimony and then
8 play this.

9 THE COURT: Okay.

10 MS. PARKER: So it will be a few minutes of
11 testimony first ---

12 THE COURT: All right.

13 MS. PARKER: --- and we'll play it and then Tonya
14 will cross-examine her.

15 THE COURT: All right. Folks, who are in the
16 audience, if you do not have a particular involvement
17 or interest in the State vs. Terry Lee Sanders, I'mma
18 ask that you step to the hallway. We're gonna take
19 some testimony that's a sensitive. The grand jury
20 room is open if anybody wishes to sit in there.

21 (Whereupon, the courtroom is cleared by the Court)

22 ROBIN GRIGGS, first being
23 duly sworn, testified as follows:

24 **Direct Examination by Ms. Parker:**

25 Q. Ma'am, would you please state your name for the

1 Court's record?

2 A. Robin Taylor Griggs.

3 Q. And where are you employed?

4 A. At the Durant Children's Center.

5 Q. And how long -- well, what's your position there?

6 A. Forensic interviewer.

7 Q. And how long have you been employed at the Durant
8 Center?

9 A. Eighteen years.

10 Q. And have you been working in that capacity as a
11 forensic interviewer for that same amount of time?

12 A. Yes, ma'am.

13 Q. Okay. And I'll tell us a little bit about your
14 educational background and training?

15 A. My Undergraduate Degrees is in Psychology from
16 Francis Marion. I have a Master's Degree in
17 Counseling from Webster University. When I first
18 started training with to do forensic interviewing I
19 went to a basic training for a forensic interviewing
20 called Child First. It was called Finding Words.
21 It's now Child First. I've done that. I've done the
22 advanced training. And I've also done the training
23 at Huntsville, Alabama with the National Children's
24 Advocacy Center.

25 Q. Okay. And all of that is training you've receive

R. Griggs- Direct Examination by Ms. Parker

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1 that's pertinent to forensic interviewing?

2 A. Yes, ma'am. And every year I get more training.

3 Q. Okay. So you have like certification or
4 continuing education requirements?

5 A. Continuing education. I do have certification
6 but South Carolina doesn't recognize that
7 certification nationally. So I don't count that.
8 But every year I do get some kind of continuing work
9 on interviewing.

10 Q. And in the course of your career, how many
11 forensic interviews, approximately, have you
12 conducted?

13 A. Five or six thousand or maybe.

14 Q. Okay. And just in general, what is a forensic
15 interviewer? What's its purpose?

16 A. Its purpose is to just in a neutral setting to
17 get information from a child, or possibly that has
18 been witnessed a crime or something or is possibly
19 involved with domestic violence or sexual abuse or
20 physical abuse, to give them a place to tell their
21 story. And it's kind of a neutral non-leading place,
22 interview for them to just come in and say what they
23 need to say.

24 Q. Okay. And -- and in 2015 what technique were
25 you using of your training at that time to conduct

1 forensic interview?

2 A. It was called Finding Words at the time. But
3 it's, basically, the same protocol. They've just
4 updated it like all the other protocols for current
5 trends.

6 Q. Okay. And when you do a forensic interview, are
7 there any rules you set ---

8 A. Yes.

9 Q. --- from the state?

10 A. Yes. The first thing I'll do is introduce
11 myself. I tell them about the room. That there's a
12 camera in the room. The biggest rule that we talk
13 about is telling the truth in the room. If the kids
14 are young I asked them to, what does it mean to tell
15 the truth. Some of them can define it. Some of them
16 I have to go through, well, let's we need to tell
17 things that really truly happened in here. Then we
18 go to the say, I don't know rule. My thing with that
19 is I ask them what's the name of my dog? And if they
20 can say I don't know. A lot of them will come up
21 with a name. Then I explain that 'cause I want to
22 make sure they understand they can say they don't
23 know. And the last rule is that they can correct me
24 if I make a mistake so that they, they know that
25 they're not in trouble if they tell a grown up they

1 mess something up.

2 Q. Okay. So you make it clear that they can say I
3 don't know. They can correct you if you say something
4 that's wrong and they tell the truth?

5 A. Correct.

6 Q. Did you conduct a forensic interview in the case
7 of hand, a forensic interview of involving Minor

8

9 A. I did.

10 Q. Okay. And what date was that interview
11 conducted?

12 A. October 6, 2015.

13 Q. And where was the interview conducted?

14 A. In our Hartsville Office.

15 Q. And prior to the interview was a family or social
16 history obtained?

17 A. Basic information, yes, ma'am.

18 Q. Okay. And do you obtain a little bit of a
19 medical history as well?

20 A. A little bit. If there's a medical they get
21 more, of course.

22 Q. And what type of questioning format is generally
23 used?

24 A. Well, we had a form that we no longer use now
25 that gave us information of who's in the household,

1 if the child has any medical problems, any school
2 placements, any developmental delays. And then
3 information on the parents. And then any history of
4 behavioral concerns with the child.

5 Q. Okay. And during the interview, did you go over
6 anatomy with the child and do you do that generally?

7 A. If the child is old enough to explain to me where
8 private parts are, I don't bring out drawings or
9 dolls. But if they're young and can't, then I'll
10 bring out anatomically correct drawings.

11 Q. Okay. And did you go through any anatomic.
12 anatomical diagrams with Minor

13 A. I did.

14 Q. Okay. We're talking about the interview on
15 10/6?

16 A. Yes, ma'am.

17 Q. Okay. And how old was Minor at the time of
18 this interview according to your records?

19 A. She was four and and a half.

20 Q. Okay. And was your interview with her video and
21 audio recorded?

22 A. Yes, ma'am.

23 Q. And has at video statement been preserved by
24 electronic means?

25 A. Yes, ma'am.

R. Griggs- Direct Examination by Ms. Parker

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1 Q. Was a copy provided to law enforcement and the
2 solicitor's officer?

3 A. Yes, ma'am.

4 Q. Okay. I'm gonna show you Court's Exhibit 1, is
5 that the video that was provided?

6 A. Yes, ma'am.

7 MS. PARKER: Okay. Your Honor, at this time,
8 permission to play ---

9 THE COURT: Yes, ma'am.

10 MS. PARKER: --- Court's Exhibit 1.

11 (Whereupon, the video is played for the judge)

12 Q. I have just follow-up questions. Did **Minor**
13 struggle to actually define like what the truth is?

14 A. I think in the beginning she -- in the beginning
15 most kids have trouble understanding what I'm doing
16 at that age. I think she understood what really
17 truly, tell what really truly happened. I think she
18 understood that. Maybe not truth or lie.

19 Q. Or putting truth in her own words ---

20 A. Right.

21 Q. --- like defining the term?

22 A. Right.

23 Q. Do you think that would be because of her age?

24 A. Correct.

25 Q. And do you think it took her a long time to warm

1 up to you?

2 A. Yes, ma'am. I think it did.

3 Q. And with the cat and dog analogy, did you feel
4 like after you went through the dog and then with the
5 cat, do you think she understood that she could
6 indicate I don't know in response to a question?

7 A. Yes, ma'am.

8 Q. And did she nod in the affirmative about telling
9 things that happened ---

10 A. Yes, ma'am.

11 Q. --- in the interview? And on the part with the
12 anatomical drawings, we -- it's difficult to see for
13 the video, but what was the body part that she had
14 trouble identifying?

15 A. She had trouble identifying the chest area on
16 both the male and the female drawings.

17 Q. Okay. And she called her vaginal area or tutu?

18 A. Tutu. And the penis for the male part.

19 Q. Okay. And then is it protocol that once a child
20 identifies that that's their terminology for body
21 part, you also use it?

22 A. Correct.

23 Q. That same terminology, okay. Did **Minor** make a
24 disclosure of sexual assault or abuse to you in this
25 interview?

R. Griggs- Cross-Examination by Ms. Little

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1 A. Yes, ma'am.

2 Q. A clear right disclosure?

3 A. Yes, ma'am.

4 Q. And you'd indicate that you've done 1000s of
5 interviews. Did you feel like [Minor] provided a
6 detailed account of the offense?

7 A. I think she gave me as much information as she
8 could for our child her age. It was pretty detailed
9 for a child her age as well.

10 Q. Okay. And she had talked about [DS] being
11 there. Was [DS] older than [Minor] or younger
12 than [Minor]

13 A. [DS] was younger. I do not know how young but
14 had to be at least two or younger because she did not
15 get an interview.

16 Q. Okay. And that's y'all's policy, I mean, if the
17 child is two ---

18 A. Two or under no interview.

19 Q. No interview. Okay.

20 MS. PARKER: These answer any questions Ms. Little
21 may have.

22 THE COURT: Ms. Little?

23 **Cross-Examination by Ms. Little:**

24 Q. Good afternoon, Ms. Griggs.

25 A. Good afternoon.

1 Q. You testified that you felt that the child
2 provided a good amount of detail for her age?

3 A. Yes, ma'am.

4 Q. Do you recall interviewing the child when you're
5 asking the child if something like this had ever
6 happened anywhere else, what her answers, answer was?

7 A. She said her room and then she backed up and said
8 not, nothing had happened in her room.

9 Q. Well, did she say it was at -- did she -- did she
10 also say -- she said her mama's house, do you
11 remember of saying that?

12 A. Yeah, um, yes, ma'am.

13 Q. And then she said her room?

14 A. Her room.

15 Q. And -- and then I believe that you're referring
16 to, she said, "I didn't done"?

17 A. Right.

18 Q. So you took that to mean that nothing happened
19 there?

20 A. Yes, ma'am.

21 Q. Okay. Did you continue to follow up on that
22 issue with her?

23 A. No, ma'am.

24 Q. All right. Do you think that that might have
25 been something important for you to follow up on?

R. Griggs- Cross-Examination by Ms. Little

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1 A. And in hindsight, yes, ma'am.

2 Q. Did you -- did you -- did you notice several
3 inconsistencies in the child's statements that day?

4 A. Inconsistencies in what part?

5 Q. For example, did you -- did you notice that she
6 said that she had never seen her mama mad but then
7 later she said she saw the mother slap Terry?

8 A. I wouldn't necess, excuse me, necessarily call it
9 inconsistencies. I think sometimes kids that age
10 don't quite understand what I'm looking for. And
11 maybe she didn't understand what I was, my words for
12 arguing, fussing, fighting, it might have been the
13 terminology.

14 Q. So you said your words were arguing, fussing, and
15 fighting?

16 A. I said it could have been -- you never know which
17 like of those words a kid would use. Like if they're
18 used to the word argue and I use the word fight,
19 they're gonna tell me, no, there's no fighting. So
20 it could have been my mistake on that with the
21 terminology.

22 Q. You also recalled that she stated that she never
23 seen any real people naked?

24 A. Correct.

25 Q. But then she later testified that she saw Terry's

1 penis?

2 A. Yes, ma'am.

3 Q. And would you consider that inconsistent?

4 A. Again, I don't know if I'd use the word
5 inconsistent. I think sometimes kids, they get stuck
6 with that yes or no. And then when I have the
7 drawings and then it gives them the freedom to
8 explain more.

9 MS. LITTLE: I beg the Court's indulgence for just
10 one moment.

11 Q. And in -- when she was looking at the drawings
12 and she -- when she described her, her private area
13 as tutu, is that right?

14 A. Yes, ma'am.

15 Q. And then, I guess, you would call that a
16 nickname?

17 A. Yes, ma'am.

18 Q. And what was her name for the male private part?

19 A. Penis.

20 Q. Did you find it odd that she would use the term
21 penis in referring to a male and then tutu for her
22 own private parts?

23 A. I wouldn't say odd. It was kind of different.
24 But I've heard so many different terms both nicknames
25 and correct names mixed up that it didn't run a red

R. Griggs- Redirect Examination by Ms. Parker

50

1 flag for me that day.

2 Q. And I believe you testified that she was not able
3 to explain what a lie was, is that correct?

4 A. Correct.

5 MS. LITTLE: No further questions. Thank you.

6 THE COURT: Madam Solicitor, anything else?

7 MS. PARKER: Just quickly.

8 **Redirect Examination by Ms. Parker:**

9 Q. Ms. Griggs, the anatomical drawings, are they,
10 are they completely naked? Like no clothes on them?

11 A. Correct.

12 Q. Okay. And do you think like a 4-year-old child
13 could, I mean, you asked them have you ever seen
14 anyone completely naked, but later she did testify
15 that she saw Terry's penis. His upper body could
16 have been clothed, could it not?

17 A. Correct.

18 Q. And you testified that she did indicate the
19 affirmative that she would tell things that only
20 happened, that really happened?

21 A. Really truly happened. Yes, ma'am.

22 MS. PARKER: Okay.

23 THE COURT: Nothing further?

24 (Whereupon, there is no response)

25 THE COURT: Okay. All right. Thank you. You

1 can step down. Anything further?

2 MS. PARKER: No, Your Honor. I don't have any
3 witnesses, any further witnesses. But if you'd like
4 to hear any arguments at this time.

5 THE COURT: All right.

6 MS. LITTLE: Thank you, Your Honor. Your Honor, I
7 would argue against the admissibility of the
8 interview for several reasons. One, of course,
9 because it's hearsay. The every definition of
10 hearsay, out of court statement offered for the truth
11 of the matter asserted. Your Honor, I understand
12 that there is a test that the Court looks at from the
13 Baker case. One of those tests is whether or not
14 there are any leading questions, whether interviewer
15 uses leading questions. You know, while I would
16 agree that she did not always use leading questions,
17 I think that the Court will know that there were some
18 leading questions by Ms. Griggs.

19 Also, Your Honor, by her her own testimony the
20 child was unable to, unable to explain that she
21 understood the difference between a lie and the
22 truth. And I believe that that would take away the
23 particular lies guarantee of trustworthiness that the
24 statute and the case discuss.

25 In addition to the hearsay, Your Honor, I would

1 argue under -- well, I guess, I can argue this also
2 later under 403 that while the matter, while the tape
3 may be probative it would be highly prejudicial. The
4 prejudicial nature would be substantially outweighed
5 by the possibility of -- I'm sorry, would
6 substantially outweigh any probative value. Also
7 that assuming that the alleged victim testifies in
8 accordance with what is she says on the video it
9 would be cumulative in nature and could serve to
10 improperly bolster her testimony.

11 THE COURT: All right. Thank you.

12 MS. PARKER: Yes, ma'am?

13 MS. PARKER: If I may response to that, Your
14 Honor? With the issue with respect to the truth and
15 the lie in video, the child had trouble in her own
16 words defining what the truth is. But I felt like by
17 looking at the video this all occurred kind of four
18 minutes in when she was able to with analogies I feel
19 like demonstrate that she could answer, I don't know
20 and that she did nod in the affirmative to tell
21 things that happen and seem to, I think then,
22 understand that the truth was things that happened.
23 We would ask the Court to take her age into
24 consideration. I mean, you know, to define the truth,
25 you know, for a 4-year-old. But I do feel like

1 through the analogies that Ms. Griggs presented that
2 she was able to show that she understood the
3 difference.

4 With respect to some of the arguments about
5 hearsay, this statute, of course, the State has moved
6 to introduce the video pursuant to South Carolina
7 Code Section 17-23-175. And this was enacted by the
8 Legislature. The statute has been upheld with the
9 Court of Appeals and the Supreme Court level here in
10 South Carolina. There are cases that cite that it's
11 not improper bolstering. That it does not violate
12 the confrontation clause as long as the victim
13 testifies at trial and is subject to cross-
14 examination. That it's not improper bolstering. And
15 it's been upheld seems like every time that you can
16 check off all factors that are actually in the
17 statute and they are that the statement was given in
18 response to questioning. Conduct -- conducted during
19 an investigative interview. And I feel like we've
20 established that. Ms. Griggs conducts investigative
21 interviews at the Durant center. That the statement
22 was preserved via audio and visual recording. That
23 the child is expected to testify at trial and be
24 subject to cross-examination on the elements of the
25 offense and making this out of court statement. We

1 feel like that would be satisfied and she will
2 testify on Wednesday of this week. And then when
3 looking at the particularized guarantees of
4 trustworthiness, the Court has to determine that the
5 statement was not elicited by leading questions. And
6 Your Honor, they may have been, I call it from what -
7 - from my looking at the interview like there was one
8 time, its not like Ms. Griggs was suggesting it to
9 her but the child had actually pointed at the body
10 part. She's clarifying, you know, your bottom. or
11 the child says something that sounds unintelligible
12 or inaudible and I think Ms. Griggs was trying to
13 clarify what she heard. But certainly substance of
14 what was disclosed, what she said Terry did was all,
15 just the child just came out with it. Was very
16 forthcoming. And in her own words said what happened
17 without Ms. Griggs suggesting to her that Terry ever
18 inappropriately touched her. So I don't feel like
19 that the crux of the statement was elicited by
20 leading questions. I didn't -- I didn't note, note
21 any that weren't used to clarify either something she
22 pointed to or something that may have been
23 unintelligible that we couldn't understand what she
24 was saying. I believe Ms. Griggs's qualifications.
25 She certainly been trained in conducting

1 investigative interviews. Whether the statement
2 contains a detail account of the offense, I mean, to
3 be 4-years-old, I mean, she knew it was at Lala's
4 house, in Lala's bedroom. It was on the bed. And she
5 was there with DS [REDACTED] They were watching TV. It
6 happened on the bed. Under the covers where he
7 touched. What he did. That his put his penis in her
8 mouth. That Reggie was there. Reggie was the one
9 that was supposed to be watching her. There's a lot
10 of facts that, you know, can be corroborated in
11 details surrounding the incident. I do believe there
12 was sufficient detail whether the statement has
13 internal coherence. And then we did provide a sworn
14 testimony of Ms. Griggs here for the Court. And I
15 have -- I mean, the biggest cases I had on point, you
16 know, the State is relying on State v. Adams which is
17 430 S.C. 420. And in this case the higher Court, you
18 know, found that the video was admissible and proper
19 as long as all those factors in the statute were met.
20 And I believe the State v. Anderson is also on
21 point. And that's 413 S.C. 212 and that addresses
22 that defendant's Sixth Amendment confrontation is,
23 you know, the right to comfort is not violated. As
24 long as the child testifies at trial and is subject
25 to cross-examination. I believe 'cause in that case

1 the defense argued that they didn't get an
2 opportunity to contemporaneously question the child
3 on the forensic video. And the Court ruled that as
4 long as there's cross-examination available at trial
5 that that is enough, um. So Adams and Anderson and
6 then, State v. Perry, is also one that hit on, um,
7 that it's not improper bolstering since the
8 legislature is acting within its authority to make
9 these out of court statements admissible. Under very
10 limited circumstances, judge, she has to be under the
11 age of 12 when the video is given and all these
12 different factors have to be met. But, um, State v.
13 Perry also didn't throw out a video for, I mean,
14 excuse me, didn't throw out the video on account of
15 one leading question that was asked in that case.
16 You know, they found that one leading questions
17 didn't elicit anything that wouldn't taint it. So
18 the State would just assert that we've met all of the
19 factors and once and we ask that it, once we lay the
20 foundation on Wednesday, that it be admitted.

21 THE COURT: All right. Anything further?

22 MS. LITTLE: No, Your Honor.

23 THE COURT: Okay. The review of the statute does
24 provide. I find that the State has met its burden
25 with regard to the factors and the statute. And I

1 would, I would find that it's allowed to be played
2 and that the defense would have an opportunity to
3 cross-examine the witness at that time, okay.

4 MS. PARKER: Yes, sir.

5 THE COURT: All right. Anything else?

6 MS. PARKER: I've marked it as a Court's Exhibit,
7 but on Wednesday would I be able to mark it as
8 State's Exhibit and then I want to introduce it
9 through Ms. Griggs. And also just to no ones worry,
10 I understand in front of the jury I, I will not be
11 limited to hardly anything that I ask her today.
12 It's really in front of the jury I feel like the case
13 law limits us. So really just to authenticate the
14 video and then play it. Because a lot of those
15 questions could be considered bolstering.

16 THE COURT: All right. Okay. I have no
17 objection to you marking as State's Number 1
18 tomorrow.

19 MS. PARKER: Yes, sir. Thank you.

20 THE COURT: Or whatever order it comes up.

21 MS. PARKER: Yes, sir.

22 THE COURT: Okay. All right. Any other matters
23 before we adjourn this hearing?

24 MS. PARKER: No, Your Honor.

25 MS. LITTLE: None from defense.

58

1 THE COURT: All right. If nothing further, I'll
2 -- then we will recess until Wednesday morning with
3 regard to this trial.

4 MS. PARKER: Yes, sir.

5 THE COURT: All right. Thank you.

6 (Whereupon, Court adjourns for the day at 2:35 p.m.)

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1 Wednesday, September 14, 2022

2 (WHEREAS, this matter was scheduled for a trial,
3 all parties have appeared with their respective
4 attorneys of record. The proceedings began at 9:26
5 a.m.)

6 THE COURT: All right. Court will come to order.
7 We're on the record. This is State versus Terry Lee
8 Sanders. And the clerk has informs me that the jury
9 is here. They're in the jury room. All right.
10 Counsel, anything -- we -- we need to discuss before
11 we bring the jury out?

12 MS. PARKER: Not from the State.

13 MS. LITTLE: Your Honor, I would like to move to
14 sequester the witnesses.

15 THE COURT: All or any particular ones?

16 MS. LITTLE: All of them.

17 THE COURT: Okay. Ms. Parker?

18 MS. PARKER: I believe that the victim's mother
19 would have the right to be present along with the
20 main investigator of the case, usually. It would be
21 understanding. The victim's mom....

22 THE COURT: Okay. So the victim's mother and her
23 name is ---

24 MS. PARKER: The actually victim is **Minor**
25 She's -- she's not up there. I do have her

1 downstairs.

2 THE COURT: Okay. And the victim's mom's name ---

3 MS. PARKER: But the victim's mom is here ---

4 THE COURT: And tell me her name?

5 MS. PARKER: April Cook.

6 THE COURT: All right. April Cook. She wants her
7 to stay and ---

8 MS. PARKER: She may testify but just as the
9 victim's mother I would think that usually under the
10 rules she would have the right to be present ---

11 THE COURT: And who else do you want present ---

12 MS. PARKER: --- since the victim is a minor. I'm
13 fine with as Moe and Cara being sequestered. And the
14 grandmother is here but she's not a witness.

15 THE COURT: Okay.

16 MS. PARKER: But I'm fine with, um, Ms. Cara is
17 gonna be first up. I'm fine if Moe steps out.

18 THE COURT: All right.

19 MS. PARKER: Although, she is the led
20 investigator, I'm fine with it.

21 THE COURT: Well, she's gonna be your first
22 witness?

23 MS. PARKER: Cara and then the led investigator.

24 THE COURT: Okay. All right. So the first
25 witness, obviously, doesn't need to be sequestered

1 'cause they're gonna be ---

2 MS. PARKER: Right. But ---

3 THE COURT: All right. So she wants the mother to
4 stay. Any objections?

5 MS. LITTLE: Your Honor, if she is a witness my
6 preference would be that she not be in here. But I
7 don't know what exact legal rule on that, that is
8 but....

9 THE COURT: I'mma -- I'mma -- I'mma let her stay.
10 We're dealing with a minor. I'mma let her mother
11 stay in the courtroom and not be sequestered, but all
12 other witnesses be sequestered.

13 MS. LITTLE: Okay.

14 MS. PARKER: Yes, sir.

15 (Whereupon, the witnesses are led to the outside
16 lobby)

17 MS. LITTLE: Judge, the only other issue and it's
18 not really an issue, just for -- and the only other
19 thing that I wanted the Court to be aware of is I
20 have -- I plan to waive my opening this morning and
21 do my opening right before the defense presents its
22 case tomorrow.

23 THE COURT: Okay.

24 MS. LITTLE: So I won't be given an opening
25 statement this morning. I'm gonna wait until I start

1 my case.

2 THE COURT: All right. Anything further?

3 MS. PARKER: That's fine.

4 THE COURT: Okay. If there's not some further as
5 soon as the clerk get's back we'll bring the jury
6 out.

7 MS. PARKER: Judge, will you tell, I guess, let
8 the jury know that she's gonna waive her statement so
9 they don't ---

10 THE COURT: I will.

11 MS. PARKER: --- get a little confused. Okay.

12 THE COURT: I shall.

13 MS. PARKER: Because usually ---

14 MS. LITTLE: Right.

15 MS. PARKER: It's just different.

16 MS. LITTLE: I like to throw a wrench in the case.

17 THE COURT: Scott, they've indicated there ready
18 for the jury.

19 THE CLERK: Yes, sir. Bring them, Buddy.

20 (Whereupon, the jury enters the courtroom at 9:31
21 a.m.)

22 THE COURT: Mr. Fore, if you'll just stand right
23 there. Let them go by you. All right. Mr. Fore, if
24 you'll just have a seat in that first seat, okay,
25 sir. All right. Clerk?

1 THE CLERK: All right. If y'all please stand and
2 raise your right hand for me. You shall well and
3 truly try and the deliverance made between the State
4 of South Carolina and the defendant and shall have
5 him charged and a true verdict render according to
6 the law and the evidence so help you God? If you've
7 excepted the oath please indicating by saying "I
8 will".

9 (Whereupon, all jurors indicate they will)

10 THE CLERK: Everyone who ever to the oath may have
11 a seat.

12 (Whereupon, all jurors take a seat)

13 **Judge's Instructions**

14 All right. Good morning, ladies and gentlemen.
15 Thanks for being here early this morning. The clerk
16 said everybody was here before time and I appreciate
17 that. We're gonna begin to trial here shortly. Mr.
18 Fore, I had you sit there, I'm gone ask that you
19 serve as the foreman of the jury, okay, sir.

20 MR. FORE: Yes, sir.

21 THE COURT: And I have some further instructions
22 for you.

23 MR. FORE: Yes, sir.

24 THE COURT: All right. What we'll do is I have
25 some preliminary statements that I have to read to

1 you and have on the record and so if you will bear
2 with me just a moment, all right.

3 All right. So ladies and gentlemen, the case
4 we're about to try is the, is the State versus Terry
5 Lee Sanders. And before we began this trial I want
6 to tell you that this trial probably will be
7 different from what you might expect. Many people do
8 not have the chance to attend actual court sessions
9 as you're doing now. And they think from watching
10 television or movies or reading books the trials are
11 always full of hard drama. intense action and
12 riveting circumstances. While, all of those things
13 may be true, at times this trial is not for
14 entertainment. It's a fundamental part of our
15 democracy. This courtroom is a place of honor
16 dedicated to the protection and preservation of
17 citizens rights to what many have called the greatest
18 justice system ever created.

19 The attorneys appearing for you are advocates for
20 the parties they represent. But first and foremost,
21 they are officers of the Court sworn to uphold the
22 integrity and fairness of our judicial system. You -
23 - you should expect them to be professional,
24 competent, ethical in representation of their
25 client's interest. Remember that you have taken an

1 oath to try this case and you're also expected to be
2 professional, reasonable, and ethical. Thanks for
3 accepting this important responsibility of jury
4 service and for your contributions today in our
5 justice system.

6 I'll now give you a general charge, but I'll now
7 say is intended to serve as an introduction to the
8 trial of this case. These remarks are not a charge of
9 the law in this case. I'll instruct you on the law
10 applicable this case at the end of the trial before
11 you retire to consider your verdict. This is merely
12 an explanation of the procedure that we will follow
13 in the trial of this case so that you may better
14 understand what may be happening.

15 And the defendant is charged by an indictment
16 filed in this court with a crime of criminal sexual
17 conduct, first degree; criminal sexual conduct, third
18 degree. And Madam Solicitor the third charge is?

19 MS. PARKER: Kidnapping.

20 THE COURT: Kidnapping. The elements of which
21 will be explained to you later. The indictment is
22 simply the charge by which the case is brought into
23 court and it is not in any sense evidence of any of
24 the allegations that contains. The defendant has
25 pled not guilty to this, these indictments. The

1 State, therefore, has the burden of proving each of
2 the elements of the indictment beyond a reasonable
3 doubt. And it will be your duty, ladies and
4 gentlemen, to decide whether the State has met that
5 burden. You're the sole judge of the facts. You are
6 to determine the facts based solely upon the
7 testimony and evidence presented throughout this
8 trial. It is up to you to determine the inferences
9 that you feel may properly be drawn from the
10 evidence. If at anytime I make any comment regarding
11 the facts, you must disregard it. On the other hand
12 and with equal emphasis, the same law that makes you
13 the judges of the facts makes me the sole judge of
14 the law. The law is given by me. The trial judge is
15 the only law you may consider. You must accept and
16 follow it even though you may disagree with it. I
17 cannot tell you what the facts are and you cannot
18 disagree with me about what the law is or should be.
19 Your job is to take the law as I give it to you and
20 apply it to the facts as you find them from the
21 testimony of the witnesses and any other evidence
22 that is introduced. After doing that you will render
23 your verdict in accordance with the solemn oath that
24 you just took as jurors. Until I advise you to begin
25 your deliberations you must not discuss this case

1 with anyone including your fellow jurors, friends,
2 family members, and anyone involved in the case.
3 This includes discussions face-to-face and those by
4 telephone, email, texts, or any other method of
5 communication. You may not use a computer, a cell
6 phone or other electronic device with communication
7 capabilities at anytime while in the courtroom or
8 during your deliberations. During your breaks for
9 meals, if necessary, you can use your devices.

10 However, you may not at anytime use his devices to
11 get or send information about the case. This
12 includes information about a party, a witness, an
13 attorney, a court officer, news accounts about the
14 case, research, or any topics you may think would be
15 helpful in deciding the case or any testimony
16 presented by any witnesses.

17 During the trial, do not read listen to or watch
18 any news reports about this case. This includes
19 anything that may be in the paper or on the Internet,
20 television or social media. You must not consider
21 anything you may have read or heard about the case
22 outside the courtroom whether before or during the
23 trial.

24 After the case is submitted to you, you must
25 discuss it only in the jury room with your fellow

1 jurors. The attorneys and parties in this case have
2 been advised that they are not to talk to you at all.
3 So if you see anyone involved in the case and they do
4 not even say hello they're not being unfriendly.
5 They're just following my instructions. It's
6 important that you keep an open mind and not decide
7 any issue in the case until all of the evidence has
8 been presented, the parties have made their closing
9 arguments, and I have instructed you on the law in
10 this case. It is your solemn responsibility to
11 determine the guilt or innocence of the defendant and
12 your verdict must be based solely on the evidence
13 that is presented to you in this trial and on the law
14 as I instruct, you jury, and at the close of the
15 trial.

16 In just a moment, the solicitor will make what is
17 called an opening statement. In which the solicitor
18 will explain to you the issues in this case or, at
19 least, what the solicitor thinks the issues are in
20 this case.

21 The attorney for the defendant also has the right
22 to make an opening statement. However, I understand
23 that she's going to waive her opening statement at
24 this time and we'll reserve an opportunity to speak
25 to you later. But what the attorneys tell you during

1 your opening statement is not evidence in this case.
2 It is only their contention as to what the issues
3 are. The evidence in this case will be presented to
4 you by the testimony of sworn witnesses from this
5 witness stand or by exhibits that may be introduced
6 into evidence. From time to time during the trial,
7 you may hear one of the lawyers say something like,
8 Your Honor, I believe we have a question of law or a
9 matter of law to discuss with you or they may ask to
10 approach the bench. Or sometimes I, myself, might
11 find it necessary to excuse you from the courtroom
12 for a short while so the attorneys and I can discuss
13 a matter of law. The reason for this because you are
14 the judges of the facts in this case and sometimes
15 when I'm discussing matters of law with the attorneys
16 it may be necessary for me to make some comment as to
17 the facts in connection with ruling whether or not a
18 particular law applies. I'm not supposed to tell you
19 what I think the facts are so I'll excuse you from
20 the courtroom while these discussions take place so
21 that in no way will you be influenced by anything
22 that I might say or do in connection with the facts.

23 In determining what the facts are in this case,
24 you must decide whether or not the testimony of the
25 witnesses, witnesses is believable. It's my

1 responsibility and rule as to whether certain
2 testimony is admissible or not. But once the
3 testimony is admitted whether or not you believe it
4 is solely for you to determine. In deciding whether
5 to believe a witness you have the right to consider
6 the interest of any witness, the bias of any witness,
7 the prejudice of any witness, the opportunity for the
8 witness to have seen the matters and things about
9 which the witness may testify, and the way the
10 witness acts on the witness stand. You have a right
11 to consider anything that is in the record that will
12 help you evaluate the testimony of the witness. That
13 means that it is your duty to pay close attention to
14 these witnesses, to observe the witnesses, to listen
15 to the witnesses, and to pay close attention to the
16 attorneys and to the Court. Don't let your thoughts
17 wander but give strict attention to the testimony in
18 this case. So at the end of all the testimony, as to
19 the arguments of counsel, and the charge of the law
20 by the Court, you will then be in a position to
21 determine what the facts are and to apply the law to
22 those facts and, thus, render a verdict. It is your
23 added duty, Mr. Foreman, to preside in the jury room
24 and be the jury spokesperson here in the court.
25 It'll also be your duty to write the verdict. But

1 I'll give you further instructions about that at the
2 conclusion of the case.

3 In order to preserve everyone's rights, I'll give
4 the parties an opportunity to object to anything I've
5 said. Any exceptions to anything that I've said to
6 the jury by the State?

7 MS. PARKER: No, Your Honor, not from the State.

8 THE COURT: By the defendant?

9 MS. LITTLE: No, sir.

10 THE COURT: All right. In that event, we will now
11 begin the trial. Thank you. Madam Solicitor?

12 MS. PARKER: Thank you, Your Honor. May it
13 please, the Court? Ms. Little?

14 **Opening Statement- Ms. Parker**

15 Ladies and gentlemen of the jury, good morning.
16 We met briefly on Monday morning. My name is Patti
17 Parker and I am an assistant solicitor here at
18 Darlington County. I'm from Lake City and make the
19 drive every day here to Darlington. And for most of
20 my legal career I have worked here in Darlington.
21 And so for the practice of law in Darlington, it's
22 home for me. I thank you for being here this
23 morning.

24 The whole purpose really of you being here and my
25 being here this week is about a little girl name

1 Minor And you're gonna learn bout Minor here
2 today and that's why I'm here. And a terrible thing
3 that happened to Minor in October of 2015. And
4 the State intends to show that Minor now 11-years-
5 old, but then between 4 and 5-years-old. She was
6 actually a little closer to 5-years-old at the time
7 this incident occurred. She was hurt and violated in
8 the worse way that a little that could be hurt and
9 violated.

10 You heard the charges on Monday morning when the
11 judge read out the indictment and he also briefly
12 went over them again this morning. Terry Lee Sanders
13 is charged in this case. He's seated over there at
14 that table. He's charged with criminal sexual
15 conduct with a minor in the first degree and that's
16 for a victim under the age of 11-years-old to be
17 charged with that. And I'm not gonna get a lot into
18 the law right now, but to be found guilty of that
19 particular charge the State will have to show that he
20 did commit a sexual battery on the body of Minor
21 And there is a legal definition for what sexual
22 battery is and we'll be talking about that a little
23 bit this week. And I do apologize for the sensitive
24 and graphic nature of what you're gonna be hearing
25 and things we're gonna be talking about and I know

1 that at times it's a little uncomfortable but I asked
2 that you just bear with us because we have to talk
3 about these things and we have to get through it.

4 He's also charged with criminal sexual conduct
5 with a minor in the third Degree. And third degree
6 criminal sexual conduct is not a battery but is
7 touching, fondling, just really all the sick and
8 perverse things that an adult can do to a child who
9 is under the age of 14 that don't rise to the level
10 of a battery but really that is sexual in nature and
11 it covers other acts.

12 And then lastly the defendant, Terry Sanders, is
13 charged with kidnapping. Now, you might think in the
14 traditional sense, you know, kidnapping, the
15 snatching of a child and taking the child away, you
16 know, that's not what -- it's not what we have here.
17 That's not, you know, what the State is trying to
18 allege. So in South Carolina the legal definition of
19 kidnapping includes other words like to confined,
20 inveigle. Basically, if you just withhold or keep
21 somebody in a space for any period of time that they
22 don't want to be, that can be kidnapping. So, I know
23 in the general sense with think that like somebody
24 like snatching kid and, you know, running off with a
25 child. But it could also be confining a child to a

1 certain space and not leaving them leaving. And he
2 also charged with that.

3 I want to take you to, back and I realize it's a
4 ways back, October 2, 2015. At that time 4-year-old
5 Minor was left and the State intends to show that
6 she was left at her mother's best friend's house.
7 Her mother's best friend at the time, Minor knew
8 her as Lala. So she was left at aunt Lala's house.
9 And mom and aunt Lala, you know, had somewhere to go
10 and the child -- and there was another child at the
11 house and they would left there under the care of
12 someone by the name Reginald Bonaparte or Reggie.
13 And Reggie is Terry Sanders's adult son. And while
14 Minor was there she was playing with a 2-year-old
15 that was also there watching cartoons, doing things
16 that normal 2-year-olds and 4-year-olds would do.
17 Playing and watching cartoons. Eating. And very
18 normal things and then when the defendant, Terry
19 Sanders, arrives back in the residence, he lives
20 there. He's aunt Lala's boyfriend or husband. And
21 he arrives back at the residence. It was drunk and
22 intoxicated. And the night takes a very different
23 turn from what would be normal for a 4-year-old to
24 what should've never happened to a 4-year-old.

25 You are going to hear today from Minor

1 11-year-old Minor She's gonna take the
2 stand. You're also -- you're going to have
3 opportunity to hear from 4-year-old Minor that
4 has been preserved by the video and that will be
5 played for you. The State also intends to put up
6 other witnesses, law enforcement. You'll hear from a
7 doctor, at least, one, possibly two doctors that'll
8 give testimony here today. And I want you to bear in
9 mind that testimony is evidence. This is a case
10 where there's not a lot of physical evidence. I've
11 worked on cases where, you know, at the conclusion of
12 a case you literally have to box it up for the jury
13 to take it back in the deliberation room. But, you
14 know, with this case, you know, there's not a lot of
15 physical evidence. But, you know, the judge will
16 charge you and he's the judge of the law that what
17 comes from the witness stand is evidence. Of course,
18 if you choose to believe it, you can weigh every
19 witnesses credibility. Do they have documents? Do
20 they look credible? You are the triers of the facts.
21 And I know you've probably heard that term a couple
22 times "the triers of fact." What does that mean?
23 That means the judge is over the law. But you are
24 over deciding, it's your job to decide factually,
25 factually, what happened. What facts to believe.

1 What you choose to believe. What you feel the
2 evidence shows. That's why we always call the jury
3 "the trier of the fact".

4 Just generally speaking a lot of times with cases
5 like these children may be molested or sexually
6 abused and it's a family secret or it's something
7 that's very deep down that it may take, may take
8 years to come to light, okay. That -- and we see
9 those cases sometimes. That's not the case here
10 today. I want you to pay very close attention to
11 what I call the sequence and the timing of kinda of
12 how all this came to a head on October 2, 2015. The
13 State intends to prove that this happened on October
14 2, 2015 and that **Minor** disclosed it happened on
15 October 2, 2015. This case came to a head very
16 quickly. So that's real important. And as this
17 trial develops and as you hear from all the
18 witnesses, I want you to keep in mind the timing and
19 think about that because we'll discuss again, um, my
20 next opportunity before you for a closing argument,
21 I'll be talking about that again and how important
22 that is.

23 I would like to thank each and every one of you
24 for your service for being here today. This is a
25 serious matter. Of course, it's serious to the

1 State. It's serious for **Minor** and her family. It's
2 also serious for the defendant. This is his
3 constitutional right to a trial. You know, we live
4 in the greatest nation of the world. We have, even
5 though it has its flaws, the best justice system in
6 the world where a King or a Czar, or a dictator can't
7 take someone's liberty. You have to be tried by a
8 jury of your peers and you have to be proven guilty
9 beyond a reasonable doubt and that is my burden.
10 Beyond a reasonable doubt is my burden to bear. It's
11 my job to show that this happened beyond a reasonable
12 doubt. And at the conclusion of all of this and
13 after you've heard the testimony and seen everything
14 that the State has presented, I will come back before
15 you and at that time I'll feel like I've met burden
16 and I'll ask you to find the defendant, Terry
17 Sanders, guilty on all counts.

18 Thank you.

19 THE COURT: Thank you, Madam Solicitor.

20 MS. PARKER: Thank you.

21 THE COURT: Is the State ready to call it's first
22 witness?

23 MS. PARKER: Yes, sir. Yes, Your Honor. The
24 State, at this time, would call Cara Spaziani.

25 THE COURT: Madam Clerk?

C. Spaniziani- Direct Examination by Ms. Parker

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1 THE CLERK: Would you place your left hand on the
2 Bible and raise your right. You swear the testimony
3 you give this Court will be the truth, the whole
4 truth, and nothing but the truth so help you God?

5 MS. SPAZIANI: I do.

6 THE CLERK: Okay. Have a seat.

7 THE COURT: Thank you. Would you state your name
8 for the record please?

9 MS. SPAZIANI: Cara Spaziani.

10 THE COURT: And would you spell your last name?

11 MS. SPAZIANI: S-p-a-z-i-a-n-I.

12 THE COURT: Thank you. Your witness.

13 MS. PARKER: Thank you, Your Honor.

14 CARA SPAZIANI, first being
15 duly sworn, testified as follows:

16 **Direct Examination by Ms. Parker:**

17 Q. Good morning, Ms. Spaziani.

18 A. It's Spaz -- you can just call me ---.

19 Q. Can I call you Spaz?

20 A. Yeah. That's fine.

21 THE COURT: Ladies and gentlemen of the jury, this
22 is our court reporter. She's keeping a record of
23 this hearing. So at some point you may hear, um, she
24 may give some instruction or I may for people to
25 speak up. That's her function. She's keeping a

C. Spaniziani- Direct Examination by Ms. Parker

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1 record. This is Lisa Carter. She's done this for a
2 long time and we appreciate her service. Madam
3 Solicitor?

4 MS. PARKER: Thank you, Your Honor.

5 Q. Where are you currently employee?

6 A. Hartsville City Police Department.

7 Q. And what is your position with the police
8 department?

9 A. I'm a detective and the canine unit.

10 Q. And are you certified police officer?

11 A. Yes, ma'am.

12 Q. Did you graduate at the police academy in
13 Columbia?

14 A. Yes, ma'am.

15 Q. What year did you graduate?

16 A. 2011.

17 Q. Okay. And where were you working in 2015,
18 specifically, October 2, 2015, where were you
19 employed?

20 A. City of Darlington.

21 Q. And what was your position with Darlington Police
22 Department?

23 A. I was a supervisor. I was the sergeant on the
24 shift.

25 Q. Okay. And parole officers on shift, what's

C. Spaniziani- Direct Examination by Ms. Parker

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1 their primary duty? What were your duties ---

2 A. Their primary ---

3 Q. --- in general?

4 A. --- duty is to answer the calls or stop cars.

5 They answer -- they're the first responding officer
6 to the, to a scene.

7 Q. Do you want to adjust the microphone maybe a
8 little closer to you. Maybe lean a little forward so
9 we can hear you better. So y'all respond to the calls
10 that come out to 9, from 911, from dispatch?

11 A. Yes, ma'am.

12 Q. And worked for the City of Darlington?

13 A. Yes, ma'am.

14 Q. So would that be the City Limits of Darlington --
15 -

16 A. Yes, ma'am.

17 Q. --- your primary duty -- okay. And did you
18 receive a call in reference to an incident on the
19 night of October 2, 2015 at [REDACTED] Street?

20 A. Yes, ma'am. The officers were dispatched to [REDACTED]
21 [REDACTED] Street in City Limits of Darlington in
22 reference to a possible assault on a minor.

23 Q. Okay. And wWhat was that a reference to again?

24 A. A possible assault on a minor.

25 Q. And as a responding officer, you have

C. Spaniziani- Direct Examination by Ms. Parker

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1 information, who was the complainant? Or in other
2 words, if everyone is not familiar with that term,
3 who called and requested an officer that night?

4 A. At that time, it was Ms. Crawford, the wife or
5 girlfriend of Terry Sanders.

6 Q. Okay. And what time did y'all receive that
7 call?

8 A. Approximately, 10:21, 10:30.

9 Q. Was that am or pm?

10 A. Pm, I'm sorry.

11 Q. Okay. So round 10....

12 A. 10:21 pm.

13 Q. 10:21 pm. All right. And did you respond to
14 that address [REDACTED] Street?

15 A. Yes, ma'am.

16 Q. And just briefly describe what was going on?
17 What was going on on the scene when you -- well, let
18 me ask you this, were you the first to arrive?

19 A. No, ma'am.

20 Q. Who else responded?

21 A. Patrolman Bone, Anthony Bone.

22 Q. Anthony Bone?

23 A. Yeah.

24 Q. And do you happen to know -- where's Patrolman
25 Anthony Bone at today ---

C. Spaniziani- Direct Examination by Ms. Parker

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1 A. He's actually in the military and deployed
2 overseas.

3 Q. Deployed overseas. So who got there first, you
4 or officer Bone?

5 A. It would -- Officer Bone would've 'cause there's
6 only two of us on the shift.

7 Q. Okay. And how -- how soon after him would you
8 say you arrived?

9 A. A couple minutes.

10 Q. All right. Now, give us -- once you arrived at
11 that address give us a general idea of what was going
12 on when you arrived?

13 A. When I got there it was, it was kind of chaotic.
14 Patrolman Bone was trying to talk to Terry Sanders
15 about what was going on and what, what alleged to
16 have happened. We tried to pull parties aside and
17 when we're talking to Mr. Sanders he, he was drunk.
18 He was grossly intoxicated. And it was said that Mr.
19 Reginald ---

20 MS. LITTLE: Object to hearsay.

21 THE COURT: Sustained.

22 Q. You can't say what -- you can't say what Reggie
23 said.

24 A. Okay.

25 Q. Let's -- let me rephrase that. So generally what

1 was going on -- let me ask you this, who all was on
2 the scene when you got there?

3 A. Everybody. Reginald, Mr. Sanders, Ms. Crawford,
4 April Cook and then the two little ones, [Minor] and
5 [DS]

6 Q. Okay. So Reggie Bonaparte?

7 A. Mmm, hmm.

8 Q. Terry -- the defendant, Terry Sanders?

9 A. Yes, ma'am.

10 Q. You said Ms. Crawford, are you referring to Laura
11 Crawford?

12 A. Yes.

13 Q. April Cook?

14 A. Yes.

15 Q. And then you said the two little girls, what were
16 their names?

17 A. [Minor] and [DS]

18 Q. [Minor] and [DS] Which one was the youngest
19 out of those two?

20 A. [DS]

21 Q. Okay. Was she -- and how do you know that?

22 A. Because she was little. Well, she was 2-years-
23 old. That's what they told us.

24 Q. Okay. And she was real small?

25 A. Yep.

C. Spaniziani- Direct Examination by Ms. Parker

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1 Q. Okay. And the defendant's general demeanor,
2 would you describe that for the jury?

3 A. Like I said he was grossly intoxicated. He was
4 stumbling on his words. He was also angry. He kept
5 trying to interfere with us while we were trying to
6 talk to people. We end up having to placed him under
7 arrest for disorderly house 'cause we couldn't, we
8 couldn't talk to anybody else 'cause he kept
9 interjecting.

10 Q. Okay. So y'all were trying to talk to the
11 various parties that were at the residence?

12 A. Yes, ma'am.

13 Q. And gather -- and what's the purpose of that at
14 that point?

15 A. We're just trying to understand what's going on.
16 We had talked to Mr. Sanders and then we're trying to
17 talk to the other parties to get their side of what
18 had happened and he wouldn't let us. So we told him
19 to try to go to the other room while we talked to
20 everybody but he kept coming back in and interrupting
21 us.

22 Q. Okay. And you said that, eventually, he was
23 taken into custody?

24 A. Yes, ma'am.

25 Q. Okay. And just to be clear, just the

1 relationships of all parties, who was Laura Crawford
2 to Terry?

3 A. Wife or a girlfriend, I'm not sure. They -- they
4 cohabitated together.

5 Q. And who was Reginald Bonaparte to Terry?

6 A. His son.

7 Q. Okay. And DS [REDACTED] the 2-year-old?

8 A. DS [REDACTED] I believe, was his son, I mean, her
9 daughter. His daughter, I'm sorry.

10 Q. His daughter. And Minor [REDACTED] was ---

11 A. April Cook's daughter.

12 Q. April Cook's daughter, okay. And did you receive
13 information -- had all parties been there the whole
14 time or had ---

15 A. No, ma'am.

16 Q. --- or had some just arrived back at the
17 residence?

18 A. The reason why Minor [REDACTED] and Crawford came back is
19 because they got a call from Reginald and they
20 arrived back at the residence. They were at the
21 store or something.

22 Q. Okay. But they were on scene when you arrived?

23 A. Yes, ma'am.

24 Q. Okay. But it was your understanding they
25 weren't there the whole time, they had just gotten

1 back?

2 A. Correct.

3 Q. And you said Laura Crawford had made the call to
4 911?

5 A. Yes, ma'am.

6 Q. And what -- as a patrol officer -- I understand
7 now your with investigations, at that time were you
8 with investigations?

9 A. No, ma'am.

10 Q. You were just on patrol?

11 A. Yes, ma'am.

12 Q. So what's -- what's your procedure when you have
13 a case like this happen?

14 A. Just get as much information as we can and we
15 notify the investigator on call.

16 Q. Okay. And was that in this case?

17 A. Yes, ma'am. We notified Lieut. Valazak.

18 Q. Okay. And were you able to get in touch with
19 her?

20 A. Yes, ma'am.

21 Q. And did she come to the residence?

22 A. We had parties meet Lieut. Valazak at the police
23 station.

24 Q. Okay. And what was gonna be the purpose of
25 that?

C. Spanziani- Cross-Examination by Ms. Little

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1 A. To actually interview and talk to them.

2 Q. Okay. You described the scene as chaotic, do
3 you remember were the children crying?

4 A. I believe the little ones were, yes. Reginald
5 was not.

6 Q. And you described Mr. Sanders as grossly
7 intoxicated. Did you notice any odor about him?

8 A. Yes. He had an odor of alcohol admitting from
9 his person while we were talking to him.

10 MS. PARKER: Please answer any questions Ms.

11 Little might have. Thank you.

12 THE COURT: All right. Ms. Little?

13 MS. LITTLE: Thank you.

14 **Cross-Examination by Ms. Little:**

15 Q. Ms. Spaz, you testified that Mr. Sanders was
16 intoxicated, did you observe him drinking any
17 alcohol?

18 A. No, ma'am.

19 Q. Did you conduct any sort of field sobriety
20 testing on him?

21 A. No, ma'am.

22 Q. Now, you are -- you were working patrol at the
23 time, you did not take any actual evidence, physical
24 evidence from that scene, did you?

25 A. No, ma'am.

C. Spanziani- Redirect Examination by Ms. Parker

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1 Q. So basically, other than what everybody told you,
2 you don't really know what happened that night, do
3 you?

4 A. I'm sorry?

5 Q. You don't know what that night otherwise, except
6 from what these people told you, is that correct?
7 You didn't actually witness anything happening?

8 A. I did not witness -- no.

9 MS. LITTLE: Thank you. No further questions.

10 THE COURT: All right. Madam Solicitor, anything
11 else?

12 MS. PARKER: Just briefly.

13 **Redirect Examination by Mr. Parker:**

14 Q. Ms. Spaz, do you necessarily conduct fields
15 sobriety on suspect or individual who wasn't driving
16 a car?

17 A. No, ma'am. I -- you can just make observations
18 of a person that is grossly intoxicated just by the
19 their demeanor. I don't need to conduct a field
20 sobriety because I'm not arresting them for drunk in
21 public.

22 MS. PARKER: Thank you. No further questions.

23 THE COURT: All right. All right. Nothing
24 further?

25 MS. LITTLE: No, sir.

1 THE COURT: All right. Thank you for your
2 testimony. You can step down. Any objection to this
3 witness being ---

4 MS. PARKER: No objection from the State.

5 MS. LITTLE: No, sir.

6 THE COURT: All right. Thank you. You're free to
7 go if you wish.

8 MS. PARKER: Your Honor, at this time, the State
9 calls Maureen Valazak.

10 THE CLERK: If you'll place your left hand on the
11 Bible and raise your right. You swear the testimony
12 you give this Court will be the truth, the whole
13 truth, nothing but the truth so help you God?

14 MS. VALAZAK: I do.

15 THE COURT: Would you please state your name for
16 the record please.

17 MS. VALAZAK: Maureen Valazak.

18 THE COURT: And would you spell your last name
19 please?

20 MS. VALAZAK: Yes, sir. It's V, as in Victor, a-
21 1-a-z-a-k.

22 THE COURT: Thank you. Your witness.

23 MS. PARKER: Thank you, Your Honor.

24 MAUREEN VALAZAK, first being
25 duly sworn, testified as follows:

M. Valazak- Direct Examination by Ms. Parker

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1 Direct Examination by Ms. Parker:

2 Q. Ms. Valazak, what's your current employment
3 status?

4 A. I'm employed Service Coordinator for G&W
5 Equipment.

6 Q. Okay. Were you ever employed in law enforcement?

7 A. Yes, ma'am. I retired law enforcement in 2017.

8 Q. And where were you employed in October of 2015?

9 A. The Darlington City Police Department.

10 Q. And what was your position with Darlington Police
11 Department?

12 A. Lieutenant in investigations.

13 Q. And you stated you retired in 2017,
14 congratulations on retirement.

15 A. Thank you.

16 Q. How many total years did you work in law
17 enforcement?

18 A. Fifteen.

19 Q. Fifteen. And how many of those years did you
20 spend in investigations?

21 A. At least five in criminal investigation and two
22 in narcotics.

23 Q. Now, I want to take you back to October 2, 2015,
24 did you receive a -- were you on call that night or
25 on call that night?

1 A. Yes, ma'am.

2 Q. And did you receive a call about possible sexual
3 assault on a child ---

4 A. Yes.

5 Q. --- in the City of Darlington?

6 A. I did.

7 Q. And who called you?

8 A. The ER McLeod, Dr. Huxton. (sic)

9 Q. Within your department who notified you?

10 A. That would be Officer Bone.

11 Q. Officer Bone.

12 A. Yes, ma'am.

13 Q Okay. What did you have officers on the scene do?
14 Once you were notified of the case that you have,
15 what was, I guess, your next step?

16 A. To interview all the witnesses that were on the
17 scene or all the parties that were at the residence.

18 Q. And what time would you say you received the
19 call?

20 A. It would have been after midnight on October 3rd.
21 I remember that. It was my birthday. And it was
22 shortly after midnight. I'd told the officer to have
23 the parties at the residence to meet me at the police
24 department so I could get some statements from them.
25 And I think I arrived at the police department

M. Valazak- Direct Examination by Ms. Parker

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1 shortly after maybe 12, 12:20, 12:30.

2 Q. Okay. So early in the morning?

3 A. Yes, ma'am.

4 Q. And you met with potential witnesses at the
5 police station and who, specifically, did you
6 interview?

7 A. I interviewed Reginald Bonaparte. I interviewed
8 April Cook. I interviewed Laura Crawford.

9 Q. Okay. And just through your investigation, were
10 you able to determine the relationships of parties
11 here? Who was -- who was Laura Crawford to the
12 defendant?

13 A. I guess, his live in girlfriend. Common Law
14 wife. I'm not sure how they -- I know they lived
15 together.

16 Q. And you said you interviewed a Reginald
17 Bonaparte, who is he?

18 A. He was stepson of Terry Sanders.

19 Q. And did he reside through your investigation that
20 you learn where he, where he lived?

21 A. He was staying at that residence.

22 Q. So Reginald Bonaparte was living in that
23 residence?

24 A. Yes, ma'am.

25 Q. [REDACTED] ?

1 A. That's correct.

2 Q. And just for the record and for jurisdiction
3 purposes, is [REDACTED] in the County of
4 Darlington?

5 A. Yes, ma'am.

6 Q. And through your investigation were you -- the
7 other witnesses that you interview, you said you
8 interviewed Laura Crawford, April Cook, Reginald
9 Bonaparte, of those witnesses was anyone actually
10 present at the house when the incident occurred?

11 A. Yes, ma'am. Reginald Bonaparte and the
12 defendant, Terry Sanders.

13 Q. Okay. Did Terry Sanders give a statement?

14 A. No, ma'am.

15 Q. Okay. So you did get a statement from Reginald
16 Bonaparte and he was present at the house when this
17 incident occurred?

18 A. Yes, ma'am. He was actually babysitting
19 children.

20 Q. Were Laura and April there at the house when,
21 when the incident occurred?

22 A. No.

23 Q. Okay. In talking about the statements, I do
24 want to ask you this, were these statements video
25 recorded?

1 A. They were. Actually the first interview that I
2 did with Reginald that night, we were having
3 difficulties with our camera system. We actually had
4 to call him back in on the 5th to get another
5 statement, I mean, a video statement because it
6 didn't record. It didn't record his or, or Laura's.
7 We were just having difficulties with our system that
8 time.

9 Q. So the interviews on early morning of October 3rd
10 after midnight, the only, I guess, the only
11 electronically or digitally the only one that was
12 preserved was April Cook's?

13 A. Correct.

14 Q. Okay. But you said Reggie gave a second
15 interview, who conducted that interview?

16 A. One of the other investigators, Ricky Williams.

17 Q. And how -- was it -- did you know how soon it was
18 ---

19 A. It was on the 5th, October 5th.

20 Q. Okay.

21 A. So it would have been two days.

22 Q. October 5th?

23 A. Yes, ma'am.

24 Q. And even though you stated Reggie's first
25 statement was not electronically preserved, did you

1 summarize it in your supplemental incident report?

2 A. Yes, ma'am.

3 Q. Okay.

4 A. I did.

5 Q. Now, that same night or early morning, rather, of
6 October 3rd, did you receive a phone call from anyone
7 else in reference to this case?

8 A. From the ER doctor.

9 Q. Okay. And do you recall which doctor you spoke
10 with?

11 A. I believe it was Dr. Hoxton. (sic)

12 Q. Dr. Huxton. Okay. And, I guess, as the next
13 steps in your investigation what did you do, if
14 anything, the following day?

15 A. I actually -- we had to contact DSS and I met
16 with the DSS at the residence on Syracuse Street just
17 because there were other children involved with the
18 families. There was a child that actually lived in
19 the house, a minor, and I believe the other children
20 of April's had been at the residence at some point in
21 the past so we wanted to interview all the parties.

22 Q. And through the course of your investigation, did
23 you learn what really the relationship was between
24 Laura and April?

25 A. They were good friends.

1 Q. Good friends. Okay. So would it be protocol --
2 so it was protocol all the kids have to be talked to?

3 A. Exactly, yes, ma'am, and interviewed.

4 Q. Okay. So did you personally walk in the house at
5 [REDACTED], walk inside that residence and look at
6 everything and....

7 A. Yes, ma'am.

8 Q. You did?

9 A. Yes, ma'am.

10 Q. Could you kind of give us a general idea of the
11 layout of residence?

12 A. When you walked into the house and this was not,
13 wasn't a big house. It was smaller house. But when
14 you walked into the front door you would see straight
15 ahead was a bedroom into the -- when you walked into
16 the right there was another doorway. There was
17 another bedroom, I believe to the right. When you
18 walked into the bedroom, which was the master
19 bedroom, there was a bathroom door directly connected
20 to the bedroom and it was on the right. And I did
21 notice there was a type of a hole in the door on the
22 bathroom door.

23 Q. Okay. Did -- did that bathroom door lock, have a
24 lock?

25 A. I don't recall that. I didn't check to see if it

1 locked. I -- can't answer that.

2 Q. Did the house like what you would call a den or
3 front room or living room?

4 A. Yes. When you walked in the front door there
5 was like a living room area.

6 Q. But you do remember a hole being in the bathroom
7 door?

8 A. I do recall that. Yes, ma'am. I'm not sure -- I
9 can't really remember because it's been a while but I
10 don't remember if it was the doorknob that was
11 missing or if there was just like a keyhole thing
12 missing, but I know there was a hole in the door. I
13 do know that.

14 Q. Okay. And that bathroom was connected to a
15 bedroom?

16 A. Yes. It was right in the bedroom like right on
17 the wall. You can tell the bathroom door was right
18 there.

19 Q. And was there a bed in that bedroom? I know
20 that's a dumb question but ---

21 A. Yes, there was ---

22 Q. --- was there a bed, an actual bed in that
23 bedroom?

24 A. Yes.

25 Q. And from your understanding who's room was that?

M. Valazak- Direct Examination by Ms. Parker

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1 A. That belonged to the Terry and Laura.

2 Q. Did you do anything else during the course of
3 your investigation as far as -- let me ask you this,
4 do you refer **Minor** to the Durant Center?

5 A. Yes, ma'am.

6 Q. And why is that? Did you -- let me ask you this,
7 you interviewed parties after midnight, early
8 morning, October 3rd, did you interview **Minor**

9 A. No, ma'am. I -- protocol we do not interview
10 children, um, we leave that up to the, a forensic
11 interviewers. That's their specialty. That's what
12 they do so....and a lot of times they, it'll confuse
13 a child if you keep asking them questions so we don't
14 do that.

15 Q. So you didn't really questions **Minor**

16 A. No.

17 Q. Okay.

18 A. Not at all. I didn't even talked to her.

19 Q. And that's protocol and procedure?

20 A. Yes, ma'am.

21 Q. Did you set up her an appointment to be
22 interviewed by a professional?

23 A. Yes, ma'am.

24 Q. And where was that at?

25 A. That was at the Durant Center.

1 MS. PARKER: Please answer any questions Ms.
2 Little may have.

3 THE COURT: Ms. Little?

4 **Cross-Examination by Ms. Little:**

5 Q. Morning Good ---

6 A. Good morning.

7 Q. --- Ms. Valazak.

8 A. Good morning.

9 Q. Am I saying it right?

10 A. Yes, ma'am.

11 Q. All right. I want to just follow up on a few
12 things that you said just now during your direct
13 testimony. And I believe -- and you testified that
14 when you conducted those three interviews that night,
15 did you know that there was a problem with your video
16 that it was not recording?

17 A. No, ma'am. I did not. I did not until the next
18 day when I went to download the videos and they,
19 there was nothing on the discs.

20 Q. So there is actually never existed a recording of
21 the interview with Laura and Reginald Bonaparte?

22 A. Yes. It didn't -- it did not copy.

23 Q. And in what order did you interview those three
24 people?

25 A. I interviewed I believe Reginald first, and then

M. Valazak- Cross-Examination by Ms. Little

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1 April Cook, and then Lauren Crawford.

2 Q. Okay. But it's your testimony that the only one
3 that actually worked was the middle interview?

4 A. Yes, ma'am.

5 Q. That actually picked up and recorded that one?

6 A. That's correct.

7 Q. As part of your investigation, did you -- you
8 said you went to the house, did you take any photos?

9 A. I honestly don't recall. I normally would so I
10 don't understand, you know, I don't -- I don't know.
11 I didn't see any in the case file. Um, I know we
12 were having some difficulties like I said with our
13 video downloading and it was the whole system. We
14 had to get another system in. So I don't -- but
15 they're not in the case file so I can't answer that
16 right now. I don't recall.

17 Q. So -- so you can remember things the way the
18 house looked, the lay out, but you can't remember
19 whether you actually took photos or not?

20 A. Yes. I definitely remember the layout of the
21 house.

22 Q. Okay. But you can't remember if you took
23 pictures?

24 A. I cannot remember that, no, ma'am.

25 Q. Do you know if anybody else took pictures?

1 A. I'm not sure if the officers on the scene did.

2 Q. Well, as the investigating officer that would
3 have been -- whose job would it have been to take any
4 photos?

5 A. That would have been my job. Yes, ma'am. And I
6 normally do as I said. I always took photos but I
7 don't know -- there's none in the case file so I
8 can't answer that.

9 Q. You don't know if they existed and they were lost
10 or you just don't know if they ever existed at all?

11 A. I -- I'm sure they did. I just don't know --
12 they weren't in this case file and I don't know. I
13 guess, I just -- that was back in 2015.

14 Q. And while you were investigating, did you take
15 any other evidence from a home?

16 A. I did collect a sheet that was on the bed. When
17 I walked in the bedroom I noticed there were no
18 blankets on the bed just a sheet and I asked Laura if
19 I could collect the sheet and she did give me
20 permission.

21 Q. And what was your purpose -- what was your
22 purpose in collecting that sheet?

23 A. I collected it just in case we needed it for DNA.
24 But then through the course of the investigation it
25 was well established that both the defendant and the

M. Valazak- Cross-Examination by Ms. Little

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1 child were both on the bed. So there wasn't really
2 any -- it wouldn't been probative to send it to SLED
3 for DNA testing because his DNA would have been all
4 over it.

5 Q. And the course of your investigation, did you
6 learn of anything else that could have been on the
7 bed that might have been relevant?

8 A. Um, there was a little bit of blood on the
9 sheets, but after speaking with a doctor there was no
10 reason to have that tested because there was no signs
11 of any bleeding or anything on the child.

12 Q. Was the sheet tested for vomit?

13 A. No.

14 Q. Does the sheet ---

15 A. It was -- it was not sent to SLED.

16 Q. The sheet -- does the sheet still exists?

17 A. I'm sure it does.

18 Q. Do you know where it's located?

19 A. I do not. I haven't been at the police
20 department since 2017.

21 Q. Do you know who's in charge of maintaining
22 evidence that the police department?

23 A. At this time, no, ma'am. At that time it was
24 Ricky Williams.

25 Q. So you're saying that you never requested any

1 sort of testing to be done on that sheet?

2 A. No, ma'am.

3 Q. Okay. And that would be your call to make?

4 A. Yes, ma'am.

5 Q. And -- let me ask you this, do you -- who -- do
6 you have any, as the investigator, do you have
7 anything to do with what is tested when the child
8 goes to the hospital?

9 A. As far as a ---

10 Q. As far as ---

11 A. --- rape kit, is that what you're talking about?

12 Q. Well, that's correct, did you requested that a
13 rape kit been done in this case?

14 A. No, ma'am.

15 Q. Did you ask that the clothes of the child be
16 retained for evidentiary purposes maybe to test to
17 see if there's anything on the child's clothes?

18 A. No, ma'am.

19 Q. And you did -- you didn't think that would be
20 relevant?

21 A. No, ma'am.

22 Q. All right. So you think there were photos but
23 you don't know where they are or they don't exist or
24 they're not in the file. You can't remember if you
25 took photos. But you remember what the house looks

M. Valazak- Redirect Examination by Ms. Parker

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1 like, is that correct?

2 A. That is correct.

3 Q. All right. And you took the sheet because she
4 thought you might have it tested for DNA. And then
5 you decided it didn't need to tested for DNA so it
6 was never tested?

7 A. Correct.

8 Q. And you don't know where the sheet is now or if
9 any exist?

10 A. The sheet should be in evidence. They don't
11 destroy it. The case wasn't disposed of so it should
12 definitely be in evidence.

13 Q. Should the photos be in evidence?

14 A. They should have been if they were taken.

15 MS. LITTLE: No further questions.

16 THE COURT: Madam Solicitor?

17 MS. PARKER: Just briefly, Your Honor.

18 **Redirect Examination by Ms. Parker:**

19 Q. You mentioned on cross about the sheet being
20 probative or and made a statement about his DNA being
21 all over it. Whose bed was the sheet taken from?

22 A. The defendant's and Laura Crawford's.

23 Q. So you would expect his semen or his DNA or
24 anything could be all over that?

25 A. Yes, ma'am.

1 Q. That's the bed he slept in and shared with his
2 wife, correct?

3 A. Yes, ma'am.

4 Q. Through the course of your investigation you
5 mentioned there was a spot of blood on the sheet, did
6 you have an opportunity to learn about -- was there
7 another child that was bleeding at the residence?

8 A. There -- yeah, there was, um, the other child had
9 a scratch from a cat. And I guess she had a scratch
10 on her stomach that she had been bleeding.

11 Q. And did that scratch come up during the course of
12 investigation?

13 A. It did.

14 Q. Was that the sheet wasn't sent?

15 A. That and also SLED was, is so backed up at the
16 time that they would have only wanted to test it if
17 there was a -- if I was testing for DNA and I already
18 had knowledge that both parties were on the bed. So
19 I really didn't see any reason to send it at that
20 time. It was kept in evidence in case we needed it
21 in the future. But, yeah, I didn't....

22 Q. And so if the situation had been reversed and the
23 incident occurred at Minor's house instead of at
24 Terry's house, would the sheet have been probative?

25 A. Yes.

M. Valazak- Re-cross Examination by Ms. Little

106

1 Q. Because Terry doesn't ---

2 A. Exactly.

3 Q. --- slept in that bed ---

4 A. He didn't sleep in that bed, right.

5 Q. But he slept in this bed?

6 A. Yes, ma'am.

7 Q. On these sheets?

8 A. Yes, ma'am.

9 MS. PARKER: Thank you.

10 MS. LITTLE: Briefly, redirect, Your Honor.

11 THE COURT: Yes, ma'am.

12 MS. LITTLE: I'm sorry, recross.

13 **Re-cross Examination by Ms. Little:**

14 Q. So you talked a lot about in the course of your
15 investigation and what you found out and so you
16 decided there was no need to have this tested for
17 DNA. In the course of your investigation, was there
18 ever any information given to you about the alleged
19 victim, victim having vomited?

20 A. No, ma'am.

21 Q. You never heard that?

22 A. No, sir.

23 MS. PARKER: Objection, Your Honor. That's outside
24 the scope of my redirect.

25 THE COURT: Yes, ma'am.

1 MS. LITTLE: Well, she testified that there was no
2 reason to test it so I was asking if there was vomit,
3 if she heard there was vomit would that be a reason
4 to test it?

5 THE COURT: All right. I'll allow the question.
6 You can answer it.

7 A. No. I never heard that.

8 Q. You never learned that in the course of your
9 investigation?

10 A. No.

11 MS. LITTLE: Thank you very much.

12 MS. VALAZAK: Yes, ma'am. You're welcome.

13 THE COURT: Anything else of this witness?

14 MS. PARKER: No, Your Honor.

15 THE COURT: All right. Thank you. You can step
16 down. Thank you for your testimony. Yes, ma'am?

17 MS. PARKER: I would ask that, um, Ms. Valazak
18 still remain under subpoena in the event that I may
19 need to recall her.

20 THE COURT: Okay.

21 MS. PARKER: But I have her number ---

22 THE COURT: Okay. All right.

23 MS. PARKER: If she can remain sequestered or
24 leave. And if I need her I can I'll call her phone.

25 THE COURT: Okay. All right. Thank you. Thank

1 you.

2 MS. VALAZAK: Yes, sir.

3 MS. PARKER: Your Honor, next the State would call
4 Minor

5 MS. LITTLE: Your Honor, would you entertain just
6 a five minute recess before this testimony starts?
7 Just a bathroom break?

8 THE COURT: Okay. Let's take a five minute
9 recess. Y'all can step to the jury room. And we'll
10 get you back in here shortly. All right. Thank you.
11 (Whereupon, the jury exits the courtroom at 10:24
12 a.m.)

13 (Whereupon, the Court takes a short recess break)
14 (Whereupon, the jury enters the courtroom at 10:33
15 a.m.)

16 THE COURT: All right. Court will come to order.
17 We're back on the record after taking a brief recess.
18 Madam Solicitor, you're ready -- your next witness?

19 MS. PARKER: Thank you, Your Honor. At this time,
20 the State would call Minor

21 THE COURT: Minor if you can come forward.

22 THE CLERK: If you'll place your left hand on the
23 Bible and raise your right hand. You swear the
24 testimony you give this Court will be the truth, the
25 whole truth, nothing but the truth so help you God?

1 Minor Yes, ma'am.

2 THE COURT: Have a seat right there. Minor
3 tell me your name?

4 Minor My name is Minor

5 THE COURT: Okay. Now, Minor we all have to be
6 able to hear you. You know, I imagine you probably
7 don't want to be here today. But it's important that
8 we hear you, okay. So Madam Court Reporter, does
9 thing amplified or is it just for you?

10 COURT REPORTER: I can hear. That's just me.

11 THE COURT: Okay. That will amplify your voice.
12 If you speak into it will be able to hear you, okay.
13 How old are you Minor

14 Minor I'm 11-years-old.

15 THE COURT: Eleven-years old. Okay. And you
16 understand why you're here today?

17 Minor Yes, sir.

18 THE COURT: And you know that Ms. Patti here,
19 she's gonna ask you some questions, okay. And then
20 this lady over here, Ms. Tonya, she's gonna ask you
21 some questions. And everybody is gonna be nice to
22 you. And -- and nobody is here to scare you or
23 anything like that. We just want you to tell us,
24 just to give us the -- answer the questions that are
25 asked of you, okay. If you need to take a minute

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1 that's fine. If you need some water just let me
2 know. You shouldn't be up here very long, okay. And
3 then we'll let you go. But these nice people over
4 here, they need -- it's real important they hear you,
5 okay. And you have to give a verbal response. You
6 can't just shake your head and you have to say yes,
7 no, or something else verbally so that this nice
8 lady, she had, so she can keep a record of what
9 everything that's going on, okay. All right. And
10 you understand -- you're 11 and you're a big girl but
11 you understand that you have to tell the truth?

12 Minor Yes, sir.

13 THE COURT: And you understand the difference
14 between telling the truth and not telling the truth,
15 right? Is that right?

16 Minor Yes, sir.

17 THE COURT: You telling the truth -- when you
18 don't tell the truth that's telling a lie and that's
19 not good, you understand that?

20 Minor Yes, sir.

21 THE COURT: And telling the truth is just to the
22 best of your memory, okay. Okay. Thank you for being
23 here. You cover any ground you need to, okay?

24 MS. PARKER: Yes, sir.

25 THE COURT: All right. Your witness?

Minor - Direct Examination by Ms. Parker

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1 MS. PARKER: Thank you. I was gonna ask to see if
2 we could get the chair a little closer so you may
3 naturally be a little closer to the mic. So you can
4 slide....

5 THE COURT: Say your name one more time in that
6 microphone?

7 Minor Minor

8 THE COURT: Okay. That should -- sir, can you
9 hear in the back?

10 THE COURT: He indicates he can hear her. All
11 right. And sir, you're gonna be my sounding board,
12 okay. So if you give me a thumbs up that means you
13 can hear. Your witness?

14 MS. PARKER: Thank you, Your Honor.

15 Minor first being
16 duly sworn, testified as follows:

17 Direct Examination by Ms. Parker:

18 Q. Minor how old -- how old are you today?

19 A. I'm 11-years-old.

20 Q. Okay. And what is your -- when's your birthday?

21 A. [REDACTED], I mean, [REDACTED]

22 Q. Your birthday -- I'm sorry, tell me your birthday
23 again because I missed it?

24 A. [REDACTED].

25 Q. Okay. What year were you born?

Minor - Direct Examination by Ms. Parker

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- 1 A. [REDACTED].
- 2 Q. [REDACTED] [REDACTED] is that right?
- 3 A. Yes, ma'am.
- 4 Q. Yes, ma'am.
- 5 Q. And where did you live?
- 6 A. In Darlington.
- 7 Q. And who do you live with currently?
- 8 A. My mama.
- 9 Q. Is anyone else living in the house with you?
- 10 A. Just my sisters.
- 11 Q. Your sisters. Okay. Tell us about your
- 12 sister's? How -- how old are they?
- 13 A. One about to be 16 and one's about to be 15.
- 14 Q. Okay. And what are they're names?
- 15 A. One is AC [REDACTED] and one is MC [REDACTED]
- 16 Q. AC [REDACTED] and MC [REDACTED] So does that make you the
- 17 youngest?
- 18 A. Yes, ma'am.
- 19 Q. And you say y'all live with your mama?
- 20 A. Yes, ma'am.
- 21 Q. And what's your mama's name?
- 22 A. April.
- 23 Q. And Minor [REDACTED] where do you go to school?
- 24 A. Darlington Middle School.
- 25 Q. And what grade are you in at Darlington Middle?

Minor - Direct Examination by Ms. Parker

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1 A. Sixth grade.

2 Q. Sixth grade. And who's your teacher this year?

3 A. I have plenty.

4 Q. You have. Do you have more than one teacher?

5 A. Yes, ma'am.

6 Q. Who are your teachers?

7 A. Ms. Goodson, Ms. Peterson, Mr. Flynn, Ms. Fagan.

8 I don't know the rest.

9 Q. Okay. Well, that's several. And do ride home
10 from school by car or by the bus?

11 A. By the bus.

12 Q. Okay. And you stated that you live at home with
13 your mama and sisters, do you have any pets?

14 A. I have a dog, a turtle, a crab. That's it.

15 Q. A crab and a turtle. Okay. What's your favorite
16 subject at school?

17 A. Math.

18 Q. Minor what do you like to do for fun?

19 A. I like to draw.

20 Q. Okay. Are you a little nervous here today?

21 A. Yes, ma'am.

22 Q. Have you ever talked in front of people like this
23 before?

24 A. No, ma'am.

25 Q. But you understood before you took the stand --

Minor - Direct Examination by Ms. Parker

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1 did you understand what taking of the oath is?

2 A. Yes, ma'am.

3 Q. Okay. We only talk about things that are true.

4 Do you understand only testify about things that
5 really happened?

6 A. Yes, ma'am.

7 Q. Minor who -- do you know Laura?

8 A. Yes, ma'am.

9 Q. What did you -- what did you call Laura?

10 A. Lala.

11 Q. Lala. Was she Lala or aunt Lala?

12 A. Lala.

13 Q. Lala. And who was Lala to you? What was her
14 relationship to you?

15 A. She was my mama's friend.

16 Q. Okay. Would you say she -- well, were they just
17 like a little bit of friends or were they best
18 friends?

19 A. They were best friends.

20 Q. Did you ever go to Lala's house?

21 A. Yes, ma'am.

22 Q. And how often would you go over to Lala's house?

23 A. Maybe like two days or so, something like that.

24 Q. Two day -- two times total? Or two times a week?
25 Or two times a month?

Minor Direct Examination by Ms. Parker

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1 A. Two times a week.

2 Q. Okay. So you would say that you went to Lala's
3 house often when you were littel?

4 A. Yes, ma'am.

5 Q. And who lived at Lala's? Do you remember who
6 lived at Lala's house?

7 A. Yes, ma'am.

8 Q. Okay. Who lived there?

9 A. Terry, DS and Reggie, and Lala.

10 Q. Terry, DS Reggie and Lala? Who is DS

11 A. Was their daughter.

12 Q. Now, was she -- is she your age or is she younger
13 or older than you?

14 A. She was younger than me.

15 Q. Did you like -- did you ever play with DS

16 A. Yes, ma'am.

17 Q. And do you ever remember things y'all did over at
18 Lala's house?

19 A. We like played but....or watch TV together.

20 Q. And when you -- sometimes when you would go over
21 to Lala's house, who would keep you or be in charge
22 of you?

23 A. Reggie.

24 Q. Okay. And was Reggie an adult?

25 A. Yes, ma'am.

Minor Direct Examination by Ms. Parker

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1 Q. Do you remember anything about Reggie? I mean,
2 it's been a lot time but tell us what you remember
3 about Reggie?

4 A. He played the game most of the time.

5 Q. When you say he played the game, what are you
6 talking about?

7 A. Like a video game.

8 Q. He plays like video games. Reggie -- you said
9 Reggie would kind of be in charge of you. Would
10 Reggie ever fix you food or help y'all with things?

11 A. Yes, ma'am.

12 Q. Do you remember what -- do you ever remember any
13 food you had over there?

14 A. Some noddles.

15 Q. Noddles.

16 A. Chicken noodles.

17 Q. Do you remember him cooking you noodles?

18 A. Yes, ma'am.

19 Q. Did you like noodles?

20 A. Yes, ma'am.

21 Q. You stated that Terry also live in at that
22 residence, was Terry ever at Lala's house when you
23 would be over there?

24 A. Yes, ma'am.

25 Q. And Minor I'mma ask you this, when you were

Minor - Direct Examination by Ms. Parker

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1 over at Lala's house, did something bad ever happened
2 with Terry that was not supposed to happen?

3 A. Yes, ma'am.

4 Q. And do you remember -- tell us -- tell us what
5 you remember happening to the best of your ability in
6 what you remember?

7 A. He....

8 (Whereupon, victim begins to cry)

9 Q. Minor I'mma rephrase my question, okay.
10 I'mma withdraw that question and I'mma rephrase the
11 question, okay. When you were over at -- when you
12 were over at Lala's house, do you ever remember being
13 in Lala and Terry's bedroom?

14 A. Yes, ma'am.

15 Q. Okay. What would you and DS do in Lala's
16 bedroom? What would y'all go in there to do?

17 A. Watch TV.

18 Q. So there was a TV in that room?

19 A. Yes, ma'am.

20 Q. And when y'all watch TV, where would you and
21 DS be?

22 On the floor or on the....

23 A. On the bed.

24 Q. On the bed, okay. Do you remember anything ever
25 happening -- Okay, let me ask you this, do you

Minor Direct Examination by Ms. Parker

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1 remember a time when you were watching TV with

2 DS on the bed that Terry was there too?

3 A. Yes, ma'am.

4 COURT REPORTER: I didn't get that, I'm sorry.

5 A. Yes, ma'am.

6 Q. And did Terry do something when y'all were on the
7 bed to you?

8 A. Yes, ma'am.

9 Q. Okay. Do you remember what he did?

10 A. Yes, ma'am.

11 Q. Okay. And what did Terry do when you were on
12 the bed?

13 A. He touched me. He put his private part in my
14 mouth.

15 Q. Okay. Did he touch you anywhere on your body?

16 A. Yes, ma'am.

17 Q. And where did he touch you on your body?

18 A. He touched me near my private part.

19 Q. In your private part. And where did this -- and
20 where did this happen at?

21 A. On the bed.

22 Q. And was DS there too?

23 A. Yes, ma'am.

24 Q. Do you remember DS doing anything?

25 A. No, ma'am. She was crying. She was watching TV.

1

2 Q. And she was crying?

3 A. Yes, ma'am.

4 Q. Did anything ever happen in any other room of the
5 house or anywhere else in the house other than on the
6 bed?

7 A. In the bathroom in the bedroom.

8 Q. So in the bathroom that's connected to the
9 bedroom?

10 A. Yes, ma'am.

11 Q. And tell us anything at all that you remember
12 about the bathroom?13 A. He threw me on the floor and it started to touch
14 me again with his private part.15 Q. He threw you on the floor and you may need to
16 speak up a little bit, maybe. Just lean forward.
17 You don't have to speak up but if you just lean a
18 little closer to the mic. What happened in bathroom?19 A. He -- he was on the toilet. He told me to come
20 here -- while me and **DS** was trying to open the
21 door he called me in there. So I got scared and went
22 and around there. He threw me on the floor and while
23 he was on the toilet and he started to touch me again
24 with his private part.

25 Q. And this happened in bathroom?

Minor Direct Examination by Ms. Parker

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1 A. Yes, ma'am.

2 Q. Was the door open or shut?

3 A. It was shut.

4 Q. Did he -- when he touched you with his private
5 part, did he clothes on?

6 A. No, ma'am.

7 Q. Upper or lower? Was he partially clothed or
8 fully clothed or not clothed at all?

9 A. I don't know if he had his shirt on but I know
10 his pants were gone.

11 Q. Okay. Did you hear any commotion outside the
12 bathroom while you were in the bathroom?

13 A. Yes, ma'am.

14 Q. What did you hear?

15 A. I heard Reggie trying to get through the door
16 that's connected to the bathroom, not inside the
17 bedroom but on the outside in the kitchen.

18 Q. Some are they're two doors that go into the
19 bathroom?

20 A. Yes, ma'am.

21 Q. And how did you know it was Reggie at the door?

22 A. Because he was the only on there and DS was
23 inside -- DS was like inside the bedroom.

24 Q. And how do you know he was trying open the door,
25 what was he doing?

Minor Direct Examination by Ms. Parker

121

1 A. The door handle was rattling.

2 Q. Did you hear his voice or do you don't remember?

3 A. I don't remember.

4 Q. And while you were in the bathroom with Terry,
5 did Terry say anything to you? Did he ever say
6 anything?

7 A. He just covered my mouth and said hush.

8 THE COURT: **Minor** can you get closer to the
9 microphone?

10 Q. I'mma re-ask that question just to be sure that
11 everybody can hear you. When you were in the
12 bathroom, did he say anything to you that you recall?

13 A. He covered my mouth and told me to hush.

14 Q. And when he told you to hush, where, where was
15 Reggie?

16 A. On the -- near the door. There's -- the door
17 that was on the left side.

18 Q. **Minor** did you tell anybody about what happened
19 to you that night?

20 A. Yes, ma'am.

21 Q. Who did you tell?

22 A. I told the police officers that was there and my
23 mama.

24 Q. Do you remember telling Reggie or did you tell
25 Reggie? Or you didn't say -- do you recall if you

Minor Direct Examination by Ms. Parker

122

1 said anything to Reggie?

2 A. I don't think so.

3 Q. And **Minor** I want to go back just to be clear
4 for the Court's record. You said a few moments ago
5 that Terry had touched your private, what parts of
6 his body did he touch your private with?

7 A. He touched his down there private with my down
8 there private and in my mouth.

9 Q. Did he touch your private with my hands?

10 A. Yes, ma'am.

11 Q. And did you ever go to a place and talk with
12 someone about what happened?

13 A. Yes, ma'am.

14 Q. Do you remember going to the Durant Center?

15 A. Yes, ma'am.

16 Q. And after this happened, did you see Terry
17 anymore?

18 A. No, ma'am.

19 Q. And **Minor** has anyone else, to your
20 recollection, has anyone else ever touched you like
21 what you're talking about here today?

22 A. None other than Terry.

23 Q. And it's been almost seven years since this
24 happened, is your testimony here based on your
25 memory?

Minor Direct Examination by Ms. Parker

123

1 A. Yes, ma'am.

2 Q. Has anyone told you what to say?

3 A. No, ma'am.

4 Q. Did your mama tell you what to say?

5 A. No, ma'am.

6 Q. And down through the years since it's been a long
7 time, is this something you spoke about regularly
8 with your mom or with your family?

9 A. No, ma'am.

10 Q. So would it be accurate to say y'all never talked
11 about it?

12 A. Yes, ma'am.

13 Q. Perhaps until recently ---

14 A. Yeah.

15 Q. --- with the trial coming up. **Minor** do you
16 remember when this happened and, you know, did you
17 physically feel pain?

18 A. Yes, ma'am.

19 Q. Do you remember -- let me ask you this, did your
20 mom take you anywhere after y'all left Lala's house
21 that night?

22 A. Yes, ma'am.

23 Q. Where did y'all go?

24 A. We went to the Durant Center and to the doctor to
25 check me out to see what was wrong.

Minor Direct Examination by Ms. Parker

124

1 Q. Okay. Did y'all go to the Durant Center that,
2 late that night or a few days later?

3 A. I think it was a few days later.

4 Q. Tell me where, everywhere y'all went that night
5 after y'all left Lala's house?

6 A. We went to the doctor.

7 Q. Okay.

8 MS. PARKER: I beg the Court's indulgence just a
9 second.

10 THE COURT: Yes, ma'am.

11 Q. And after this happened, did you -- have you ever
12 been back to Lala's house?

13 A. No, ma'am.

14 Q. Have you Lala ---

15 A. Not ---

16 Q. --- really since this happened?

17 A. No, ma'am.

18 Q. I'mma ask you this, the Terry that you're talking
19 about that touched you, did these things to you, is
20 he present in the courtroom today?

21 A. Yes, ma'am.

22 Q. And where -- where is he located in the
23 courtroom?

24 A. Over there on that side at the table.

25 Q. Okay.

Minor Cross-Examination by Ms. Little

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1 MS. PARKER: Please answer any questions Ms.
2 Little may have.

3 THE COURT: All right. Ms. Little?

4 MS. LITTLE: Thank you.

5 **Cross-Examination by Ms. Little:**

6 Q. Hello, **Minor** I'm gonna try to be very brave
7 because I know you don't want to be here today and I
8 want to thank you for coming forward and telling us
9 what you remember. **Minor** do you remember when you
10 went to the Durant Center and you told the lady what
11 happened, do you remember going there?

12 A. Yes, ma'am.

13 Q. And there was a camera there?

14 A. Yes, ma'am.

15 Q. Since recently, have you been to, go talk to Ms.
16 Patti about this case?

17 A. Yes, ma'am.

18 Q. You did? And did you watch the video of the
19 interview you gave at the Durant Center?

20 A. No, ma'am.

21 Q. You didn't watch it?

22 A. No, ma'am.

23 Q. So you probably don't remember what you said at
24 the time since you didn't watch it. Do you -- so do
25 you remember that you told the lady that nothing

Minor

Cross-Examination by Ms. Little

126

1 happened in the bathroom?

2 A. No, ma'am.

3 Q. Do you remember when you are a real little girl
4 about four or five years old, if you were talking
5 about a man's private part, what would you call it?

6 A. A penis.

7 Q. And do you remember what did you call girls
8 private part?

9 A. A tutu.

10 Q. And do you remember who taught you what those
11 names are or who told you what to call or you just
12 remembered that's what you called them?

13 A. I just know.

14 Q. And when you testified while ago it was hard for
15 me to hear you, but did you say that **DS** came in
16 the bathroom?

17 A. No, ma'am. She was in the bedroom.

18 Q. Okay. And so you went in the bathroom while
19 Terry was using the bathroom?

20 A. Yes, ma'am.

21 Q. Okay. And so -- I might not have heard you
22 right, I'm sorry, did you say that while he was on
23 the toilet he threw you on the floor?

24 A. Yes, ma'am.

25 Q. Okay. And I believe you said he touched you

Minor Cross-Examination by Ms. Little

127

1 with his private ---

2 A. Yes, ma'am.

3 Q. Okay. And was he standing up? Sitting down?

4 Where was he when that happened?

5 A. He was -- he was on top of me. Like I don't know
6 how to say it but he wasn't standing up. He was like
7 on his knees.

8 Q. Okay. So he wasn't on the toilet then?

9 A. Uh, uh.

10 COURT REPORTER: Yes or no?

11 A. Huh?

12 COURT REPORTER: Was that a yes or no?

13 A. That was a yes.

14 Q. Do you remember telling anybody that you throw up
15 in the bedroom that night?

16 A. Yes, ma'am.

17 Q. Okay. Who did you tell that to?

18 A. I told that to my mama.

19 Q. Okay. And did you -- do you remember if you
20 told the lady at the Durant Center that you throw up?

21 A. No, ma'am.

22 Q. You don't remember. It was a long time ago,
23 wasn't it. And have you talked to anybody else about
24 these things that you're telling us about today?

25 A. No, ma'am.

Minor

Cross-Examination by Ms. Little

128

1 Q. Just your mom and the lady at the Durant Center
2 and Ms. Patti?

3 A. Yes, ma'am.

4 Q. And the police?

5 A. And the police.

6 Q. And do you remember what kind of clothes Terry
7 was wearing when y'all were in the bedroom?

8 A. No, ma'am.

9 Q. Do you remember what kind of clothes you were
10 wearing?

11 A. I knew that I was wearing yellow pants but that's
12 it.

13 Q. But you can't remember what, what kind of clothes
14 he had?

15 A. I don't remember.

16 Q. And were his clothes on or off?

17 A. They were off.

18 Q. They were off?

19 COURT REPORTER: Is that a yes or no?

20 A. Yes, ma'am.

21 Q. So all of his clothes were off?

22 A. Just his pants.

23 Q. And were they completely off?

24 A. They were completely off.

25 Q. And do you remember what color shirt he had on?

1 A. No, ma'am.

2 Q. Can you describe anything else about that room?
3 What color the sheets were?

4 A. I think white.

5 Q. And how many doors are there that go into that
6 bedroom?

7 A. Two.

8 Q. And this might sound like a silly question, but
9 do you remember what color the doors are in the
10 bedroom?

11 A. No, ma'am.

12 Q. And do you like to read?

13 A. Not really.

14 Q. You like math, don't you?

15 A. Yes, ma'am.

16 Q. Did you read anything about this, I mean, did you
17 read anything, any reports about what you said back
18 when you were 4-years-old?

19 A. No, ma'am.

20 Q. Okay. Has anybody told you or reminded you what
21 you said back when you were 4-years-old?

22 A. No, ma'am.

23 MS. LITTLE: All right. No further questions.

24 THE COURT: Madam Solicitor?

25 MS. PARKER: No redirect, Your Honor.

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1 THE COURT: All right. All right. Minor thank
2 you for your testimony. You can step down. Madam
3 Solicitor, where do you want her? Do you want ---

4 MS. PARKER: She can go back on four back to our
5 office. Your Honor, my next witness is here, Dr.
6 Michelle Huxford.

7 THE COURT: All right. The jury, we're good?
8 (Whereupon, the jury responds in a positive manner)

9 THE COURT: Okay. If you're not let me know.

10 THE CLERK: Place your left hand on the Bible and
11 raise your right. Do you swear the testimony you give
12 this Court will be truth, the whole truth, and
13 nothing but the truth so help you God?

14 DR. HUXFORD: Yes.

15 THE CLERK: Just have a seat.

16 THE COURT: Good morning.

17 DR. HUXFORD: Good morning.

18 THE COURT: Would you tell us your name in the
19 microphone please?

20 DR. HUXFORD: Yes. My name is Michelle Huxford.

21 THE COURT: And would you spell your last name
22 please?

23 DR. HUXFORD: Yes. H-u-x-f-o-r-d.

24 THE COURT: All right. Thank you.

25 MICHELLE HUXFORD, first being

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1 duly sworn, testified as follows:

2 **Direct Examination by Ms. Parker:**

3 Q. Dr. Husford, would you tell the Court and the
4 jury a little bit about your educational background?

5 A. Yes. So I attended the University of North
6 Carolina at Chapel Hill for Undergraduate ---

7 MS. PARKER: I'mma pause you right there.

8 THE COURT: Your Honor, permission to approach. I
9 want to adjust the microphone.

10 A. So I attended the University of North Carolina at
11 Chapel Hill for Undergraduate. Following that I went
12 to East Carolina University to the Brody School of
13 Medicine for Medical School. And then I stayed in
14 east at East Carolina for emergency medicine
15 residency for three years.

16 Q. Okay. So what is, we know it's obvious, but
17 what is your current occupation?

18 A. I'm a physician in the emergency department
19 board certified in emergency medicine.

20 Q. Okay. And where are you currently employed?

21 A. At McLeod Health in Florence.

22 Q. And were you working at McLeod in 2015?

23 A. Yes, I was.

24 Q. Okay. And how long have you been practicing
25 emergency medicine?

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1 A. So for residency you're practicing for three
2 years but you're still in a training situation. So
3 that and then plus the 11 years at McLeod.

4 Q. Okay.

5 A. So I guess a total of 14 but three of those are
6 still in training.

7 Q. Okay. But 14 years in emergency medicine?

8 A. That's right.

9 Q. And as a medical doctor, do you have to
10 continuing educational requirements and
11 certifications and so forth that you have to keep up
12 with?

13 A. Yes, ma'am.

14 Q. And have you ever testified in circuit court
15 before as an expert in the field of emergency
16 medicine?

17 A. Yes, one time.

18 Q. Okay.

19 MS. PARKER: Your Honor, at this time I would move
20 to have Dr. Huxford qualified as experts in the field
21 of emergency medicine given her educational
22 background and experience and certainly board
23 certifications?

24 THE COURT: All right. Any objections the Court
25 qualifying the witness as an expert in emergency

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1 medicine?

2 MS. LITTLE: No Objection, Your Honor.

3 THE COURT: All right. Without objection. It so
4 ordered.

5 MS. PARKER: Okay. Thank you, Your Honor.

6 Q. Dr. Huxford, were you working the emergency
7 department at McLeod Hospital on the early morning of
8 October 3, 2015?

9 A. Yes, I was.

10 Q. And did you examine a little girl by the name of
11 Minor

12 A. Yes, I did.

13 Q. Okay. And what time -- well, who brought her to
14 the emergency department?

15 A. I'll just refer to my note, my medical note, if
16 that's okay?

17 Q. Yes, ma'am.

18 A. So it says that her mother brought her to the
19 emergency department.

20 Q. And what time did they arrive?

21 A. Looks like 2:21 am.

22 Q. Okay. And do you have any notes you made
23 concerning your initial assessment of the patient?

24 A. I don't -- I don't think I understand the
25 question. Do you -- do you mean like the physical

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1 examination of the patient?

2 Q. Well, before we go there to your ---

3 A. Okay.

4 Q. --- examination, let me ask you this.

5 A. Okay.

6 Q. I'mma withdraw that qestion ---

7 A. Okay.

8 Q. --- and ask a different question.

9 A. I'm sorry.

10 Q. Let me rephrase the question. When treating a
11 patient is gathering the cause of an injury or an
12 event necessary for purposes of medical diagnosis and
13 treatment?

14 A. Absolutely.

15 Q. And would knowing circumstances of an event aid
16 you with treating a patient?

17 A. Can't do it without it. Yes, ma'am.

18 Q. And is it necessary purposes of medical treatment
19 to learn like locations of possible injury on the
20 body?

21 A. Absolutely is.

22 Q. And with such information obtain On October 3rd
23 from the patient, **Minor** like your interaction with
24 her, did you obtain information?

25 A. Absolutely. Yes, ma'am.

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1 Q. Okay. And I noticed you said you brought, you
2 brought your notes ---

3 A. My note, yes, ma'am.

4 Q. But I have some, some records that I have marked
5 as State's Exhibit 1, this is just for identification
6 purposes. Do you mind flipping through and let's
7 make sure it's the same?

8 A. Mmm, hmm. Yes, ma'am. This is the same. Yes.

9 Q. And on Page 2 is there an area that has been
10 changed or redacted when you see some text whited
11 out?

12 A. Yes, ma'am.

13 Q. Okay.

14 MS. PARKER: Your Honor, at this time the State
15 would move State's Exhibit 1 into evidence. I would
16 like to move these records into evidence.

17 THE COURT: All right.

18 MS. PARKER: For the Court, I have redacted any
19 statements may in, in the gathering of the history
20 for the purposes of medical diagnosis, anything the
21 mother said has be redacted. So what remains is only
22 what the child said.

23 THE COURT: Ms. Little?

24 MS. LITTLE: Your Honor, I -- I would object to
25 introducing any report. This doctor is here to

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1 testify in person and Ms. McKenzie can ask her any
2 questions about her treatment without putting the
3 report into evidence?

4 THE COURT: All right. All right. I respectfully
5 overrule the objection and I'll allow this in as
6 Plaintiff's, I mean, State's Number 1.

7 MS. PARKER: Okay. And Your Honor, also just to
8 keep record clean, I -- it comes, I believe it -- I
9 believe it comes under 803 (4) of the July statements
10 made with purposes of medical diagnosis and treatment
11 ---

12 THE COURT: Yes, ma'am.

13 MS. PARKER: --- that are admissible.

14 THE COURT: Yes, ma'am. So ordered.

15 MS. LITTLE: Your Honor, just, just to note for
16 the record, I would object that the report would be
17 cumulative to her testimony here today.

18 THE COURT: So noted.

19 (Whereupon, the Dr. Huxford's Report has been marked
20 and entered into evidence as State's Exhibit No. 1)

21 A. So you ---

22 Q. Dr. ---

23 A. Can I ask a question?

24 Q. Okay.

25 A. You would like me to refer to this one with the

1 part that was taken out, is that right?

2 Q. Yes, ma'am.

3 A. Okay.

4 Q. If you're gonna read any statements.

5 A. Okay.

6 Q. That way you only read what the child says ---

7 A. Yes, ma'am.

8 Q. --- not what the mama said.

9 A. Okay.

10 Q. And Dr. Huxford, ---- okay. So we've been

11 talking about segments gained and information

12 obtained for purposes of medical diagnosis and

13 treatment. Would you read, for the jury, what

14 patient, **Minor** told you happened?

15 A. Yes, ma'am. I'm sorry, it's a little hard for

16 me. In the ED the patient states "Terry touched my

17 tutu. It throwed up. He was in the bathroom and

18 Terry hurt me." The patient -- I'm just reading the

19 note just as it goes. Patient report, "Terry pulled

20 my hair and covered my mouth and put me under the

21 covers and wouldn't let me see the TV and pulled my

22 pants down." Patient states, "my tummy started

23 hurting. He touched me right here." And then I have

24 noted that she was pointing at her vagina, "with his

25 hands and he pulled his pants down too". The patient

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1 notes, "he put my hand on his tutu." Continue?....

2 I'm sorry, there's one -- it continues and I'm just

3 trying to find where the, it looks like, though --

4 okay, I see where it continues. I'm sorry, this is

5 the last part of the statement ---

6 Q. Okay.

7 A. --- where it's whited out. Patient states, "it

8 hurt me." And she also stated that, "her tummy

9 hurt."

10 Q. Okay. Thank you, Dr. Huxford. So after

11 gathering that information, would you tell the jury

12 kind of what type of examination you did on the

13 child?

14 A. Yes, ma'am. So as an emergency physician when,

15 when anyone comes to, the to the emergency

16 department, we do like a comprehensive physical

17 examination. So, specifically, in a suspected sexual

18 assault case, you would be looking for any signs of

19 trauma. These victims of sexual assault can have a

20 myriad of injuries, sometimes choking or other things

21 so we have to check the whole, the whole patient. So

22 we'd start kind of from the head to the toe and do

23 an exam. It typically would include a vaginal exam

24 or, you know, obviously, if it's a male so we would

25 look at those areas. We'd also examine the outside

1 of the buttocks and the entire body for bruises,
2 things like that.

3 Q. Okay. And did you exam the genital area of
4 **Minor** the patient?

5 A. Yes, ma'am, I did.

6 Q. And explain to -- is this a full exam or a
7 limited, limited exam for a child at age?

8 A. Yes, ma'am. So with the child that age they're,
9 there are a lot of other things that, that come into
10 play. So in the emergency department, we're trying
11 to look for any evaluation of a life threat or limb
12 threat or and also do whatever we can to help at the
13 time. So we do not do a true extended forensic exam
14 where we collect DNA data and things like that in the
15 emergency department on a child. We do, do that for
16 adults. There are other systems in place for
17 children. So my -- the way that I understand my role
18 and the way that I practice medicine is I do a quick
19 exam kind of externally on the child to make sure
20 that I don't see any lacerations that need to be
21 repaired, any obvious drainage or things that would
22 make me concern for sexually transmitted diseases and
23 things of that nature.

24 Q. So on the -- on the genital -- on the exam for
25 this child, physical examination for this child was

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1 there anything you noted in the genital area?

2 A. Yes, ma'am. I'll refer to my notes so that I make
3 sure that have been accurate to -- so on the physical
4 exam portion of my note, the comment that we wrote,
5 or I'm sorry that I wrote says, "vaginal abrasions to
6 the left lateral vaginal introitus, diffuse erythema
7 and irritation."

8 Q. Okay. What does -- well, just medically
9 speaking, what's -- what is -- what is an abrasion?

10 A. Okay. So an abrasion is kind of like a scrape
11 or somewhere that, that can happen by falling and
12 kind of skinning your knee would be the most common
13 type of thought for an abrasion. Also if there's
14 like a lot of friction on an area, we could classify
15 that injury as an abrasion as well.

16 Q. And you said, um, is abrasion a sign of, sign of
17 trauma?

18 A. Yes, ma'am.

19 Q. So sort of trauma?

20 A. Yes, it is.

21 Q. Okay. And what do you mean -- just kind of help
22 explain, because you said a medical terminology ---

23 A. I'm sorry.

24 Q. Would you describe a diffuse erythema?

25 A. Yes, ma'am.

1 Q. Did I say that correctly?

2 A. Mmm, hmm. You did. You did.

3 Q. What is diffuse erythema?

4 A. So diffuse being kind of all over. So not just
5 in one location is they way we describe that. And
6 erythema is like a lot of redness. If I'm noting it
7 I'm saying that it's much more red than I would
8 expect. Because, obviously, the vaginal area
9 normally would be kind of pinkish but if we're noting
10 that it's, that there's a lot of erythema and writing
11 that down as a physical exam finding then it's
12 outside of the norm.

13 Q. Okay. And in your opinion did this look like a
14 rash?

15 A. No, ma'am.

16 Q. In your opinion is what you saw with your
17 physical exam consistent with the type of assault the
18 child reported to you?

19 A. Yeah. Yes, ma'am.

20 Q. And you've already explained this a little bit.
21 This is what you -- the type of examination you
22 perform is not what most people refer to as a rape
23 kit, that's not what you did?

24 A. That's not. And did you want me to go further --

25 -

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1 Q. Does McLeod do that type of examination on a
2 child this young?

3 A. No. Especially not at that time. They have
4 since developed what we call a SANE Nurse Program
5 where we do have specifically trained staff that does
6 that. But at the time of this, we did not have that.
7 And it's my understanding we still do not do that for
8 children.

9 Q. So in 2018 that program wasn't up and running ---

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

11 Q. And it's still not on the ground running?

12 A. Barely.

13 Q. So maybe Charleston or Columbia could have done
14 that?

15 A. Yes, ma'am. And then for, especially, if anyone
16 has any trouble traveling we would send those
17 children to the Care House. I think -- that's in
18 here somewhere. I'm not sure.

19 Q. And do y'all also work with the Durant Center?

20 A. Yes, ma'am.

21 Q. Okay. And do your notes indicate that the child
22 was going to be seen at the Durant Center at a later
23 time?

24 A. Yes, ma'am.

25 Q. This is -- I'mma show you that's marked State's

1 Exhibit Number 2.

2 A. Okay.

3 Q. And without saying what it is, I mean, do you
4 identify that type of diagram?

5 A. Yes, ma'am.

6 Q. And what is that type of diagram -- what is that
7 diagram?

8 A. This is ---

9 Q. What does that show?

10 A. This is a diagram of a vagina and the external
11 genitalia and internal genitalia for female.

12 Q. Is it appear to be anatomical correct?

13 A. Yes, ma'am.

14 Q. Okay. And it's already been pre-labeled, will
15 you look that over and make sure that that's
16 anatomical correct ---

17 A. Yes, ma'am, I will.

18 Q. --- what's been labeled?

19 A. Yes. It is correct. Yes.

20 MS. PARKER: I beg the Court's indulgence. Your
21 Honor, may I ask the witness to step down to,
22 demonstrative purposes to show the jury -- well, I
23 may need to do this. Your Honor, at this time I
24 would move State's 2 into evidence?

25 THE COURT: Any objection to diagram coming in?

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1 MS. LITTLE: No objection.

2 THE COURT: Without objection. So ordered. It
3 would be State's Number 2.

4 (Whereupon, the Diagram has been marked and entered
5 into evidence as State's Exhibit No. 2)

6 THE COURT: You want the witness to stand down for
7 demonstrative purposes?

8 MS. PARKER: Yes, Your Honor.

9 THE COURT: All right.

10 COURT REPORTER: Keep your voices up.

11 MS. PARKER: Okay. Yes, ma'am.

12 COURT REPORTER: Thank you.

13 Q. Dr. Huxford, I'mma hand you a marker, will you
14 just show where the, put a mark or an X on the
15 abrasions on **Minor** were located that you described
16 in your report?

17 A. Yes, ma'am.

18 (Whereupon, the doctor makes her marks on the
19 diagram)

20 Q. Okay. So is that -- where that mark is located,
21 is that on the side, I guess, the side wall of the
22 opening of the vagina?

23 A. Yeah, So partially -- so it's partially on the,
24 what we would still technically considered the
25 external portion of the vagina and I don't know if I

1 came quite far enough over here. But this portion
2 here is on the internal section of the vagina.

3 Q. Okay. And is it -- I guess, when the vagina has
4 the inner labia and the outer labia, is the injury or
5 the abrasion you noted passed the outer labia?

6 A. Absolutely. Much, much more red, yes.

7 Q. Okay. And is the outer labia, I hate for you to
8 use layman's terms, but a lot times people would
9 refer to like as the outside like lips of a vagina?

10 A. Mmm, hmm. So that would normally -- so this is
11 the vagina, obviously, opened. So if the vagina
12 closed it would, the outer labia would come together.
13 With it opened, kind of opened like this one would
14 show the inner labia. And then open more is when
15 would kind of see this area here. So obviously ---

16 Q. So this was passed that outer opening ---

17 A. And the inner ---

18 Q. --- in the inner part.

19 A. And in the inner opening as well.

20 Q. Okay.

21 A. Passed that ---

22 COURT REPORTER: I'm sorry, I didn't get that last
23 part.

24 A. I'm sorry, it was passed the outer and the inner
25 labia and into the, into the vagina.

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1 Q. And the -- and the redness that you notated, the
2 erythema, was it just located in this area or you
3 described it as diffuse ---

4 A. In this whole area here.

5 Q. Okay. Thank you, Dr. Huxford.

6 A. Can I get back on the stand?

7 Q. Yes, ma'am.

8 MS. PARKER: I beg the Court's indulgence. Please
9 answer any questions that Ms. Little may have. Thank
10 you.

11 A. Okay.

12 THE COURT: Ms. Little?

13 **Cross-Examination by Ms. Little:**

14 Q. Good morning, Dr. Huxford.

15 A. Hi.

16 Q. Dr. Huxford, you have your record there in front
17 of you that's also in evidence.

18 A. Yes, ma'am.

19 Q. The report that they have, okay. I just wanted
20 to call your attention if you're looking at Page 1 on
21 the report, when you look towards the bottom of the
22 page it says, "he put my hand on his tutu." And so
23 what did you take that statement to mean?

24 A. I took that statement to mean that he made her
25 touch his genitalia.

1 Q. Okay. All right. And she -- at the time she
2 used the term to describe his genitalia as his tutu,
3 is that correct?

4 A. No ---

5 Q. All right. And then I wanted to ask you also --
6 I believe you stated that she said that he touched
7 her tutu, is that right?

8 A. Yes, ma'am. I see that.

9 Q. Okay. Did he ever say that he -- did she ever
10 say that he put anything into her tutu?

11 A. I would have to look back at this and if you'll
12 give me a moment to do that.

13 Q. Okay.

14 A. The direct answer to that question would be no.

15 Q. And in your report is there -- at the time you
16 did this exam, did you do a drawing similar to what
17 you just did right there in court showing where the
18 area was that was red?

19 A. Do you mean as a part of my note or like as a
20 deposition to the patient?

21 Q. I'm sorry.

22 A. It's okay. I'm sorry.

23 Q. In regard to your notes to remind yourself where
24 the injury was, did you draw or have a ---

25 A. No, ma'am. The electronic medical record to the

M. Huxford- Cross-Examination by Ms. Little

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1 best of my knowledge does not have that capability at
2 the time of this.

3 Q. Okay. So is it your testimony that you have an
4 independent recollection of exactly where that
5 redness is located?

6 A. So I wouldn't say that it's independent
7 recollection. I would say based on my note the way
8 that I described it that, that is how I know what I
9 was talking about at the time.

10 Q. Okay.

11 A. Does that answer ---

12 Q. Yes. Yes.

13 A. --- your question? Okay.

14 Q. And was -- I don't know if you -- I don't know if
15 you answered this a while ago or even if you check
16 this, but I'm gonna ask you a question ---

17 A. That's fine.

18 Q. --- was the child's hymen still intact as, for
19 example, was the child still a virgin?

20 A. So there's -- that's not medically accurate ---

21 Q. Okay.

22 A. --- to say that or and not, no disrespect
23 intended ---

24 Q. No ---

25 A. --- but to ask that question, a child's hymen if

1 they play sports or run around much and all that
2 stuff, it's really not a medical thing that we look
3 at and it's actually, I've done some and I don't know
4 if I'm allowed to say some additional training, but I
5 have done some additional training with sexual
6 assaults and that's not a term that we use or
7 discuss. Because you just can't, you can't tell
8 based on that ---

9 Q. Okay.

10 A. --- anything one way or the other. Does that
11 help?

12 Q. All right. And that wouldn't have been something
13 you would've been looking for?

14 A. No, ma'am.

15 Q. Okay.

16 A. No, ma'am.

17 Q. And I know that was very non-medical terminology
18 ---

19 A. It's okay.

20 Q. --- that y'all use. Okay. So just one more
21 question. You testified that what you saw could be
22 consistent with what the child alleged happened?

23 A. That's right.

24 Q. All right. Could that also be consistent with,
25 for example, a child who constantly, I guess, plays

M. Huxford- Cross-Examination by Ms. Little

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1 or insert things into her vagina, would that causes
2 similar injury?

3 A. That's -- that's hard to answer because I don't -
4 - I don't know of children that intent to do that
5 so....

6 Q. Well, could -- could, the actually injuries,
7 could they have been self-inflicted?

8 A. I think that would be difficult for a 4-year-old,
9 especially, because that will inflict pain and I
10 would expect them not to continue doing that to cause
11 more of an abrasion.

12 Q. Right.

13 A. But, I mean, I guess I can't say a hundred
14 percent, but it could be inflicted by some other
15 method.

16 Q. And so -- I guess, let me ask you this question,
17 put it this way, if you were told that the child had
18 previously inserted something recently into her
19 vagina, could that have caused a similar injury?

20 A. Again, I think that's hard to answer because I
21 would need to know what, what they inserted, the size
22 and, over and over. So I guess the answer maybe that
23 that is possible but that will depend on a lot of
24 other factors.

25 Q. Okay. But ---

M. Huxford- Cross-Examination by Ms. Little

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1 A. I mean, the vagina is made to stretch and to,
2 typically, even inserting things or even through for
3 an adult, natural intercourse does not cause a
4 physical exam finding of vagina. So it's a bit hard
5 to injure the vagina, if that makes sense.

6 Q. Okay. But -- but you testified that he, the
7 child said he touched it. You didn't say that she
8 said anything was placed into it, is that correct?

9 A. So I would like to expand on that if that's okay
10 why we did not ask those specific questions, is
11 that....

12 Q. I'm just asking if you ---

13 THE COURT: Yeah, if you'll just respond to the
14 question ---

15 A. Okay.

16 THE COURT: --- and if that's in response that's
17 fine.

18 A. Okay.

19 THE COURT: But otherwise ---

20 A. So we do not typically ask the details of that to
21 that degree. In fact, in the ER we don't typically
22 ask the child all of these specific questions and the
23 reason is we want that to be a true forensic exam and
24 we do not want to lead the child in any manner at
25 all. There are true forensic exams that, hopefully,

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1 are, that the Durant Center and places like that do
2 and they do ask those questions. We do not ask those
3 because we do not want to affect that true forensic
4 exam or true forensic interview with the child. So
5 what I -- what I've documented is not what I asked
6 her. It is what she just voluntarily came out with.

7 Q. Okay.

8 A. We don't ask specifics -- let me say, we asked
9 specifics only to the extent that I need to know for
10 trauma but, especially, for a 4-year-old child I
11 would not ask.

12 I don't know that they would understand into the
13 vagina. Does that make sense?

14 Q. And so -- and thank you for clarifying that. So
15 that would actually -- those sorts of questions would
16 be actually done with the forensic doctor ---

17 A. Yes, ma'am.

18 Q. --- interviewer ---

19 A. That's right.

20 Q. --- and something like the Durant Center or the
21 Care House?

22 A. Yes. Yeah.

23 Q. Not at the ER?

24 A. That's right and at 2 in the morning.

25 Q. All right.

1 MS. LITTLE: No further questions. Thank you, Dr.
2 Huxford.

3 DR. HUXFORD: Okay.

4 MS. PARKER: Just briefly, Your Honor?

5 THE COURT: Yes, ma'am.

6 Redirect Examination by Ms. Parker:

7 Q. So Dr. Huxford, you know the portion that you
8 read earlier when I was asking questions and what Ms.
9 Little was just asking you about, about what **Minor**
10 told you, you didn't elicit that with a question?

11 A. The only question we -- obviously, I can't recall
12 the exact question that I asked, but my standard
13 question would be kind of, "what happened", kind of a
14 very broad you tell me.

15 Q. Okay.

16 A. You know, maybe I have to ask a few qualifying
17 questions, but the general is what ---

18 Q. So after a general way ---

19 A. --- tell me what happened ---

20 Q. --- kind of what happened question ---

21 A. That's right. Are you hurt or that sort of
22 thing.

23 Q. **Minor** came forth with this detail ---

24 A. Yeah.

25 Q. --- that you read into the record ---

M. Huxford- Redirect Examination by Ms. Parker

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1 A. Yeah.

2 Q. --- just a while ago in all that detail ---

3 A. Yeah.

4 Q. --- that's in the record, I'm not gone reread it?

5 A. That's right.

6 Q. Did you think that was detailed for a 4-year-old?

7 A. I thought that was incredibly detailed for a 4-
8 year-old. Yeah.

9 Q. And Ms. Little was asking you, specifically,
10 about the part where it says, "patient notes he put
11 my hand on his tutu" and there Ms. Little, I know she
12 asked you about that terminology ---

13 A. Okay.

14 Q. --- and stuff. But I believe she was asking you
15 if **Minor** said did he put anything inside of her?
16 Those were some questions along those lines ---

17 A. Okay.

18 Q. So I want to, if you would 'cause I think what
19 you were reading earlier was redacted and if you
20 would look ---

21 A. I just read from your, from your ---

22 Q. My exhibit has been redacted. I want to direct
23 you to your notes.

24 A. Oh, I'm sorry. Okay.

25 Q. I want to direct you to your notes.

1 A. To my own notes ---

2 Q. Because my exhibit has been redacted but since
3 Ms. Little went into it I want you to start following
4 on Page 1, at the very bottom where it says, "when
5 asked."

6 A. Okay.

7 Q. "Patient notes he put my hand on his tutu" and
8 then the sentence ---

9 A. Okay. And after that ---

10 Q. --- following that, after that ---

11 A. Yes, ma'am. So then I said, when asked did, I'm
12 sorry, I did ask a little more of a question, "did
13 Terry put his penis near her vagina", she said,
14 "Yes." And then she states, "it hurt me." And she
15 also stated that her "tummy hurt".

16 Q. I'mma stop you there.

17 A. Oh, okay. I'm sorry.

18 Q. So she did report that he put his penis near her
19 vagina?

20 A. Mmm, hmm.

21 COURT REPORTER: Yes or no?

22 A. Yes. I'm sorry.

23 Q. So near is the terminology ---

24 A. The terminology that's in the record is near her
25 vagina.

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1 Q. Okay.

2 MS. PARKER: Nothing further.

3 THE COURT: Okay. Ms. Little, anything else?

4 MS. LITTLE: No, redirect, or recross.

5 THE COURT: All right. Thank you, doctor. You
6 are free to go. Make sure -- Madam Court Reporter,
7 make sure that we have the right exhibit because she
8 has some records as well.

9 MS. PARKER: We'd asked that she be released,
10 judge?

11 THE COURT: Thank you. You're free to go. Thank
12 you.

13 MS. PARKER: Your Honor, if she's here the State -
14 --

15 COURT REPORTER: Wait a minute! Wait a minute!
16 (Whereupon, the Court is making sure we have the
17 right exhibit)

18 MS. PARKER: The State calls Dr. Elizabeth
19 Morphis.

20 THE COURT: Ladies and gentlemen of the jury, are
21 we good?

22 (Whereupon, the jury indicate they are)

23 THE COURT: Okay. All right. After this witness
24 we'll take a break.

25 THE CLERK: If you'll place your left hand on the

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1 Bible and raise your right. You swear the testimony
2 you give this Court will be the truth, the whole
3 truth, and nothing but the truth so help you God?

4 DR. MORPHIS: Yes, I do.

5 THE COURT: Dr. Morphis, if you would you state
6 your name for the record please?

7 DR. MORPHIS: I'm Dr. Elizabeth Morphis.

8 THE COURT: Thank you. Your witness?

9 MS. PARKER: Thank you, Your Honor.

10 DR. ELIZABETH MORPHIS, first being
11 duly sworn, testified as follows:

12 **Direct Examination by Ms. Parker:**

13 Q. Dr. Morphis, what's your occupation?

14 A. I'm a pediatrician at the Durant Children's
15 Center. I'm also the medical director there as well.

16 Q. Okay. You also in private practices as a
17 pediatrician?

18 A. Yes.

19 Q. Okay. And so you work for the Durant Center and
20 practicing pediatrician. Tell us a little bit about
21 your educational background?

22 A. I graduated from Cheraw High School. I went to
23 the College of Charleston and received a Degree in
24 Biology. And then did my medical school MUSC in
25 Charleston. After that I went and did my residency

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1 in Greenville Hospital System in Greenville, South
2 Carolina. Then I moved to Hartsville and started
3 working as a General Pediatrician. And then in 2016
4 joined the Durant Center for Child Abuse.

5 Q. And do you have any specialized training in child
6 abuse?

7 A. Yes. I had to undergo specific training that
8 required a bedecked session and then multiple
9 conferences and you meet certain requirements for the
10 State. And so I'm recognized as a child abuse
11 trained pediatrician for the State of South Carolina.

12 Q. And how many -- do you -- let me rephrase this,
13 you work at, for the Durant Center. At the Durant
14 Center, do you perform child sexual assault
15 examinations?

16 A. Yes.

17 Q. And how many would you say you've completed in
18 your career?

19 A. Gosh, I don't know, 500. I don't know.

20 Q. And have you been qualified as an expert witness
21 in circuit court prior to today?

22 A. Yes.

23 Q. And is that in the field of forensic child sexual
24 assault examinations? Is my terminology correct?

25 A. Yes. Child -- sexual assault and physical abuse.

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1 Q. Okay. So sometimes y'all examine children and
2 it's not sexual in nature but just that a child has
3 been abused?

4 A. Right. It can be neglect, physical abuse,
5 emotional abuse. A lot of different types of
6 mistreatment, mal-treatment.

7 Q. Okay. But you are certified for the child
8 sexual abuse exams?

9 A. Yes, ma'am.

10 Q. Okay.

11 MS. PARKER: And at this time, Your Honor, the
12 State would move to have Dr. Morphis qualify in the
13 field of Forensic Child Sexual Abuse Examinations.

14 MS. LITTLE: Any objections?

15 MS. LITTLE: No objection to certifying her as an
16 expert in that field.

17 THE COURT: The Court would certify her as an
18 expert in that field. It's so ordered.

19 MS. PARKER: Thank you, Your Honor.

20 Q. So you just stated a few moments ago that you
21 perform medical exams as medical director at the
22 Durant Center, could you walk us through what a
23 typical child exam, you know, what a typical exam
24 would involve if there's a disclosure or allegation
25 of sexual

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1 abuse?

2 A. Yes. So we try to listen to the forensic
3 interviewer prior to the exam so we know what we're
4 looking for. And we, basically, just tell the
5 children we're checking them head to toe, checking
6 all of their skin and, and we do an exam. We start
7 with the arms, the legs, the skin. Lay them down, do
8 the abdomen. And then we try not to uncover them as
9 much as possible. We keep them draped. And then we
10 explained that we're going to check their privates.
11 And we ask them questions, has anything bothering
12 them. And then for the females, we put them in a
13 frog leg position which means bending the knees up
14 and then gently pulling the knees out to the side.
15 And then we do the genital exam that way. Putting
16 the knees back together this is just after we've
17 removed their, pull their pants and underwear down if
18 they have it, and we pull the knees up to their chest
19 to look at their bottom. And then we pull all their
20 pants, underwear back up and then do the rest of the
21 exam which includes the eyes, ears, nose, mouth,
22 back, checking all their skin everywhere.

23 Q. Okay. And what is the child maltreatment
24 protocol form?

25 A. That is something designed by the State. We have

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1 a group called SCAMERS which is South Carolina Child
2 Advocacy Medical Response System. And they have
3 developed a complete form that goes through and we
4 put in, the child's name, the date, the allegations,
5 what the child is there for, and then we document the
6 exam on that as well. And then any kind of
7 diagnosis or conclusions are written there as well.

8 Q. So the exam and any documentation notes and
9 conclusions would be entered in on that form?

10 A. Yes, ma'am.

11 Q. And does the Durant Center keep those forms in a
12 normal course of business?

13 A. Yes.

14 Q. And was **Minor** seen at the Durant Center
15 for medical exam?

16 A. Yes.

17 Q. And -- well, let's just go ahead and let me ask
18 you this ---

19 A. Okay.

20 Q. Did you perform that exam?

21 A. No.

22 Q. Who did?

23 A. Dr. Susan Luberoff.

24 Q. Okay. Were you at -- were you the medical
25 director for the Durant Center at that time in 2015?

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1 A. No. I joined in -- she trained me in 2016. I
2 trained under her to start with. And so she was
3 there, from Columbia, doing exams.

4 Q. And she did a medical exam on Minor

5 A. Yes, ma'am.

6 Q. And do you have the date of that exam?

7 A. Yes. It was October 29, 2015.

8 Q. October 29, 2015, okay. And I may have already
9 asked you a that. But did Dr. Luberoff complete a,
10 that form, which we just discussed, the child
11 maltreatment protocol form, was that form completed
12 with her exam?

13 A. Yes, ma'am.

14 Q. Okay. And have you had an opportunity to review
15 her exam?

16 A. Yes, I have.

17 Q. And did Dr. Luberoff -- did Dr. Luberoff exam
18 report any abnormalities or findings?

19 A. No.

20 Q. Okay. So is that what you call on the 29th on
21 October 29th, a normal exam?

22 A. Yes. She had a normal exam.

23 Q. Okay. Now, in the case we're here with Minor

24 if I told you that the assault happened on
25 October 2, 2015, and Dr. Luberoff saw her, you said

1 on October 29, 2015, you know, in your expert
2 opinion, did you expect it to be normal?

3 A. Yes.

4 Q. And just explain to the jury why?

5 A. It's difficult for us to understand sometimes,
6 but because we think of assault as leaving a bruise
7 or a redness. But often up to approximately 97% of
8 child sexual abuse cases do not have physical
9 findings. It's diagnosed on the forensic
10 interviewing and the disclosure from the child. And
11 that's mainly due depending on the type of injury,
12 but in this case it's mainly due to the tissue, the
13 type of tissue that's in the vaginal area. There's
14 great blood supply to that area. It's very
15 regenerative and it regenerates quickly. It heals
16 rapidly. That tissue is also designed to be
17 distensible, very elastic. And the hormone effects
18 have, the hormone effects that as well. It makes it
19 more elastic so that later in life it can be used for
20 reproduction.

21 Q. So you testify that a lot of times, you know, 97%
22 of cases you see no injury?

23 A. Right.

24 Q. But, you know, in this case, if you do the math
25 from October 2nd to October 29th, that's approximately

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1 26 days in between, would you even expect any injury
2 that were there to have healed by then?

3 A. Yes. The time lapse is very important because
4 most injuries that they have documented and they've
5 done research on medical evidence, patients that have
6 actually -- the perpetrator admitted to the sexual
7 abuse and within 72 hours most of those lesions that
8 possibly could have been there or healed. So after,
9 after 27 days, I would have expected a normal exam.

10 Q. Okay. So that's what you would've expected. I
11 want to ask you this, did you have an opportunity to
12 review McLeod Emergency Department records from a
13 visit on 10/3, earlier morning of 10/3/2015?

14 A. I did.

15 Q. Okay. And are you familiar with vaginal
16 abrasions?

17 A. Yes.

18 Q. I mean, that terminology, the vaginal abrasion?

19 A. Yes.

20 Q. On Dr. Huxford's records was a vaginal abrasion
21 indicated?

22 MS. LITTLE: Your Honor, I'mma object to
23 relevance. Dr. Huxford has already testified and we
24 don't need another doctor just to follow up on the
25 testimony.

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1 MS. PARKER: Your Honor, if I may respond. Dr.
2 Huxford's specialties is more in the field of
3 emergency medicine. Dr. Morphis is qualified as an
4 expert in the field of child sexual assault
5 examinations. So I would like to ask her about her
6 review of the records and this assistant.

7 THE COURT: I mean, she reviewed the records to,
8 for her purposes of her examination. I will allow
9 the -- I'll allow the question and the answer. So
10 I've overruled the objection.

11 MS. PARKER: May we approach?

12 THE COURT: Yes, ma'am.

13 (Whereupon, the bench conference was on the record)

14 THE COURT: All right. Ladies and gentlemen of
15 the jury, at this time I need to take up a matter
16 with, ah, of law with the lawyers so I'mma ask that
17 you step to the jury room at this time.

18 (Whereupon, the jury exits the courtroom at 11:44
19 a.m.)

20 THE COURT: Okay. All right. So for the purpose
21 of the record, um, Ms. Little, just restate your
22 objection.

23 MS. LITTLE: Thank you, Your Honor. Let me think
24 about --first, Your Honor, I would object that any
25 testimony of this nature by Dr. Morphis would be

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1 cumulative because Dr. Morphis did not physically see
2 the injury, the alleged injury to the child. The
3 doctor who saw it has been here, in court, testified
4 what she saw, and testified that she thought it was
5 consistent. Basically, she would be, we would be
6 asking her to testify -- I mean, there's no drawing
7 in the doctor's notes. There's just her wording of
8 where the injury was located. And I just don't think
9 that this, that Dr. Morphis's testimony is just,
10 basically, here to bolster what the other doctor said
11 and I think that's improper.

12 THE COURT: Okay. All right. Ms. Parker, do you
13 want to respond?

14 MS. PARKER: Briefly, Your Honor. I'll -- I'll
15 go through and clarify and ask Dr. Morphis did she
16 exam the child and, of course, she did not. But that
17 she is familiar with the disclosure. And then, I
18 guess, the crux or the main question I wanted to ask
19 her was and she's already been qualified as an expert
20 in the field of forensic child and sexual assault
21 exams. Which is, you know, Dr. Huxford's expertise
22 was more emergency medicine. So I do think there's a
23 difference there. And I wanted to ask her that since
24 she had reviewed the records, and she don't have to
25 get into the location of injury. She didn't examine

1 the child. But a vaginal abrasions and diffuse
2 erythema were notated, in the records she's reviewed,
3 is that consistent with the type of disclosure that
4 **Minor** made. That's really all I want to ask her.
5 I mean, not about the -- and just -- I know she
6 didn't lay eyes on the child. I know she did
7 physically examine the child. But, basically, would,
8 would vaginal abrasions and diffuse redness be
9 consistent with the type of assault that **Minor**
10 disclosed. And then, you know, my second argument
11 would be, you know, it goes to weight and not
12 admissible, admissibility. I mean, you know, the
13 jury knows, we'll make it clear that Dr. Morphis did
14 not examine **Minor**. And so the jury can certainly
15 take that, you know, and give it's proper weight.
16 She didn't examine the child. I just want to ask her
17 since she's an expert in the field, are vaginal
18 abrasions consistent with -- vaginal abrasions and
19 diffuse redness, is that consistent.

20 THE COURT: All right. So I'll allow her to
21 answer the question as an expert limited to this is
22 consistent with and then cut it off after that, okay.

23 MS. PARKER: Okay.

24 THE COURT: Does that makes sense? I just don't
25 want to go any further with it because she didn't

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1 examine the child. She's looking at records.

2 MS. PARKER: Right.

3 THE COURT: So if you say, was this consistent --
4 what she reported consistent? Then as an expert I
5 think she can answer that.

6 MS. PARKER: Okay. Can ask her if she reviewed
7 the records -- I think I've already asked her, didn't
8 I, that she reviewed the records from McLeod.

9 THE COURT: You can -- you can ask -- you can ask
10 her that and I think you need to ask her that before
11 you ask her the next question.

12 MS. PARKER: I will. Okay. And I'll make it
13 clear that she did not examine -- I'll go back and
14 ask her did she, at any point, examine **Minor**

15 THE COURT: Okay.

16 MS. PARKER: I'll ask that first.

17 THE COURT: All right.

18 MS. PARKER: And I'll ask her if she review the
19 records and then just that one, one question.

20 THE COURT: Okay. Just for -- since you have the
21 jury out, will you have after this witness.

22 MS. PARKER: That falls at my break for lunch. I
23 mean, I think ---

24 THE COURT: Okay.

25 MS. PARKER: --- my next one is at two ---

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1 THE COURT: I just -- just so I can tell the jury,
2 you know, what to expect.

3 MS. PARKER: Yes, sir. My next witness witness is
4 at two, but she's available to be here sooner.

5 THE COURT: Okay. All right. Because we're
6 pushing up against 12 now.

7 MS. PARKER: Yes, sir.

8 THE COURT: And this witness gets really mean if
9 she doesn't eat lunch so....

10 MS. PARKER: We don't want her getting hangry.

11 THE COURT: She will. She's from Cheraw.

12 DR. MORPHIS: We like our food.

13 THE COURT: Buddy, we're ready. So -- so I'll put
14 that on the record, we're clear. And then you can
15 proceed with your questions, okay?

16 MS. PARKER: Yes, sir.

17 THE COURT: All right.

18 (Whereupon, the jury enters the courtroom at 11:49
19 a.m.)

20 THE COURT: All right. Court will come to order.
21 Ladies and gentlemen of the jury. Thank you. I
22 apologize for that brief recess. We did need to take
23 up something outside of your presence. I think we're
24 clear now. Madam Solicitor?

25 MS. PARKER: Thank you, Your Honor.

E. Morphis- Cross-Examination by Ms. Little

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1 Q. Dr. Morphis, did you, yourself, personally ever
2 exam **Minor**

3 A. I did not.

4 Q. Did you review McLeod Emergency Room records from
5 October 3, 2015?

6 A. I did.

7 Q. And in reviewing that record, in your expert
8 opinion, is the vaginal abrasion and diffuse redness
9 consistent with the type of disclosure that **Minor**
10 made?

11 A. Yes, it is.

12 MS. PARKER: No further questions, Your Honor.

13 THE COURT: All right. Ms. Little?

14 MS. LITTLE: Just briefly, Dr. Morphis.

15 **Cross-Examination by Ms. Little:**

16 Q. You also reviewed the exam that was done and the
17 Durant Center, correct?

18 A. Yes, ma'am.

19 Q. That would be a forensic exam?

20 A. Yes, ma'am.

21 Q. And just to be clear, you testified that that
22 exam, the results on that exam were completely
23 normal?

24 A. Yes, ma'am.

25 Q. Okay. And you also testified that if there had

1 been prior assault that the time passage could have
2 still, it would still be possible to have a normal
3 exam?

4 A. Yes.

5 Q. Correct?

6 A. Yes.

7 Q. And this sounds like a dumb question, but she had
8 a normal exam, it also mean that nothing ever
9 happened, to her, is that correct?

10 A. I'm sure it is.

11 Q. And as far as vaginal abrasion, you testified
12 that, that could be consistent with the child's
13 disclosure. Could those type of abrasions, or any
14 vaginal abrasions, also be consistent with a child
15 placing objects in her own vagina?

16 A. Yes. You can see -- there's a lot of other
17 causes.

18 Q. Okay. And -- or an injury just, for example,
19 like some, a lot of scratching or anything like that,
20 could that cause injury to the vaginal walls?

21 A. It can.

22 Q. Okay. All right.

23 MS. LITTLE: Thank you. No further questions.

24 THE COURT: All right. Anything else?

25 MS. PARKER: No, Your Honor. We'd asked that she

1 be released.

2 THE COURT: All right. Thank you, Dr. Morphis.

3 You're free to go. Thank you for your testimony.

4 DR. MOPRHIS: Thank you.

5 THE COURT: Madam Solicitor, is this a good
6 breaking point?

7 MS. PARKER: It is, Your Honor. My next witness
8 is expected a little later so I can have her here
9 when you decide lunch break is.

10 THE COURT: Okay. All right. Ladies and
11 gentlemen of the jury, let's, um, we're gonna break
12 for lunch. How about let's come back at 1:30.
13 That'll give you a good hour and a half, okay. If
14 you would just come back and report to the jury room.
15 But once again, you're not allowed to talk about the
16 trial amongst yourselves or with other third parties.
17 It's important to keep an open and that you only take
18 from what you hear in the courtroom to make your
19 decision and that will be later in the trial, okay.
20 All right. I hope you enjoy your lunch.

21 Thank you.

22 (Whereupon, the jury exits the courtroom at 11:53
23 a.m.)

24 THE COURT: All right. I think the door is
25 closed. All right. Anything before we break?

1 MS. PARKER: Not from the State, Your Honor.

2 MS. LITTLE: No, sir.

3 THE COURT: Madam Solicitor, are you gonna -- you
4 have a witness for -- I said 1:30, you just do the
5 best you can with that. We'll get them back here.
6 And we'll start once, once everybody is here. How
7 many minutes do you have this afternoon?

8 MS. PARKER: Definitely planning on two. It would
9 be Robin Griggs and I'mma see about the rest. But I
10 think no more than three more. So after Ms. Griggs
11 possibly two more, but at max, you know. That's the
12 max.

13 THE COURT: Okay. And that should take a good
14 part of the afternoon, I'm guessing.

15 MS. PARKER: Yes, the video will be played and
16 her, Ms. Griggs's testimony and it's, you know, it's
17 about 38 minutes by itself so that takes up little
18 bit of time. Then I think if we start back up at
19 1:30, it's just hard to say. I mean, I'll definitely
20 rest today, probably by four.

21 THE COURT: Okay.

22 MS. LITTLE: And I had planned -- I got my
23 subpoenas for tomorrow morning just to ---

24 THE COURT: So when we finish with her case you
25 want to stop for the day?

1 MS. LITTLE: Yes, sir. If that's possible.

2 THE COURT: Okay.

3 MS. PARKER: Okay.

4 THE COURT: All right. We're -- we're in recess.
5 I'll see y'all back in a little bit.

6 (Whereupon, the Court breaks for lunch at 11:53 p.m.)

7 (Whereupon, the Court goes back on the record at 1:40
8 p.m.)

9 THE COURT: We ready?

10 MS. PARKER: Yes, sir.

11 THE COURT: All right. Bring our jury in.

12 (Whereupon, the jury enters the courtroom at 1:45
13 p.m.)

14 MS. PARKER: Your Honor, I completely forgot there
15 was something I wanted to ask but the jury is coming
16 out.

17 (Whereupon, a bench conference is held on the record
18 but out of the presence of the jury)

19 MS. PARKER: My next witness is Reginald Bonaparte
20 and pursuant to Rule 611 (c) I do recognize him as,
21 to identify with an adverse party because he's the
22 son of the defendant and I'd like to lead him instead
23 of typical direct examination. Permission to lead
24 him like cross-examination.

25 THE COURT: Okay.

1 MS. PARKER: 'Cause Rule 611(c) goes into detail
2 like with the help for him, like going into
3 embarrassment, you know. It's a little different
4 from being considered a hostile witness. From my
5 understanding the rule is allowed if the party is
6 identified with an adverse witness so....

7 THE COURT: Okay.

8 MS. LITTLE: If Rule 611 says it, I don't have any
9 argument against it.

10 THE COURT: Okay.

11 MS. LITTLE: Not even a legal argument.

12 THE COURT: Just so the leading ---

13 MS. PARKER: Yeah, I'mma try to lead him and it
14 will make it a little earlier.

15 THE COURT: Okay. All right.

16 MS. LITTLE: Well, I just won't object. I just
17 won't object to leading.

18 THE COURT: If she just gonna lead I don't -- it
19 won't be prejudicial. Well ---

20 MS. LITTLE: Well, I don't know if I don't object
21 -- what if I just object and you ---

22 THE COURT: I note your objection to her asking to
23 approach this witness and it's manner, and I
24 respectfully overrule your objection. And I'll let
25 her under this rule call, um, question him in such a

1 manner she wishes. And, you know, if there's
2 anything objectionable in his testimony, then just
3 raised that before the Court at the appropriate time.

4 MS. LITTLE: Okay. And once she leads, Your
5 Honor, just for the record, I would just object to
6 leading and then you can overrule that.

7 THE COURT: Yeah. I'm doing that now.

8 MS. LITTLE: I know. But I think I have to say it
9 again, don't I.

10 THE COURT: Well, you've noted for the record that
11 you have no objection to her doing that. And then,
12 um, if you want to do that when she starts that's
13 fine again.

14 MS. LITTLE: Okay. And you can just say I
15 overruled.

16 THE COURT: All right.

17 MS. PARKER: If you want to do like tell the jury
18 that I'm allowed to lead this witness because of the
19 rule.

20 THE COURT: I'm not gonna get into all of that.

21 MS. LITTLE: I don't think you need to do that.

22 MS. PARKER: Okay. That's fine.

23 MS. LITTLE: They won't even understand what that
24 means.

25 MS. PARKER: Okay.

R. Bonaparte- Direct Examination by Ms. Parker

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1 (Whereupon, the Court goes back on the record)

2 THE COURT: Okay. Ladies and gentlemen of the
3 jury. Thank you for getting back so quickly. I
4 believe the State is ready to call its next witness.

5 MS. PARKER: We are, Your Honor. The State calls
6 Reginald Bonaparte.

7 THE CLERK: Place your left hand on the Bible and
8 raise your right. Do you swear the testimony you give
9 this Court will be the truth, the whole truth,
10 nothing but the truth so help you?

11 MR. BONAPARTE: Yes, ma'am.

12 THE COURT: Mr. Bonaparte, if you would just
13 speak into that microphone and tell me your full
14 name, sir?

15 MR. BONAPARTE: Reginald Antonio Bonaparte.

16 COURT REPORTER: Wait a minute!

17 THE COURT: All right. Your middle name, sir?

18 MR. BONAPARTE: Antonia.

19 THE COURT: All right. Your witness?

20 MS. PARKER: Okay. Thank you, Your Honor.

21 REGINALD BONAPARTE, first being
22 duly sworn, testified as follows:

23 Direct Examination by Ms. Parker:

24 Q. Mr. Bonaparte, how old are you?

25 A. Thirty-one. Tirty-one

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1 Q. Thirty-one-years old. And you're currently
2 working, aren't you?

3 A. Yes, ma'am.

4 Q. Where -- and where is your place of employment?

5 A. Fiber Industries.

6 Q. And you live at [REDACTED] Drive, isn't that
7 correct?

8 A. Syracuse Street.

9 Q. Syracuse Street.

10 A. Yes, ma'am.

11 Q. My apologies. [REDACTED] Street here in the
12 City of Darlington?

13 A. Yes, ma'am.

14 Q. And you share that residence with Terry Sanders?

15 A. Yes, ma'am.

16 Q. And Laura?

17 A. Yes, ma'am.

18 Q. And DS [REDACTED] is that correct?

19 A. Yes, ma'am.

20 Q. Possibly another child? Is there another child
21 in the residence as well?

22 A. Yes, ma'am.

23 Q. Okay. And your relationship with the defendant,
24 he is your father, isn't it?

25 A. Yes, ma'am.

1 Q. Reggie, I'm gonna take you back to October, the
2 night of October 2, 2015. Do you remember **Minor**
3 being over at the house that night?

4 A. Yes, ma'am.

5 Q. And isn't it true that April had brought her over
6 there for you to watch, isn't that right?

7 A. That's true.

8 Q. And you also helped a lot with taking care of
9 **DS** at the time?

10 A. Sometimes.

11 Q. When she was a baby -- when she was 2-years-old
12 then, does that sound about right?

13 A. Yes, ma'am.

14 Q. Okay. Laura -- Lara and April left and went to
15 Florence together, isn't that correct?

16 A. I believe so.

17 Q. And they left you in charge of watching **Minor**
18 and **DS** is that ---

19 A. Yes, ma'am.

20 Q. Okay. That's what you were doing. On that
21 particular night, did you fix them something to eat,
22 do you remember that? You fix them noodles or ---

23 A. I clearly don't remember that night.

24 Q. Okay.

25 COURT REPORTER: I'm sorry, what did you say?

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1 A. I really don't remember that night.

2 Q. Well, that's okay. Were the girls watching TV
3 and playing?

4 A. I believe so.

5 Q. And do you remember that -- were you playing your
6 videogame?

7 A. Yes, ma'am.

8 Q. And at some point, Terry got home and came back
9 to the residence, right?

10 A. Yes, ma'am.

11 Q. Okay. So he wasn't initially there when the
12 ladies left but he returned, isn't that right?

13 A. Yes, ma'am.

14 Q. And when Terry returned home he was intoxicated,
15 was -- is that true?

16 MS. LITTLE: Object to leading, Your Honor.

17 THE COURT: All right. I'll respectfully overrule
18 the objection as previously noted. You may proceed.

19 Q. When Terry returned home that night, did he --
20 was he intoxicated?

21 A. I'm not sure.

22 Q. Do you remember -- you gave a statement to
23 Investigator Valazak at the police department the
24 night this incident happened, isn't that right? Do
25 you remember going to the police department in

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1 talking to Lieut. Moe Valazak?

2 A. Yes, ma'am.

3 Q. And do you remember also going to the police
4 department a few days later and giving a statement to
5 Ricky Williams at the police department on October 5,
6 2015?

7 A. Yes, ma'am.

8 Q. So you agree you gave two statements?

9 COURT REPORTER: Was that -- I didn't hear you.
10 Yes or no?

11 A. Yes, ma'am.

12 Q. Do you remember telling -- did you tell
13 Investigator Williams that your dad acted like he was
14 intoxicated or had been drinking, did you not say
15 that?

16 A. Yes, ma'am.

17 Q. So you did say that?

18 A. Yes, ma'am.

19 Q. Okay. So you would agree that he was under the
20 influence of something?

21 A. Yes, ma'am.

22 Q. And at some point when you were in the den with
23 the girls, didn't Terry come in there and sit down
24 and interact with girls, do you remember that?

25 A. No, ma'am.

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1 Q. Do you remember him asking you for a blanket?

2 A. No, ma'am.

3 Q. Do you -- do you recall when you gave your
4 statement to Ms. Moe Valazak and also to Ricky
5 Williams, that you told him that he had come the den
6 and asked for a blanket, do you remember telling them
7 that?

8 A. No, ma'am.

9 Q. You don't remember -- that's okay. At some
10 point, did DS come and get you to help her go to
11 the bathroom? Do you remember that?

12 A. I think she did.

13 Q. I'm sorry, what was your response?

14 A. I think she did.

15 Q. Okay. And you were playing your game and
16 DS came and got you 'cause she couldn't get into
17 the bathroom, is that correct?

18 A. Yes, ma'am.

19 Q. Okay. And you indicated to her you wanted to
20 finish something on your game and then you would go
21 help her, is that true?

22 A. Yes, ma'am.

23 Q. All right. So you went to take DS to the
24 bathroom, help DS to go to the bathroom, isn't
25 it true that found the door locked?

1 A. Yes, ma'am.

2 Q. Okay. So the bathroom was locked. Did you --
3 who was in the bathroom?

4 A. My daddy was.

5 Q. Your daddy was. At that point -- well, did you
6 tell law enforcement that **Minor** was also in the
7 bathroom with him?

8 A. No, ma'am.

9 Q. I want to backup and ask you this, didn't you
10 knock on the bathroom door? When you found it
11 locked, did you knock on it? Isn't that true?

12 A. Yes, ma'am.

13 Q. Okay. So at that point the bathroom door was
14 locked, did you know -- you didn't know where **Minor**
15 was at that point, is what your testimony is?

16 A. No, ma'am.

17 Q. Okay. You did not know where she was. Isn't it
18 correct, that you were so concerned about what was
19 going on in the bathroom, didn't you get down on your
20 knees and try to look in the peep hole? Isn't there
21 a hole in the bathroom door? Let me rephrase my
22 question. Let's go to this question first. Isn't
23 there -- wasn't there a hole in the bathroom door at
24 that time, a small hole?

25 A. Yes, ma'am.

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1 Q. And isn't it true, that you got, you got down on
2 your knees and you tried to look inside the hole to
3 see what was going on in the bathroom?

4 A. Yes, ma'am.

5 Q. So that's true, you did do that. You remember
6 doing that?

7 A. Yes, ma'am.

8 Q. And when you looked through the hole you were
9 able to see, identify that your dad was in the
10 bathroom, isn't that correct?

11 A. Yes, ma'am.

12 Q. But it's true that you couldn't see the toilet?
13 The toilet area?

14 A. Yes, ma'am.

15 Q. Okay. But later when the bathroom door was
16 opened, didn't you learned that **Minor** had been in
17 the bathroom with your dad that whole time?

18 A. No, ma'am.

19 Q. That's not true?

20 A. No, ma'am.

21 Q. Did you ever tell law enforcement that your daddy
22 opened the bathroom door and **Minor** was on the
23 toilet and was pulling her pants up?

24 A. No, ma'am.

25 MS. PARKER: Your Honor, at this time -- may I

1 approach?

2 (Whereupon, a bench conference was held on the record
3 but out of the presence of the jury)

4 MS. PARKER: Permission to, I guess, in camera,
5 show him the video to refresh his recollection of
6 what he told them with respect to **Minor** being in
7 the bathroom. I mean, he's denied that. He's denied
8 that he said it. I mean, I can queue it up and play
9 it. I think it would be the proper course if I can do
10 that now.

11 MS. LITTLE: Is that the particular question?

12 MS. PARKER: Mmm, hmm.

13 MS. LITTLE: Just that particular whatever. I
14 don't know how I can object to that. Is it the
15 statement -- is the statement that he gave to the
16 investigator who's not here. Well, then I would
17 object because ---

18 THE COURT: I'm going to excuse them then if we
19 need to get into something.

20 MS. PARKER: Right, I mean ---

21 MS. LITTLE: I think probably ---

22 MS. PARKER: So you would object to me playing
23 that bit of the statement. I don't know he would
24 have ---

25 MS. LITTLE: Does it have to be -- obviously, he's

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1 now medicated. That would be my argument. That would
2 be my argument that the officer is not here to say
3 that, that's the video of him that they interviewed -
4 --

5 MS. PARKER: He can probably eventually
6 authenticate the video. But I can ask him some
7 questions in camera to authenticate the video.

8 MS. LITTLE: Yeah. I think you can ---

9 THE COURT: All right. Ladies and gentlemen of
10 the jury, we -- we need to take a brief moment and
11 discuss the matter of law. I'mma just ask that you
12 retire to the jury room. We'll be right with you.

13 Thank you.

14 (Whereupon, the jury exits the courtroom at 1:54
15 p.m.)

16 THE COURT: All right. So the jury is retired.
17 So -- so Madam Solicitor, you were, you asked to
18 question this witness pursuant to Rule 611 and being
19 identified with the defendant being his son. I think
20 you've established that he's his son. I'm not sure
21 if you asked that question or not. I knew that but -
22 --

23 MS. PARKER: Yes, sir. I think I did.

24 THE COURT: Okay. Now, you asked him questions
25 and then you wanted to follow up, so why don't you

1 pick up so we'll have record just so that the record
2 is clear.

3 MS. PARKER: To continue ---

4 THE COURT: So -- so state your concerns on the
5 record and how you wish to approach this.

6 MS. PARKER: Okay. This is my concern. I would
7 like to play, you know, portions of his statement. I
8 think I'm at that juncture. I'm at just probably the
9 first juncture of something he said to law
10 enforcement law enforcement right after the incident.
11 Okay. So he's just denied saying that, you know, he
12 say **Minor** in the bathroom. So I'd like to mark
13 this as State's Exhibit, Your Honor, and I think it's
14 self authenticating. I mean, this is, ah, videos we
15 provided to the defense. I mean, I can certainly
16 start playing a portion of it. I also have some
17 steel shots from the video. It's clearly him on the
18 video. And kind of how I would like -- I would like
19 to do it is because as I go through Mr. Bonaparte's
20 testimony, if he denies having made a statement, then
21 I would like to stop and play just pertinent
22 portions. And my argument would be since it is kind
23 of is being treated like cross-examination, I think
24 this is just being used for purposes of confronting
25 him with a prior statement. I don't think I have to

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1 have the officer here to authenticate the statement.
2 You know, Ricky Williams took the statement. And I
3 would like to proceed with showing him the very
4 beginning of this statement and asking him a few
5 questions about the statement.

6 THE COURT: All right. Ms. Little, how do you wish
7 to respond?

8 MS. LITTLE: Your Honor, my, my concern, I have a
9 couple of concerns. One is the examining, the
10 officer who was questioning him at that time is not
11 here today, you know, to tell us that this is the, a
12 video of his interview with the client, I mean, with
13 my client, I mean, I'm sorry, with the witness. And
14 also I don't know if for the parts she wants to play
15 was elicited by some sort of leading statement, I
16 mean, leading question. So I would need to hear the
17 whole exchange like how he asked the question and how
18 it was answered to see if I would object to the way
19 the question was asked.

20 THE COURT: So this is an interview of this
21 witness made by law enforcement and, and the officer
22 who conducted the interview, is who?

23 MS. PARKER: Ricky Williams.

24 THE COURT: All right. And where is Mr. Williams?

25 MS. PARKER: He's not here today. But did have,

1 have him on standby if we needed him in the morning
2 to authenticate the video, if needed. But I think
3 the rule allows me to show extrinsic evidence of a
4 statement if he denies making it once he's
5 confronted, you know, portion of the date and time
6 and place of the statement, the substance of it. And
7 if he denies it, I can show. So I was playing out
8 different scenarios in my head how it made go what I
9 thought was and, you know, any parts he denied, Ricky
10 can testify in the morning authenticate the video
11 when we play pertinent parts. But over lunch I was
12 thinking that since he is connected to an adverse
13 party and I am being allowed lead him, this really is
14 kind of more like cross-examination for the State.
15 And I think if I could just ask him some questions
16 about the statement, I think that this witness may
17 authenticate the statement. And furthermore, I think
18 -- there's also an argument that it self-
19 authenticating because it's him on video saying
20 something different than what he's saying right here
21 in court. And I think I'm just allowed to
22 contemporaneously confront him with these
23 inconsistencies, you know, as we go through his
24 testimony, I expect there'll be more.

25 THE COURT: Ms. Little, your concerns are that ---

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1 MS. LITTLE: That any ---

2 THE COURT: --- you don't know the full context of
3 the questions and ---

4 MS. PARKER: Well, she's had it, I mean, she's had
5 it. I mean, she's had possession of the video the
6 whole time. This is part of the file.

7 THE COURT: Certainly. But -- but what's played
8 for the jury is the question so....

9 MS. PARKER: Sure.

10 THE COURT: If we -- if we cherry pick what's on
11 this without the officer here, that's my concern. I
12 mean, it's -- so the
13 question -- the question was whether he saw something
14 and he's says or whether he said something and he
15 said I didn't say that or I don't remember.

16 MS. PARKER: Right. I think he denied saying it.

17 THE COURT: Okay.

18 MS. LITTLE: And ---

19 MS. PARKER: And Officer Valazak also testified to
20 this statement that it was taken on October 5, by
21 Ricky Williams at the police department. That it had
22 been, see because the first interview, the night of,
23 was -- that -- that statement was given to Moe but
24 something happened and the recording was not
25 preserved. Either it didn't record or their data

1 storage system somehow wiped it. But Moe did
2 testify, you know, there's some testimony in the
3 record to this statement where she testified that
4 Ricky took the statement, the date and time that it
5 was taken, and that it had been, this video had been,
6 had been preserved. So I think that also helps
7 authenticate it.

8 THE COURT: Yeah, this being your witness -- all
9 right. So let's, um, for purposes -- so we've
10 excused the jury and you wanted this in the record
11 and you want to question him....

12 MS. PARKER: I wanted to question him about, about
13 the video.

14 THE COURT: And you don't want him -- you don't
15 want her to do that, correct?

16 MS. LITTLE: No, sir. I did not. I believe if
17 she had a written statement she could use that to
18 refresh his memory.

19 MS. PARKER: A video can also be used to refresh
20 recollection because that rule was written in the
21 dark ages. I mean, I could try to refresh his
22 recollection right now and play that pertinent part
23 and see....once his recollection is refreshed and
24 then we continue with testimony. We could do that.

25 MS. PARKER: I think I could also keep asking him

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1 some additional questions and it's possible that the
2 video can be authenticated without Officer Williams
3 here. I mean, it's self-authenticate. It's clearly
4 him on the video.

5 THE COURT: It's him on the video. But he's the
6 person who's been subject to the interrogation as
7 opposed to the person who's asking the question who
8 made the video and he had no control over it. I
9 don't know

10 MS. LITTLE: I think -- I think -- I think she
11 could get what she wants by calling the officer and
12 asking him if the witness said that.

13 THE COURT: And it's the officer's video. All
14 right. If you want -- if you want to do that, then
15 I'll let you do that with the officer. But with
16 regard to this witness, I'm uncomfortable taking that
17 approach, Ms. Parker. So I'm gonna grant Ms.
18 Little's objection. Sustain her objection with
19 regard to playing the video. And -- but I'll you to
20 continue to ask, you know, leading questions as
21 previously ruled upon. Okay?

22 MS. PARKER: Okay. Just to have a clear
23 understanding of how we can proceed since the rule
24 allows that extrinsic evidence of the statement, if
25 he denies the statement will I be allowed to recall

1 Lieut. Valazak and also call Williams tomorrow?

2 THE COURT: Certainly. And -- and -- and then
3 they can testify -- do you don't want the video
4 played but you're saying -- I mean, the video could
5 be played with any -- that might would get messy.
6 They could testify to what he told them?

7 THE COURT: Certainly.

8 MS. PARKER: We would proceed that way, right?

9 THE COURT: Yes, ma'am.

10 MS. PARKER: Okay.

11 THE COURT: I don't -- I don't think there's any
12 -- I see no objections to that. I'll be happy to
13 hear from Ms. Little now or at the appropriate time.
14 But they made a video or, at least, the one officer
15 did. It him conducting the interview. And he can
16 certainly authenticate the video and play the video
17 for him. But this was your witness that you called
18 here and that's what I'm struggling with.

19 MS. PARKER: So you're saying play -- so I could
20 possibly go get Ricky Williams up here, play
21 pertinent parts of the video through him as a witness
22 after is authenticated?

23 THE COURT: Yes, ma'am.

24 MS. PARKER: I'm just trying to -- okay.

25 THE COURT: Yes. Yes.

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1 MS. PARKER: So you may would -- okay.

2 THE COURT: Yeah ---

3 MS. PARKER: I just didn't know if you were saying
4 the video can't be played at all.

5 THE COURT: Nah. I'm not saying that. I'm just
6 saying ---

7 MS. PARKER: We're not gonna do it now.

8 THE COURT: --- for the purposes of this witness
9 right now ---

10 MS. PARKER: Yes, sir.

11 THE COURT: --- under these -- in this context
12 I'm not gonna allow?

13 MS. PARKER: Yes, sir. Okay. Thank you.

14 THE COURT: So how do you wish to proceed? Do you
15 want the jury to come back in or do you have some
16 questions you want to ask him outside the presence of
17 the jury?

18 MS. PARKER: I'm fine with going forward. Just
19 bring the jury back out.

20 THE COURT: Okay. All right.

21 (Whereupon, the jury enters the courtroom at 2:07
22 p.m.)

23 THE COURT: All right. Thank you, ladies and
24 gentlemen of the jury. Ms. Parker, are you ready?

25 MS. PARKER: Yes, Your Honor. Thank you.

1 Q. Okay. Mr. Bonaparte, I want to take you back to
2 that night, you stated previously that DS -- you
3 said it was true that DS came to get you while
4 you were playing your game and she, she couldn't get
5 in the bathroom?

6 A. Is that correct?

7 Q. Yes, ma'am.

8 Q. Okay. And you told her to give you a minute
9 with your game and then you, isn't it correct, that
10 you were gonna go and help her use the bathroom?

11 A. Yes, ma'am.

12 Q. Then when you went to the bathroom, it's your
13 testimony a few minutes ago, that the door was
14 locked?

15 A. Yes, ma'am.

16 Q. And, isn't it correct, that you knocked on the
17 door and there was no answer?

18 A. Yes, ma'am.

19 Q. And then, at some point, you did learn your dad
20 was in the bathroom, that's correct?

21 A. Yes, ma'am.

22 Q. Was Minor in the bathroom with your dad?

23 A. No, ma'am.

24 Q. And do you recall telling Investigator Valazak
25 and Investigator Williams, in two different

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1 statements to the Darlington Police Department, that
2 **Minor** was in the bathroom with your dad, you don't
3 recall that?

4 A. No, ma'am.

5 Q. Okay. Now, later, isn't it true, that your dad,
6 **DS** and **Minor** are watching TV in your dad's
7 room? Isn't that correct?

8 A. Yes, ma'am.

9 Q. The three of them were on the bed, on the bed and
10 watching cartoons on the TV?

11 A. Yes, ma'am.

12 Q. Okay. At some point -- and you were still
13 playing -- you were still playing your video game in
14 the other room, isn't that correct?

15 A. Yes, ma'am.

16 Q. And at some point, you heard **DS** start to
17 cry, is that correct?

18 A. Yes, ma'am.

19 Q. And you went to the bedroom, and didn't you turn
20 on the lights and your dad jumped out the bed real
21 quick?

22 A. Yes, ma'am.

23 Q. Okay. And when he jumped out the bed real
24 quick, isn't it true -- and didn't you tell
25 investigators that **Minor** was in the bed and her

1 pants were down and her underwear were down, is that
2 true?

3 A. Yes, ma'am.

4 Q. And DS was crying, isn't that correct?

5 A. Yes, ma'am.

6 Q. And Minor was also crying, isn't that correct?

7 A. No, ma'am.

8 Q. Minor was not crying?

9 A. No, ma'am.

10 Q. And did you take Minor and try to talk to her
11 and asked her what happened?

12 A. No, ma'am.

13 Q. Did she indicate to you anything had happened?

14 A. Yes, ma'am.

15 Q. She did indicate to you that something had
16 happened?

17 A. Yes, ma'am.

18 Q. And just briefly back to the bathroom door,
19 didn't -- you did agree that you did get down on your
20 knees and look inside the peephole, isn't that
21 correct?

22 A. Yes, ma'am.

23 Q. Okay. Now, didn't you have a confrontation with
24 your dad? Didn't y'all -- did you confront him
25 about being in the locked bathroom? Did you

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1 confront him that night about that?

2 A. No, ma'am.

3 Q. Did you tell Investigator Williams that you and
4 your dad almost have like an, like an argument, like
5 a confrontation about what was going on? That it
6 almost turned into an argument when you questioned
7 him about what was going on?

8 MS. LITTLE: Object to the form of the question,
9 Your Honor. It's a compound question. I'm not sure
10 he understands what she's asking.

11 THE COURT: Just break the question down.

12 MS. PARKER: Rephrase it?

13 THE COURT: Yeah. Rephrase it.

14 Q. Did you tell Investigator Williams and -- well,
15 I'm just gonna look at Investigator's Williams -- did
16 you tell Investigator Williams that you and your dad
17 got into an argument or did you not say that?

18 A. We did.

19 Q. You did.

20 A. We did.

21 Q. So y'all did have words because you were
22 concerned about what you saw, isn't that correct?

23 A. No, ma'am.

24 Q. So you were not concerned about what you saw?

25 A. No, ma'am.

1 Q. Well, then what were the words about? What were
2 the heated words, the argument, what was that about?

3 A. About not paying my sister no attention.

4 Q. About not paying your sister any attention?

5 A. Yes, ma'am.

6 Q. So you deny telling law enforcement that -- so
7 you're denying telling law enforcement in a statement
8 in October of 2015 that y'all almost got into an
9 argument over what you saw with **Minor** That never
10 happened? You never said that?

11 A. No, ma'am.

12 Q. Now, you went into the bedroom and you turn the
13 lights on, your dad jumped quickly out of the bed,
14 isn't that correct?

15 A. Yes, ma'am.

16 MS. LITTLE: Objection. Asked and answered, Your
17 Honor.

18 MS. PARKER: I'll move on. And then you called
19 Laura Crawford and told her -- isn't it true, that
20 you called Laura and made it clear that she and
21 April needed to get home?

22 A. No, ma'am.

23 Q. So you deny call Laura?

24 A. Yes, ma'am.

25 Q. And did you tell law enforcement that you called

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1 Laura and said they needed to get home?

2 A. No, ma'am.

3 Q. You didn't tell law enforcement that. But at
4 some point, Laura and April returned to the
5 residence, isn't that true?

6 A. Yes, ma'am.

7 Q. Then shortly after that the police were there,
8 isn't that true?

9 A. Yes, ma'am.

10 Q. And DS [REDACTED] was crying, isn't that correct? When
11 she was crying was she saying anything?

12 A. No, ma'am. No, ma'am.

13 Q. You deny -- you deny that -- you didn't tell law
14 enforcement that DS [REDACTED] said anything about what
15 happened?

16 A. No, ma'am.

17 Q. And you deny that Minor [REDACTED] told you about anything
18 that happened?

19 A. No, ma'am.

20 Q. You don't deny that. So, I mean, what I'm asking
21 you is, did you tell law enforcement DS [REDACTED] was
22 crying -- did DS [REDACTED] indicate to you something that
23 happened, that her daddy had done something?

24 A. No, ma'am.

25 Q. She didn't?

1 A. She didn't.

2 Q. Did you tell law -- did you tell law enforcement
3 something different that she did, in fact, say
4 something had happened? Did you tell law enforcement
5 that?

6 A. No, ma'am.

7 Q. And did you tell law enforcement that [Minor] had
8 told you something happened?

9 A. Yes, ma'am.

10 Q. Okay. What happened [Minor] tell you happened?
11 What did you tell law enforcement that [Minor] said
12 happened?

13 A. She said something about someone touched her.

14 Q. Okay. But this was right after you walked into
15 the bedroom and turned the lights on and Terry jumped
16 up out the bed very quickly, it was after that, isn't
17 that correct?

18 A. Yes, ma'am.

19 Q. And you still live with your daddy, isn't that
20 correct?

21 A. Yes, ma'am.

22 MS. PARKER: I beg the Court's indulgence.

23 Q. Do you recall doing an affidavit for an attorney
24 back in, I don't know, twenty, twenty, 2015? The 22nd
25 day of December, 2015?

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1 A. No, ma'am.

2 Q. You don't remember signing a statement for the
3 attorney at that time that's over your dad's case?

4 A. No, ma'am.

5 Q. Is this your signature?

6 A. Yes, ma'am.

7 Q. This is your signature?

8 A. Yes, ma'am.

9 Q. Is this your statement, "I did not see my father
10 along with the alleged victim nor my sister at any
11 time during the day while the alleged victim was
12 visiting my sister." So you acknowledge signing
13 this. I'mma read that to you again, "I did not see
14 my father along with the alleged victim nor my sister
15 at anytime during the day while the alleged victim
16 was visiting my sister." Would you agree to sign
17 this affidavit to have that statement in it?

18 A. Yes, ma'am.

19 Q. Okay. So you did sign this?

20 A. Yes, ma'am.

21 Q. But it's your testimony here today that your dad
22 was in the bedroom alone with **DS** and **Minor**
23 isn't that correct?

24 A. Yes, ma'am.

25 Q. Thank you.

1 MS. PARKER: No further questions.

2 **Cross-Examination by Ms. Little:**

3 Q. Good afternoon, Reggie.

4 A. Afternoon.

5 Q. Is it okay if I call you Reggie?

6 A. Yes, ma'am.

7 Q. Reggie, You testified just now that you thought
8 your father was intoxicated that night. Did you say
9 that your father was intoxicated that night?

10 A. Yes, ma'am.

11 Q. And did you see him drinking that night?

12 A. No, ma'am.

13 Q. And where had it been right before he came home
14 or do you know?

15 A. Don't know.

16 Q. Do you know if he went to work that day?

17 A. I think he did.

18 Q. Okay. But you don't know if he was doing yard
19 work for a neighbor that evening?

20 A. No, ma'am.

21 Q. Reggie, how far did you go in school?

22 A. Tenth grade.

23 Q. And when you were in school, did you have regular
24 classes or did you have special ed classes?

25 A. Special ed.

R. Bonaparte- Cross-Examination by Ms. Little

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1 Q. And were all of your classes special ed classes?

2 A. Except for ROTC.

3 Q. Except for ROTC?

4 A. Yes, ma'am.

5 Q. Reggie, is it easy for you to get confused?

6 A. Yes, ma'am.

7 Q. Do you ever have any problems with your memory?

8 A. All the time.

9 MS. LITTLE: No further questions, Your Honor.

10 MS. PARKER: No redirect, Your Honor.

11 THE COURT: All right. Thank you, sir. You can
12 step down. Thank you for your testimony. Madam
13 Solicitor?

14 MS. PARKER: Your Honor, at this time the State
15 would call Ms. Robin Griggs.

16 THE CLERK: Place your left hand on the Bible
17 raise your right. Tou swear the testimony you give
18 this Court will be the truth, the whole truth,
19 nothing but the truth so help you God?

20 MS. GRIGGS: I do.

21 THE COURT: Ms. Griggs, would you state your name
22 for the record please?

23 MS. GRIGGS: My name is Robin Tyler Griggs.

24 THE COURT: Thank you. Your witness?

25 MS. PARKER: Thank you, Your Honor.

1 ROBIN GRIGGS, first being
2 duly sworn, testified as follows:

3 **Direct Examination by Ms. Parker:**

4 Q. Ms. Griggs, where do you -- we are you employed?

5 A. Durant Children's Center.

6 Q. And what is the Durant Center?

7 A. It's a child advocacy center. It's a place where
8 kids can come and have a place where they can tell
9 their story. It's a neutral non-leading child
10 friendly place.

11 Q. And what services do y'all provide to law
12 enforcement with investigations of sexual abuse? How
13 do you assist law enforcement?

14 A. We, excuse me, we assist law enforcement and DSS
15 with any of their investigations to do interviews
16 with kids that have possibly witnessed some, some
17 things. I do forensic interviews. We also have
18 medical personnel. And then we can make referrals
19 out for counseling.

20 Q. So you would -- your position with the Durant
21 Center is a forensic interviewer, is that correct?

22 A. Correct.

23 Q. And tell us a little bit about your training and
24 background to be able to be a forensic interviewer?
25 Your educational background and training.

R. Griggs- Direct Examination by Ms. Parker

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1 A. I have an Undergraduate Degree from Francis
2 Marion in psychology. And I have a Master's Degree
3 in Counseling from Webster University. When I
4 started the forensic interviewing I went to
5 Huntsville Alabama and got trained in the protocol
6 for the National Children's Advocacy Center. And
7 then South Carolina recognizes what is, use to be,
8 called Finding Words and is now Child First. That is
9 the protocol that is recognized here. I've been
10 trained in that and taken the extended version of
11 that and keep up with that. And I also get extra
12 training every few years in forensic interviewing.
13 Q. So it would be accurate to say that the police
14 really don't need to question children, but you, your
15 are the professional that we've been talking about
16 today, you are the professional person that's
17 qualified to question the child?

18 A. Correct.

19 Q. In reference to sexual, sexual assault or abuse
20 or whether it be a DSS referral?

21 A. Correct.

22 Q. And did you conduct an interview in this case?

23 A. Yes, ma'am.

24 Q. Did you interview **Minor**

25 A. Yes, ma'am.

R. Griggs- Direct Examination by Ms. Parker

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1 Q. And what was the date of that interview?

2 A. The date of that interview was October 6, 2015.

3 Q. And where was that interview conducted?

4 A. In our Hartsville office.

5 Q. And you personally conducted the interview?

6 A. Yes, ma'am.

7 Q. And as a matter of course with the Durant Center,

8 do y'all electronically preserved and keep these

9 interviews?

10 A. Yes, ma'am.

11 Q. Are they video and audio recorded?

12 A. Yes, ma'am.

13 Q. And has been provided to law enforcement and to

14 my office in this case?

15 A. Yes, ma'am.

16 Q. And I'm showing what's, what's marked as State's

17 Exhibit 3, is that the video that you provided in

18 this case from Minor

19 A. Yes, ma'am.

20 MS. PARKER: Your Honor, at this time the State

21 would move State's Exhibit 3 into evidence which is

22 the, the video, the interview of Minor

23 THE COURT: All right. Ms. Little?

24 MS. LITTLE: Your Honor, I would object to hearsay

25 and for other reasons noted in my pre-trial, pre-

R. Griggs- Cross-Examination by Ms. Little

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1 trial hearing. I would object to the admission of
2 that video.

3 THE COURT: All right. I would respectfully
4 overrule the objection. I would allow that to marked
5 as State's Number 3?

6 MS. PARKER: Yes, sir. It's State's Exhibit,
7 remarked as State's Exhibit 3.

8 (Whereupon, the Video has been marked and entered
9 into evidence as State's Exhibit No. 3)

10 THE COURT: All right. Thank you.

11 MS. PARKER: It's in evidence?

12 MS. PARKER: Okay. Thank you. And, Your Honor,
13 at this time, I'd like permission, if I could have a
14 moment to set up my equipment to publish the video to
15 the jury.

16 THE COURT: Yes, ma'am.

17 (Whereupon, the Video has been marked and entered
18 into evidence as State's Exhibit No.3)

19 THE COURT: Ladies and gentlemen of the jury, can
20 y'all see the monitor?

21 (Whereupon, the jury indicates they can)

22 (Whereupon, the video is played for the jury)

23 Q. Ms. Griggs, did DS receive an interview in
24 reference to this case?

25 A. DS was too young. She was under the age of

1 three. We don't interview under three.

2 Q. Okay. That's just Durant Child Center Policy?

3 A. Policy.

4 COURT REPORTER: Is that yes or no?

5 A. Yes, I'm sorry.

6 MS. PARKER: Please answer any questions that Ms.
7 Little may have.

8 **Cross-Examination by Ms. Little:**

9 Q. I'mma stand up here. My podium is gone. I'mma
10 make sure everybody can hear. Good afternoon, Ms.
11 Griggs?

12 A. Good afternoon.

13 Q. I just to go over a couple of points. First, let
14 me ask you this, when you have an interview like this
15 with a child, do you write up a report summarizing
16 what you, ah, what the child said?

17 A. Yes, ma'am.

18 Q. Okay. And so you would have written a report in
19 this case?

20 A. Yes, ma'am.

21 Q. And do you recall, I noticed at the start of the
22 interview when you were talking to **Minor** you said,
23 asked her if she remembered what my name is? She
24 said you remember what my name is? Had you -- had
25 you you interview this child before?

R. Griggs- Cross-Examination by Ms. Little

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1 MS. PARKER: Objection, Your Honor. We'd ask
2 relevance.

3 MS. LITTLE: Well, Your Honor, it's ---

4 THE COURT: All right. We need to talk about
5 this. All right. Ladies and gentlemen, let's take a
6 quick recess. If y'all would just step to the back.

7 Thank you.

8 (Whereupon, the jury exits the courtroom at 3:07
9 p.m.)

10 THE COURT: All right. So, Ms. Little, your
11 question was, had she met or had she interviewed the
12 child before?

13 MS. LITTLE: Yes.

14 THE COURT: Okay. And Ms. Parker, you had an
15 objection on relevance?

16 MS. PARKER: Yes, Your Honor. Pursuant to Rule
17 401, relevance -- I think where Ms. Little is going
18 is that she wants to question Ms. Griggs in regards
19 to a 2014 interview, like more than a year prior to
20 this incident, um, where **Minor** was interviewed by
21 the Durant Center. There was allegation I think
22 after a marijuana test that potentially drugs in the
23 home and, and the child was interviewed. She would
24 have been three at that time. And that's, you know,
25 that's the same evidence we were disgusting back last

1 term. Ms. Little has reviewed that video. I have as
2 well, I'm sure. She's reviewed it. And I just -- I
3 just don't see where anything from a DSS referral, a
4 year prior to this incident has, has anything to do,
5 to make these facts like more or less probable. Like
6 relevant evidence is evidence having a tendency to
7 make the existence of any fact or a determination
8 more or less probable. I mean, if she's attacking
9 the child's credibility, I mean, I don't -- I mean, I
10 don't understand.

11 MS. LITTLE: No. Your Honor, basically, where I'm
12 going is I was going to ask her if she had
13 interviewed with the child before. And I was gonna
14 ask her when she does the interview does she get some
15 background information to help her decide what to ask
16 the child. And I was gonna ask her if she obtained
17 background information before that first interview --
18 -

19 MS. PARKER: The 2014 ---

20 MS. LITTLE: --- the 2014 interview. And did she
21 receive a report that someone I had alleged some
22 sexual behaviors, activity, or other abuse where she
23 checked, yes. That's all I was gonna ask.

24 THE COURT: Okay. All right. Is there any -- is
25 there any question that in the interview that the

R. Griggs- Cross-Examination by Ms. Little

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1 child said -- the -- the witness here asked the
2 child, do you remember me, 'cause that's how you lead
3 the question. Do you ---

4 MS. LITTLE: That's right.

5 THE COURT: All right. And you're not disputing
6 that?

7 MS. PARKER: Well, I don't know Ms. Griggs could
8 have greeted the child like that because they had
9 just met in the lobby. And then, I mean, I don't know
10 how a forensic interview goes or she could have been
11 asking -- I don't know ---

12 THE COURT: Well, you objected before ---

13 MS. PARKER: I objected because I know she's
14 getting into the 2014 stuff and I think all of it's
15 irrelevant. All the 2014 stuff. I think -- in the
16 2014 interview **Minor** did not make an
17 allegation of sexual abuse. And anybody hadn't
18 abused her or inappropriately touched her at that
19 time. It was a DSS referral. They were questioning
20 the child for potential drug use in the home and the
21 child made no disclosure of sexual abuse in 2014
22 interview. And I just think anything the about 2014
23 interview it's just not relevant.

24 THE COURT: And you want to ask her about the box

25 ---

1 MS. PARKER: She wants to ---

2 THE COURT: --- being checked as to ---

3 MS. PARKER: Yes. It's the intake that goes with
4 the 2014 interview ---

5 MS. LITTLE: I want to ask her about, you know,
6 before she does her interview whether or not she gets
7 background information and what the purpose of that
8 is. And did she do a prior interview. And at that
9 time, did she received information that the child had
10 been, had sexual behaviors, activities, or other
11 abuse.

12 MS. PARKER: Which it kind of opens like a whole
13 box because then, you know, there was no, there's no
14 sexual abuse disclosed in 2014. And then going into
15 that line of questioning and have the jury believe
16 that **Minor** was being interviewed in 2014 for a sex
17 case and it's was not a sex case.

18 MS. LITTLE: Well, I'll be happy to ask what she
19 was interviewed for.

20 MS. PARKER: I still think ---

21 MS. LITTLE: I mean, you can ---

22 MS. PARKER: --- all of that -- then, that's
23 irrelevant. Then that's an attack on mother and I
24 just think it's irrelevant.

25 MS. LITTLE: Your Honor, I think it's very

R. Griggs- Cross-Examination by Ms. Little

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1 relevant that she ---

2 MS. PARKER: And the box is checked. But right
3 beside the box it states, the person who had custody
4 of Minor at that time, said, "I had not seen, but
5 mom alleges."

6 MS. LITTLE: It say, "mom alleges, but aunt hasn't
7 seen."

8 MS. PARKER: Right. The aunt had the child at that
9 time and the aunt had not, according to that note,
10 had not seen any sexual behavior. But because of the
11 note made a comment that the mama alleges so, you
12 know, did the child have sexualized behavior or what
13 that even means? Nobody knows. It's two -- I mean,
14 she can question Ms. Griggs about it. I mean, I, you
15 know, talked with Ms. Griggs about since we were here
16 in August and Ms. Griggs doesn't remember why the box
17 was checked, other than the notation beside the box.
18 "Aunt has not see. Mom alleges." So we don't even
19 know what that's talking about. It's just says
20 vague.

21 MS. LITTLE: So you don't recall what -- I'm
22 asking Ms. Griggs, you don't recall what sexual
23 behaviors or activity she was referring to?

24 MS. GRIGGS: No, ma'am. I do not.

25 MS. LITTLE: And you don't have -- do you have any

1 notes from that interview?

2 MS. GRIGGS: Just probably what you have in your
3 hand.

4 MS. LITTLE: And this isn't notes, this is the
5 report.

6 MS. GRIGGS: Right.

7 MS. PARKER: Well, she's got the intake and the
8 summary of the interview ---

9 MS. GRIGGS: Correct.

10 MS. PARKER: --- and the actual physical video
11 interview. But, I mean....

12 MS. LITTLE: I think it's relevant.

13 THE COURT: All right. Let's take a quick recess
14 and then I'll come out and rule. I'll give them a
15 chance to....

16 MS. LITTLE: Thank you, Your Honor.

17 THE COURT: All right.

18 (Whereupon, the Court takes a short recess)

19 THE COURT: Court will come to order. We took a
20 recess and the question before the court was whether
21 or not the, the question was relevant? And I find
22 that the question, that it is relevant. So I
23 respectfully overrule the objection to the solicitor.
24 And I believe Ms. Little indicated that her soliloquy
25 of questions I would just frame those questions and

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1 limit it to, to those questions that you wanted to
2 ask this witness as opposed to going off in different
3 directions. Yes, ma'am?

4 MS. PARKER: And Your Honor, if I may, I guess,
5 clarifying my objection a little bit. I know you've
6 already ruled. But just for the record, the mother
7 is on defense's witness list and I think if she calls
8 the mother, you know, then questions, even, you know,
9 it's -- the rule is relevant. And she certainly can
10 ask the mother this because that's supposedly from
11 the comments and the notes, the direct source of it.
12 It's just that Ms. Griggs just muddies the water, you
13 know ---

14 THE COURT: Well ---

15 MS. PARKER: The report is relevant but now, I
16 guess, my point would be or my -- the mother would be
17 the, you know, the direct source of it.

18 MS. LITTLE: But this is ---

19 THE COURT: I understand this is a report from the
20 Durant Center where this witness works and she, um,
21 and she may know nothing about this and I believe her
22 prior question outside the presence of the jury are
23 answers to the question was "I don't know anything".
24 But the question was can she can ask and I think she
25 can ask these questions. This line of questioning

1 and ---

2 MS. LITTLE: And, judge ---

3 THE COURT: Yes, ma'am?

4 MS. LITTLE: I was gonna say just to say clarify
5 before the jury comes out, I mean, I know what I
6 wanted to ask her about, taking the background
7 information, um, in this case. The background
8 information came from an aunt who was taking care of
9 the child at the time. So I would just want to ask
10 you generally when you, if you were getting this
11 background information, asking the question about
12 sexual behaviors, activity, or other abuse, would you
13 -- what are you looking for in that? When you asked
14 that question what are you looking for? What kind of
15 ---

16 MS. GRIGGS: I'm looking for anything out of the
17 ordinary for the child's age and if the aunt had
18 given us anything there it would have been noted
19 beyond what was on there.

20 MS. LITTLE: But -- so you'd just say -- but --
21 but the reports says, "mom alleges but aunt hasn't
22 seen."

23 MS. GRIGGS: Right.

24 MS. LITTLE: So I'm assuming that the aunt told
25 you that her sister had told her that but she had not

R. Griggs- Cross-Examination by Ms. Little

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1 personally seen it.

2 MS. GRIGGS: Right. But I do not recall what the
3 alleged behavior or actions were.

4 MS. LITTLE: Okay. And, you know, judge,
5 basically, just, you know, did she interview the
6 child before? Yes. Did she get background
7 information? Yes. Who provides the information?
8 The adult who brings the child in. And at this -- at
9 this time, the 2014, did she make a notation about
10 possible sexual behaviors or activity or other abuse,
11 did she check yes in that box?

12 THE COURT: Okay. And I've indicated that you can
13 ask those questions.

14 MS. LITTLE: Okay.

15 THE COURT: All right.

16 MS. PARKER: Yes, sir.

17 THE COURT: Are we ready to bring the jury out --
18 and your objection is noted for the record.

19 MS. PARKER: Thank you.

20 MS. LITTLE: Thank you. I do have -- I got -- when
21 we finish this I've got an issue about an subpoena,
22 but we can go into that whenever we finish.

23 THE COURT: And you have one more witness?

24 MS. PARKER: I wanted to recall Moe Valazak. And
25 she's -- she can be on her way back. And I just have

R. Griggs- Cross-Examination by Ms. Little

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1 two questions to ask her in reference Reggie's
2 statement.

3 THE COURT: And that's the last one or is there
4 somebody else this afternoon?

5 MS. PARKER: That's it.

6 THE COURT: I'm just trying to manage them.

7 MS. PARKER: Yes, sir.

8 (Whereupon, the jury enters the courtroom at 3:28
9 p.m.)

10 THE COURT: All right. Court will come to order.
11 All right. Folks, we're getting close to a stopping
12 point. I appreciate your patience. And I believe
13 Ms. Little has a few more questions here and then I
14 understand there may be one more witness and it will
15 be a brief witness, okay. All right. Ms. Little?

16 MS. LITTLE: Thank you, Your Honor.

17 Conti. Cross-Examination by Ms. Little:

18 Q. Ms. Griggs, at the start of the interview with
19 **Minor** in 2015, I saw that you -- I remembered that
20 you asked her, do you remember what my name is? And
21 my question is, had you interviewed this child before
22 in the past?

23 A. Yes, ma'am. In 2014.

24 Q. So you don't -- you probably don't recall the
25 exact date, do you?

R. Griggs- Cross-Examination by Ms. Little

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1 A. If you'll give me a minute I can tell you. I
2 think. It was June 3, 2014.

3 Q. Okay. So probably almost a year and a half
4 before the second interview, a little over a year
5 before the second interview.

6 A. Correct.

7 Q. And whenever you get ready to interview a child,
8 do you try to obtain some background information
9 about the child history?

10 A. Yes, ma'am. In 2014, we were using a form that
11 asked a lot of questions of the person that brought
12 the child in.

13 Q. Okay. And so at the -- do you have a copy of
14 your report from that interview?

15 A. I have it, yes, ma'am.

16 Q. Okay. And I just want to draw your attention to
17 one particular thing on the report which would be,
18 it's on my Page 3, under child behavior history. But
19 let me ask you this, what -- what will be the purpose
20 of getting this history prior to interviewing the
21 child?

22 A. To see if there were any unusual behaviors of a
23 child, of a child certain age.

24 Q. Okay. And if you'll look at your report there's
25 one area that I see where you had checked yes, and

1 that would be sexual behaviors, activity, or other
2 abuse and there's a yes check there.

3 A. Correct.

4 Q. And from your notes or from your memory, can you
5 recall exactly what the sexual behaviors, activity,
6 or other abuse was being talked about here?

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

8 Q. You don't recall what that was about?

9 A. No, ma'am.

10 Q. Okay. And can you -- can you tell us, based on
11 your report, who was the person who was providing the
12 background information on that day?

13 A. It was the child's aunt.

14 Q. Okay. And so to your knowledge would that have
15 been the person who the child was living with at the
16 time?

17 A. Yes, ma'am.

18 Q. Okay. All right. Now, I'm just gonna go back
19 just for a couple of, through a couple of things that
20 I noticed when I listened to the interview. Do you
21 recall that you asked the child and she replied that
22 she wasn't afraid of anyone? She wasn't scared of
23 anyone?

24 A. Correct.

25 Q. Okay. So when she was asked if she was scared

R. Griggs- Cross-Examination by Ms. Little

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1 of anyone she said, no?

2 A. Correct.

3 Q. And -- and during your interview, do you recall,
4 and I listened carefully I did not hear this so I'm
5 asking you, did **Minor** ever say that she told Reggie
6 what happened?

7 A. No, ma'am.

8 Q. Okay. All right. And in response to your
9 questioning, do you recall the child's saying that
10 nothing went in her tutu?

11 A. She said that, yes, ma'am.

12 Q. Okay. And at the beginning of the interview she
13 had a little trouble, didn't she, trying to explain
14 the difference between truth, what's the truth, and
15 what's a lie?

16 A. She did. And for little kids sometimes that
17 happens.

18 Q. Okay. And -- but she did promise to tell the
19 truth, didn't she?

20 A. Yes, ma'am.

21 Q. Okay. And talking about what happened, do you
22 recall where she stated that this alleged assault
23 occurred?

24 A. A Lala's house.

25 Q. Okay. Do you remember the particularly room?

1 A. Lala's bedroom.

2 Q. Okay. All right. And did she ever say anything
3 happened in the bathroom?

4 A. She did not.

5 Q. Okay. And, in fact, you specifically asked her
6 if anything had ever happened in another room such as
7 the living room or the bathroom, didn't you?

8 A. I did. Yes, ma'am.

9 Q. All right. And she -- her reply was no?

10 A. Correct.

11 Q. And then just one more thing, you were asking her
12 questions about has anyone ever done anything like
13 this to her before. And do you remember what her
14 answer was?

15 A. It was no.

16 Q. Okay. Okay. Do you remember her saying "mama"?

17 A. Well, she said mama and then she backed up. So I
18 don't know if she was talking about something sexual,
19 something on our mind. I don't know and she did not
20 go back and I did not clarify.

21 Q. Okay. Do you think that would have been some
22 kind of important to clarify?

23 A. In hindsight, yes, ma'am.

24 Q. And there was also one part when you asked her, I
25 believe you said, asked her if this had happened

R. Griggs- Cross-Examination by Ms. Little

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1 anywhere else. Do you remember that?

2 A Yes, ma'am.

3 Q. And wasn't her reply in my room?

4 A. And then she backed up on that as well.

5 Q. Okay. So she did say in my room. But then she,
6 I believe she said, I didn't done ---

7 A. I didn't done it in my room.

8 Q. Okay. And you took that to me nothing happened
9 in her room?

10 A. Yes, ma'am.

11 Q. Okay. But again, you didn't continue to ask any
12 follow up questions about that, did you?

13 A. Correct. I did not clarify.

14 Q. All right.

15 MS. LITTLE: No further questions ---

16 Q. Oh, sorry. One more question. When you were
17 showing the child the pictures and she was describing
18 the parts of the body, there was one part of the body
19 on both the male and the female she was not able to
20 come up with a term with, for ---

21 A. Yes, ma'am.

22 Q. And do you recall what area that was?

23 A. Yes, ma'am. It was the chest area for both
24 drawings.

25 Q. Okay. So she couldn't come up with a name,

1 nickname or anything for those areas?

2 A. Correct.

3 Q. On the male and the famile. And then do you
4 recall what her, what name she used to refer to her
5 own vaginal area?

6 A. A tutu.

7 Q. Okay. And what name did she use to refer to a
8 males private area?

9 A. A penis.

10 Q. Okay. And I believe you said that she was four,
11 almost five at the time of this interview?

12 A. Correct.

13 Q. And you've interviewed several children, I'm
14 sure, over the years many, many, and also many young
15 children probably over the age of two or three, I'm
16 sorry.

17 A. Yes, ma'am.

18 Q. Over three. Did you find it a little unusual for
19 a 4-year=old to be referring to that area, the
20 anatomy, as a penis?

21 A. Unfortunately, I've had kids refer to body parts
22 of all kind of slang and correct terms. So it didn't
23 really ring a really big red flag for me, but I just
24 write it down and go on.

25 Q. Okay. But in your experience is -- would -- in

R. Griggs- Redirect Examination by Ms. Parker

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1 all the interviews you have is it, would you consider
2 it normal for a 4-year-old to call it a penis?

3 MS. PARKER: Objection, Your Honor. Asked and
4 answered. She's already answered the question.

5 THE COURT: All right. It was asked and answered.

6 MS. LITTLE: Okay.

7 Q. And -- okay. So you said it didn't raise a big
8 red flag?

9 A. Yes, ma'am.

10 Q. But it did raise a flag?

11 A. Well, normally if somebody's gonna give me the
12 word of a penis they're gonna give me a vagina or
13 something else. But not knowing how the family
14 relates to names and body part names, I can't really
15 say if that's something, I can't, important to worry
16 about or not.

17 Q. All right.

18 MS. LITTLE: Thank you, Ms. Griggs.

19 THE COURT: Yes, ma'am.

20 MS. PARKER: Just briefly.

21 **Redirect Examination by Ms. Parker:**

22 Q. Ms. Griggs, y'all get the anatomical names that
23 child uses, isn't that correct?

24 A. Correct.

25 Q. And then, correct if I'm wrong, you try to use

1 that same terminology with a child?

2 A. We have to use that same terminology.

3 Q. And this is supposed to be a safe place for a
4 child to tell what happened to them?

5 A. Correct.

6 Q. Now, unfortunately, you had **Minor** before?

7 A. Correct.

8 Q. And with that incident, but the date of service,
9 is a date of service in June of 2014, who was the
10 referring -- was that a referring agency from a law
11 enforcement agency at that time or was it DSS?

12 A. DSS.

13 Q. And the aunt brought the child in, is that
14 correct?

15 A. Correct.

16 Q. And on that category for -- on the intake for
17 that interview of concern that Ms. Little has asked
18 about, what -- what's the name of that category,
19 again?

20 A. Let me see, um, sexual behaviors, activity or
21 other abuse.

22 Q. So other, is that just a very broad category?

23 A. It is.

24 Q. And with the note, "mama alleges but aunt hasn't
25 see", we have -- is there -- do you have idea what

R. Griggs- Re-cross Examination by Ms. Little

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1 behavior, what behavior that might have been?

2 A. I do not recall.

3 Q. But I do want to ask you from 2014 interview, did

4 **Minor** any disclosure of sexual abuse or anyone
5 inappropriately touching her in the 2014 interview, a
6 year and a half prior to the incident with Terry
7 Sanders?

8 A. No, ma'am.

9 Q. And were they any, any red flags that this, you
10 know, when y'all question the children are you
11 looking -- what kind of things are you looking for?

12 A. Well, I personally try to go through all the
13 categories but I'm just looking to see if there's any
14 knowledge beyond their age or any activity beyond
15 their age and, if so, where it would have come from.

16 Q. And when a child comes in and it could be a
17 reference to witness on a crime or a DSS referral
18 because of something going on in the home, do y'all
19 try to make sure the child is not being touched too?

20 A. Correct.

21 Q. Every -- does every child that kind of come in,
22 comes in get those questions about the touching, and
23 bad touching, and the anatomical diagram, and body
24 parts?

25 A. Not always the anatomical diagrams but always

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1 inappropriate touching, witnessing domestic violence,
2 exposure to alcohol and drugs, and how they're
3 punished for possible physical abuse.

4 Q. So any child that's there for a reason not at all
5 related anything sexual they're still gonna get those
6 questions?

7 A. We try our best to do it with everyone.

8 Q. And **Minor** didn't make any disclosure in 2014?

9 A. Correct.

10 Q. Did you make a clear disclosure in October of
11 2015?

12 A. Yes, ma'am.

13 Q. And this video that the jury saw was that a
14 detail clear disclosure?

15 A. Yes, ma'am.

16 MS. LITTLE: Just briefly, Your Honor.

17 THE COURT: Yes, ma'am.

18 **Re-cross Examination by Ms. Little:**

19 Q. In response to this Madam Solicitor's question,
20 I believe you stated that in the 2014 interview there
21 was nothing stated, nothing of a sexual nature
22 disclosed by the child, is that correct?

23 A. Let me double checked but I do not recall
24 anything coming from that.

25 Q. And I, specifically -- go ahead I'll let you

R. Griggs- Re-cross Examination by Ms. Little

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1 answer.

2 A. Yes. She denied being touched inappropriately.

3 Q. Okay. And -- and during that same interview,
4 did she also -- she was 3-years-old at the time,
5 correct?

6 A. Correct.

7 Q. So she was quite a bit younger than she was,
8 relatively, at the second interview. But in this
9 first interview, do you recall her saying something
10 about her mom's boyfriend being mean because he
11 wouldn't let her get on her bed or he got on her bed,
12 do you remember anything like that?

13 A. She said Blake was mean and she doesn't like him.

14 Q. Okay. And then there was also something about
15 Cory, on the second page.

16 A. Yeah. Cory doesn't smoke. And Cory was mean
17 'cause he won't let her get on the bed and asleep and
18 beats her with a belt.

19 Q. Okay. And so, I guess that didn't -- the fact
20 that a man living in a house said they wouldn't let
21 her get on her bed to sleep, would that sort of raise
22 a red flag to you?

23 A. It could. But the problem with my interviews is
24 this is just a part of the investigation. So I'll
25 let DSS and/or law enforcement follow up with some of

R. Griggs- Re-cross Examination by Ms. Little

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1 the things 'cause there may be something I know
2 nothing about that they do.

3 Q. Okay.

4 MS. LITTLE: Thank you.

5 THE COURT: Anything further?

6 MS. PARKER: No, Your Honor.

7 THE COURT: All right. If there's nothing
8 further, thank you, ma'am. You can step down.

9 MS. PARKER: Your Honor, we'd ask that Ms. Griggs
10 be excused from her subpoena.

11 THE COURT: No objection?

12 MS. LITTLE: None at this time. No. Thank you.

13 THE COURT: All right. Thank you. You're free to
14 go.

15 MS. PARKER: The State would like to recall Ms.
16 Maureen Valazak. She was in route.

17 THE COURT: Valazak?

18 MS. PARKER: Yes, sir.

19 THE CLERK: Place your left hand on the Bible and
20 raise your right. You swear the testimony you give
21 this Court will be the truth, the whole truth,
22 nothing but the truth so help you God?

23 MS. VALAZAK: I do.

24 THE COURT: All right. Just state your name for
25 the record once again. Thank you.

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1 MS. VALAZAK: Maureen Valazak.

2 THE COURT: All right. Yes, ma'am?

3 MAUREEN VALAZA, first being
4 duly sworn, testified as follows:

5 **Direct Examination by Ms. Parker:**

6 Q. Ms. Valazak, did you have an occasion to get a
7 statement from Reginald Bonaparte the course of your
8 investigation?

9 A. Yes, ma'am.

10 Q. And what date was that statement taken?

11 A. October 3rd.

12 Q. And, um, location? Where did you get ---

13 A. At the Darlington Police Department.

14 Q. And you testified earlier that the video
15 malfunction or something happened and it wasn't
16 preserved, but did you summarize his statement in
17 your supplemental incident report?

18 A. I did.

19 Q. Would you mind, if you would pull out your
20 supplemental incident report to where you have that
21 statement summarized and I just wanted to briefly ask
22 you two questions and you just try to limit your
23 response because I don't want you to read too much.

24 A. Yes, ma'am.

25 Q. You can't read the whole thing but, specifically,

1 what did Reginald tell about who he saw in the
2 bathroom? If you look at your summary beginning with
3 I think the second paragraph down and it says
4 Reginald advised....

5 A. Mmm, hmm. Yes, ma'am.

6 Q. You said -- would you read that for the jury?

7 A. Yes, ma'am. Reginald -- Reginald advised he
8 later heard ---

9 Q. No. No. No.

10 A. Oh, not that one.

11 Q. Stop. You did the wrong ---

12 A. I'm sorry. Which one?

13 Q. Well, let me -- before I have you read exactly
14 what you put in your report, did you question
15 Reginald about who he saw in the bathroom?

16 A. Yes.

17 Q. And who did Reginald indicate he saw in the
18 bathroom?

19 A. Terry Sanders.

20 Q. And did he see anyone else in the bathroom?

21 A. No.

22 Q. Would you read the part that I marked?

23 A. "Reginald advised he did see Terry Sanders
24 through the peephole stating, I can't see this
25 hardly, stating his back was turned to him and he

M. Valazak- Direct Examination by Ms. Parker

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1 had, and he was standing next to the bathtub. He
2 could not see [Minor] through the peephole. Reginald
3 stated he went and looked around the house then came
4 back to the bathroom. The door was opened and he
5 observed [Minor] near the toilet and she was pulling
6 her pants up."

7 Q. Okay. So Reginald did tell you he saw [Minor] in
8 the bathroom?

9 A. Yeah. After -- yeah, after he didn't see him the
10 first time because Terry was standing in the -- he
11 just saw Terry. But then he did say he did see
12 [Minor]

13 Q. After who had opened the door?

14 A. I don't know who the door. The door was opened
15 when he went in there.

16 Q. Okay. But he did see [Minor] in the bathroom?

17 A. Yeah. Mmm, hmm. Yes.

18 Q. And also did Reginald tell you that [Minor] was
19 crying?

20 A. Yes.

21 Q. So, specifically, in reference to, let's see, if
22 you go four paragraphs down -- let's see, one, two,
23 if you count it's the fourth paragraph that we're
24 talking about "on the bed", in what condition did he
25 find [Minor]

1 A. Do you want me to read from here or just tell
2 you?

3 Q. Just tell me.

4 A. He -- she was laying on the bed with her pants
5 and underwear down on her ankles.

6 Q. And was she crying?

7 A. She was crying.

8 Q. He told you she was crying?

9 A. Yes.

10 MS. PARKER: No further questions.

11 THE COURT: Okay. Ms. Little?

12 **Cross-Examination by Ms. Little:**

13 Q. And just to be clear this, there's no preserved
14 video of that interview between you and Mr.
15 Bonaparte, correct?

16 A. Yes, ma'am. That's correct.

17 Q. And you've done a lot of interviews. When you
18 interviewed Reginald, did you find him to maybe be a
19 little bit educably handicap? I don't know what the
20 -- maybe -- did you find him to be a little slow?

21 A. No, not really.

22 Q. You didn't notice that at all?

23 A. No, ma'am.

24 Q. Okay.

25 MS. LITTLE: Thank you.

1 THE COURT: All right. Nothing further.... All
2 right. Thank you. You can step down.

3 MS. PARKER: Your Honor, at this time we would ask
4 that, um, Ms. Valazak be excused ---

5 THE COURT: All right.

6 MS. PARKER: --- from her subpoena.

7 THE COURT: Once again. All right. Is there
8 another witness?

9 MS. PARKER: Not today, Your Honor. The State
10 wants to call one more witness in the morning.

11 THE COURT: Okay. All right. Okay. Ladies and
12 gentlemen of the jury, I believe this is a breaking
13 point for the afternoon for us. I'mma ask that you
14 come back tomorrow if you could be back here in the
15 jury room at 9 o'clock and we should have you out
16 here no later than 9:30 to resume the trial. Madam
17 Solicitor, your witness will be available first
18 thing?

19 MS. PARKER: Yes, sir.

20 THE COURT: Okay. And then once we're finished
21 with that and we'll take up the State's and defense
22 part of the case.

23 All right. So you can't talk about the case
24 among yourselves or with your family or friends. And
25 certainly don't be influenced by anybody who might

1 tries to contact you or talk to you certainly let the
2 clerk or let myself know, okay. But I appreciate
3 your being attentive today. Clerk, did you have
4 anything? Any words for them?

5 THE CLERK: No, sir.

6 THE COURT: Okay. All right. At this time you
7 can be excused and we'll see you back in the morning.
8 (Whereupon, the jury exits the courtroom at 3:50
9 p.m.)

10 THE COURT: All right. Anything else before we
11 break for the afternoon?

12 MS. LITTLE: Your Honor, I just want to address
13 the court about an attempt, we have attempted two
14 times to serve a subpoena on Peggy Rivera who is the
15 child's aunt who took her to the Durant Center. The
16 first time was yesterday. I got an affidavit of non-
17 service. I'll be glad to hang up, hand up.
18 Basically, I'm asking would you consider this to be
19 service, okay. My paralegal, Melissa, went, she
20 says, I went to Peggy Rivera's home located at 405
21 Pheasant Drive. Peggy told me that she was chasing a
22 pig and could not help with this matter and refused
23 service of the subpoena. Melissa then left the
24 subpoena on her car in the back yard. That was on
25 Monday, 13th, I'm sorry. So just in an abundance of

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1 caution, I sent her back today to try to serve the
2 subpoena again. It says, she was at the residence,
3 Peggy was in the yard. Melissa told her I needed to
4 give you this paper and she said I got your paper
5 Monday and you left it and I'm not going, regardless.
6 I don't know what y'all want. She then said --
7 Melissa told her she wanted her to come to the
8 courthouse and speak to me and Ms. Rivera said she
9 did message me like Patti said and that I gave a
10 respond -- I haven't been messaged by her, Your
11 Honor. At that time, Melissa asked her where she
12 wanted her to leave the subpoena and she refused to
13 answer. And so Melissa told her she would leave the
14 paper under her cup on the car and so she left the
15 subpoena again. My question is would the Court
16 consider that to be good service or would the Court
17 have a deputy to go serve that. I'll be glad to pay
18 the deputy for the service. My concern if she says
19 I'm not going regardless so I don't think she's gonna
20 show up. Do you want to just wait and see if she
21 comes?

22 THE COURT: All right. Anybody wish to be heard
23 from the State on that, wether or not....I can give
24 an answer but....

25 MS. PARKER: Melissa identified her as Peggy, did

1 you admit to being Peggy?

2 MS. ALTMAN: Mmm, hmm.

3 MS. PARKER: I mean, I think -- and she
4 acknowledged -- she acknowledged, I mean, from
5 reading Tonya's, you know, affidavit from Melissa,
6 she acknowledged of getting it on Monday that was
7 left on the truck, I mean, I think ---

8 THE COURT: I'm satisfied with service.

9 MS. PARKER: Yeah.

10 THE COURT: The question is getting her here.

11 MS. LITTLE: Okay.

12 MS. PARKER: I tell her sister to tell her she
13 needs to come or the Court would have discretion to
14 pick her up.

15 THE COURT: I'd send somebody to pick her up if
16 she does not show.

17 MS. LITTLE: Thank you, Your Honor.

18 THE COURT: All right. Any other matters?

19 (Whereupon, no response from anyone)

20 THE COURT: Okay. All right. We'll just resume
21 in the morning?

22 MS. PARKER: Yes, sir.

23 THE COURT: Okay. All right. Y'all have a good
24 afternoon.

25 MS. PARKER: You too.

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1 (Whereupon, Court adjourns for the day at 4:00 p.m.)
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1 Thursday, September 15, 2022

2 (WHEREAS, this matter was scheduled for a trial,
3 all parties have appeared with their respective
4 attorneys of record. The proceedings began at 10:13
5 a.m.)

6 THE COURT: We got everybody?

7 THE CLERK: Yes, sir.

8 THE COURT: I'm ready.

9 (Whereupon, the jury enters the courtroom at 10:15
10 a.m.)

11 THE COURT: All right. Court will come to order.

12 All right. Ladies and gentlemen of the jury, I
13 know you've been, you've been waiting. We've had
14 some matters that we needed to take up outside of
15 your presence this morning that were unexpected. So
16 we've worked through those things and that is why you
17 are waiting patiently so I appreciate that.

18 All right. Madam Solicitor, yesterday when we
19 concluded for the afternoon I believe you were still
20 presenting your case?

21 MS. PARKER: Yes, sir.

22 THE COURT: All right.

23 MS. PARKER: And at this time, with the Court's
24 permission, I would like to verify that these
25 exhibits are in evidence and then the State will be

1 ready to rest.

2 THE COURT: Okay. And if you would just, for the
3 record, if you would read them out.

4 MS. PARKER: State's Exhibit 1, State's Exhibit 2,
5 and State's Exhibit 3.

6 THE COURT: And State's Exhibit 3 was the CD?

7 MS. PARKER: Yes, sir.

8 THE COURT: All right. And my, my record reflect
9 that those have all been duly admitted into evidence
10 and Ms. Little, did you need to -- bless you -- Ms.
11 Little, did you need to address any of those?

12 MS. LITTLE: No, Your Honor.

13 THE COURT: Okay. All right. So ordered. Okay.
14 Ms. Parker, does the State rest at this time?

15 MS. PARKER: Yes, sir. The State rest at this
16 time.

17 THE COURT: Okay. All right. All right. Ms.
18 Little?

19 MS. LITTLE: Your Honor, at this time we, the
20 defense has some motions and also some exhibits that
21 need to be pre-marked before we start the defense
22 side of the case. Just a few matters for the Court
23 that since the State has rested, my, that I need to
24 make my motion outside of the presence of the jury.
25 Well, it was my understanding that there was going to

1 be another witness this morning ---

2 THE COURT: I understand.

3 MS. LITTLE: --- Your Honor, or we we could have
4 tried to do this....

5 THE COURT: Okay. All right. All right, ladies
6 and gentlemen of the jury, there is something I need
7 to discuss with counsel outside of your presence. I
8 apologize for your inconvenience. If you would just
9 step to the jury room we'll get you right back out.
10 Thank you.

11 (Whereupon, the jury exits the courtroom at 10:15
12 a.m.)

13 (Whereupon, the attorney takes a moment to get
14 exhibits straight)

15 MS. LITTLE: But I can go ahead and make my
16 motion, Your Honor.

17 THE COURT: Yes, ma'am. Be happy to hear from
18 you.

19 MS. LITTLE: Thank you, Your Honor. At this
20 time, since the State has rested, the defense would
21 move for directed verdict of acquittal in favor of
22 the defendant for failure of the State to present any
23 competent evidence tending to suggest the defendant's
24 guilt.

25 THE COURT: Okay. All right. Ms. Parker, do you

1 want to be heard?

2 MS. PARKER: Yes, Your Honor. Rule 19, the State
3 feels like, of course, the standard for this that if
4 there's any, I guess, a lack of any competent
5 evidence in the record tending to prove the guilt of
6 the defendant and the State feels like that we've met
7 our burden through, on all three charges through the
8 testimony. Really just the victim. And then we had
9 some other witnesses as well. We do feel there's
10 competent evidence in the record to substantiate all
11 three charges ---

12 THE COURT: All right.

13 MS. PARKER: --- going forward.

14 THE COURT: Okay. I'm inclined to agree with the
15 State and I will respectfully deny the motion, Ms.
16 Little.

17 MS. LITTLE: Thank you, Your Honor.

18 (Whereupon, the attorney is getting her exhibits in
19 order)

20 MS. PARKER: Your Honor?

21 THE COURT: Yes, ma'am.

22 MS. PARKER: Since we're outside the presence of
23 the jury, I mean, this is, I guess, an appropriate
24 time or you can do it later, I guess, talk to him
25 about his right to testify or not to testify?

1 THE COURT: I was gonna address that once we had
2 cleared this hurdle.

3 MS. PARKER: Okay.

4 THE COURT: Thank you, though.

5 MS. PARKER: I'll put the offers on the record
6 first.

7 MS. LITTLE: Okay. All right.

8 MS. PARKER: Thank you, Your Honor. If I may, and
9 I agree that the defense has asked that I put ---

10 THE COURT: All right. Court will come to order.
11 All right. Madam Solicitor, you want to be heard?

12 MS. PARKER: Okay. Just that at this time just
13 to quickly put play negotiations on the record an
14 offer to expire after September, 2021 term, was a 10
15 year offer to CSC second degree with a minor or to
16 lewd act, third degree, his choice. The State was
17 okay with either one. That was in September, 2021.
18 Then in August, 2022 at a roster meeting Judge
19 Nettles indicated, you know, that the offer could be
20 5 years if Tonya would get her client up here the
21 following day and she did. And at that time he could
22 have received 5 years on lewd act. But he, you know,
23 did not want to take the 5 years on that particular
24 day. And then fast forwarding to later in August, I
25 believe it was the 21st or 22nd, the term of August

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1 20th, somewhere in there, you know, before Your Honor
2 at some point there was a discussion of, you know,
3 where the State did extend a, for me to drop the
4 first degree that it had to be negotiated I believe 5
5 ½ or 6 to a lewd act.

6 MS. LITTLE: Yes. That's correct.

7 MS. PARKER: To something that would be a little
8 more than 5 since he had previously rejected the 5
9 and then that was no go. And then this morning, now
10 since the victim has testified and been through that,
11 the State did offer 15 years this morning and that
12 would have been to lewd act and kidnapping. So the
13 time, in essence, really would have calculated off
14 the kidnapping since this 85%. I believe he would
15 have done approximately 11 years on that before
16 release date considering his credit for time served.
17 So all those offers have been rejected. Okay.

18 THE COURT: All right. Ms. Little, do you need to
19 be heard on that?

20 MS. LITTLE: I beg the Court's indulgence, Your
21 Honor. Your Honor, no, that is correct. Those are
22 the offers that the State made. All of those offers
23 were presented to my client and he was given time to
24 discuss and think about those. Talk to his wife.
25 And he declined the offers in each case.

1 THE COURT: All right. Thank you.

2 MS. PARKER: And, Your Honor, just to try to keep
3 things clean, I don't know, but just -- I don't know
4 -- Ms. Little is gonna call the mother of Minor
5 which is April Cook to the stand, indicated it would
6 be her first witness. Ms. Little did give me some
7 items yesterday that relate to a domestic violence
8 case. And I believe Ms. Little wants to, you know,
9 is gonna go down that road with a very, it's a
10 convoluted set of domestic violence charges. I think
11 there were three charges in total. One was a
12 kidnapping and this would be Ms. Cook's estranged
13 husband and they're legally still married. He just
14 pled to a domestic violence against her on August 1st
15 before Your Honor and receive time served and a
16 permanent restraining order. I believe Minor was
17 also a victim of one of those cases where she was
18 threatened. That charges was dismissed. I think
19 what Ms. Little is going to get into is there was
20 also a kidnapping allegation but I just -- I want to
21 go ahead and make the Court aware of that and the
22 State is going to object based on relevance. I mean,
23 at some point, Your Honor, I think this just gets out
24 of hand. I know she can certainly -- if she calls
25 April I do know she can attack the credibility of her

1 own witness. But I just want the Court to keep in
2 mind that I did not call April. The State rested
3 without calling April. She was not a material or
4 factual witness to the case and in keeping relevance
5 in mind, I'm asking the Court to keep in mind that
6 April Cook, the mother of **Minor** did not, did not
7 make these charges, did not call in October of 2015,
8 and file a report. I mean, a separate party called
9 911. You know, this case flew open and April never,
10 you know, gave a statement. The allegations didn't
11 come from April. And so to the extent that her
12 credibility, I don't know what Ms. Little is gonna
13 get into with her but, I mean, I think is gonna muddy
14 the waters for the jury, confused the jury, and my
15 biggest objection to that and to getting into
16 anything about the domestic violence case would be
17 irrelevant. I do think with the kidnapping charge
18 ended up being dismissed that went along with the
19 domestic violence because the victim recanted the
20 kidnapping charge and I believe admitted to an
21 officer that part of that was, you know, false. Part
22 of the kidnapping charge was, you know, not true.
23 But if, Rule 4, excuse me, Rule 608 I do believe if
24 you're looking at extrinsic evidence to attack and
25 witness's credibility, it may not be proved by

1 extrinsic evidence. So, I mean, my first objection
2 is that none of it's relevant and Ms. Little
3 shouldn't even be allowed a question her about the
4 domestic violence case. But if she does question her
5 I think that's all she can do is question her because
6 Rule 608(b) precludes any extrinsic evidence of
7 instances of, um, on specific, I guess, instances of
8 truthfulness or untruthfulness when credibility is
9 being attacked. I think if there's a conviction
10 under 609 then extrinsic evidence can be entered for
11 like a conviction but **Minor** **[REDACTED]** was never charged and
12 there's no conviction. And this just muddies the
13 waters 'cause I do believe **Minor** **[REDACTED]** was a true victim
14 of domestic violence. I mean, there was a plea and a
15 conviction. I've looked all of this off of my system
16 last night. It's a whole another accordion file.
17 It's just a hot mess. I think it's just going to
18 confuse the issues for the jury. These allegations
19 and this police report for this case did not come
20 from **Minor** **[REDACTED]**

21 THE COURT: Okay.

22 MS. PARKER: And all this mess about the domestic
23 violence which is irrelevant and her trying to -- I
24 think she's trying to attack the victim, **Minor's** **[REDACTED]**
25 credibility, by going after mom. And, you know, I

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1 just have -- I just don't think it's relevant.

2 THE COURT: Okay. I think I understand. So the
3 mother -- so the mother was, sometime in the past,
4 was a victim of domestic violence?

5 MS. PARKER: Yes, sir. This was recently.

6 THE COURT: And then that -- and the defendant in
7 that case pled in front of me?

8 MS. PARKER: Yes, sir. Just last month.

9 THE COURT: All right.

10 MS. PARKER: But there was a kidnapping that --
11 there were two or three domestic violence cases
12 charged, incidences charged and then there was
13 kidnapping incident. And on the kidnapping she
14 recanted and admitted to an investigator with the
15 sheriff's office that she had, she had kind of, she
16 had lured him to her place of work so then the law
17 would have him on camera. And maybe the kidnapping
18 was fabricated.

19 THE COURT: Okay.

20 MS. PARKER: 'Cause he was desperate to get him in
21 jail. I think at that time they were already pending
22 warrants on him. There's certainly plenty in here
23 where, I mean, that husband ---

24 THE COURT: What did he plea to?

25 MS. PARKER: --- of hers was threatening her and

1 she was afraid ---

2 THE COURT: What did he plea ---

3 MS. LITTLE: I think a third degree. DV, third.

4 MS. PARKER: He ended up pleading to DV, third.

5 Down from a high and aggravated because he threatened

6 her and made threats against Minor with a firearm -

7 --

8 THE COURT: Okay. Ms. Little?

9 MS. PARKER: --- her husband.

10 MS. LITTLE: Your Honor ---

11 MS. PARKER: I'm sorry.

12 MS. LITTLE: Thank you. That's okay ---

13 MS. PARKER: And I don't want to speak for Tonya

14 because she can speak for herself ---

15 MS. LITTLE: I -- Your Honor, out of abundance ---

16 MS. PARKER: --- about what she wants to get out

17 of ---

18 MS. LITTLE: --- of caution I gave her those

19 because when I decided that I was probably going to

20 call Minor to the stand, I understand that they

21 are not, would not even -- there's no way they would

22 even have a chance of coming in unless, you know, I

23 really don't even know how I'd possibly get them in.

24 They're -- I was hoping they may come during her

25 testimony, her direct examination there may be

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1 something that she would say that would allow me to
2 try to use that to impeach her. I don't know that
3 that's going to happen because I don't know what her
4 testimony is going to be. In fact, it would,
5 basically, not trying to get anything of that in
6 evidence but, you know, I was thinking that, you
7 know, I may at some point be able to, I mean, because
8 she is a witness associated with a case, case party
9 similar to the way she was able to lead Mr. Bonaparte
10 that if there was an opportunity and something came
11 up where, you know, for example, she said that she
12 would would never lie to police or she would, you
13 know, only in a very limited circumstances would I
14 possibly be able to try to use it. If I do try to
15 use that in any way I would be happy to let the Court
16 know we have something we need to take, take up
17 outside the presence of the jury and have a hearing
18 at that time. I just wanted her to be aware of it
19 and to, basically, my understanding is, you know, she
20 faked her own kidnapping, you know, would, would she,
21 would that -- I don't even know if I would be able to
22 get it in but I would try if there was some something
23 came up in her testimony that I was allowed to try, I
24 would do that. But, you know, at this point, I don't
25 see any way that I would get that into evidence and

1 if there comes an opportunity, I would certainly try
2 and then the Court could rule at that time.

3 THE COURT: What is it that we're talking about?
4 Is there some document or some....

5 MS. PARKER: She's marked some of the -- she's
6 marked some of the paperwork that goes along with the
7 domestic violence case. So I think that would be
8 extrinsic evidence. So it would be precluded under
9 608. I mean, if something arises like she said
10 during her testimony and the Court feels like she's
11 entitled, you know, she questions Minor [REDACTED] about it
12 and that's one thing, but she's already pre-marked --
13 -

14 THE COURT: So you want ---

15 MS. PARKER: --- stuff that has to do with the DV
16 case.

17 THE COURT: So you marked for identification
18 purposes only in the event of?

19 MS. LITTLE: In the event of the ---

20 THE COURT: Okay.

21 MS. LITTLE: --- unlikely chance that I get to
22 put it in. I've marked it for identification. I
23 don't even know at this point that I wouldn't be able
24 to get it in. But we wanted to make the Court aware
25 of it. Basically, if I did try to get in it wouldn't

1 actually be, you know, it would, basically, be to --
2 I would just ask her well, isn't it true that you
3 faked your own kidnapping and then if she denied it I
4 would probably try to enter the dismissal that Mary
5 Thomas signed saying that the victim said it was not
6 a kidnapping. That's it.

7 THE COURT: Okay. All right. But we're not there
8 yet.

9 MS. PARKER: No, we're not there yet.

10 MS. LITTLE: No.

11 MS. PARKER: Well, just see, see how it goes.

12 THE COURT: Okay. Welll, I appreciate the heads
13 up. My trusty law clerk can be pondering those.
14 Okay. Anything else we
15 need to take up?

16 MS. LITTLE: Your Honor, the only other thing is,
17 one of my witnesses did not show up. She was
18 actually subpoenaed twice. Told my paralegal that
19 she was not going to come. We briefly mentioned,
20 mentioned this yesterday. And at this point, I don't
21 know if I'm gonna even call her. I've got her -- I
22 moved her back to towards the back of my list in case
23 you would like to send law enforcement to go pick her
24 up or, you know, if you, if the Court wants to wait
25 until our next break I can give you a better idea

1 whether or not I'm going to need her. The point is,
2 she was subpoenaed and she willfully refused to show
3 up. So my opinion she should be picked up anyway and
4 made to explain to the Court why she ignored the
5 court subpoena.

6 THE COURT: I'm happy to do either way. We can -
7 - we can go ahead and have her picked up for ---

8 MS. LITTLE: It seems kind of redundant to have
9 her picked up if I'm not going to call her but she is
10 on my list and there's a chance I may call her
11 depending on ---

12 THE COURT: Well, we'll wait until, until you're
13 ready. You let me know when you make that decision
14 and if we need to send somebody for her we can.

15 MS. LITTLE: I should be able to decide after
16 April Cook's testimony.

17 THE COURT: Okay.

18 MS. LITTLE: Okay.

19 THE COURT: Fair enough.

20 MS. LITTLE: All right. I'm ready to start my
21 opening.

22 THE COURT: You good?

23 MS. LITTLE: Yes, sir. And it's my understanding
24 we'll start with my, my opening and then I'll call my
25 first witness.

1 THE COURT: And you reserve your opening for now?

2 MS. LITTLE: Yeah, I had reserved it until now and
3 I'm just
4 gonna do a brief opening before I call my first
5 witness.

6 MS. PARKER: The State is ready. Nothing further.

7 THE COURT: All right. Okay. Ms. Little, at the
8 appropriate time I was going to go over his rights
9 with him. I don't know what his plans are with
10 testifying or not.

11 MS. LITTLE: He has not -- we have not completely
12 decided for sure at this point. You could certainly,
13 if it would save us from taking another break from
14 the jury, do you want to go ahead and give him those
15 rights now?

16 THE COURT: I can.

17 MS. LITTLE: Okay.

18 **Defendant's Rights**

19 THE COURT: Okay. All right. Mr. Sanders, you
20 swear or affirm to tell the truth, the whole truth,
21 and nothing but truth so help you God?

22 MR. SANDERS: I do.

23 THE COURT: All right. I've placed you under oath
24 for a limited purposes of talking to you about your
25 right to testify or not to testify, okay, and we

1 won't go beyond that. I understand at this time I'm
2 gonna explain to you certain rights if you do not
3 understand anything I say please let me know. If you
4 want me to explain anything in more detail please let
5 me know.

6 We have now reached the stage of the trial where
7 you, your lawyer is going to present a defense and
8 you have the right to complain protections given to
9 you by the Fifth Amendment to the Constitution of the
10 United States. This amendment states in part that no
11 person shall be compelled in any criminal case to be
12 a witness against himself. This means that you
13 cannot be required to testify in this case. You have
14 the right to testify on your own behalf. However, no
15 one can make you testify. This is a personal right.
16 No one can waive this right except you. If you
17 decide to testify you will be subject to the same
18 rules that govern other witnesses and you may be
19 examined and cross-examined on any relevant issue in
20 this case. In addition, if you have any convictions
21 involving dishonesty or false statements or for
22 crimes punishable by imprisonment for more than one
23 year and this Court determines that the probative
24 value of admitting this evidence outweighs its
25 prejudicial effect to you, the solicitor be able to

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1 introduce your record to attack your credibility. If
2 you decide to testify, the decision on your part must
3 be freely, voluntarily and intelligently may with
4 knowledge of the protections given to you by the
5 Fifth Amendment and the consequences of your decision
6 to testify. If you decide not to testify, I'll
7 instruct the jurors that they cannot give the fact
8 that you did not testify any consideration whatsoever
9 and that there has to be absolutely no prejudice to
10 you because you did not testify. It is left entirely
11 up to you whether or not you testify. You may talk
12 with your attorney your family and friends or anyone
13 else but the final decision will be left entirely up
14 to you. You understand what I've explained to you
15 thus far?

16 MR. SANDERS: Yes, sir.

17 THE COURT: All right. Do you have any questions
18 about what
19 I've explained to you?

20 MR. SANDERS: No, sir.

21 THE COURT: All right. Have you discussed these
22 matters with your lawyer whether you should testify
23 or not testify?

24 MR. SANDERS: Not at the time, I didn't. Not yet.

25 THE COURT: Okay. You've -- you've -- you've not

1 had any conversations about whether --I know you've
2 not made a decision
3 but you've had, but have you had conversations with
4 or about the fact that you have the right to testify
5 and the fact that you have the right not to testify
6 and that can't be held against you?

7 MR. SANDERS: Yes, sir.

8 THE COURT: Okay. Y'all've discussed that. All
9 right. And you'll certainly have more time to talk
10 with your lawyer regarding these matters and I may
11 come back and ask you some additional questions,
12 okay. Ms. Little, is there anything else you needed
13 to add, ma'am?

14 MS. LITTLE: No, Your Honor.

15 THE COURT: Okay. All right. You can be seated,
16 sir. I'm satisfied he understands those rights. And
17 Ms. Little, you're ready to proceed?

18 MS. LITTLE: Yes, sir.

19 THE COURT: We're ready?

20 THE BAILIFF: Yes, sir.

21 THE COURT: Thank you, sir. And Tonya, I'll let
22 them know that you're gonna make an opening
23 statement. That you reserve that right.

24 MS. LITTLE: Thank you, Your Honor.

25 (Whereupon, the jury enters the courtroom at 10:45

1 a.m.)

2 THE COURT: All right. Ladies and gentlemen of
3 the jury, thank you again for your patience. We've -
4 - we've resolved some matters that we needed to take
5 outside of your presence. At this time, as has noted
6 the State as rest their case. They've presented the
7 evidence that they want in the record for you to
8 review. It's now time for the defense to present
9 their case. At the -- at the start of the trial you
10 may recall that the State had made an opening
11 statement to you. Ms. Little, representing the
12 defendant, wanted to reserve her opening statement
13 until she started her case. So at this time I'm
14 gonna ask Ms. Little to step forward, she will
15 address you. And then once she concludes her
16 remarks, we'll then present, we'll proceed with the
17 defendant's case. Ms. Little?

18 MS. LITTLE: Thank you. Madam Solicitor?

19 Opening Statement- Ms. Little

20 Ladies and gentlemen of the jury, good morning.
21 (Whereupon, the jury responds)

22 I know y'all can see me sit over there this whole
23 time and probably wondering well, when is she gonna
24 get up here and tell us what she's gotta say. This
25 is just -- I'm gonna take us a few minutes briefly

1 and make my opening statement to you now.

2 I'm Tonya Copeland-Little. I'm an attorney in
3 Hartsville. Actually, lawyer, I usually like to say
4 lawyer. It' just, attorney sounds so pretentious
5 sometimes. But I'm a lawyer in Hartsville.
6 Primarily do criminal defense. Opening by a
7 defendant is a lot different than the State's
8 opening. And the reason why it's because the State
9 has the burden of proof. And so you heard Madam
10 Solicitor. And she got up and told you what she
11 expected y'all to hear. What evidence she expected
12 to present. What witnesses that she would probably
13 call. And it -- as a defense lawyer it would not be
14 proper for me to do that, okay. Because the
15 defendant has no burden of proof. I mean, he sits
16 before you and the judge is gonna explain all this to
17 you. So if I don't explain it right, by all means,
18 you're gonna listen to what the judge says. He's the
19 judge of the law.

20 But my client is presumed innocent and you may or
21 may not know but the defense does not even really
22 have to present witnesses unless they choose to. So
23 a lot of times a defense lawyer is gonna wait until
24 the case goes forward and partially to decide if
25 they're gonna call witnesses. And the judge is also

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1 gonna tell you that the defendant as an absolutely
2 right not to testify. That can't be held against
3 him. If he chooses not to and the judges gonna tell
4 you that you are not even to discuss that or give any
5 consideration.

6 Now, I'm not saying it will or I'm not saying he
7 won't. It's kind of a fluent situation. We will go
8 through the witnesses that I have this morning and
9 then that decision will be made. So I just wanted to
10 let you know that, again, the State has the burden of
11 proof. It's a very high burden. It's beyond a
12 reasonable doubt. You can sort of compare it to, for
13 example, a civil case. It's just a case usually
14 about money, damages. And if you look at it or think
15 about it as a scale, in a civil case it just barely
16 has to to get a little bit for one side or the other
17 to win. In a criminal case it's a lot different.
18 The burden is much, much higher and there's a reason
19 for that. It's because this is not about money
20 today. This is about personal freedom and liberty.
21 And this is a very important case because well, it's
22 important to a lot of people. It's important to
23 everybody who's here who's been called as a witness
24 whose had to testify. It's very important to my
25 client. Because his freedom is at stake. So please

1 bear that in mind. And as I go through what I've --
2 my intent to do with my witnesses is to try to give
3 you a background and put into sort of a context of
4 what was going on in Minor's life around the time
5 that this alleged incident occurred. There -- I
6 think you're gonna hear some evidence that there was
7 a somewhat troubled family life that she had at the
8 time. And my reason for bringing these things out is
9 not to embarrass or shame anyone. Please know that.
10 I just want you to understand that what was going on
11 the environment surrounding her and how any
12 statements that she made may or may not have been,
13 that's up to you to decide, may have been influenced
14 by others.

15 So we worked together and we picked y'all as a
16 jury. I know it sound, seemed like we were kind of
17 arbitrator but there's a method to our madness. Both
18 the solicitor and I picked you all as a jury because
19 you felt that you would be fair, that you would
20 listen to the law as the judge instruct you, and that
21 you would withhold any judgment until all of the case
22 has been presented. And I believe, we believe that
23 at the close of the case when all this is, is done
24 that you will find reasonable doubt and that you'll
25 find my client not guilty.

A. Morris- Direct Examination by Ms. Little

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1 Thank you.

2 THE COURT: Thank you, Ms. Little. You ready to
3 proceed?

4 MS. LITTLE: Yes, sir. Your Honor, defense calls
5 Ms. April Cook.

6 THE COURT: All right. Minor [REDACTED]

7 THE CLERK: If you'll place your left hand on the
8 Bible and raise your right. You swear the testimony
9 you get this Court will be the truth, the whole
10 truth, and nothing but the truth so help you God?

11 Minor [REDACTED] Yes.

12 THE COURT: Minor [REDACTED] would you state your name
13 for the record?

14 Minor [REDACTED] April Morris.

15 THE COURT: April Morris?

16 Minor [REDACTED] Yeah.

17 THE COURT: All right. You're not using Cook?

18 Minor [REDACTED] It's not my legal name. No, sir.

19 THE COURT: All right.

20 APRIL COOK MORRIS, first being
21 duly sworn, testified as follows:

22 Direct Examination by Ms. Little:

23 Q. All right. Sorry, I'm gonna have to switch gears
24 'cause I had -- all my notes said April Cook and I
25 did know that you had been known as Morris. So I'mma

A. Morris- Direct Examination by Ms. Little

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1 try to call you Ms. Morris. And if I flip up and call
2 you **Minor** I apologize. All right. Ms. Morris,
3 what is your relationship to **Minor** you testified in
4 court yesterday?

5 A. That's my youngest daughter.

6 Q. And how many daughters do you have?

7 A. Three.

8 Q. And can you -- tell us their name's and how old
9 they, old they are?

10 A. **MC** is 16. **AC** is 14. **Minor** is now 11.

11 Q. So you've got two teenagers and a pre-teen.

12 You've got your hands full. April, I'm sorry, Ms.
13 Morris, so I want to take you back to October,
14 actually, I'mma go back a little further, around
15 September of 2015 which would have been a month or so
16 before this happened. And at that time, who would
17 you have said was your best friend at that time?

18 A. Laura Crawford.

19 Q. And what's Laura's relationship to the defendant,
20 Terry Sanders?

21 A. Far as I know now they're married. I'm thinking
22 that's her husband.

23 Q. Married or lived together or they were in a
24 relationship?

25 A. Mmm, hmm.

A. Morris- Direct Examination by Ms. Little

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1 Q. Okay.

2 COURT REPORTER: Yes or no?

3 A. Oh, yes.

4 Q. And at that time around September of 2015, where
5 were you living?

6 A. [REDACTED] Drive.

7 Q. And who -- and this would have been a month
8 before this happen -- who -- who lived there with you
9 on Pheasant Drive?

10 A. I lived with my parents.

11 Q. And did your children lived there as well?

12 A. Yes, ma'am.

13 Q. So you lived there with your parents and
14 children?

15 COURT REPORTER: Did you answer?

16 Q. And ---

17 A. Yes, ma'am.

18 Q. --- would it be fair to say that it wasn't an
19 ideal situation

20 or that you weren't real happy about living there
21 with your parents at the time?

22 A. It's never ideal. You're a burden to anyone you
23 live with when you're not supporting yourself and you
24 have three children.

25 Q. So you feel like you were a burden on them?

1 A. Yeah.

2 Q. I'm sorry for that. And at some point around
3 September 15th, were you looking for an opportunity to
4 move to a different location?

5 A. Not technically. I mean, if it would've arose,
6 yeah. If not, fine. I was okay at my parents.

7 Q. Okay. Well, did -- your best friend, Laura, did
8 you ever ask Laura if you could live with her?

9 A. I did leave with them, previously, me and my
10 children.

11 Q. Okay.

12 A. We have lived together before.

13 Q. All right. And when ---

14 A. But I do not recall asking her if -- I might've
15 did, though.

16 Q. Okay. So you may have?

17 A. I may have.

18 Q. So you wouldn't be surprised if you had asked her
19 if ---

20 A. Right. No.

21 Q. Okay. All right. And -- but you don't recall,
22 specifically, -- you're saying you don't recall
23 asking her so, obviously, you wouldn't know what the
24 answer would've been?

25 A. Correct.

A. Morris- Direct Examination by Ms. Little

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1 Q. Okay. All right. Well, I'll just move along,
2 away from that for now.

3 A. Okay.

4 Q. So I want to take you back even a little bit
5 farther and you've been in the courtroom pretty much
6 for all the testimony so I may refer, refer back to
7 somebody's testimony and asked you about it. And
8 back in 2014, I would say, around June of 2014, do
9 you recall your children being given an interview at
10 the Durant Children's Center?

11 A. I only knew that because my sister had let me
12 know the DSS referred them. Anytime they have case
13 they automatically refer to the person taking care of
14 the children to take them to the facility.

15 Q. So at that time, you, there was a DSS case and
16 the children were not living with you, is that
17 correct?

18 A. Correct.

19 Q. Okay. And -- and who were they living with?

20 A. Peggy Rivera, my sister.

21 Q. Okay. And so you weren't at -- you weren't
22 present at the interview, were you?

23 A. No.

24 Q. Okay. There was something said yesterday, some
25 testimony by the lady from the Care House that she

A. Morris- Direct Examination by Ms. Little

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1 had information that Minor had been exhibiting
2 some, some sort of or there was, may have been some
3 sort of either sexualized activity or sexually,
4 something sexually related behavior, something of
5 that nature. I'm not saying exactly what it was
6 because she, that was never really made that clear.
7 But I'm asking you as her mother, did you have any
8 cause for concern about any sort of sexualized
9 behavior by Minor

10 A. No, ma'am.

11 Q. And so you never said something to your sister
12 about her, Minor acting out sexually ---

13 A. No, ma'am.

14 Q. --- in 2014?

15 A. No, ma'am.

16 Q. Okay. And is it then -- just to be clear, you
17 never notice anything unusual about Minor's
18 behavior as far as, you know, excessive touching or
19 anything like that, that you might ---

20 A. No, ma'am.

21 Q. Okay. All right.

22 COURT REPORTER: Okay. We've gotta wait for her
23 to finish

24 asking the question and then you answer it, okay?

25 A. Okay.

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1 COURT REPORTER: Thank you. I appreciate it.

2 Q. Give me just one minute 'cause I'm -- there's
3 something -- well, let me ask you about this, and
4 this is probably gonna sound like a crazy question,
5 but when your daughters were extremely young, would
6 they take off all their clothes to use the bathroom?

7 A. No, ma'am.

8 Q. So that never happened?

9 A. No. Unless they were hopping in the bathtub.
10 They used the bathroom then they would be naked, of
11 course.

12 Q. Right. And I'm sure you taught your children,
13 you know, about being naked and that's private, their
14 bodies?

15 A. Mmm, hmm. Yes, ma'am.

16 Q. Let me ask you this, have you ever posted any
17 pictures of your children nude on Facebook ---

18 MS. PARKER: Objection, Your Honor. Relevance.

19 A. No, ma'am.

20 THE COURT: All right. Y'all approach.

21 (Whereupon, a bench conference was held on the
22 record)

23 MS. LITTLE: She -- well, I mean, she just said
24 that they used the bathroom and that ---

25 MS. PARKER: You got a picture of them in the

1 bathroom.

2 MS. LITTLE: Not in the bathroom but they are
3 pictures, pictures of them naked on Facebook that she
4 posted. And she just said that she had taught her
5 children that that would be private, their bodies
6 were private so....

7 MS. PARKER: Minor was -- these are like baby
8 picture and Minor is in a diaper.

9 MS. LITTLE: That's not the only one. There's
10 like three of them.

11 MS. PARKER: I don't -- in one of those I'm not
12 sure it's her child. It's not even her child.

13 MS. LITTLE: But I can ---

14 MS. PARKER: I can see a face.

15 MS. LITTLE: I can ask her if that's her daughter
16 and did she make the post. It's her post. It's her
17 Facebook post.

18 MS. PARKER: I just don't think that's relevant.

19 THE COURT: When she asked her if -- 'cause she
20 asked her ---

21 MS. LITTLE: I asked her if she taught her it was
22 private ---

23 THE COURT: She asked her about -- okay. And you
24 asked her about -- discussed private. And you've got
25 something that she may have known?

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1 MS. LITTLE: Yeah, that's correct.

2 THE COURT: I mean, how ---

3 MS. LITTLE: I'm just gonna refresh her memory.

4 I'm just -- I'm not gonna -- just to refresh her
5 memory and ask her what the photo is and did she post
6 it.

7 THE COURT: It's not just like a 6 month toddler,
8 isn't? I mean

9 MS. LITTLE: No. Your Honor, can I bring the
10 pictures up here right quick.

11 MS. PARKER: Yeah. Look at them, judge.

12 THE COURT: Yeah. 'Cause I'm, I'm a little leary
13 of that.

14 MS. LITTLE: I went ahead and brought those too
15 'cause I know you're gonna object to those too.

16 MS. PARKER: Okay.

17 MS. LITTLE: Some of them are -- I just bought the
18 bare ones too. I just bought that one because ---

19 MS. PARKER: That's irrelevant.

20 MS. LITTLE: She's gonna object to that too.

21 THE COURT: Which ones, this ---

22 MS. LITTLE: I'm gonna admit ---

23 MS. PARKER: You can't even see the face on that.

24 MS. LITTLE: I think it's the middle daughter but
25 I was gonna, ask her, it's her post so I can asked

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1 her who it is. If she denies it's her daughter then
2 she just denies it's her daughter.

3 THE COURT: Okay.

4 MS. PARKER: If you lay a foundation that this is
5 post.

6 MS. LITTLE: Okay. And that hasn't come up yet but
7 I just....

8 THE COURT: All right. So you have an objection
9 to showing her these to refresh her memory, right?

10 MS. PARKER: I mean, I just think ---

11 MS. LITTLE: She didn't answer -- I haven't asked
12 the question yet as to whether or not she posted it -
13 --

14 THE COURT: Okay. All right.

15 MS. PARKER: So you asked her that?

16 MS. LITTLE: Yeah. And then you objected and I
17 stopped.

18 MS. PARKER: Well, I just think getting into those
19 Facebook pictures are just irrelevant.

20 MS. LITTLE: Well, she said she taught her
21 children that their bodies were private ---

22 MS. PARKER: But in one of those pictures it's
23 like she can't be more than one or 18 months. Her
24 body -- she's tiny. She is wearing a diaper in that
25 picture.

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1 MS. LITTLE: Well ---

2 MS. PARKER: I just don't think it's relevant.

3 MS. LITTLE: Well, I mean, what if I -- what about
4 that one? I'm just gonna ask her who it is. If she
5 says it's not her daughter -- I mean, I just don't
6 see what the objection is. She hasn't even
7 answered yet, she might say yes. She's looking at us
8 so she sees what we're doing.

9 THE COURT: Yeah. Yeah. All right. So I'mma let
10 her show her the one of the older child she has.

11 MS. LITTLE: This one?

12 THE COURT: That one right here as to the older
13 child and this one. And then I note your objection
14 as to the relevance.

15 MS. PARKER: Yes, sir.

16 THE COURT: And we'll see how she answers. I'mma
17 -- I'mma overrule your, at least for now, relevance
18 to the way she answered the questions previous to
19 this. We'll see what her answer is in regards to the
20 Facebook pictures, okay.

21 (Whereupon, the Court resumes back on the record)

22 MS. LITTLE: Are you ready, Your Honor.

23 THE COURT: Yes, ma'am. You may proceed.

24 Q. Ms. Morris, we were talking about, I guess,
25 again, private teaching your children about your

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1 bodies are private, and then I had come to the point
2 where I asked you -- well, let me ask you this, did
3 you have a Facebook page back in 2014?

4 A. Yes, ma'am.

5 Q. Okay. All right. And I think the question I
6 asked you before that she objected to it was, have
7 you ever posted pictures of your children, any of
8 your daughters on Facebook without their clothes on?

9 A. I wouldn't say as children, I'd say as babies,
10 yeah.

11 Q. So you only, only while there were a baby that
12 you ---

13 A. Of course. I wouldn't post my kids as 2, , 4, 5.
14 I mean, they're out of a diaper by then. That's --
15 that's not normal. Or I don't think it's normal.

16 MS. LITTLE: Your Honor, permission to approach
17 the witness?

18 THE COURT: Yes, ma'am.

19 Q. All right. I'mma gonna show you what's been pre-
20 marked for identification purposes only as
21 Defendant's Exhibit Number 5 and I'm just gonna ask
22 you if you can first identify who is in that picture?

23 A. I know that's MC the first child with the
24 dress. I don't know about the second one. It might
25 be a Alyssa.

A. Morris- Direct Examination by Ms. Little

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1 Q. So that's not ---

2 A. --- who was my oldest daughter's best friend.

3 Q. Okay. All right. So is that your Facebook post?

4 A. That's my parents house. Well, yeah, that's my
5 picture over there. Yeah.

6 Q. Okay. All right. So, so that would be a
7 picture that you posted, but it's not your child?

8 A. Well, that one is. Yes, ma'am.

9 Q. Right.

10 A. MC

11 Q. Okay. So ---

12 A. You can tell that's her.

13 Q. Okay. All right. So this is a picture that you
14 posted and so you're saying it's not your child, but
15 this was one of your daughter's best friends. So can
16 you tell from, from the picture and the picture of
17 your daughter approximately how old that little girl
18 was that's....

19 A. I don't even realize how old MC was in that
20 picture.

21 Q. Well, would you say she was a baby?

22 A. Oh, no. No.

23 Q. Okay. So ---

24 A. Maybe like I don't know -- what year do you have
25 on the picture? Like it should have a date.

A. Morris- Direct Examination by Ms. Little

277

1 Q. I'm just asking you ---

2 A. Oh, well, I don't recall the age by looking at
3 that picture.

4 Q. Well, I -- okay -- so

5 A. Sorry.

6 Q. But would you agree, if you want to look at
7 again, I'll show you. Would you she's not at a
8 toddler, right?

9 A. Correct.

10 Q. Okay.

11 A. Correct.

12 Q. You agree?

13 A. Correct.

14 Q. Okay. And does -- the child appears to be naked,
15 is that correct?

16 A. I -- I can't tell if she's naked or not. I see
17 the one with a dress on.

18 Q. And you don't see the -- you don't see -- you
19 want to look at it one more time to see, to see if --
20 -

21 A. I mean, you can ---

22 Q. --- this child has clothes on ---

23 A. --- you can show it.

24 Q. It's your Facebook ---

25 A. I see the socks ---

A. Morris- Direct Examination by Ms. Little

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1 COURT REPORTER: Wait! Wait a minute! Wait!

2 Wait! One at a time! One at a time!

3 Q. This is your Facebook post, you posted this ---

4 A. It's public ---

5 Q. --- isn't that correct?

6 A. Correct. I can maybe go back and look ---

7 THE COURT: Ma'am, you have to let her ask the
8 question and then you can answer it ---

9 A. Yes.

10 THE COURT: -- when she's finished.

11 A. Yes, sir.

12 THE COURT: Go ahead, Ms. Little.

13 Q. All right.. I'mma approach you one more time and
14 show you what's been pre-marked as Defense Exhibit 5
15 for identification and can you tell us if that is
16 your Facebook post?

17 A. Relating back from March 16th and, I guess, 2015
18 'cause that's what's up at the top.

19 Q. Okay. And so that's a photo that you've posted?

20 A. Mmm, hmm.

21 COURT REPORTER: Yes or no?

22 THE COURT: Is that yes?

23 A. Yes, ma'am.

24 Q. And does the child have any clothes on?

25 A. Looking at it, no, it don't look like it. I see

A. Morris- Direct Examination by Ms. Little

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1 socks on the child's feet.

2 Q. Okay. So it's a picture of your child's friend
3 that's naked in 2015, how old would your daughter
4 have been? This is her best friend. So how old
5 would, you said it's Madison's friend?

6 A. Mmm, hmm.

7 THE COURT: Is that a yes?

8 A. I believe that's Madison's friend. Yes.

9 Q. Okay. All right. So -- so approximately how
10 old do you say, would you say that this child is that
11 you posted ---

12 A. I don't know off the top of my head.

13 Q. Okay. All right. Would you agree that she's
14 not a baby?

15 A. Correct.

16 Q. All right. Okay. All right. And then -- Your
17 Honor, I'd like to -- just to refresh your memory I'd
18 like to approach one more time in reference to
19 Defendant's Exhibit 3 marked only for identification,
20 not in evidence, and see if you can identify the
21 people in that photo?

22 A. Yes, ma'am.

23 Q. Okay. And there's one child in the photo whose,
24 it looks like maybe a pull-up or panties ---

25 A. Mmm, hmm.

A. 'Morris- Direct Examination by Ms. Little

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1 Q. --- and nothing else.

2 A. Minor

3 Q. And that's Minor

4 A. Mmm, hmm.

5 Q. All right. And how would you say Minor is in
6 that photo?

7 A. Probably like 2 ½, 3, I guess.

8 Q. Okay. And that is a photo that you, that you
9 posted of her?

10 A. Okay. That's a photo that was not taken by me.
11 That was sent to me by Laura.

12 Q. So ---

13 A. That's Laura's photo that she sent me when she
14 had the children.

15 Q. So did you -- did you post it on your Facebook
16 page?

17 A. Nine times out of ten, yes, ma'am.

18 Q. Okay. So you did? So that's ---

19 A. Yes.

20 Q. You did post ---

21 A. Yes, ma'am. If it's on there I posted it.

22 Q. Okay.

23 A. Okay. All right. I'll move along on that. And
24 going back to what your -- well, let me ask you this,
25 when your girls were young and I know these are

A. Morris- Direct Examination by Ms. Little

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1 questions nobody wants to answer, but
2 it is, it's something that I think I feel the jury
3 needs to know, and so when you taught your girls
4 about their private parts, what did -- what names did
5 y'all call those when they were young, say 2, 3, 4 5
6 years old?

7 A. We still call it a tutu and a winky.

8 Q. Okay. All right. And so would you have taught
9 your children, do you think, when they were really
10 young to call the boys part a winky? Is that what
11 y'all call it?

12 A. Yes, ma'am.

13 Q. And so do you ever recall teaching **Minor** the
14 word penis?

15 A. No, ma'am.

16 Q. So that wouldn't have been -- that would be --
17 you would consider that unusual if she was using the
18 word penis?

19 A. I found it very odd.

20 Q. Okay.

21 A. Yes, ma'am.

22 Q. All right. So that that wasn't what you taught
23 your girls to say?

24 A. No, ma'am.

25 Q. All right. And at the time, and I'm not gonna

A. Morris- Direct Examination by Ms. Little

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1 really go into this much, but you did, you did say
2 that at the time there was some DSS involvement and
3 that the children weren't living with you. And --
4 can you -- would you -- would you tell the jury
5 whether, what, whether or not they were allegations
6 of alcohol or drugs?

7 A. It was marijuana ---

8 MS. PARKER: Objection, Your Honor, to relevance.

9 MS. LITTLE: Your Honor, I'm trying to establish
10 the context of what this child's life was like at the
11 time. I think it's relevant.

12 THE COURT: Okay. All right. I'll sustain --
13 I'll overrule the objection. Go ahead.

14 MS. LITTLE: Thank you, Your Honor.

15 Q. So you said it was marijuana?

16 A. Yes, ma'am.

17 Q. Okay. All right. All right. I'mma go back --
18 I'mma ask you another question about, about Facebook
19 and -- but for one thing was, you know, was -- I know
20 alcohol is used in my home, was alcohol something
21 that was prevalent, prevalently used in your home
22 when the children were real small?

23 A. Not by me. I was with a man that did drink and
24 his alcohol led to us separating.

25 Q. Okay. All right. And, I mean, you wouldn't

A. Morris- Direct Examination by Ms. Little

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1 want to let a young -- you wouldn't let a young child
2 of yours drink alcohol, would you?

3 A. They've never drank alcohol.

4 Q. Okay. All right.

5 MS. PARKER: Your Honor, I have an objection to
6 that Facebook posts that she's -- I would have an
7 objection and I'd like to be heard outside the
8 presence of the jury.

9 THE COURT: Yeah. I'm going to -- she hasn't
10 asked a question but if y'all would approach.
11 (Whereupon, a bench conference is held on the record
12 but not in the presence of the jury)

13 THE COURT: All right. So the first set of
14 questions were, because this is criminal sexual
15 conduct case, and I don't -- I know you stopped again
16 ---

17 MS. LITTLE: It's not really in.

18 MS. PARKER: I would still object to that, though.

19 THE COURT: Well, I let her -- I'll let her ask
20 the questions.

21 MS. PARKER: Okay.

22 THE COURT: These -- these other picture of the
23 child would be -- I think that's -- I don't think
24 that's irrelevant and I think that has any bearing on
25 this case.

A. Morris- Direct Examination by Ms. Little

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1 MS. LITTLE: But it goes to the credibility 'cause
2 she just said that she wouldn't let a child drink
3 alcohol and there's some, she's posted pictures of
4 the baby holding a beer can.

5 MS. PARKER: And you don't know what's in the
6 bottle.

7 THE COURT: But what?

8 MS. PARKER: It's just a photo ---

9 MS. LITTLE: No, I can't contest to what's in the
10 ---

11 THE COURT: What does that to do with the child
12 being sexual assaulted? Her mom is not gonna ---

13 MS. PARKER: I don't think it has --- that's what
14 this is all about ---

15 THE COURT: The mom is the only one -- the mother
16 is the only one who made the allegation and she has
17 something to make it ---

18 MS. LITTLE: I gotcha.

19 THE COURT: Go gather your thoughts and if you
20 need to approach again that's fine. I just -- I
21 don't want to go down this route.

22 (Whereupon, the judge goes back on the record)

23 THE COURT: And folks, I bring the lawyers
24 forward, before the Court so I don't have to send you
25 out.

A. Morris- Cross-Examination by Ms. Parker

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1 All right. Ms. Little?

2 MS. LITTLE: All right. I'mma gonna withdraw
3 that last question and Ms. Morris, that's all the
4 questions I have for you at this time. Thank you.

5 A. Yes, ma'am.

6 THE COURT: Madam Solicitor, anything do you have?

7 MS. PARKER: Yes, sir. Yes, Your Honor.

8 **Cross-Examination by Ms. Parker:**

9 Q. Ms. Morris, good morning.

10 A. Yes.

11 Q. You testified you have three girls, is that
12 right?

13 A. Yes, ma'am.

14 Q. And where are you working right now?

15 A. I'm -- I'm a personal shopper at Walmart.

16 Q. Are the personal shoppers the one that shop for
17 the pick-up orders?

18 A. Yes, ma'am.

19 Q. Okay. So you're currently employed full-time?

20 A. Yes, ma'am.

21 Q. And you say that you lived out, you said on
22 Pheasant Drive?

23 A. Correct.

24 Q. Who all lives on that property?

25 A. In my home?

A. Morris- Cross-Examination by Ms. Parker

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1 Q. Not just in your home but as a collective ---

2 A. The property awide?

3 Q. Yes, sir. Yes, ma'am. That's around.

4 A. So you have the first mobile home is my baby
5 sister. The next home is my parent's. And then you
6 got me. And then my oldest sister to the far right.

7 Q. Okay. So you -- so y'all a close knit family?

8 A. Yes. Yes, ma'am.

9 Q. And y'all are all out there together?

10 A. Exactly.

11 Q. And prior to this case, isn't it accurate to say
12 that, that Laura Crawford, Terry Sander's, wife or
13 girlfriend, the girlfriend at the time, maybe wife
14 now, was your very best friend in the whole wide
15 world?

16 A. Yes, ma'am.

17 Q. And y'all grew up together, isn't that true?

18 A. Correct.

19 Q. Friends through high school?

20 A. More middle school. I didn't get to go with her
21 to high school.

22 Q. But you've known her a long time ---

23 A. She was -- yes.

24 Q. Isn't it accurate to say that y'all grew up
25 together?

A. Morris- Cross-Examination by Ms. Parker

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1 A. Yes, ma'am.

2 Q. After the events in, on October 2nd and into the
3 early morning of October 3rd of 2015, would it be
4 accurate to say that that relationship ceased?

5 A. Yeah.

6 Q. To a screeching halt?

7 A. It cut that night. It was done.

8 Q. And you were hurt by that because you lost your
9 best friend over this?

10 A. I'm still hurt.

11 Q. I'mma move on. On the night of the incident,
12 didn't you and Laura go to the hospice house at
13 McLeod?

14 A. Yes, ma'am.

15 Q. That's the reason why **Minor** was left with
16 Terry? Not with ---

17 A. With Reggie ---

18 Q. --- excuse me, not Terry but at the residence
19 with Reggie?

20 A. Yes, ma'am.

21 Q. Who was in the hospice house?

22 A. Aunt Sandra. It's her aunt, but I consider her
23 like my aunt. Her mom's sister.

24 Q. So y'all are best friends and you -- and y'all
25 were also close. It's accurate to say you were also

A. Morris- Cross-Examination by Ms. Parker

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1 close with her family?

2 A. Oh, yeah.

3 Q. So you rode with Laura to go see the aunt at the
4 hospice house, is that correct?

5 A. Yeah.

6 Q. Your other two girls, isn't it true that they
7 were spending the night with friends?

8 A. Yes.

9 Q. And they were a little bit -- how old were they
10 when, when **Minor** was 4, how old would they have
11 been?

12 A. I guess, 7 and 8, what **Minor** said, 7.

13 Q. Okay.

14 A. Seven and 8-years-old.

15 Q. So **MC** and **AC** were staying with friends
16 the night of October 2nd ---

17 A. Yes, sir.

18 Q. --- 2015?

19 A. Yes, ma'am.

20 Q. And you rode with Laura to the hospice house,
21 took **Minor** to Reggie's watch at Laura's house?

22 A. Yeah. That's correct.

23 Q. Was Terry there when you left **Minor** there?

24 A. No.

25 COURT REPORTER: Okay.

1 MS. PARKER: Okay.

2 COURT REPORTER: You ask the question and she's
3 got to answer it.

4 MS. PARKER: Yes, ma'am.

5 Q. So it was true that Terry was not there when you
6 left **Minor** there to ride to Florence?

7 A. Correct.

8 Q. Okay. Now, when y'all were at the hospice house
9 and visiting Laura's aunt -- well, why don't you --
10 why don't you just describe the circumstances y'all
11 left? Why did you leave the hospice house?

12 A. We were in there visiting. It was me, Laura's
13 mom and Laura. Laura got a phone call. Walked
14 outside in the hallway to take the call. She'd come
15 back and grab her stuff and said let's go. We gotta
16 go. And ---

17 Q. And don't say what anybody said. Don't say what
18 somebody else said. She just said we had to go.
19 Like and she started grabbing her stuff.

20 Q. Okay. All right. So -- I'mma ask you what was
21 Laura doing when she came back in the room after she
22 had gotten the phone call? How did she come back in
23 the room?

24 A. Just told me let's go. We gotta go. Reggie just
25 called. We just gotta go.

A. Morris- Cross-Examination by Ms. Parker

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1 Q. How was her demeanor?

2 A. Serious. Wouldn't tell me or her mom what he
3 told her other than we had to go. We had to get back
4 ---

5 MS. LITTLE: I'mma object to continue hearsay.

6 THE COURT: Yeah. You can't tell me what someone
7 else said, ma'am.

8 Q. Yeah. Let's not say what, what Laura said. I'm
9 asking you how she was acting. Did she act idle or
10 upset?

11 A. Shocked. Just, I had to go. Like she told me to
12 let's go. We had to go.

13 Q. So you didn't -- okay -- so then y'all leave the
14 hospice house and you had to ride back to Darlington,
15 isn't that correct?

16 A. Correct.

17 Q. Who drive?

18 A. Laura.

19 Q. So it would be fair to say that you are in the
20 passenger seat?

21 A. Yes, ma'am.

22 Q. And on the way back to Darlington, did you,
23 without saying what Laura said, did y'all talk about
24 why you were returning back to Darlington, about why
25 you abruptly left? Did y'all have a conversation?

A. Morris- Cross-Examination by Ms. Parker

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1 A. I begged her to tell what was going on. Why we
2 were leaving and she had just told me ---

3 Q. Well, let me stop you right there. You can't say
4 what she said. I'mma ask you this.

5 A. It's hard to talk.

6 Q. I know. I'm sorry. Isn't it true, that you got
7 the impression that something's wrong?

8 A. A hundred percent.

9 Q. Something that was wrong?

10 A. Exactly.

11 Q. But she wouldn't tell you what was wrong?

12 A. Not until in front of Young's Pecan, around that
13 area is when she finally told me.

14 Q. Don't say what she said.

15 A. Okay.

16 Q. So y'all were driving by Young's Pecan ---

17 A. Yeah.

18 Q. And she indicated to you ---

19 A. What she had told me -- I can tell you what she,
20 I told her?

21 Q. Don't say what she said.

22 A. What I told her?

23 Q. What did you tell her?

24 A. I told her to call the police, have the police
25 there. Because like when I get there I wasn't gonna

A. Morris- Cross-Examination by Ms. Parker

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1 hurt him.

2 Q. Okay. So the police were called while y'all were
3 in route back to Syracuse Street in Darlington ---

4 A. Yes, ma'am.

5 Q. --- to the residence?

6 A. She called.

7 Q. Who called the police?

8 A. Laura.

9 Q. Okay. And when I say call the police, did she
10 call 911?

11 A. Yes, ma'am. It was 911.

12 Q. And did officers meet y'all at the house when you
13 got to Syracuse Street?

14 A. Yes, ma'am.

15 Q. And did you have an opportunity to observe the
16 demeanor of the defendant?

17 A. Yes, ma'am.

18 Q. And isn't it true that he was intoxicated?

19 A. It was disgusting.

20 Q. Was he intoxicated?

21 A. Yes, ma'am.

22 Q. Did you have an opportunity to observe **Minor**
23 and speak with your child?

24 A. Yeah. She was crying.

25 Q. **Minor** was crying?

1 A. Both children were crying and....

2 Q. So DS [REDACTED] was also crying?

3 A. Yes, ma'am.

4 Q. Did you, without saying -- well, let me ask you
5 this, did you try to talk to Minor [REDACTED] about what it
6 happened?

7 A. Other than walked in to see what was going on
8 like, of course, she come straight to me. She was
9 crying and upset.

10 Q. Did -- and I'mma ask you this and you can't say
11 what Minor [REDACTED] said and you can't say who and you can't
12 say what, but -- let me ask you this, did Minor [REDACTED]
13 disclose to you that something sexual had happened to
14 her?

15 A. Yes, ma'am.

16 Q. And where did she say it happened?

17 A. In the bathroom.

18 Q. And did she say it happened to her?

19 A. While I was gone, basically.

20 Q. While you were gone to Lala's house?

21 A. And ---

22 Q. And you stated that you confronted Terry?

23 A. Yeah. Yes, ma'am.

24 Q. All right. I'll move on from that. Would it be
25 accurate to say that you were pretty upset?

A. Morris- Cross-Examination by Ms. Parker

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1 A. Yes, ma'am.

2 Q. As her mother?

3 A. Yes, ma'am.

4 Q. And you said the police met y'all at the
5 residence, is that correct?

6 A. Yes, ma'am.

7 Q. And then you went and gave a statement down at
8 the police department to Moe ---

9 A. Yes, ma'am.

10 Q. --- Valazak, is that -- is that correct?

11 A. Yes, ma'am.

12 THE COURT: Is that a yes?

13 A. Yes, sir.

14 Q. And did you check -- take your child that same
15 night to the McLeod Emergency Room?

16 A. Yes, ma'am.

17 Q. And who rode with you?

18 A. I rode with my oldest sister. She took me and
19 **Minor** to McLeod.

20 Q. She met -- your sister met you up at the police
21 department, isn't that correct?

22 A. Yeah. She had came.

23 Q. Okay. Then some later -- and then some, a day or
24 two later, you also, isn't it true, that you took

25 **Minor** to the Durant Center to be interviewed?

1 A. Yes, ma'am.

2 Q. You tried to do everything ---

3 A. The ---

4 Q. --- that -- I'm sorry.

5 A. The hospital had referred us like to let us know
6 to go there.

7 Q. Okay. So the hospital ---

8 A. They set it up.

9 Q. Okay. And you -- would it be fair to say you
10 tried to cooperate with investigation of his case ---

11 A. Mmm, hmm.

12 Q. --- and do what they ask you to do?

13 A. Yes, ma'am.

14 Q. And this is off topic, but October 2nd and 3rd, 4th,
15 5th, those days along in 2015, was it raining?

16 A. Horribly. Yes, ma'am.

17 MS. LITTLE: Object to relevance.

18 THE COURT: Overruled.

19 A. Well, it was raining.

20 Q. Was this -- was this the 100 year flood, like the
21 once and a lifetime flood was going on while this
22 happened to Minor

23 A. Oh, yeah. Yeah. It was horrible raining.

24 Q. Okay. And I'mma ask you this, did you
25 immediately put Minor in counseling?

A. Morris- Cross-Examination by Ms. Parker

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1 A. No, ma'am. I did not.

2 Q. And why is that?

3 A. I wanted -- I thought it was best. I thought she
4 would forget it and I found out like, I guess, a
5 little over a year ago now that she hasn't. She
6 knows everything he did to her.

7 Q. So would it be fair to say that because of her
8 age it was possible you thought she might have
9 forgotten about it ---

10 A. I prayed to God ---

11 Q. --- maybe she wasn't attached to it ---

12 A. --- she would ---

13 Q. --- to long term memory....

14 A. I truly didn't think she remembered anything of
15 it. Something we didn't talk about and didn't want
16 to talk about it. Q. Okay. And when this incident
17 happened was **Minor** closer to 4 or closer to 5?

18 A. Closer to 5.

19 Q. Okay. Did you ever tell **Minor** what to say?

20 A. No, ma'am.

21 Q. Did you ever coach **Minor** to tell her to say
22 that Terry did these things to her?

23 A. No.

24 MS. PARKER: I beg the Court's indulgence. No
25 further questions.

1 THE COURT: All right. Ms. Little?

2 MS. LITTLE: No redirect, Your Honor.

3 THE COURT: All right. Thank you, ma'am. You can
4 step down. Thank you for your testimony.

5 MS. MORRIS: Thank you.

6 MS. LITTLE: You ready?

7 THE COURT: Yes, ma'am.

8 MS. LITTLE: The defense calls Mr. Timmy Williams.

9 THE COURT: Sir, just come around here please.

10 THE CLERK: If you'll place your left hand on the
11 Bible and raise your right. You swear the testimony
12 you give this Court will be the truth, the whole
13 truth, and nothing but the truth so help you God?

14 MR. WILLIAMS: Yes.

15 THE COURT: Have a seat right here in this chair,
16 sir. And sir, would you tell me your name in that
17 microphone, please?

18 MR. WILLIAMS: Timothy Eldon Williams.

19 THE COURT: Thank you, Mr. Williams. Your
20 witness?

21 MS. LITTLE: Thank you, Your Honor.

22 TIMOTHY WILLIAMS, first being
23 duly sworn, testified as follows:

24 **Direct Examination by Ms. Little:**

25 Q. Ms. Williams, how you doing today?

T. Williams- Direct Examination by Ms. Little

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1 A. Doing good.

2 Q. Okay. Mr. Williams, can you tell the jury what
3 you're address is? Where you live now?

4 A. 249 Syracuse Street, Darlington.

5 Q. All right. And where would that be in
6 relationship to where the defendant, Terry Sanders,
7 lives?

8 A. The driveway that goes to his house is right next
9 to mine. He just comes right beside my house,
10 basically, to go to his driveway to his house.

11 Q. So would, would you say that y'all are neighbors?

12 A. Oh, yeah. We're definitely neighbors.

13 Q. And would you say close neighbors?

14 A. Yes, ma'am.

15 Q. Okay. And have you known -- how long have you
16 known Mr. Sanders, just ballpark? I don't know that
17 we expect you to tell us the exact.

18 A. It's got to be somewhere close 10, 10 to 12
19 years.

20 Q. Okay. And did -- let me ask you this, what do
21 you do? Where do you work, sir?

22 A. Carolina Jack and Lift in Timmonsville, South
23 Carolina.

24 Q. Okay. And what do you do there?

25 A. I'm the service manager.

T. Williams- Direct Examination by Ms. Little

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1 Q. Okay. And does Mr. Sanders work there also?

2 A. Yes, ma'am.

3 Q. Okay. And what does he do there?

4 A. He's over our warehouse. Runs the forklift.

5 Unload trucks. And put things where they need to go
6 and get them out for the next day.

7 Q. Okay. And, I guess, would you be his supervisor
8 or did he have a supervisor?

9 A. Yes, ma'am. I'm one of them.

10 Q. Okay. And would you say Terry was a hard worker?

11 A. Yes, ma'am.

12 Q. And aside from -- well, was that a full-time job
13 that he did at the time?

14 A. At our shop, yes. It's full-time, yes.

15 Q. Okay. And he still works there?

16 A. Yes, ma'am.

17 Q. Okay. All right. In addition to his regular
18 full-time job, did Terry also, Mr. Sanders, also do
19 jobs for you around, around your house?

20 A. Yes, ma'am. He does ---

21 Q. And what certain things would that be?

22 A. Getting up all the limbs that I can't pick up no
23 more. Picking up my pecans. He'd get my grass cut
24 some.

25 Q. All right. So -- and you're physically not able

T. Williams- Direct Examination by Ms. Little

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1 to do some of those things anymore, are you?

2 A. No, ma'am. Sciatic nerve that don't work.

3 Q. All right. And -- and I'm gonna take you back to
4 October of 2015, I know that's a long time back. And
5 I'm gonna call to your -- I'm gonna ask you if you,
6 you may not remember the specific date, but do you
7 remember in October of 2015 that you saw a lot of
8 police over at Terry's house?

9 A. Yes, ma'am. It was late that night.

10 Q. Okay.

11 A. But I ---

12 Q. All right. So then I'mma go back and start that
13 morning, okay. This is the night that you saw all
14 the police and that morning, did you work that day?

15 A. I did.

16 Q. Okay. And did Terry Sanders work that day?

17 A. Yes, ma'am.

18 Q. Okay. And do you know about what time Terry
19 would've gotten off of work?

20 A. I'm not sure what time he would've gotten off.
21 But I got off usually between 5 and 5:30 so I had to
22 be at home, it was close to 6 o'clock when I got
23 home.

24 Q. Okay. And do you remember whether or not it was
25 dark when you got home?

1 A. Oh, it was not dark when I got home.

2 Q. Okay. All right. And did you have Terry do any
3 work for you that day?

4 A. Yes, ma'am. We had planned for him to come out
5 there and I had some limbs to be put out there by the
6 road to get picked up and I had a good many pecans I
7 needed picked up before the rain got all over them.
8 But then it started raining pretty hard so....

9 Q. Okay. And so when you got home from work around
10 you said maybe 5:30 or 6, was he working in your yard
11 at that time?

12 A. Yes, ma'am, he was.

13 Q. Okay. And was it raining at that time?

14 A. A little bit. Not bad. I little misty and it
15 just got harder as the evening went on.

16 Q. And so to the best of your recollection,
17 recollection, how, how long did he continue to work
18 for you that evening? If you can remember.

19 A. It had to be, if I was guessing, somewhere
20 between 7 to 7:30 maybe. 'Cause, like I said, once
21 it started raining so hard, you know, we'd planned to
22 go, start back the next day.

23 Q. Okay. All right. And so during that evening
24 from the time you got home from work until the time
25 around 7:30 or so when he stopped, did you, did you

T. Williams- Cross-Examination by Ms. Parker

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1 have an opportunity to observe him? I mean, were you
2 around him? Did you speak to him?

3 A. Yes, ma'am. We shook hands and spoke when I got
4 there and went out there and saw what he was doing
5 and, you know, I told him I appreciated it. And when
6 it got to rain so I went out there again, you know,
7 and told him, you know, it might be best for the next
8 day. We shook hands and, you know, he went home.

9 Q. All right. And did you observe him drinking any
10 alcohol?

11 A. No ma'am. I did not.

12 Q. Did you smell any alcohol on him?

13 A. No, ma'am. I did not.

14 Q. And did you see any behavior that appeared that
15 he might be intoxicated?

16 A. No, ma'am.

17 Q. And over the years, 10 years or so that you and
18 Terry, Mr. Sanders were neighbors, did you ever see
19 him around young children?

20 A. Yeah. I've seen him up and down the driveway,
21 you know, with his kids and other little kids that
22 will be over there with them and Laura, you know,
23 they just out playing, you know, going to a vehicle
24 or going or coming, whichever.

25 Q. So it would be fair to say a lot of people came -

1 --

2 A. Oh, yeah ---

3 Q. I mean, children, a lot of children ---

4 A. Yeah. A lot of kids. Yes. Yes.

5 Q. Did you ever see anything, any type of behavior
6 that you found troubling as far as the way Terry
7 interacted with children?

8 A. No, ma'am. None.

9 Q. Okay.

10 MS. LITTLE: Okay. Mr. Williams, answer any
11 questions that Madam Solicitor has please.

12 Thank you.

13 **Cross-Examination by Ms. Parker:**

14 Q. I'm sorry, Mr Williams?

15 A. Yes, ma'am.

16 Q. Good morning. It's almost afternoon but it's
17 still morning. You said that Terry was doing some
18 yard work for you ---

19 A. Yes, ma'am.

20 Q. --- that, that afternoon?

21 A. Yes, ma'am. It was that afternoon.

22 Q. Okay.

23 A. It was late ---

24 Q. Did you say he worked until dark or past dark?

25 A. It was close dark. But it was real close but

T. Williams- Cross-Examination by Ms. Parker

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1 probably not black dark yet because, like I said, he
2 was picking up pecans, like I said, it started
3 raining and it was getting too bad to be out there
4 doing that.

5 Q. Right. Because you would agree you can't really
6 see pecans in the dark?

7 A. No, ma'am.

8 Q. Especially, if it might be raining?

9 A. Yes, ma'am.

10 Q. So you -- but you have no idea of what Mr.
11 Sanders did past dark?

12 A. No, ma'am.

13 Q. And when he got done doing that work for you for
14 you, you have no knowledge of what transpired the
15 rest of the night, isn't that correct?

16 A. No, ma'am. Not the rest of the night, no.

17 MS. PARKER: No further questions.

18 MS. LITTLE: No -- no redirect, Your Honor. I'd
19 ask ---

20 THE COURT: All right. Mr. Williams, thank you
21 for your testimony. Sir, you may step down.

22 MS. LITTLE: All right. May I release him from
23 his subpoena, Your Honor?

24 THE COURT: All right. So ordered. You're free
25 to go, sir.

1 MR. WILLIAMS: Okay.

2 THE COURT: Have a good day.

3 MS. LITTLE: Thank you. Go forward?

4 THE COURT: Yes, ma'am. Well ---

5 MS. LITTLE: Your Honor ---

6 THE COURT: Ladies and gentlemen of the jury, are
7 we good? I know y'all've been back and forth.

8 Everybody is nodding yes. They're good. I don't see
9 any no's. All right. Go ahead, Ms. Little?

10 MS. LITTLE: Your Honor, I would call DF

11 [REDACTED].

12 THE COURT: DF [REDACTED].

13 THE CLERK: Step right here please. If you'll
14 place your left hand on the Bible and raise your
15 right. You swear the testimony you give this Court
16 will be the truth, the whole truth, and nothing but
17 the truth so help you God?

18 MS. FOSTER: Yes, ma'am.

19 THE COURT: Ms. Foster, if you'd be seated and if
20 you would tell us your name in the microphone please?

21 MS. FOSTER: DF [REDACTED].

22 THE COURT: Thank you, Ms. Foster. Your witness?

23 [REDACTED], first being

24 duly sworn, testified as follows:

25 Direct Examination by Ms. Little:

D. Foster- Direct Examination by Ms. Little

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1 Q. All right. Good morning, DF Is it okay if
2 I call you DF

3 A. Yes, ma'am.

4 Q. How are you doing today?

5 A. Good. How are you?

6 Q. I'm good. DF how old are you?

7 A. I'm 17.

8 Q. And what's your date of birth?

9 A. .

10 Q. All right. You have a birthday coming up?

11 A. Yes, ma'am.

12 Q. All right. And DF where do you live now?

13 A. Florence.

14 Q. All right. Were you -- how are you related to
15 Terry Sanders?

16 A. He's my uncle.

17 Q. All right. And how is he your uncle? Explain
18 that relationship.

19 A. He is my mother's brother.

20 Q. Okay. And did you grow up in Florence?

21 A. Yes, ma'am. Darlington and Florence.

22 Q. Okay.

23 A. Yes, ma'am.

24 Q. And so during your childhood, at least, for part
25 of it, did you live in the same house with Terry

1 Sanders?

2 A. Yes, ma'am.

3 Q. Okay. And for -- can you say like roughly like -

4 --

5 A. Maybe 2 years, a year and a half.

6 Q. A few years?

7 A. Yes, ma'am.

8 Q. And apart from those two years when y'all lived

9 at the same house, did you see him quite often when

10 you were a child?

11 A. Yes, ma'am.

12 Q. All right. And did you ever spend the night at

13 the some place where he was spending the night?

14 A. Yes, ma'am.

15 Q. I guess, maybe your grandparents house?

16 A. Yes, ma'am.

17 Q. Okay. And would you say that was often?

18 A. Yes, ma'am.

19 Q. All right. And would you sometimes have friends

20 over too?

21 A. Yes, ma'am.

22 Q. All right. And, basically, I just want to ask you

23 this, and you've known Terry, I'm guessing, Mr.

24 Sanders since you can remember, is that correct?

25 A. Yes, ma'am.

D. Foster- Direct Examination by Ms. Little

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1 Q. All right. And during the whole time that you've
2 known him and been alone with him, had your friends
3 around him, has he ever done anything or given any
4 indication that he would, or done anything sexually
5 inappropriate?

6 A. No, ma'am. Never.

7 Q. Okay. All right. And so you said you had
8 friends around?

9 A. Yes, ma'am.

10 Q. Never -- none of your friends have ever said that
11 anything was ever done to them?

12 A. No, ma'am.

13 Q. And you do know that there's allegations right
14 now against ---

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

16 Q. --- your uncle -- all right. And that they're
17 sexual allegations?

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

19 Q. All right. And how do you feel about that?

20 A. I feel like this man right here is, he doesn't
21 deserve to be here.

22 Q. Okay. So basically, you want -- you're here to
23 support him? You don't believe ---

24 A. Yes, ma'am. I'm here to support him a hundred
25 percent.

D. Foster- Direct Examination by Ms. Little

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1 Q. All right.

2 MS. LITTLE: Thank you, [DF] Any questions
3 that the solicitor has for you please.

4 MS. PARKER: I beg the Court's indulgence, Your
5 Honor. I apologize. I do want to briefly cross Ms.
6 Foster. Your Honor, may we approach, me and Ms.
7 Little?

8 THE COURT: Yes, ma'am.

9 (Whereupon, a bench conference is held but on the
10 record but out of the jury's presence)

11 MS. PARKER: Judge, I mean, I'mma take the
12 position that, that line of questioning opens the
13 door, I'mma question this witness about his prior
14 convictions for sexually inappropriate behavior and
15 he's on the registry. I mean, clearly I think the
16 door has been opened.

17 MS. LITTLE: I asked her if he had done anything -
18 --

19 MS. PARKER: Sexually inappropriate ---

20 MS. LITTLE: Sexually inappropriate to her or her
21 friends not had he ever done anything. She's never
22 seen him. Of her own personally knowledge. I mean,
23 I think she's not -- she didn't say -- she just said
24 she believes him. She didn't say he's never done
25 anything. She just said she hasn't seen him ---

D. Foster- Direct Examination by Ms. Little

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1 MS. PARKER: I mean, I felt the line of
2 questioning was leading and I'm asking ---

3 THE COURT: I'mma gonna object to the relevance
4 and, when she ask the question ---

5 MS. PARKER: I should have

6 MS. LITTLE: I don't think -- I mean, I don't
7 think ---

8 THE COURT: I mean, it's not definite because she
9 stopped. She didn't ask her anything else. But I
10 don't think she ---

11 MS. LITTLE: I mean, I never asked her, you know,
12 I just said had she ever seen him do or her friends
13 do anything sexually inappropriate. I didn't say is
14 he not a convicted felon. And that's not -- I mean,
15 the circumstances around that are, that wasn't a
16 child. Those were adults. They were 17-years-old.
17 The prior conviction is not -- and it can't be used
18 to impeach him even if he testifies.

19 THE COURT: All right. You ready?

20 MS. PARKER: It's a no, the door hasn't been
21 opened.

22 THE COURT: I don't think it has. It's close. It
23 was close. I thought you were in a different
24 direction.

25 MS. PARKER: I mean, I still want to cross her.

D. Foster- Cross-Examination by Ms. Parker

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1 THE COURT: Yeah. That's fine.

2 MS. PARKER: Okay.

3 THE COURT: That's fine.

4 MS. PARKER: Thank you.

5 (Whereupon, the judge goes back on the record)

6 Cross-Examination by Ms. Parker:

7 Q. Ms. Foster, you stated that the defendant was
8 your uncle?

9 A. Yes, ma'am.

10 Q. You know him as uncle Terry?

11 A. Yes, ma'am.

12 Q. Okay. And it would be accurate to say that you
13 love him?

14 A. Yes, ma'am.

15 Q. And you wouldn't want him to go to prison?

16 A. Of course, not.

17 Q. But you have no idea what happened at the
18 residents on Syracuse Street on the night of October
19 2, 2015?

20 A. I was not there.

21 Q. You were not there?

22 A. No, ma'am.

23 Q. That's -- so you have no idea what happened or
24 transpired on that night?

25 A. I was not there.

1 MS. PARKER: Thank you.

2 THE COURT: All right. Anything else of this
3 witness?

4 MS. LITTLE: No. Thank you, DF

5 THE COURT: All right. Thank you, Ms. Foster.
6 You can step down. Have a nice day. Watch your
7 step.

8 MS. LITTLE: I beg the Court's indulges for just
9 one moment.

10 THE COURT: Yes, ma'am.

11 MS. LITTLE: All right. Your Honor, I'm going a
12 little out of order. Actually, I'm way out of order.
13 I would like to call Ms. Peggy Rival and that is --
14 I do not believe she's present but I would be happy
15 to send my staff to go check real quick.

16 THE COURT: Okay. All right.

17 MS. LITTLE: Or do we need to just go call out for
18 her?

19 THE COURT: Yes.

20 MS. LITTLE: Because the subpoena said 5th floor
21 courtroom.

22 THE COURT: Madam?

23 MS. LITTLE: The subpoena was to come to the 5th
24 floor courtroom. So I think if we could just maybe
25 ask the bailiff to call out and see if she's out

1 there.

2 THE COURT: All right. That'll be fine.

3 MS. LITTLE: All right. And that would be Peggy
4 Rivera.

5 (Whereupon, the bailiff calls out her name)

6 MS. LITTLE: And she is not, is not here, Your
7 Honor. Do you want me just wait till the break and
8 then we can address that and then ---

9 THE COURT: That will be fine. Is there another
10 witness you wish to call before the break?

11 MS. LITTLE: Not necessarily before the break,
12 but if you want me to I can.

13 THE COURT: Why don't y'all approach.
14 (Whereupon, a bench conference was held off the
15 record)

16 THE COURT: Okay. Ladies and gentlemen of the
17 jury, we -- there's some witnesses who haven't
18 arrived yet and I'm not gonna make you wait for that.
19 So we're gonna take a break right now and you can
20 have your lunch break. We'll come back, if you can
21 be in the back by 1:30, okay. That'll give you a
22 little while to make sure you can run an errand and
23 get something to eat, okay. Thank you for your
24 patience this morning. You may step out.

25 (Whereupon, the jury exits the courtroom at 11:52

1 a.m.)

2 THE COURT: All right. The jury has retired and
3 Ms. Little you wanted to address some things in
4 regards to your witness?

5 MS. LITTLE: Yes, Your Honor. One moment. I'm
6 trying to get my subpoena. Your Honor, we subpoenaed
7 Ms. Peggy Rivera, [REDACTED] Drive, Darlington
8 South Carolina to be in court today at 9 o'clock and
9 I have a duplicate subpoena right here, identical to
10 the one that we served on her. Actually, we served,
11 she was served twice. I have two proof of service,
12 one, she was served in person on 9/14/22. She was
13 also served in person at that address on 9/12/22.
14 And she has failed to appear and I'm asking that you
15 to send a deputy to pick her up.

16 THE COURT: All right. Does anybody want to be
17 heard on this?

18 MS. PARKER: I mean, if -- I mean, my concern is
19 when Ms. Little's assistant went out, was the
20 individual identified as Peggy. I believe anything -
21 - if it wasn't handed to her I believe there was some
22 discussion the other day about it was left on the
23 truck. And then the time after that it was left
24 under a cup or something?

25 MS. ALTMAN: I said her name.

1 THE COURT: You said her know but did she
2 acknowledge being ---

3 MS. ALTMAN: She said, can I help you?

4 MS. LITTLE: Judge, we -- we put -- I think we had
5 this -- I thought this was put on the record. We
6 actually discussed all the circumstances around this
7 late yesterday and Your Honor ruled that you consider
8 that to be service.

9 THE COURT: I do consider it to be service and
10 right now she's, she's in defiance of the subpoena
11 and I would instruct the sheriff's office to bring
12 her to court ---

13 MS. PARKER: Okay.

14 THE COURT: --- as she was subpoenaed.

15 MS. LITTLE: All right.

16 THE COURT: And if you could make a copy for
17 their, for them and then it maybe that we have to
18 make this a Court's Exhibit.

19 MS. LITTLE: Thank you, Your Honor. All right.
20 Your Honor, that's all -- I think that's everything.
21 If we could break for lunch.

22 THE COURT: Okay. So after lunch we'll perhaps
23 you have Ms. Rivera, your client may or may not
24 testify, and then ---

25 MS. LITTLE: And then, um, Laura, his wife. I'm

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1 gonna have her -- I'm still kind of up in the air
2 about two very brief witnesses that I may call, but
3 they're on my list and I'll make that decision as
4 soon as possible.

5 THE COURT: Okay.

6 MS. LITTLE: I don't anticipate anything that I'm
7 going to present -- at this point, I don't anticipate
8 anything I'm gonna present to take more than an hour
9 and a half.

10 THE COURT: All right. Well, y'all be -- I
11 imagine y'all'll need a little bit of time before you
12 to jump into closing, but kind of have your notes
13 together on that. I just don't want to leave them
14 sitting out there ---

15 MS. LITTLE: I know.

16 THE COURT: --- as we hash out these matters.
17 They sat for a good while this morning.

18 MS. PARKER: Yes, sir.

19 MS. LITTLE: I understand. And then we'll, we'll
20 have, you know, after the close I'll have one more
21 motion. And then maybe Your Honor would consider us
22 giving us 20 or 30 minutes to get -- but that's
23 totally up to you. I'll try to have mine ready.

24 THE COURT: Do the best you can. I'm not going
25 to ask you to do something -- I'll work with you.

1 MS. LITTLE: Okay.

2 THE COURT: It's hard. So I'll be certainly
3 understanding. I just don't want them to be sitting
4 for a long time back there, all right.

5 MS. LITTLE: I understand.

6 THE COURT: Okay. All right. See y'all in a
7 little bit.

8 MS. LITTLE: Thank you, Your Honor.

9 MS. PARKER: Thank you.

10 THE COURT: We're in recess.

11 (Whereupon, the Court break for a lunch break at
12 11:55)

13 (Whereupon, the Court goes back on the record at 1:34
14 p.m.)

15 THE COURT: Okay. Court will come to order.
16 It's my understanding that all of jurors have
17 returned and we had the matter of a juror that, I
18 mean, a witness that Ms. little had subpoenaed. The
19 Court had instructed the sheriff's office to have her
20 brought to court. I understand from the report that
21 she was, was uncooperative, however, did appear on
22 her own and she's here in the building that the
23 sheriff's office has made some accommodations for
24 her. So the subpoena was never actually -- well,
25 they never took her into custody to bring her here.

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1 So the subpoena that we had discussed earlier, I'm
2 not going to make that a Court's Exhibit for purposes
3 of this trial. I think it's been -- I think Madam
4 Clerk, did you not make a record of it?

5 THE CLERK: I ---

6 THE COURT: Did you certify it?

7 THE CLERK: Mmm, hmm.

8 THE COURT: Okay. We've got a certified true
9 copy of it so it will be part of the court's record
10 in that regard. But I'm not make it a Court Exhibit,
11 at least. All right. Any matters we need to cover
12 before we bring the jury out. I hate to bring them
13 out and send them back in.

14 MS. LITTLE: I don't -- I don't have anything.

15 MS. PARKER: Ms. Rivera won't be brought out in
16 handcuffs, will she?

17 THE CLERK: No. They've already taken them off.

18 MS. PARKER: Okay. Okay. Just didn't want her
19 to ---

20 MS. LITTLE: I'mma go ahead and call her first ---

21 THE COURT: Well, that was a fair question, Madam
22 Solicitor. But I think they have ---

23 MS. PARKER: Okay. I mean, ---

24 THE COURT: She'd be -- she'd be the first
25 witness?

1 MS. LITTLE: Yeah, just to get her on out.

2 THE COURT: All right. Well, why don't we -- all
3 right, so you have this witness and then you have ---

4 MS. LITTLE: I have this witness who will be very
5 brief. Then I have very brief testimony of one of
6 his nieces. I have testimony of Debbie Roberts. And
7 I have testimony of his wife, Laura Crawford.

8 THE COURT: All right.

9 MS. LITTLE: And since we were on the break, I
10 haven't specifically asked him if he's decided if he
11 wants to testify. Do you want to go ahead and do
12 that now or....

13 THE COURT: I questioned him earlier. Have y'all
14 had that conversation?

15 MS. LITTLE: We haven't since lunchtime so he --
16 they just got back and I'm sorry I was talking to my
17 other witnesses. But I can ask him now if he's made
18 up his mind.

19 THE COURT: Just whenever it suits you, we can do
20 that whatever. And I can -- I can briefly maybe
21 during the break because we'll probably need to take
22 a break after a few witnesses.

23 MS. LITTLE: Okay. So my preference to do that
24 then would be right before I call my last witness.

25 THE COURT: Okay.

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1 MS. LITTLE: Who would be Laura Crawford.

2 THE COURT: All right.

3 MS. LITTLE: Unless -- unless he testifies. So
4 that will be -- I will call everyone except for her
5 and maybe we could take a short recess and then --
6 because I would like to, you know, end with her
7 without taking a -- I hate ---

8 THE COURT: Well, y'all ---

9 THE COURT: --- I hate to do that and then take
10 another break, but I will need to make another motion
11 and a few minutes to get my thoughts together on the
12 final.

13 THE COURT: I gotcha. Okay. Standard charges,
14 criminal sexual conduct with a minor, first, third,
15 kidnapping ---

16 MS. LITTLE: That's it.

17 MS. PARKER: That's it.

18 THE COURT: Speak with them about expert witness,
19 credibility witnesses ---

20 MS. LITTLE: Normally, we would always -- they
21 would always come in anytime we have an expert or if
22 there's a credibility charge, yes, sir.

23 THE COURT: So what else do y'all....

24 MS. LITTLE: I thought there was just a standard
25 like thing that y'all use everytime ---

P. Rivera- Direct Examination by Ms. Little

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1 THE COURT: I didn't know if there was anything
2 else in addition to the standard.

3 MS. LITTLE: Oh, anything extra? I don't have
4 anything extra.

5 THE COURT: I'll let you look over the charges
6 before we charge the jury.

7 MS. PARKER: Yes, sir. That sounds good.

8 THE COURT: We should be finishing those up here
9 in a second and you can look at the verdict forms
10 too.

11 MS. LITTLE: Okay.

12 THE COURT: Okay.

13 MS. LITTLE: All right.

14 THE COURT: All right. We're ready.

15 MS. LITTLE: We're ready.

16 (Whereupon, the jury enters the courtroom at 1:39
17 p.m.)

18 THE COURT: All right. Court will come to order.
19 Thank you, ladies and gentlemen of the jury. I think
20 we are ready to start with the afternoon's
21 proceedings. Ms. Little, are you ready to call your
22 next witness?

23 MS. LITTLE: Yes, sir. Defense calls Ms. Peggy
24 Rivera.

25 THE COURT: Ms. Rivera, can I get you to come

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1 forward, ma'am.

2 THE CLERK: If you'll place your left hand on the
3 Bible and raise your right. You swear the testimony
4 you give this Court will be the truth, the whole
5 truth and nothing but the truth so help you God?

6 MS. RIVERA: Yes, ma'am.

7 THE COURT: Ms. Rivera, if you'd just have a seat.
8 And if you would tell me your name in that microphone
9 please?

10 MS. RIVERA: Peggy Rivera.

11 THE COURT: Thank you, Ms. Rivera. Your witness,
12 Ms. Little.

13 MS. LITTLE: Thank you, Your Honor.

14 PEGGY RIVERA, first being
15 duly sworn, testified as follows:

16 Direct Examination by Ms. Little:

17 Q. Good afternoon, Ms. Rivera.

18 A. Good afternoon.

19 Q. Ms. Rivera, are you related to Minor

20 A. Yes.

21 Q. I'm sorry, Cook, Minor

22 A. Yes.

23 Q. And what's your relation to her?

24 A. Aunt.

25 Q. And when -- did Minor and her sisters live with

1 you at some point in the year of 2014?

2 A. They live with me, but I don't know the years.

3 THE COURT: Ma'am, you're gonna need to speak up.

4 A. They lived with me but I don't know the years.

5 Q. Okay. They lived with your but you don't know
6 years?

7 A. Right.

8 Q. Okay. And -- well, let me ask you this, do you
9 know how old **Minor** was when she lived with you?

10 A. She was maybe 2, 3 somewhere around there.

11 Q. Two -- okay. Do you recall -- do you remember how
12 long the girls lived with you?

13 A. A couple of years.

14 Q. And did anyone else live in the house with you
15 all?

16 A. Just the girls and my kids.

17 Q. Just the girls and your kids?

18 A. Yeah.

19 Q. And I'm not trying to repeat everything you say I
20 just want to make sure the jury understands what
21 you're saying.

22 THE COURT: All right. I've given this
23 instructions to some other witnesses. This nice lady
24 is keeping record of this hearing. These folks over
25 here have to hear you. This is our jury. And if you

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1 speak into that microphone everybody can hear you.

2 A. Okay.

3 Q. Do you remember, and you might not remember
4 exactly when it was, but around June of 2014, do you
5 remember taking Minor to the Durant Center for an
6 interview?

7 A. Yes.

8 Q. Okay. And was she living with you at the time
9 that interview was done?

10 A. I had -- I had gotten them DSS and I had to take
11 them straight over there.

12 Q. Okay. And so when you got to the Durant Center
13 did you give
14 them some background information about Minor's
15 history in response to their questions? They
16 probably asked you questions about her history. Do
17 you recall that?

18 A. They may have. I don't really remember.

19 Q. Okay.

20 A. Truthfully.

21 Q. Well, then let me ask you this, it -- and it was
22 -- it's been recorded that the person who gave that
23 background information had not seen this themselves,
24 but that they had been told that Minor had acted
25 out sexually and exhibited some sexual behavior.

1 It's that -- would you -- did you ever make that
2 statement?

3 A. If I did I don't remember.

4 Q. Okay. So you don't remember ever becoming aware
5 that somebody felt like [Minor] was acting out
6 sexually when she was about 3-years-old?

7 A. No.

8 Q. Okay. Did you, yourself, ever witness any
9 unusual sexual behavior with [Minor]

10 A. No, ma'am.

11 Q. Okay. All right. And that day, the interview
12 at the Durant Center, were you the only person there
13 who was given information about [Minor's] background?

14 A. They didn't give me no information that I
15 remember.

16 Q. Are you the only adult there who was answering
17 their question?

18 A. Oh, yes.

19 Q. All right.

20 A. I was the only one.

21 Q. Okay.

22 A. I had to take them all.

23 Q. All right. And -- all right.

24 MS. LITTLE: That's all I have. Thank you.

25

1 THE COURT: Madam Solicitor?

2 MS. PARKER: No cross-examination.

3 THE COURT: All right. All right. Thank you,
4 ma'am. You can step down. Is this witness free to
5 go?

6 MS. LITTLE: Yes, Your Honor.

7 THE COURT: All right. Ma'am, you're free to go.

8 MS. LITTLE: Your Honor ---

9 THE COURT: Yes, ma'am.

10 MS. LITTLE: You ready -- defense calls witness,
11 Shimtka Sanders and I think she would be back in the
12 grand jury room. Oh, no ---

13 THE COURT: Shimtka ---

14 MS. LITTLE: Scott may have her right here.

15 THE COURT: Shimtka Sanders?

16 MS. LITTLE: Yes, sir.

17 THE CLERK: If you'll place your left hand on the
18 Bible and raise your right. You swear the testimony
19 you get this Court will be the truth, the whole
20 truth, and nothing but the truth so help you God?

21 MS. SANDERS: I do.

22 THE COURT: Ms. Sanders, would you tell us your
23 name in the microphone please?

24 MS. SANDERS: Shimtka Sanders.

25 THE COURT: Thank you, ma'am. Your witness.

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1 MS. LITTLE: Thank you, Your Honor.

2 SHIMTKA SANDERS, first being
3 duly sworn, testified as follows:

4 Direct Examination by Ms. Little:

5 Q. Good afternoon, Shimtka.

6 A. Good afternoon.

7 Q. Do you mind if you call you Shimtka?

8 A. That's fine.

9 Q. And would you please spell your name 'cause it's
10 spelled a little different and I want to make sure
11 the court reporter gets it right?

12 A. It is a little different, it's, S-h-i-m-t-k-a,
13 but pronouced Shimtka.

14 Q. All right. Thank you.

15 A. You're welcome.

16 Q. Shimtka, where do you live now?

17 A. I live on 151.

18 Q. And in what town?

19 A. Darlington -- well Hartsville, actually

20 Q. In the Hartsville/Darlington area?

21 A. Mmm, hmm.

22 Q. And where do you work?

23 A. I work from home for an insurance company.

24 Q. And what do you do for that insurance?

25 A. I'm under the pharmacy department so, basically,

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1 what I do like is if a pharmacist calls in and says
2 hey, I'm getting a rejection on this claim for the
3 medication. I look at their rejection and figure out
4 what the issue is. I fix it. They get a paid claim.
5 The patient gets their meds.

6 Q. So you, basically, fix the problems ---

7 A. Yeah.

8 Q. --- when the pharmacy has the problem?

9 A. Yeah.

10 Q. All right. And how old are you, Shimtka?

11 A. Thirty-three.

12 Q. All right. And what is your relationship to Mr.
13 Terry Sanders sitting here at the defense table?

14 A. He is my uncle. That's my mother's brother.

15 Q. Okay. All right. And what's -- him -- is he
16 older than you or younger?

17 A. Older.

18 Q. When knew that. Is it -- how much older?

19 A. He is 48 now.

20 Q. Okay. So about 15 years older?

21 THE COURT: Is that yes?

22 A. Yes.

23 THE COURT: Okay.

24 Q. Okay. And how long have you known your uncle?

25 A. All my life.

1 Q. And when you were a child, when you were being
2 raised up, was he -- did y'all live in the same
3 household?

4 A. Yes.

5 Q. Okay. So would you say that when you were a
6 young child up until, I don't know how old, you could
7 tell us that you lived with your uncle Terry and that
8 you knew very well?

9 A. Yes. Lived together like on and off 'cause at
10 one point I moved out and then moved back in.

11 Q. Okay. So -- but during your childhood, did you
12 live around him a lot?

13 A. I did.

14 Q. Okay.

15 A. Yes.

16 Q. All right. And were you ever there along with
17 Terry when he ---

18 A. Yes.

19 Q. --- when you were a young child?

20 A. Yes.

21 Q. Were -- when you were young and had friends,
22 young friends over, were y'all ever alone with Terry
23 without any other adults present?

24 A. Yes.

25 Q. All right. So I'm gonna ask you, just your

S. Sanders- Cross-Examination by Ms. Parker

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1 personal knowledge what you have seen, have you ever
2 personally seen Terry Sanders act sexually
3 inappropriate toward you or any other children?

4 A. No.

5 Q. All right.

6 MS. LITTLE: Answer any questions that the
7 solicitor has, if she has any questions.

8 A. Okay.

9 **Cross-Examination by Ms. Parker:**

10 Q. Good afternoon.

11 A. Good afternoon.

12 Q. Ms. Sander, so you are -- you are Terry's niece,
13 is that correct?

14 A. Yes.

15 Q. You said he's your mother's brother?

16 A. Yes.

17 Q. Does that make you sister's with DF

18 A. Yes.

19 Q. Yes. Okay. Because we heard from DF
20 earlier. Now, this trial is about an incident that
21 happened on October 2, 2015, were you at his
22 residence with Laura on Syracuse Street?

23 A. No.

24 Q. Do you have any idea what happened on that date
25 and time?

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1 A. At the time, no.

2 Q. Well, you're were present, so you don't -- you
3 don't have any direct knowledge of what happened that
4 night, isn't that correct?

5 A. No.

6 Q. Now, would it surprise you if I told you that
7 several witnesses had testified that your uncle was
8 grossly intoxicated that night, with that surprise
9 you?

10 A. Yes.

11 Q. It would surprise you? Do you think it's out of
12 character?

13 MS. LITTLE: Objection. It calls for an opinion.

14 THE COURT: I'll let her answer the question.

15 A. Not so much as the out of character. He did
16 drink sometimes. But not to the point to where he
17 didn't know what was going on around him.

18 MS. PARKER: No further questions.

19 THE COURT: All right. Anything else of this
20 witness?

21 MS. LITTLE: No, Your Honor.

22 THE COURT: Ma'am, thank you for your testimony.
23 You may step down. You're free to go or if you would
24 like to have a seat out in the audience you're
25 welcome to.

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1 MS. LITTLE: Defense calls Ms. Debbie Roberts.

2 THE COURT: Debbie Roberts?

3 MS. LITTLE: Yes, sir.

4 THE CLERK: Just stand right here and place your
5 left hand on the Bible and raise your right. You
6 swear the testimony you give this court will be the
7 truth, the whole truth, and nothing but the truth so
8 help you God?

9 MS. ROBERTS: I do.

10 THE COURT: Ms. Robert, I'm gonna need you to
11 speak into that microphone so you can get a little
12 closer to it. Would you tell us name in the
13 microphone and you may need to pull your mask down to
14 be heard.

15 MS. ROBERTS: Debbie Roberts.

16 THE COURT: Thank you, Ms. Roberts. Your witness.

17 DEBBIE ROBERTS, first being
18 duly sworn, testified as follows:

19 **Direct Examination by Ms. Little:**

20 Q. Good afternoon, Ms. Roberts. Ms. Roberts, do you
21 know the gentleman sitting right at that table Mr.
22 Terry Sanders?

23 A. Yes, ma'am.

24 Q. And how long have you known Terry?

25 A. Since the late 80s.

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1 Q. Okay. And how did you meet him?

2 A. He showed up one day at my boyfriend's work.

3 Q. Okay. And you got any idea how old he was
4 around, around how old he was at that time?

5 A. Early teens.

6 Q. Okay. And what -- why did they show there?
7 What did he want?

8 A. To do a little yard work for the man who owned
9 the building.

10 Q. So he showed up looking for work?

11 A. Yeah.

12 Q. And was -- was he paid for the work he did?

13 A. Yes, ma'am.

14 Q. And did he do a pretty good job?

15 A. Yeah, from what I seen.

16 Q. All right. And is there any special relationship
17 between you and Terry -- I'll ask first, are you
18 related by blood or marriage?

19 A. No, ma'am.

20 Q. Okay. So is there any word that you would use to
21 describe your relationship or just a friend?

22 A. Godmother.

23 Q. So you consider yourself to be his godmother?

24 A. Yep.

25 Q. And -- well, I'll go ahead and get that out of

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1 the way. If you're his godmother you love him, don't
2 you?

3 A. Yeah.

4 Q. Okay. Well, the fact that you love him would
5 not make you change, would that make you change your
6 testimony to try ---

7 A. No, ma'am.

8 Q. --- to help him?

9 A. No, ma'am.

10 Q. Okay. So you feel like you know you can be
11 truthful regardless of your relationship?

12 A. Yes, ma'am.

13 Q. All right. Okay. So did you have -- did you live
14 close by in relationship -- do you live close by to
15 Terry Sanders and his wife, Laura?

16 A. Yes, ma'am.

17 Q. Okay. And do you also know his wife, Laura, very
18 well?

19 A. Yes, ma'am.

20 Q. And how long have you known her?

21 A. Thirty-three years.

22 Q. Okay. And are you related to her at all?

23 A. No, not by blood.

24 Q. Okay. And -- or how -- so would you pretty much
25 say you are, you're a constant part of their lives?

1 A. Yes, ma'am.

2 Q. On average every week, how often would you say
3 that you see Terry and Laura?

4 A. About every day.

5 Q. Okay. And were you -- do you also know Minor
6 and her sisters?

7 A. Yes, ma'am.

8 Q. And do you know Minor's mother, April?

9 A. Yes, ma'am.

10 Q. And I don't want -- I'm not asking -- well, first
11 let me ask you this, over the years if the children
12 of April Cook needed anything like school supplies or
13 clothing and the mom couldn't buy those things, do
14 you know who would provide those things for the
15 children?

16 A. Laura and Terry.

17 Q. Okay. And if they needed -- well, no, I'm not
18 gonna ask that, excuse me. Did you ever have
19 occasion to babysit for those children?

20 A. Quite a few times.

21 Q. Okay. And specifically, I'm going to ask, did
22 you have an opportunity to babysit or keep Minor

23 A. Yes, ma'am.

24 Q. And I know you probably can't tell me how many
25 times, but let's say I'mma take you back say when she

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1 was 3, 4, 5-years-old, I'mma say 3 or 4-years old,
2 would you keep her often?

3 A. Yes, ma'am.

4 Q. And can you give me an idea of how often?

5 A. Well, a whole summer.

6 Q. She stayed with you a whole summer?

7 A. Yes, ma'am.

8 Q. Okay. And how old was she that time she spent
9 the whole summer with the?

10 A. Three.

11 Q. All right.

12 MS. LITTLE: I beg the Court's indulgence just one
13 moment. When **Minor** would come to your house, who
14 would -- how would she get there?

15 A. Her mom would bring her and drop her off.

16 Q. Okay.

17 A. Her and her sisters.

18 Q. All right. And was that something that was pre-
19 arranged like she spoke to you and said I'm bringing
20 them by or how did that come about?

21 A. Sometimes she'd just bring them and drop them off
22 and leave.

23 Q. And not even come inside?

24 A. Uh, uh.

25 Q. Okay. You gotta say yes or no.

1 COURT REPORTER: Is that a yes or no?

2 A. Yes. No. She wouldn't come inside.

3 Q. Okay. I want to ask you specifically and I don't
4 want to know what anybody ever told you, I want to
5 know from your own eyes and that summer that you kept
6 **Minor** and any other time that you kept her, did
7 anything, any way she was acting cause you to have
8 some concerns or worries, and I was thinking about
9 sexually?

10 A. Yes, ma'am.

11 Q. All right. And, you know, I can't lead you
12 because you're my witness so I'm just gonna ask you
13 to give some examples of what you're talking about so
14 this jury will understand what you mean. A. I
15 caught her playing with herself.

16 Q. Okay. And where was she when this happened?

17 A. In the shower.

18 Q. All right. And so why, why were you in there
19 where she was?

20 A. Checking on her to see why she was taking so
21 long.

22 Q. All right. And is this something that happened
23 one time or more than once?

24 A. More than once.

25 Q. And can you -- I hate to ask you a specific

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1 number of times, you say more than once, so can you
2 give us a little more guidance as to how many times
3 you're talking about?

4 A. Maybe about every time she was taking a shower
5 about every night.

6 Q. All right.

7 A. She got caught.

8 Q. So did you say anything to her about that
9 behavior?

10 A. Yes, ma'am. I told her it was wrong.

11 Q. Okay. And -- okay. other than that behavior
12 while she would be in the shower and you would go
13 check on her, was there anything else you ever
14 witnessed yourself?

15 A. Her trying to stick something up in her, herself.

16 Q. Okay. And can you elaborate on that? Where was
17 she? How did you come to be in there?

18 A. She had a hairbrush one time trying to stick it
19 up herself and ---

20 Q. And where was she at when that happened?

21 A. In the shower.

22 Q. And was there a shower curtain?

23 A. It was opened.

24 Q. I'm sorry?

25 A. It was opened.

1 Q. It was opened.

2 A. The shower curtain was opened. Yes, ma'am.

3 Q. Okay. And was that on, on just one occasion
4 that you saw that?

5 A. With the hairbrush, yes, ma'am.

6 Q. Did you ever see anything else of that nature?

7 A. Her fingers.

8 Q. And anytime you saw any kind of behavior like
9 this was it always while she was in the shower or at
10 other times?

11 A. Other times.

12 Q. Okay. Can you -- can you elaborate on that for
13 us?

14 A. At night time when it was time to go to bed she
15 stripped naked and get under the covers and be
16 playing with herself.

17 Q. Well, if she was under the covers, just to
18 question, how would you know what she was doing?

19 A. Her knees were up and you can see, you know,
20 movement because she'd be the only one under the
21 covers.

22 Q. As far as -- Okay. All right. So I want -- I
23 want to get this over so I want you to think for a
24 minute and can you think of any other type of
25 behavior that she, **Minor** exhibited when she was a

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1 young child that gave you pause or worried you?

2 A. Besides being sexually active that was my main
3 concern because for child her age I didn't like that.

4 Q. Okay. And by sexually active, you just mean what
5 you just said the act ---

6 A. Yes, ma'am.

7 Q. --- towards herself?

8 A. To herself, yes, ma'am.

9 Q. Okay. All right. And along those lines I know
10 this is uncomfortable but, did you ever notice
11 anything unusual about **Minor** for example, bathroom
12 habits?

13 A. She'd take her clothes off.

14 Q. What do you mean?

15 A. She'd get undressed to just use the bathroom.

16 Q. Every time? Or sometimes?

17 A. Sometimes, but not every time.

18 Q. And would that be just like right before she
19 got in the bath or the shower?

20 A. No. No, ma'am.

21 Q. So at other times also?

22 A. Yes, ma'am.

23 Q. And when you noticed this concerning behavior,
24 did you tell anybody about it?

25 A. Yes, ma'am.

1 Q. Okay. Who did you tell?

2 A. Laura.

3 Q. Okay. All right. Did you ever tell her mother,
4 April?

5 A. I didn't. Laura did.

6 Q. Okay. All right. But you can't say what Laura
7 said but you personally, you told Laura -- and why --
8 why did you tell Laura?

9 A. Because Laura was the only one in the house
10 besides me and her.

11 Q. Okay. And was, was Laura living with you also
12 that summer or ---

13 A. Yes, ma'am.

14 Q. --- or just Minor

15 A. Laura was too.

16 Q. Okay. So who all spent that summer with you?

17 A. Well, all three girls.

18 Q. Tell us who their names are?

19 A. MC AC, and Minor

20 Q. Okay.

21 A. Laura, DS which is Laura and Terry's
22 daughter.

23 Q. Right.

24 A. Me, Beth and Leonard and Reggie.

25 Q. Okay. And did April ever live in the same house

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1 with you all?

2 A. No, ma'am.

3 Q. Did you ever notice any of the other children
4 acting in such a way?

5 A. No, ma'am.

6 Q. Now, when you said that you saw her doing these
7 things, did you ever notice that any sort of injury
8 relate, um, resulting from that?

9 A. No, ma'am. I never would check her.

10 Q. Did you ask anybody else to check her?

11 A. Laura.

12 MS. LITTLE: I beg the Court's indulgence just one
13 moment.

14 THE COURT: Yes, ma'am.

15 Q. And just to be clear, how long old was **Minor**
16 that summer that they lived with you?

17 A. About 3.

18 Q. Do you know whether or not Terry Sanders drinks
19 alcohol?

20 A. He used to.

21 Q. All right. When you say that you would see her
22 in the shower, would she be standing up in the
23 shower?

24 A. Sitting down.

25 Q. I'm sorry, can you just explain that 'cause I'm

1 trying to picture in my head. So the shower is
2 running....

3 A. She'd be sitting on the floor in there with her
4 legs spread, spread open or, you know, spread eagle
5 and be playing with herself.

6 Q. Okay. while the water was running or not
7 running?

8 A. Running.

9 Q. All right.

10 MS. LITTLE: Thank you, Ms. Roberts. Answer any
11 questions that the solicitor has for you.

12 A. All right.

13 THE COURT: Madam Solicitor?

14 MS. PARKER: Thank you, Your Honor. I beg the
15 Court's indulgence.

16 **Cross-Examination by Ms. Parker:**

17 Q. Good afternoon, Ms. Roberts. We heard testimony
18 earlier today from Mr. Williams and he was the neight
19 of Terry Sanders now, are you -- do you live with him
20 or are you a different neighbor?

21 A. No. I live with her mother, Laura's, um, Terry's
22 mother-in-law and father-in-law.

23 Q. Okay. So you live with Terry's -- so you live
24 with Terry's mother-in-law and father-in-law?

25 A. Yes, ma'am.

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1 Q. So that would be Laura's ---

2 A. Laura's mom and Laura's stepfather.

3 Q. Okay. So you -- so you live with Laura's -- you
4 live with Terry's wife's family?

5 A. Yeah.

6 Q. With her parents?

7 A. Yeah.

8 Q. Okay. So you really are like a godmother?

9 A. Yeah.

10 Q. So you're really that familial, the connection is
11 there?

12 A. Yeah.

13 Q. Would it be accurate to say that you do love him,
14 you don't want him to go to prison?

15 A. No.

16 Q. Well, you said you live close by where they stay
17 ---

18 A. Ma'am ---

19 Q. --- how far away would you say you live from
20 Syracuse Street?

21 A. Well, let's see, I live behind where the World
22 Fitness gym is that use to be the old Winn Dixie.

23 Q. Oh, okay.

24 A. I live back in there.

25 Q. Okay. So it's not like walking distance or

1 anything, Syracuse Street?

2 A. Well, it's walking distance but it's a long walk.

3 Q. A long walk.

4 A. Yeah.

5 Q. Okay. I gotcha. And on the night of October 2,
6 2015, you wouldn't have been present ---

7 A. No, ma'am.

8 Q. --- at Syracuse Street ---

9 A. No, ma'am.

10 Q. --- correct?

11 A. No, ma'am

12 Q. And you said you lived with Laura's parents.
13 That residence on Syracuse street that's the family
14 home that Laura inherited, isn't that correct?

15 A. Yeah. That's where her -- from her grandma.

16 Q. Okay. So that house -- that residence on
17 Syracuse street that they still share ---

18 A. Yes, ma'am.

19 Q. Was Laura's grandmother's house?

20 A. Yes, ma'am.

21 Q. That she inherited?

22 A. Yeah.

23 Q. But you say that one summer if **Minor** would have
24 been 3, I'm thinking 2013, 2014 ---

25 A. 2014 ---

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1 Q. --- they all lived with you?

2 A. Well, they -- she stayed in the trailer with
3 Beth, you know, everybody that was in the trailer at
4 the time. At the time Mimi was still alive in 2014.

5 Q. Oh, so she hadn't inherited the house yet?

6 A. No. Her mama, grandma hadn't died yet.

7 Q. Oh, okay. That makes sense. So -- so that
8 summer, you know, you stated that April and her three
9 girls, you made it sound like that they just, you
10 know, they were all staying with you ---

11 A. No.

12 Q. --- in fact, they were staying with Laura's
13 parents?

14 A. Laura -- April never stayed.

15 Q. April never stayed?

16 A. No.

17 Q. So you said ---

18 A. It was just the three girls.

19 Q. --- y'all had the three girls that summer?

20 A. Well, one was there every weekend during the
21 summer, the holidays.

22 Q. Okay. Well, you said almost every weekend, did
23 you have the girls for an entire summer, every
24 consecutive night, every night?

25 A. Yeah.

1 Q. For one summer?

2 A. Yeah.

3 Q. Which summer was that?

4 A. 2014.

5 Q. The summer of 2014?

6 A. Yeah.

7 Q. Okay. And you said this that they, that they
8 stayed with you but ---

9 A. Well, I was -- I was living in the house.

10 Q. You were a guess in the house too, is what I'm --

11 -

12 A. No. I lived in the house. I've been living there
13 for years.

14 Q. But it's Laura's parents house?

15 A. Yeah.

16 Q. So you stay with Laura's parents?

17 A. Yeah.

18 Q. Now, I noticed you said that all three girls
19 stayed that summer. You said -- you said Laura
20 stayed, **DS** stayed -- you said me, Beth, Leonard.
21 So Leonard must be Laura's dad?

22 A. Stepfather.

23 Q. Laura's stepfather, gotcha. And you said Reggie
24 stayed. You didn't say Terry stayed 'cause Terry
25 didn't stay, did he?

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- 1 A. No. He didn't live there.
- 2 Q. He didn't live there?
- 3 A. No. All right. Gotcha.
- 4 Q. And you said that Terry use to drink?
- 5 A. Yeah.
- 6 Q. So kind of help me understand that a little
- 7 better?
- 8 A. He don't drink no more. He quit.
- 9 Q. In 2015 was he a drinker?
- 10 A. Yeah.
- 11 Q. It use to cause some problems, didn't it?
- 12 A. Sometimes.
- 13 Q. Between him and Laura?
- 14 A. Sometimes.
- 15 Q. Maybe even between him and Laura's parents?
- 16 A. No. Not that I know of.
- 17 Q. You said the **Minor** was 3 and that she would be
- 18 taking a shower?
- 19 A. Yes, ma'am.
- 20 Q. By herself and you would just walk in and catch
- 21 her?
- 22 A. Checking on her, yes.
- 23 Q. Checking on her?
- 24 A. Yeah.
- 25 Q. So at that age no one was helping her bathe?

1 A. No.

2 Q. And at that time Laura and April were best
3 friends, isn't that correct? Would they we'd
4 friends?

5 A. Not really.

6 Q. In 2014, you'd sat they ---

7 A. Not really ---

8 Q. --- were really good friends?

9 A. Not really.

10 Q. Not really?

11 A. No.

12 Q. They didn't grow up -- they didn't grow up
13 together being friends?

14 A. They only met in junior high. And they were
15 friends but not, I wouldn't say best friends.

16 Q. Okay. Friends but not best friends?

17 A. Yeah.

18 Q. Okay. Gotcha. Let's see, I think I got one
19 more question. Oh, that's what I was gonna ask you,
20 how long would you say you you've known Laura?

21 A. Since, she was born in 1989.

22 Q. Okay. So you said you've known her for 34 years
23 ---

24 A. Yeah.

25 Q. --- that's her whole life?

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1 A. Yeah.

2 Q. Laura is 33-years-old.

3 A. Yeah.

4 Q. And how long have you known Terry?

5 A. Let me see, probably about '89.

6 Q. So you knew Terry probably even before Laura was
7 born, is that, is that correct?

8 A. Yes, ma'am.

9 Q. Okay. You knew Terry before Laura was even born?

10 A. Yeah.

11 Q. All right. I gotcha.

12 MS. PARKER: No further questions.

13 THE COURT: Any further questions?

14 MS. LITTLE: No, Your Honor.

15 THE COURT: Thank you, ma'am. You can step down.
16 Thank you for your testimony.

17 MS. LITTLE: Your Honor, I believe I only have one
18 more witness and I have a few matters that the Court
19 may want to take up before we continue.

20 THE COURT: Okay. All right. Ladies and
21 gentlemen of the jury, we're gonna take a break
22 recess. If you stepped to the jury room so we can
23 address these matters. We'll get you right back out.

24 (Whereupon, the jury exits the courtroom at 2:14
25 p.m.)

1 THE COURT: All right. Ms. Little?

2 MS. LITTLE: Thank you, Your Honor. Your Honor,
3 at this time we're, we're getting to the point where
4 I need to, we need to decide, Mr. Sanders needs to
5 decide if he wants to testify. Being that I have one
6 additional witness that I plan to call which is, I
7 call his wife, Laura. Probably be a little bit
8 longer than these other witnesses, but not extremely
9 long. So I wanted to know if this would be
10 appropriate time for the Court to give me just a
11 moment and let me briefly speak to him and then we'll
12 address the Court.

13 THE COURT: Why don't I step off the bench. You
14 talk to your client. I'll give you -- just alert the
15 deputy. Okay.

16 MS. LITTLE: Okay. We'll come and get you in just
17 a few minutes. Thank you, Your Honor.

18 (Whereupon, the Court takes a short recess)

19 THE COURT: We got everybody? And you have one
20 more witness?

21 MS. LITTLE: Yes, sir.

22 THE COURT: Okay.

23 MS. LITTLE: I have one more witness.

24 THE COURT: And she's outside.

25 MS. LITTLE: She's right there. They're waiting.

1 THE COURT: Are you ready, Lisa?

2 COURT REPORTER: (nods yes)

3 THE COURT: All right. Court will come to order.

4 We took a recess and Ms. Little, you were gonna
5 confer with your client to determine whether he would
6 testify or not and do you have a report for the
7 Court?

8 MS. LITTLE: Yes, Your Honor. After discussion
9 and going over his rights my client has decided he is
10 not gonna testify.

11 THE COURT: Okay. And earlier the Court went
12 over his right to testify or not to testify. All
13 that was on the record and so I think we're covered
14 there but.... okay. With that -- with that said, you
15 have another witness.

16 MS. LITTLE: Yes, sir.

17 THE COURT: Okay.

18 MS. LITTLE: So as soon as you bring the jury out,
19 I'll do my last witness and then cross-examination --
20 -

21 THE CLERK: What's the name of your witness?

22 MS. LITTLE: Oh, Laura, Laura Crawford sitting
23 right there.

24 (Whereupon, the jury enters the courtroom at 2:36
25 p.m.)

L. Crawford- Direct Examination by Ms. Little

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1 THE COURT: All right. All right. Court will
2 come to order. Ms. Little, are you ready to call
3 your next witness?

4 MS. LITTLE: Yes, Your Honor. The defense calls
5 Ms. Laura Crawford.

6 THE COURT: All right. Ms. Crawford, you can come
7 forward.

8 THE CLERK: If you'll place your left hand on the
9 Bible and raise your right. You swear the testimony
10 you give this Court will be the truth, the whole
11 truth, and nothing but the truth so help you God?

12 MS. CRAWFORD: I do.

13 THE COURT: And Ms. Crawford, if you would state
14 your name in the microphone please?

15 MS. CRAWFORD: Laura Crawford Sanders.

16 THE COURT: Thank you, ma'am. Your witness?

17 MS. LITTLE: Thank you, Your Honor.

18 LAURA CRAWFORD, first being
19 duly sworn, testified as follows:

20 Direct Examination by Ms. Little:

21 Q. All right. Good afternoon, Ms. Crawford.

22 A. Good afternoon.

23 Q. And I'm sorry if I call you Crawford. Is it okay
24 if I can you Laura?

25 A. That's fine.

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1 Q. 'Cause when you get as old as I am you forget all
2 those extra names. All right. So Laura, good
3 afternoon.

4 A. Good afternoon.

5 Q. Laura, what is your relationship -- well, first
6 let me ask you this, where do you live, Laura?

7 A. [REDACTED] Street.

8 Q. Okay. And who lives in the home with you there?

9 A. Me. TS [REDACTED]. My daughter, DS [REDACTED]
10 My daughter, TS [REDACTED]. And Reginald Bonaparte
11 and Terry L. Sanders.

12 Q. And who was that last person?

13 A. TS [REDACTED].

14 Q. Okay. So how many children do you have?

15 A. Three.

16 Q. All right. So -- all right. So -- so
17 basically, you live there with -- and what's your
18 relationship to Terry?

19 A. He's my husband.

20 Q. Okay. And y'all have three children together?

21 A. We have two together.

22 Q. Okay. And you also said Reggie lives there?

23 A. Yes.

24 Q. Okay. Does anybody else live there?

25 A. TS [REDACTED].

1 Q. And who is that?

2 A. That's Terry's oldest daughter ---

3 Q. Okay.

4 A. --- from his first marriage.

5 Q. All right. And how old is she?

6 A. She is 17.

7 Q. Okay. All right. Laura, I want to take you back
8 -- well, actually, I'm just gonna ask you some
9 general questions, okay. What was your relationship
10 to April Cook? How do you know April?

11 A. We were friends.

12 Q. Okay. And would you say you were close friends?

13 A. For a while.

14 Q. Okay. And how long have y'all been friends?

15 A. Since junior high school.

16 Q. All right. And did you know -- do you know
17 Laura's three girls?

18 A. You mean April's three girls?

19 Q. I'm sorry. April's three girls?

20 A. Yes, ma'am.

21 Q. Okay. All right. And specifically, I'm going
22 to ask you some questions about **Minor** okay?

23 A. Okay.

24 Q. All right. So do you know how old **Minor** is now?

25 A. Eleven, I believe.

L. Crawford- Direct Examination by Ms. Little

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1 Q. And back in 2015, October of 2015, do you
2 remember how old Minor was at that time?

3 A. She was 4.

4 Q. Okay. And did you -- well, let me ask you this,
5 did you -- did you keep -- did you babysat a for

6 Minor

7 A. Yes.

8 Q. All right. So can you sort of explain what was,
9 when would you keep -- would you keep her a lot? How
10 was that relationship? How did you -- how well did
11 you know her?

12 A. I mean, very well. They were with me on weekend,
13 summers. I took care of them after school.

14 Q. Okay. And would you, would you take care of
15 them when their mother was working?

16 A. Yes.

17 Q. Okay. All right. And did they -- did Minor
18 spend the night at your house?

19 A. Yes.

20 Q. Would you say sometimes? Often? How ---

21 A. Very often.

22 Q. Okay. And -- and the other children, did they
23 also stay at your house quite a bit?

24 A. Yes.

25 Q. Okay. And when they talk to you what would they

1 call you?

2 A. Lala.

3 Q. All right. Did they ever call you aunt Lala?

4 A. I think that AC may have a few times, but not
5 very often.

6 Q. Okay. All right. And I want to take you --
7 first, before I start talking about anything that
8 night I want to ask you about, about Minor
9 specifically, okay? I'm gonna ask you some kind of
10 personal questions and you're mother. So when
11 Minor was 3, 4-year-old, were you a big part of her
12 life at that time?

13 A. Yes, ma'am.

14 Q. Okay. And if you ever talked to Minor about
15 her private areas, do you know what would her name
16 for -- what would she call her vaginal area?

17 A. Her tutu.

18 Q. All right. And do you remember what she called
19 her back end area?

20 A. I honestly don't know.

21 Q. You don't?

22 A. No, ma'am.

23 Q. Okay. All right. And do you know what she would
24 call the male sexual organ?

25 A. His tutu.

L. Crawford- Direct Examination by Ms. Little

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1 Q. His tutu?

2 A. Yes, ma'am.

3 Q. Okay. And all the time that you kept her or
4 knew her and which would, I'm assuming, up until she
5 was almost 5-years-old?

6 A. Yes, ma'am.

7 Q. Did you ever hear her use the word penis?

8 A. No, ma'am.

9 Q. And was that a word that you used when, when the
10 other children or anybody, basically, is that a word
11 that she would have never heard from you?

12 A. No, ma'am.

13 Q. Did you ever heard her mom say that word?

14 A. Yes.

15 Q. Okay. All right. And then along that line, I'm
16 gonna ask --

17 I'm gonna ask you a few questions.

18 MS. LITTLE: Your Honor, I'm gonna confer briefly
19 with the solicitor just for a moment.

20 THE COURT: Yes, ma'am.

21 MS. LITTLE: Your Honor, permission to approach
22 the witness?

23 THE COURT: Yes, ma'am.

24 Q. Laura, I'm going to show you what is marked as
25 Defendant's Exhibit 3 for identification purposes

1 only and ask you if you recognize the people that are
2 in that photo?

3 A. Yes, ma'am.

4 Q. Okay. Who's in that photo?

5 A. It's MC [REDACTED] AC [REDACTED] DS [REDACTED],
6 and Minor [REDACTED]

7 Q. So your daughter is in that photo too?

8 A. Yes, ma'am.

9 Q. All right. Did you take that photo?

10 A. No, ma'am.

11 Q. All right. Do you -- whose Facebook page did you
12 see that photo on?

13 A. April Cook's.

14 Q. Okay. And did you post the photo?

15 A. No, ma'am.

16 Q. Okay. And can you tell by looking at that photo,
17 how old Minor [REDACTED] was in that photo?

18 A. Three.

19 Q. Three-years-old?

20 A. Yes, ma'am.

21 Q. Okay. And of the four children in that photo,
22 um, are all the four children dressed?

23 A. No, ma'am.

24 Q. Okay. And the photo of Minor [REDACTED] at age 3 that you
25 saw on April's Facebook page that you did not take,

L. Crawford- Direct Examination by Ms. Little

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1 what is she wearing in that photo?

2 A. Just her panties.

3 Q. A pair of panties?

4 A. Yes, ma'am.

5 Q. She's not wearing a diaper?

6 A. No, ma'am.

7 Q. Okay. All right. And then sort of along those
8 lines, I'm going to show you another photo marked as
9 Exhibit, Defendant's Exhibit 5 for identification
10 purposes only and first I'm going to ask you if you
11 look at that photo, can you tell where that photo was
12 taken?

13 A. At April Cook's mother's house.

14 Q. Okay. And how can you tell that?

15 A. I've been in there a lot. I know where the TV
16 is. The whatnots.

17 Q. Okay. Speak up.

18 A. Oh, I'm sorry.

19 Q. That's okay.

20 A. The tv and the whatnots, I've been in there a lot
21 and it looks like her mom's house. You can tell it
22 is.

23 Q. Okay. And can you tell in that photo -- well,
24 first, I'll ask you, the photo is a little blurry, is
25 it not?

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1 A. Yes, ma'am.

2 Q. Okay. Knowing these people as well as you do,
3 can you tell the jury who is in that photo?

4 A. MC [REDACTED] and AC [REDACTED].

5 Q. Okay. So it's your testimony that's MC [REDACTED] and
6 AC [REDACTED]?

7 A. Yes, ma'am.

8 Q. Okay. And how do you know that's -- how do you
9 know that's MC [REDACTED]

10 A. You can tell by their hair, the facial structure.
11 You can tell it's her.

12 Q. Okay. So how old would MC [REDACTED] had been in that
13 picture?

14 A. MC [REDACTED] was probably about 9, maybe.

15 Q. Okay. All right. And you said the other person
16 in that picture is who?

17 A. AC [REDACTED].

18 Q. Okay. And how can you tell that that's AC [REDACTED]?

19 A. The same thing. The hair cut. The facial
20 features. You can -- I can just tell where I've been
21 around them.

22 Q. Okay. And you helped raise these children, did
23 you not?

24 A. Yes, ma'am.

25 Q. Okay. All right. And in that picture, I'm

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1 sorry, how did you say AC was?

2 A. AC was about 8.

3 Q. Okay. And -- and whose Facebook page was that
4 on?

5 A. April Cook.

6 Q. All right. And can you describe what MC is
7 wearing?

8 A. She's got on a white flowery sundress.

9 Q. All right. And can you describe what AC is
10 wearing?

11 A. It looks like just socks.

12 Q. No clothing?

13 A. No clothing.

14 Q. Except for socks?

15 A. Yes, ma'am.

16 Q. And you said she's about 8-years-old?

17 A. Yes, ma'am.

18 Q. All right. Laura, I want to take you back to
19 October of 2015, specifically, and I don't have the
20 exact date in front of me, um, October 2, 2015. And
21 on October 22nd, October 2, 2015, do you recall what
22 you were doing that evening?

23 A. Yes, ma'am.

24 Q. Okay. Where -- what were you doing?

25 A. Going to the hospice house to see my aunt.

1 Q. Okay. And do you remember about what time of
2 day or night it was when y'all, when you went to go
3 see your aunt at hospice?

4 A. I got home kind of late so it was probably about
5 seven or eight before we actually left to go to
6 Florence.

7 Q. Okay. And by the we, who left to go to Florence?

8 A. Me and April Cook.

9 Q. Okay. Did April know your aunt as well?

10 A. Yes.

11 Q. Okay. And so when you and April went, left to go
12 to the hospice house, where was DS your
13 daughter?

14 A. At home.

15 Q. Okay. How old was DS at the time?

16 A. She was one month from being 3.

17 Q. She was almost 3?

18 A. Yes, ma'am.

19 Q. All right. And who was -- who was watching her
20 that evening?

21 A. Reggie Bonaparte.

22 Q. Okay. Just to be clear, what's Reggie's
23 relationship to you?

24 A. Stepson.

25 Q. Okay. And so were there any other children

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1 there?

2 A. Yes, ma'am.

3 Q. Who else was there?

4 A. Minor [REDACTED]

5 Q. Okay. And were any of the other children of
6 Laura's present, I mean, I'm sorry, of April's
7 present?

8 A. No, ma'am.

9 Q. Okay. So that night it was just -- when you left
10 to always at the house?

11 A. Reggie, DS [REDACTED] and Minor [REDACTED]

12 Q. Okay. And -- and that evening where was your
13 husband, Terry Sanders?

14 A. At that time, he was at his cousin's house, Tony.

15 Q. Tony?

16 A. Yes.

17 Q. Okay. And is that somewhere close by? Far away?
18 Where was that?

19 A. It wasn't that far. Maybe ten minutes away.

20 Q. Okay. And do you know how he got there?

21 A. He rode his bicycle.

22 Q. He rode a bike?

23 A. Yes, ma'am.

24 Q. Okay. All right. So when you left the house he
25 wasn't there. And I assume y'all went off to

1 hospice, is that right?

2 A. Yes, ma'am.

3 Q. Okay. And at some point, while you were there at
4 hospice, did you receive a phone call?

5 A. Yes, ma'am.

6 Q. All right. Who -- who called you?

7 A. Terry Sanders.

8 Q. Okay. And without well, actually you can say
9 what Terry said because he's a party, so what, what
10 did he call you for? What did he say ---

11 MS. PARKER: Your Honor ---

12 A. He called me about ---

13 MS. PARKER: Objection, Your Honor.

14 THE COURT: Hold on one second!

15 MS. PARKER: Objection.

16 THE COURT: Why don't y'all approach.

17 (Whereupon, a bench conference is held on the record
18 but out of the presence of the jury)

19 MS. LITTLE: Terry -- I thought she could say what
20 he said because he's defendant.

21 MS. PARKER: I mean, the hearsay would be accepted
22 by the adverse party ---

23 MS. LITTLE: Okay. Well ---

24 MS. PARKER: Not for you to present. I would
25 object ---

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1 MS. LITTLE: I'd be glad to not say what he said,
2 okay. I'll rephrase it.

3 THE COURT: All right.

4 Q. All right. I'mma rephrase that. And so - and so
5 we received a phone call that night while you were at
6 hospice?

7 A. Yes, ma'am.

8 Q. Can you remember around what time that was?

9 A. We got there probably about, I'm sure we got
10 there about 8 so it's probably maybe 8:30. We wasn't
11 there that long.

12 Q. Okay. And after you got that phone call, what
13 did you do?

14 A. I went in and told April to come on and we went
15 out to my truck.

16 Q. Okay. So you went out to your truck and then
17 what do you do?

18 A. We started driving back home.

19 Q. Okay. All right. And while you were driving
20 home, did you make any other phone calls?

21 A. No, ma'am.

22 Q. All right. And on the way home, did April make
23 any phone calls?

24 A. Not to my knowledge.

25 Q. All right. So once you got to your house, what

1 did you do next?

2 A. When I went in I tried to ask Minor what was
3 going on and April grabbed her and went to the
4 bathroom.

5 Q. Okay. All right. Okay. So what happened
6 next?

7 A. And when April came out of the bathroom she
8 dialed 911 and threw the, my phone on the bed.

9 Q. Okay. All right. So let's go back a second.
10 Why did she have your phone?

11 A. I don't know. She took it out of my truck.

12 Q. Okay. All right. So it's your testimony that at
13 your home April used your phone, dialed 911 and threw
14 the phone on the bed?

15 A. Yes, ma'am.

16 Q. Okay. And what did you do next?

17 A. When I seen the phone lit up and I seen 911 on
18 it, I had picked it up and talked to the operator.

19 Q. Okay. All right. And -- all right. I'm gonna
20 stop you right there. I'm just gonna go back just a
21 little bit more before this happened 'cause you
22 testified that the children spent, Minor spent
23 quite a bit of time with you when she was young.

24 A. Yes, ma'am.

25 Q. And during the time when you would be watching

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1 Minor did any of her behavior ever concern you to
2 the point that you felt like you needed to speak to
3 her mother about it?

4 A. Yes, ma'am.

5 Q. All right. And -- and I'm gonna ask you to, to
6 tell us about that? Tell the jury about that.

7 A. She had come in and ask, told me she had to use
8 the bathroom ---

9 Q. Okay. Wait a minute. All right.

10 A. Oh, hearsay, I'm sorry.

11 Q. You can't say what somebody said.

12 A. I'm sorry.

13 Q. So just tell me what you observed at that time?

14 A. Okay. She was in the bathroom too long and ---

15 Q. Who was in the bathroom?

16 A. Minor

17 Q. Okay.

18 A. I went to check on her and when I went to check
19 on her she was sitting in the floor of the bathroom
20 by the bathtub and she had her clothes off and she
21 was playing with herself.

22 Q. Okay. All right. I don't want to be graphic
23 about playing with herself, what do you mean? I
24 mean, she was naked?

25 A. Yes, ma'am.

1 Q. Okay. And she was ---

2 A. She was playing between her legs.

3 Q. Okay. With what?

4 A. Her hand.

5 Q. Okay. All right. And did you -- when you saw
6 that, did you -- and how old was **Minor** when that
7 happened?

8 A. She was 3.

9 Q. Three?

10 A. Yes, ma'am.

11 Q. All right. And did you say -- did you say
12 anything to **Minor**

13 A. I asked her where she learned it from and she
14 wouldn't tell me. And I tried to talk to her about
15 how she wasn't supposed to be doing that and try to
16 talk to her about good touching and bad touching.

17 Q. Okay. So you had that conversation with her?

18 A. Yes, ma'am.

19 Q. All right. And we've already talked about what
20 names y'all

21 use ---

22 A. Yes, ma'am.

23 Q. --- or you used with her. So as a result of
24 seeing that, what did you do?

25 A. When April come to pick them up, I had the kids

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1 to stay inside where I could go outside and talk to
2 her about it.

3 Q. You went outside to talk to Laura?

4 A. To April, yes, ma'am.

5 Q. I'm sorry, April. All right. Without saying
6 what anybody else said, can you tell us what you told
7 April?

8 A. I explained to her that what I saw and then I
9 told her that I didn't feel like that it was right.
10 That something had happened to her because she knew
11 to go in the bathroom and close the door and hide
12 when she was doing it.

13 Q. Okay.

14 A. And I asked her to go get her checked.

15 Q. You asked her mother to go get her checked?

16 A. Yes, ma'am.

17 Q. Okay. And are you aware, at that time, if that
18 was ever done?

19 A. No, ma'am.

20 Q. You're not aware or you know it wasn't done?

21 A. She didn't do it. She told me she didn't, um,
22 sorry. She didn't do it.

23 Q. Okay. All right. The night -- going back now
24 again, sorry to get back and forth, back on that
25 night of October 2, 2015 when you got home, was Terry

1 intoxicated?

2 A. He had been drinking.

3 Q. Okay. Did you see him drinking?

4 A. No, ma'am.

5 Q. But as his wife you could tell?

6 A. Yes, ma'am.

7 Q. Okay. And so would you have said if you were
8 gonna -- I mean, you've seen him, you've known him --
9 how many years have y'all been together?

10 A. Sixteen.

11 Q. Okay. Well, basically, was he drunk?

12 A. No, ma'am.

13 Q. Okay. So, I mean, how, how could you tell he was
14 intoxicated? What made me believe that? Smell?
15 See? What -- tell us how you came to that
16 conclusion?

17 A. I mean, I didn't smell anything. But his words
18 were a little bit slurry and usually just one beer
19 would do that to him.

20 Q. Okay. So you know he was he was drinking. Do
21 you think he drinking that night?

22 A. Yes, ma'am.

23 Q. Okay. All right. And -- and not -- I'm not
24 asking you what he said but, did you -- when you got
25 home, did you talk to your stepson, Reginald

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1 Bonaparte?

2 A. No, ma'am.

3 Q. Okay. So you didn't even talk about that, that
4 evening?

5 A. No, ma'am.

6 Q. All right. Well, let me ask you this, how long
7 has Reggie lived with you?

8 A. Probably about eleven years now.

9 Q. Okay. And do you know whether or not Reginald
10 finished high school?

11 A. He didn't.

12 Q. Okay. Did you know him while he was in high
13 school?

14 A. No, ma'am.

15 Q. Okay. So you wouldn't really know what kind of
16 classes he had?

17 A. No, ma'am.

18 Q. Okay. All right. Well, I mean, if you were
19 gonna describe him to anyone, just, I mean, as far
20 as, you know, would you say he's an intelligent
21 person? I mean, how would you describe him?

22 A. He's challenged.

23 Q. Okay. How so?

24 A. We have to help him with money. We have to help
25 him with his bank accounts. He can't do any of it on

1 his own. We have to help him with it.

2 Q. Okay. But now -- but -- but back at this time,
3 you allowed him to keep your 2-year-old, is that
4 correct?

5 A. Yes, ma'am.

6 Q. Okay. So was he able to do simple things? Cook
7 meals? Make -- would he know to make a phone call if
8 you need to ---

9 A. Yes, ma'am.

10 Q. I mean, was he ---

11 A. He could -- yes.

12 Q. So you felt okay leaving him with your, leaving
13 your child with him at that time?

14 A. Yes, ma'am.

15 Q. All right. And since the night of October 2nd,
16 has Reginald talked to you about what happened that
17 night?

18 A. Yes, ma'am.

19 Q. And how many times? A few? Several?

20 A. I mean, maybe four times.

21 Q. Okay. All right. And when he would tell you
22 about what happened when you weren't there, were his
23 stories consistent?

24 A. No, ma'am.

25 Q. Okay. So, I mean, you can't, you can't say what

L. Crawford- Direct Examination by Ms. Little

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1 he said so, basically, it's your testimony that they
2 were inconsistent -- the stories he gave were
3 inconsistent ---

4 A. Yes, ma'am.

5 Q. --- with each other.

6 A. Yes, ma'am.

7 COURT REPORTER: Okay. We've got to wait for the
8 question and you answer, okay. Thank you.

9 Q. And back around September, 2015, which within the
10 night, within the month or so before the alleged
11 incident, where did April Morris live?

12 A. With her mother.

13 Q. Okay. And do you know if she liked living there?

14 A. She didn't.

15 Q. She what?

16 A. She did not.

17 Q. Okay. And did you ever come to learn where she
18 wanted to live?

19 A. She asked if she could stay at my house.

20 Q. All right. What was your response?

21 A. I told her no.

22 Q. Okay. Did you give her a reason why?

23 A. Yes, ma'am.

24 Q. Okay. You can tell us what you said?

25 A. I told her that she was too wild for me and Terry

1 still drank on the weekend and I could not deal with
2 them together.

3 Q. That last part, please. You could not deal
4 with....

5 A. I could not deal with them together.

6 Q. With them together?

7 A. Yes, ma'am.

8 Q. Okay. And all the years you've known Terry,
9 have you personally, out of your own, with your own
10 eyes, ever seen him act sexually inappropriately
11 towards a child?

12 A. No, ma'am.

13 Q. All right.

14 MS. LITTLE: Answer any questions now that the
15 solicitor has
16 please.

17 MS. PARKER: I beg the Court's indulgence just a
18 moment, your Honor.

19 THE COURT: Yes, ma'am.

20 **Cross-Examination by Ms. Parker:**

21 Q. Good afternoon.

22 A. Good afternoon.

23 Q. I'm sorry, I never did catch or clarify, is it
24 Ms. Crawford or Ms. Sanders?

25 A. Sanders.

L. Crawford- Cross-Examination by Ms. Parker

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1 Q. Ms. Sanders. Okay. I'll call you Ms. Sanders.

2 And -- so you are currently married to defendant?

3 A. Yes, ma'am.

4 Q. And how long have y'all been together?

5 A. Together or married?

6 Q. Together?

7 A. Together, we've been together for 16 years.

8 Q. Sixteen years. All right. And you're 33-years-
9 old, is that correct?

10 A. Yes, ma'am.

11 Q. So y'all been together since you were 17?

12 A. Yes, ma'am.

13 Q. Or was it younger than 17?

14 A. It was 17.

15 Q. And how old was Terry at that time?

16 A. I believe he was 32.

17 Q. Okay. So he's 14 years or 15 years your senior?

18 A. Fifteen.

19 Q. He's 15 years your senior?

20 A. Yes, ma'am.

21 Q. And you stated that y'all have children together,
22 um, and we've heard about DS [REDACTED] She's a little
23 girl. The other child, is it a girl or a boy?

24 A. A girl.

25 Q. A girl. And is there a third child you have with

1 him?

2 A. He -- we have his oldest daughter from his first
3 marriage.

4 Q. Okay. But two together?

5 A. Two together, yes, ma'am.

6 Q. Two together. Them are both girls. Okay. And
7 you would agree that you were best friends with April
8 Cook ---

9 A. For a long time ---

10 Q. --- or April Morris?

11 A. Yes, ma'am.

12 Q. What's -- I'm sorry ---

13 A. For a long time. Yes, ma'am.

14 Q. So y'all -- so you would agree that y'all were
15 best friends?

16 A. Yes.

17 Q. You knew her family? She knew your family ---

18 A. Yes, ma'am.

19 Q. --- is that correct? She went with you to visit
20 your aunt that was dying ---

21 A. Yes, ma'am.

22 Q. --- at the hospice house, it sounds like? Isn't
23 it correct, that you would keep her kids? Y'all all
24 spent a lot of time together?

25 A. Yes, ma'am.

L. Crawford- Cross-Examination by Ms. Parker

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1 Q. And her kids would call her Lala?

2 A. Yes, ma'am.

3 Q. And on this particular night Reggie was
4 babysitting **DS** and **Minor** is that correct?

5 A. Yes, ma'am.

6 Q. And wouldn't it probably be accurate the Reggie
7 probably ended up babysitting the children a good bit
8 ---

9 A. No, ma'am.

10 Q. --- they probably -- that's not accurate?

11 A. No, ma'am, it's not.

12 Q. But you did testify that Reggie has limitations?

13 A. Yes, ma'am.

14 Q. Y'all have to help him, you said with his money,
15 y'all have to help him with his Social Security
16 check?

17 A. Yes, ma'am.

18 Q. Okay. And he stays there with y'all?

19 A. Yes, ma'am.

20 Q. And you were giving testimony earlier about, you
21 know, about his limitations and how y'all have to
22 help him with things, but then you stated when he
23 talked about the incident about consistencies. Are
24 you aware of an affidavit that someone had him sign?

25 A. Yes.

1 Q. So y'all had Reggie sign that affidavit?

2 A. We did not.

3 Q. But you're aware of the affidavit?

4 A. I am aware of it.

5 Q. Okay. And on the night of October 2, 2015 you
6 stated that when y'all left the residence Terry was
7 not there, is that correct?

8 A. Correct.

9 Q. Now, Ms. Little's direct examination you stated
10 that he'd been at his cousin's house, is that Tony?
11 Is that what you said?

12 A. Tony, yes, ma'am.

13 Q. At Tony's house, what time -- y'all left to go to
14 Florence about 7:30?

15 A. Between 7 and 8, yes, ma'am.

16 Q. Between 7 and 8. Were you aware that Mr.
17 Williams testified that he was speaking of pecans and
18 lands until 7:30?

19 A. Yes, ma'am, I am.

20 Q. Was Terry already gone or picking up limbs at
21 about 7:30?

22 A. When we left I know that he was gone. He was at
23 Tony's.

24 Q. He was at Tony's. Do you think that he was
25 probably drinking at Tony's?

L. Crawford- Cross-Examination by Ms. Parker

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1 A. He probably did.

2 Q. And you said that he, his speech was slurry so he
3 figured he had one beer?

4 A. Yes, ma'am.

5 Q. It is -- is it really your testimony here today
6 that one beer would slur someone speech ---

7 A. Yes, ma'am. Him, yes, ma'am.

8 Q. I have a few things I have to ask you about.
9 Hold on. I'm trying to gather my thoughts. Just a
10 second. I want to go back to when y'all were at
11 hospice house in Florence. You received a phone
12 call, is that correct?

13 A. Yes, ma'am.

14 Q. And would you say y'all left the hospice house
15 with -- would you agree or disagree it would be, I
16 don't know if this is accurate, that y'all left the
17 hospice house as a sense of urgency to get back to
18 Darlington?

19 A. Yes, ma'am.

20 Q. With a sense urgency?

21 A. Yes, ma'am.

22 Q. Because you had received a phone call?

23 A. Yes, ma'am.

24 Q. And on the way back to Darlington did you,
25 without saying what you said -- without saying

1 anything -- well, you can say what you said, did you
2 tell April what was going on?

3 A. Yes, ma'am, I did.

4 Q. You told her that Terry, Terry had touched

5 **Minor**

6 A. I told him what Reggie -- I told her what Reggie
7 told me.

8 Q. That Terry -- was that Terry had touched **Minor**

9 A. Yes.

10 Q. And y'all were headed home in a hurry?

11 A. Yes, ma'am.

12 Q. Is that correct?

13 A. Yes, ma'am.

14 Q. And as soon as y'all -- so you deny -- you didn't
15 call 911 on the way to the house?

16 A. No, ma'am. I did not.

17 Q. So 911 -- you do agree that 911 was called, is
18 that correct?

19 A. Yes, ma'am.

20 Q. Are you aware that the 911 call report along with
21 the incident report has you down as the complainant?

22 A. Yes, ma'am.

23 Q. And is that because you called?

24 A. That's because I picked the phone up after she
25 called.

L. Crawford- Cross-Examination by Ms. Parker

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1 Q. But did not -- but did the call not come from my
2 phone number?

3 A. It did come from my phone number.

4 Q. Your number being 843-616-3117?

5 A. Yes, ma'am.

6 Q. Was that your phone number?

7 A. Yes, ma'am.

8 Q. So the call did come from your phone, that's
9 correct?

10 A. Yes, ma'am.

11 Q. And you, you spoke with him, is that correct?

12 A. I did.

13 Q. And law enforcement was dispatched and it was in
14 reference to sexual assault on a child, are you aware
15 of that?

16 A. Yes, ma'am.

17 Q. And when y'all arrive back at the house, isn't it
18 true, that **DS** and **Minor** were both crying?

19 A. No. They were not.

20 Q. Neither one?

21 A. No, ma'am.

22 Q. And when y'all got back at the house was, you
23 know, you said Terry was, he slurred speech, was he
24 acting disorderly when the cops got there?

25 A. No. He was not.

1 Q. So you deny that he was pacing back and forth and
2 being boisterous and trying to yell ---

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

4 Q. --- as the cops were trying to interview various
5 parties?

6 A. Yes, ma'am.

7 Q. So he was doing that?

8 A. He was not doing that.

9 Q. He was not doing that. So it surprised you when
10 they locked him up for being disorderly because in
11 your opinion he was a disorderly, is that what your
12 testimony is?

13 A. Yes, ma'am.

14 Q. And you didn't smell alcohol on him?

15 A. No, ma'am. I did not.

16 Q. I want to -- I'mma ask you this, when you got
17 that phone call and y'all were in Florence, you said
18 -- I don't know which party called you, did Terry
19 call you or did Reggie call you?

20 A. Terry.

21 Q. Terry called you. At some point, did they put,
22 one of them, put **Minor** on the phone?

23 A. No.

24 Q. So you deny being on the phone and talking with
25 **Minor** or them ---

L. Crawford- Cross-Examination by Ms. Parker

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1 A. Yes, ma'am ---

2 Q. --- putting Minor on the phone with you ---

3 A. I talked to Terry and Reggie.

4 Q. And did you not go to the police department on
5 the early, the very early morning hours of October 3,
6 2015?

7 A. Yes, ma'am.

8 Q. And you gave a statement to Lieutenant Maureen
9 Valazak with the police department ---

10 A. Yes, ma'am.

11 Q. --- is that correct?

12 A. And it's your testimony here today with Ms.
13 Little that you had seen on previous occasion Minor
14 playing with her private. Did you tell Lieutenant
15 Valazak when she, when you gave that interview that
16 night ---

17 A. Yes, ma'am, I did.

18 Q. --- that you caught Minor playing with herself?

19 A. Yes, ma'am, I did.

20 Q. So you -- that is your testimony here today ---

21 A. Yes, ma'am.

22 Q. --- that in that statement you told Lieutenant
23 Valazak that?

24 A. Yes, ma'am.

25 Q. Okay. Oh, I want to ask you about this.

1 MS. PARKER: Tonya, can I see Defense Exhibit.

2 MS. LITTLE: Certainly.

3 MS. PARKER: Facebook, the Facebook photo.

4 Q. I'm showing you what's marked Defense Exhibit 3,
5 and look at that again and tell me how you can be
6 sure what **Minor's** age was in that photo? I don't
7 see a date. Is there a date on here where the photo
8 was posted on Facebook? Do you know who posted that
9 photo on Facebook?

10 A. Yes, ma'am.

11 Q. Well, you know whose account, but can you say for
12 sure who, in fact, posted it?

13 A. Yes, ma'am, I can.

14 Q. You physically saw her post it?

15 A. She was in my house when she did it in front of
16 me.

17 Q. But you deny taking that picture?

18 A. Yes, ma'am.

19 Q. But the picture was taken at your house?

20 A. Yes, ma'am, it was.

21 Q. And on this one -- and on this one, Defense
22 Exhibit 5, describe what haircut or facial features
23 you see on that child ---

24 A. **Minor's** ---

25 Q. --- so that ---

L. Crawford- Cross-Examination by Ms. Parker

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1 A. --- got, she's got dark hair that's cut up to her
2 neck. I mean, I looked, I looked at these kids
3 almost every day, I mean, I know what they look like.

4 Q. I mean, can you even see the child's face on that
5 photo?

6 A. No, you can't see her face ---

7 Q. Okay.

8 A. --- she's looking the opposite way.

9 Q. All right. So you can't even see a face on this
10 photo, but it's your testimony here today that that's
11 that AC ?

12 A. Yes, ma'am.

13 Q. But you can't -- but you admit that you can't see
14 a face?

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

16 Q. You don't see a face?

17 A. You see the side of her face.

18 Q. Not really.

19 A. You can't see the side of her face right there?

20 Q. No, ma'am. I don't see a face at all. That is
21 very blurry.

22 A. I admitted it was blurry.

23 Q. But you would also admit that you can't see a
24 face so how can you be sure ---

25 A. I just told you I can see the side of her face --

1 -

2 Q. How can you be sure that that's AC ?

3 A. I looked at that child every day for years.

4 MS. PARKER: I beg the Court's indulgence.

5 Q. And there's been testimony in the record about
6 Terry drinks on the weekends, hasn't there? Didn't
7 you say that ---

8 A. Yes, ma'am, I did.

9 Q. --- a few minutes ago? How his drinking on the
10 weekend?

11 A. Yes, ma'am.

12 Q. Do you recall what day of the week it was that
13 this happened, October 2, 2015?

14 A. A Friday.

15 Q. It was a Friday night?

16 A. Yes, ma'am.

17 Q. Terry had been drinking heavily, hadn't he?

18 A. I told you he seemed like he had drank one beer
19 to me, one or two.

20 Q. Okay.

21 MS. PARKER: No further questions.

22 THE COURT: Ms. Little, anything else?

23 MS. LITTLE: Nothing further, Your Honor.

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

1 MS. LITTLE: Your Honor, defense rest.

2 THE COURT: All right. Okay. We'll have some
3 matters the Court needs to take up with counsel.
4 Ladies and gentlemen of the jury, I'mma ask that you
5 step to the jury room. You shouldn't be long.
6 (Whereupon, the jury exits the courtroom at 3:18
7 p.m.)

8 THE COURT: All right. Court will come to order.
9 Okay. So you've rest.

10 MS. LITTLE: Yes, sir.

11 THE COURT: And I believe you said you had a
12 motion you want to have heard.

13 MS. LITTLE: Yes, sir.

14 THE COURT: All right.

15 MS. LITTLE: Your Honor, at this time, the defense
16 renews my motion for a directed verdict based on the
17 State's failure to provide, present competent
18 evidence tending to prove the defendant's guilt.
19 Specifically, Your Honor, on the criminal sexual
20 conduct, first degree, charge. The child's own
21 testimony was that nothing went into her tutu while
22 she did say he touched it. I believe one of the
23 statements somebody said she said he put his penis
24 near it. She also testified that he put it in her
25 mouth, but he did not say that he put it into her

1 vaginal or anal area which my understanding would be
2 required for criminal sexual conduct, first degree.

3 THE COURT: All right. So your motion is as to --
4 -

5 MS. LITTLE: My motion is a directed verdict for
6 all counts and then I made a specific argument just
7 about the CSC, first degree.

8 THE COURT: Okay. All right. Madam Solicitor?

9 MS. PARKER: Your Honor, I believe CSC, first
10 degree with a minor would cover him putting it in her
11 mouth. I mean, I think that settled law. I think it
12 has been held that, um, that is sexual battery. It's
13 really any opening into the body. I believe there's
14 well settled case law that the mouth counts. But
15 even if the mouth doesn't count, um, on the forensic
16 interview, you know, [Minor] may have said it didn't
17 go into her tutu but I thought [Minor's] testimony
18 here in the courtroom would have covered a sexual
19 battery. And then certainly the evidence from the
20 doctor showing the location of the abrasions and the
21 injury was passed the opening. But my position would
22 be that putting it in her mouth alone can be CSC,
23 first degree with a minor, that is a battery. It
24 doesn't have to be vaginal.

25 THE COURT: All right. There was testimony from

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1 the doctor that there were abrasions. I think she
2 might have used that word, specifically, in the
3 vaginal area so I'm going to -- I'll respectfully
4 deny the motion for a directed verdict on all three
5 matters. I believe there's, there's, there's,
6 there's evidence that you could conclude that's in
7 the record. So I'll respectfully deny the motion for
8 a directed verdict, okay.

9 MS. PARKER: Okay. And, Your Honor, the State
10 may, may call, I've got her on the way here, one
11 reply witness if the Court would allow. Laura
12 Crawford was adamant and stated that she did to tell
13 Lieutenant Valazak about **Minor** playing with herself
14 and that was not in her statement. Although,
15 unfortunately, it is one of the statements that was
16 not preserved on video but, of course, Ms. Valazak
17 has her notes and her supplemental incident report
18 and I had, you know, I've texted her and she has
19 confirm that Ms. Laura Crawford never told her, you
20 know, the issue about **Minor** playing with herself
21 when she was interviewed the night.

22 THE COURT: So you want to bring back a third
23 time?

24 MS. PARKER: Yes, sir.

25 THE COURT: All right. All right. So other than

1 that, is there anything else that y'all want to
2 address this afternoon? You'd indicated earlier you
3 wanted a moment to compose your thoughts for closing.
4 And the reason I asked that is after consulting with
5 the clerk, you close and I charge we're gonna be up
6 against 5 o'clock.

7 MS. PARKER: Yes, sir.

8 THE COURT: And then we would then send the jury,
9 basically, home that to stew and then come back in
10 the morning. I would suggest that we close and
11 charge in the morning rather than trying to because I
12 don't want -- I don't want to charge and then send
13 them back there to deliberate into the evening hours.
14 I'd like to avoid that if we can.

15 MS. LITTLE: I -- that certainly would be fine
16 with me, Your Honor. That would give me, you know, I
17 certainly don't have any problem with that.

18 THE COURT: Okay. All right. Well, let's do
19 this, I'm gonna bring the jury back in. I'll release
20 them for that afternoon. And then if you want to
21 call that witness in the morning, you know, you have
22 the right to do that and then we'll wrap everything
23 up in the morning.

24 MS. LITTLE: And we'll be ready to go straight
25 into it after that ---

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1 THE COURT: Yeah, we -- we'll, we'll go straight
2 in because I have other matters I have to take care
3 of here in this courtroom. So after once we give the
4 case to the jury, we can, we can start, Mr. Bell, we
5 can start on your docket. Patti, how long do you
6 think your witness is out?

7 MS. PARKER: I'm trying -- I'm texting her -- if I
8 can just call her real quick. I think ---

9 THE COURT: I mean, if she's on the square ---

10 MS. PARKER: --- she was on the way. That's what
11 I'm ---

12 THE COURT: If she's on the square that's one
13 thing. If she's 30 minutes away then I'm not gonna -
14 --

15 MS. PARKER: Well, she works in front of the
16 Farmer's Market.

17 (Whereupon, the judge takes a moment for the
18 solicitor to check on witness)

19 MS. PARKER: No, sir. She's about 10 or 15
20 minutes out so....

21 THE COURT: Okay. All right. I'm gonna bring
22 the jury out and then let them go for the evening.
23 (Whereupon, the jury enters the courtroom at 3:21
24 p.m.)

25 THE COURT: All right. Court will come to order.

1 Ladies and gentlemen of the jury, we're at a point
2 where we have to stop for the afternoon and let me
3 explain why. We've, both the State and the defense
4 have put their case. There may be one more witness
5 for the State that they want to bring. I believe it
6 will be a brief witness. But that witness is several
7 minutes away and I don't want to delay you waiting
8 for one witness.

9 The next phase of this trial would be the lawyers
10 would offer a closing statement. My experience is
11 that could take a little while because they have a
12 number of things they want to address before you.
13 That will be the last time they speak to you. And
14 then I have to give you the law in this case that
15 you'll use to deliberate. And then there's, there's
16 a process to that as well. I say all of that because
17 my expectation is that will put us close to getting
18 to 5 o'clock before you can get the case start
19 deliberating at approximately 5 o'clock and then
20 beyond. And I don't think that would be fair to you
21 to put that, throw that on you at the end of the day.
22 You've been patient with the Court and I appreciate
23 that. I will need you to come back in the morning.
24 I believe if we, if we start at 9 a.m. we should have
25 you out of here tomorrow morning. We'll get you the

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1 case and then you'll be able to deliberate and then
2 that will be your time and we'll wait on you. But
3 that's where we are. So I'm gonna let you go for the
4 afternoon and if you'll be back ready to go at 9
5 a.m., all right. Y'all have a nice afternoon and
6 evening.

7 Thank you.

8 (Whereupon, the jury exits the courtroom at 3:23
9 p.m.)

10 THE COURT: All right. Okay. Counsel, anything
11 we need to take up before we break for the afternoon?

12 MS. PARKER: No, Your Honor.

13 MS. LITTLE: No, sir.

14 THE COURT: All right. Okay. All right. So my
15 understanding we may have a witness in the morning.
16 We'll jump into closing, charge, and then will get
17 the jury the case. And we'll have the charges to
18 you. Do you want to look over the charges now before
19 you leave for the afternoon, that's fine.

20 MS. LITTLE: Okay.

21 THE COURT: They'll be available to you in the
22 morning. We'll also have the verdict form available
23 to you.

24 MS. PARKER: Okay.

25 THE COURT: Okay. I just want y'all's approval

1 before we throw anything out.

2 MS. PARKER: Your Honor, I may not call a witness
3 in the morning, but I don't want you to be mad at me
4 because I still think that we were late ---

5 THE COURT: No ---

6 MS. PARKER: --- to charge and close and still --
7 -

8 THE COURT: The clerk and I had already talked
9 about it. If we -- if we took a break for y'all to
10 gather your thoughts that was gonna be 20, 30 minutes
11 that I think you would need. Well, then that's gonna
12 put us pushing 4 o'clock.

13 MS. PARKER: Yes, sir.

14 THE COURT: Then we start charging the jury and
15 then, I figured you wanted to close and not go home
16 and then them come back and get it so....and I think
17 that was just gonna be too hard. You know, we were
18 just up against it.

19 MS. PARKER: I don't want you to be mad at me if I
20 don't call the witness in the morning.

21 THE COURT: I might be mad at you -- I'll be mad
22 at Monty.

23 MR. BELL: That's fair.

24 THE COURT: Okay. All right. If nothing further,
25 we'll adjourn.

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1 (Whereupon, Court adjourns for the day at 3:23 p.m.)
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1 Friday, September 16, 2022

2 (WHEREAS, this matter was scheduled for a trial,
3 all parties have appeared with their respective
4 attorneys of record. The proceedings began at 9:19
5 a.m.)

6 THE COURT: Y'all for the jury to come out?

7 MS. PARKER: Yes, Your Honor.

8 (Whereupon, the jury enters the courtroom at 9:19
9 a.m.)

10 THE COURT: All right. Court will come to order.
11 Good morning, ladies and gentlemen of the jury, I
12 appreciate you being here this morning. Is my
13 understanding at this time the State wishes to recall
14 when witness?

15 MS. PARKER: Yes, Your Honor. The State would
16 like to call one witness in reply ---

17 THE COURT: All right.

18 MS. PARKER: --- to the defense's case and that
19 is Maureen Valazak.

20 THE COURT: All right.

21 THE CLERK: Place your left hand on the Bible and
22 raise your right. You swear the testimony you give
23 this Court will be the truth, the whole truth, and
24 nothing but the truth so help you God?

25 MS. VALAZAK: I do

M. Valazak- Direct Examination by Ms. L. Parker

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1 THE COURT: Good morning, would you state your
2 name for the record please?

3 MS. VALAZAK: Maureen Valazak.

4 THE COURT: Thank you. Your witness?

5 MAUREEN VALAZAK, first being
6 duly sworn, testified as follows:

7 Direct Examination by Ms. Parker:

8 Q. Good morning, Ms. Valazak.

9 A. Good morning.

10 Q. Would you provide the jury where you were
11 employed in October of 2015?

12 A. Darlington City Police Department.

13 Q. And you worked on this investigation?

14 A. Yes.

15 Q. As the lead investigator?

16 A. Yes.

17 Q. And on October, early morning hours -- you
18 testified earlier in the trial, early morning hours
19 on October 3, 2015, did you interview some parties?

20 A. I did.

21 Q. And who did you interview at the police station?

22 A. Reginald Bonaparte, Laura Crawford, and April
23 Cook.

24 Q. And at that time -- and at that point in your
25 investigation, did anyone indicate anything at all

1 about Minor playing with herself?

2 A. No. Not at all.

3 Q. And to recall that -- and is that from your
4 memory?

5 A. That's from my memory.

6 Q. Would you have remembered if they had told you
7 that?

8 A. Absolutely.

9 Q. Now, I know it in testimony that from that night
10 all the videos were not, all the video interviews
11 were not electronically preserved, either they did
12 not record or they were not electronically preserved.
13 Did you summarize those interviews in your
14 supplemental report?

15 A. Yes, I did.

16 Q. And if Laura Crawford had told you Minor was
17 playing with herself, is that something that you
18 would have put in your report?

19 A. Oh, I would have, yes. Definitely.

20 Q. Is that something that would have stood out to
21 you?

22 A. Yes. That would not have been normal behavior.

23 Q. Okay. Please answer any questions Ms. Little
24 may have.

25 Cross-Examination by Ms. Little:

M. Valazak- Cross-Examination by Ms. Little

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1 Q. Good morning, Ms. Valazak.

2 A. Good morning.

3 Q. All right. So it's your testimony that my
4 client's wife did not ---

5 COURT REPORTER: Wait a minute! You are way over
6 there you need to come over here.

7 MS. LITTLE: I'm sorry.

8 Q. You're saying that Laura Crawford Sanders, did
9 not say anything about the child other sexual
10 behavior, I guess, is that right?

11 A. No. That's correct.

12 Q. Okay. And at the time that you interviewed Ms.
13 Crawford Sanders you thought that, um, you thought
14 mistakenly that the interview was being recorded,
15 correct?

16 A. That's correct.

17 Q. And so if you thought the interview was being
18 recorded, would you have taken detailed notes and
19 written down everything everybody said?

20 A. I always did. Yes, ma'am.

21 Q. Okay. You did. Good. Because earlier, the
22 other day when you testified, you seem to -- you
23 couldn't remember even if you took photos or not.
24 Remember you testified that you thought you did,
25 probably would have, but you just couldn't remember

1 if you took any photos ---

2 A. That's correct.

3 Q. So ---

4 A. On the photos are a normal behavior when we, are
5 normal, when we go out to crime scenes. It's
6 something like that would've been stated to me as far
7 as the child playing with herself, I would have
8 definitely, that would have sent a red flag to me.
9 And I would have definitely put that in my notes.

10 Q. Do you recall asking anybody if they'd ever
11 seeing any behavior like that?

12 A. No.

13 Q. Okay. All right. And so you don't remember if
14 you took photos. You don't remember if they exist.
15 But you remember every word that was said to you in
16 those interviews?

17 A. I do.

18 MS. LITTLE: No further questions.

19 THE COURT: Anything else?

20 MS. PARKER: No, Your Honor.

21 THE COURT: All right. Thank you. You can step
22 down.

23 MS. PARKER: We'd asked that she can be released,
24 Your Honor, from her subpoena.

25 THE COURT: All right.

1 MS. LITTLE: No objection.

2 THE COURT: Released for now. All right. Anything
3 further? The State?

4 MS. PARKER: No, Your Honor, not from the State.

5 THE COURT: All right. The defense rest as well?

6 MS. LITTLE: Yes, Your Honor.

7 THE COURT: And I believe you have a motion you
8 wish to raise?

9 MS. LITTLE: Yes, sir.

10 THE COURT: Okay. All right. All right. So
11 ladies and gentlemen of the jury, there's -- this is
12 how this process is going to work. I have to talk to
13 these lawyers outside of your presence for just a
14 moment. Those matters are confined. So you won't be
15 sitting back there very long. When I bring you back
16 out were going to go through a process where the
17 lawyers are going to talk to you as their closing
18 arguments. And then I'll give you the law on this
19 case. And then we'll give the case to you, okay. So
20 we're at the end and I want you to understand that as
21 jurors 'cause I know it's frustrating. You might get
22 confused coming back and forth, back and forth. This
23 should be the last time I excuse you, okay. All
24 right. If y'all would step to the jury room.
25 (Whereupon, the jury exits the courtroom at 9:25

1 a.m.)

2 THE COURT: All right. The jury is in the jury
3 room. What matters do we need to address?

4 MS. LITTLE: Yes, Your Honor. I'm sorry, I beg
5 the Court's indulgence for one second. Your Honor,
6 at this time, since all of the evidence is closed,
7 the case is completely closed, I would renew my prior
8 motion for a directed verdict based on the failure of
9 the State to present any competent evidence tending
10 to prove the guilt of the accused on all charges.
11 That would be CSC, first degree, kidnapping, and CSC,
12 third degree, with a minor.

13 THE COURT: All right. Ms. Parker, you wish to
14 reply?

15 MS. PARKER: Your Honor, I think at this juncture
16 there's competent evidence in the record that, you
17 know, it would go to the jury.

18 THE COURT: All right. Okay. I would -- I would
19 agree with the State and I would respectfully deny
20 defense's motion for a directed verdict. And
21 anything further while the jury's out? We had -- we
22 had a pre-hearing conference regarding the jury
23 charges. I'll give you a chance at the, after, on
24 the record with jury if you have an objection to any
25 of the jury charges. But I do understand that the

1 State wanted the Court to charge some specific
2 language that, um, in the criminal sexual conduct
3 case that the victim alone, the credibility of the
4 victim alone, could out weigh other testimony. I'm
5 paraphrasing. And -- and I'm not going to charge
6 that because the Court felt that the credibility of
7 the witness charge incorporates that. And I'm afraid
8 that may be prejudicial in this case with the, um, if
9 that stands alone. And I don't know how to
10 camouflage it or to lessen the significance of it.
11 And I understand the State has an objection to that.

12 MS. PARKER: Yes, sir.

13 THE COURT: All right. And I note your objection.

14 MS. PARKER: Yes, sir. And as far as how we'll
15 proceed with closing, I would like to open -- I
16 believe how it's supposed to go, I open in full. And
17 then Ms. Little will close in full. And then the
18 State will have an opportunity for reply.

19 THE COURT: Yes, ma'am.

20 MS. PARKER: That's how -- that's how -- I
21 preserve my right to do it that way.

22 THE COURT: Yes, ma'am. So I'll call on you
23 first. And then -- and then I'll go straight into
24 jury charges so we can, so we can give them a chance
25 to begin deliberations.

1 MS. PARKER: Yes, sir.

2 THE COURT: And I don't think we have any, Madam
3 Court Reporter, we have all of our exhibits over
4 there.

5 COURT REPORTER: Yes, sir.

6 THE COURT: And I think it's State's 1, 2, and 3,
7 is that right?

8 COURT REPORTER: Yes.

9 MS. LITTLE: I believe that's correct.

10 THE COURT: Madam Court Reporter says yes.

11 MS. PARKER: That's -- that's correct, yes, sir.

12 THE COURT: Okay. And Ms. Little, that's your
13 understanding as well?

14 MS. LITTLE: Yes, Your Honor.

15 THE COURT: Okay. All right. If they're ready.

16 THE BAILIFF: Yes, sir.

17 THE COURT: Mr. Foreman, did I keep my promise
18 that I wouldn't keep you back there very long.

19 MR. FOREMAN: You didn't.

20 THE COURT: I didn't.

21 MR. FOREMAN: No. It wasn't that long. We
22 appreciate that.

23 THE COURT: All right. Court will come to order.
24 And -- all right. Ladies and gentlemen of the jury,
25 the parties have presented their evidence in this

1 case. It's now time for the attorneys to make their
2 closing arguments. The arguments of the attorneys
3 are not evidence in this case. Their statements and
4 arguments are meant to help you understand the
5 evidence and apply the law to the evidence. You
6 should disregard your remark, statement or
7 argument which is not supported by the evidence
8 presented during the trial or the law that I'll
9 explain to you after the arguments. I'll give you a
10 charge on the law after you hear from the lawyers,
11 okay. All right. Madam Solicitor?

12 MS. PARKER: May it please, the Court, Your
13 Honor?

14 THE COURT: Yes, ma'am.

15 MS. PARKER: Ms. Little?

16 **Closing arguments- Ms. Parker:**

17 Ladies and gentlemen of the jury, good morning.
18 (Whereupon, the jury responds)

19 I know this week is gone on a little longer than
20 I originally thought it would but I certainly would
21 like to thank everyone for their attention for this
22 case. And like I said on Wednesday morning just the
23 graphic nature of it and things, you know, that you
24 had to hear, um, anyway, I'd like to thank you for
25 being so attentive throughout the course of this

1 trial.

2 I told you on Wednesday morning that I stood
3 before you because of a little girl named Minor
4 11-years-old now and about what happened to her when
5 she was 4-years-old and what Terry Sanders did to
6 her. And, you know, a lot of times when we're in
7 trial this is an analogy that I thought about, you
8 know, defense will come in here and they'll have what
9 I call a cage of rabbits and if you open the cage of
10 wild rabbits and let them run, it just goes
11 everywhere. And we're just chasing rabbits. But
12 this morning what I want to address with you is not
13 about the rabbits that we chased all around courtroom
14 yesterday, but about the elephant that's in the room
15 that you cannot ignore. And that elephant in the
16 room here that we all saw on Wednesday morning was
17 the testimony of Minor was about that clear
18 disclosure that was made after the incident; what she
19 told Dr. Huxford at the ER; even on the stand Reggie
20 admitted that she told him something had happened to
21 her; what she told the Durant Center; and you were
22 also able to view that video; and also the medical
23 evidence in this case. That's the elephant in the
24 room.
25 So we chased rabbits for a little bit yesterday and

1 I'm even guilty of following up on some of them. But
2 I wanted to home us in this morning back on what's
3 important and about the elephant in the room here
4 today.

5 When **Minor** was 4-years-old when this happened.
6 You heard that video statement. You heard the
7 testimony of Dr. Huxford. She had a lot of detail.
8 I just want to go ahead and point that out. And she
9 bravely came in here Wednesday morning and told what
10 happened to her. And I want you to keep in mind the
11 timing of the medical exam. Dr Huxford was able to,
12 at the ER, look at **Minor** and examine her within
13 four to five hours of this incident occurring and her
14 testimony is very important. And the State had to
15 call Reggie Bonaparte even though he's affiliated
16 with the defendant and is actually his son because he
17 had relevant information and, actually, I believe was
18 an eyewitness to something. You heard his testimony.
19 And at anytime you can go back and ask to hear his
20 testimony again. It is recorded. You can -- when
21 you deliberate you can ask if there's something you
22 don't remember he said or if I say he said something
23 and I don't remember it that way or if there's some
24 disagreement, you can go back to Reginald's
25 testimony. But those things comprise and make up the

1 elephant in the room.

2 And before I go any further I just want to first
3 talk a little bit about the charges in this case.

4 Terry Sanders is charged with an indictment for
5 criminal sexual conduct, first, degree with a minor
6 and you'll hear something called elements. An
7 element of an offense, it's just, basically, has to
8 be included. It's almost like a checklist. If every
9 element is not met he's not guilty. So for criminal
10 sexual conduct with a minor in the first degree the
11 elements are, the State has to prove a sexual
12 battery; and that the legal definition of a battery
13 is any intrusion however, slight into **Minor** Cook's
14 body. It can be fellatio. That's an intrusion, a
15 penis into a mouth. Any part of her body with any
16 part of his body. So fingers into her body can count
17 or his private touching her body. If there's any --
18 if you find there's an intrusion, you passed the
19 opening, that's a battery. And I feel the State has
20 proven and through **Minor's** testimony there were
21 several acts that would constitute criminal sexual
22 conduct with a minor in the first degree.

23 The second element is the victim is less than 11-
24 years-old when this occurs. And we've proven that.

25 Criminal sexual conduct with a minor in the third

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1 degree is, has a lot of language. It's very wordy.
2 It's -- it's a little harder to define. But it's,
3 basically, a lewd or lascivious act that's to arouse,
4 appeals, to gratify the lust, or passions of himself
5 or of the victim. And really lewd means obscene,
6 indecent, lecherous, and why I would put it nasty.
7 Nasty. Nasty acts. It doesn't rise to the level of
8 a battery but it's just an act that's just sexual in
9 nature on a child.

10 And then finally, he's charged with kidnapping.
11 And I told you on Wednesday morning, you know, we
12 think of kidnapping as somebody snatching a child and
13 carrying, carrying them away. But the law defines it
14 as to seize or confined without authority of law.
15 Confines means to limit, restrict, enclose any of
16 these actions. You don't have to pick up and carry
17 away. Confine means to limit, restrict, and enclose.
18 Any of these actions constitute kidnapping. You
19 don't have to have all of them, just anymore. And I
20 want to take you back in the **Minor's** testimony
21 about how she was locked in the bathroom with him. I
22 believe her testimony was also corroborated by
23 Reginald Bonaparte's testimony about being in the
24 bathroom. And **Minor** testified that she knew Reggie
25 was at the door. And Reggie testified and even

1 agreed that the door was locked. He got on his knees
2 and looked through the peephole. So there was a
3 confining in the background.

4 I want to go over a little bit about each witness
5 and how I, just briefly, each witness that the State
6 called and we started our case with Cara Spaziani. I
7 call her Spaz. She worked for DPD back in 2015. She
8 now works for Hartsville Police Department. And she
9 was -- dhe testified that she responded to a very
10 chaotic scene that night. That they received a call
11 I believe it was after 10 p.m. to [REDACTED]
12 Street. On arrival she described it as chaotic.
13 She's said the children were crying. Adults, I mean,
14 and this was heated and everybody was upset. But I
15 want to draw your attention to her testimony,
16 specifically, about what she said that the condition
17 that defendant was in. Her words, and she testified,
18 that he was not just intoxicated or not just drunk,
19 she said, "grossly intoxicated." He was grossly
20 intoxicated. She said you could tell from his
21 demeanor and she could smell it on him. And that's
22 important. And then she followed protocol and
23 procedure, notified the on call investigator. So,
24 although, her role was small, I felt like we do get
25 to take that away from her testimony how intoxicated

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1 the defendant was when she arrived and how he was
2 being disorderly. And they even had to handcuff him
3 so they could even begin to interview parties and
4 figure out what was going on, you know, what
5 happened. They had to go ahead and handcuff him
6 because he was being disorderly and acting
7 boisterous.

8 We called Ms. Maureen Valazak. I know she ended
9 up taking the stand three times but she was an
10 investigator in the case. She's spoke with Dr.
11 Huxford that night. Dr. Huxford, you know,
12 personally called while **Minor** was at the ER. And
13 what's important is Moe interviewed all parties that
14 she felt were irrelevant - she couldn't interview the
15 child because that's not proper. The Durant Center,
16 you know, professionals had to interview the child.
17 But she interviewed Reginald Bonaparte, Laura
18 Crawford, and April Cook, you know, just, you know,
19 as part of her investigation who knows what, what
20 happened, and that ended up becoming very important
21 and I'll get into that a little more into that later.
22 She also made sure **Minor** was seen at the Care House
23 and set all of that up. DSS was contacted. Went out
24 to the house the following day. These are all
25 standard things. And I know, you know, stuff about

1 pictures, if there were pictures, if they were lost,
2 maybe things weren't electronically preserve, you
3 know, she did testify that these are the things she
4 did in the course of her investigation.

5 And you heard from **Minor** on Wednesday morning
6 and she bravely took that stand and she told her
7 truth. She told what Terry did to her and what
8 happened. Her testimony covered not only what he did
9 when she was on the bed. She testified that she was
10 on the bed watching cartoons with **DS** in the
11 defendant's bedroom on the bed and what he did there
12 and how he touched her private. She also testified
13 and covered about what happened in the bathroom and
14 how he put her on the floor and how she knew Reggie
15 was at the door. And she testified that the
16 defendant covered her mouth and told her to hush.
17 And she remembered those things. She told you about
18 that. About how he put his private to her private
19 and how he touched her and also how he put his penis
20 in her mouth. She testified about all these things
21 bravely and told her truth on Wednesday morning.

22 We called Dr. Huxford. And Dr. Huxford, from the
23 ER, was examined, and I' already said this, examined
24 **Minor** pretty quickly. Thankfully it's pretty
25 quickly in relation to the incident and this is, this

1 is an evidence. This is her report, State's Exhibit
2 1. Portions of it have been redacted. But she
3 testified and she read this into the record and these
4 were [Minor's] words, not mom's words. Not from
5 mama's words. [Minor's] words. In the ED, which ED
6 stands for emergency department, "in the emergency
7 department patient states, Terry touched my tute. It
8 throwed up. He was in the bathroom and Terry hurt
9 me. The patient reports, Terry pulled my hair and
10 covered my mouth and put me under the covers and
11 wouldn't let me see the tv and pulled my pants down.
12 Patient states, my tummy started hurting and he
13 touched me right here, pointing at her vagina, with
14 his hands and he pulls his pants down too. Patient
15 notes, he put my hand on his tutu. When asked did
16 Terry -- she states it hurts me. She also said her
17 tummy hurt." These were [Minor's] words at the ER.
18 And this is a lot of detail for a child that age.
19 And this is also consistent with what she told Robin
20 Griggs at the Durant Center. Dr. Huxford also marked
21 for you on this diagram where the vaginal abrasion
22 was that she noted. And this, this is important and
23 I wanted her to document this for you because it's
24 the State's burden of proof of sexual battery. And
25 so the abrasion was passed the outer labia. The

1 abrasion was passed the outer labia. So this goes to
2 show for that legal definition of a battery "any
3 intrusion however slight", she did have injury that
4 was on the inside. And then Dr. Huxford marked that
5 and explained that on Wednesday. She also described
6 the injury as, you know, abrasion, I've already said
7 that. But she said "abrasion is a sign of trauma and
8 it is most likely the result of friction." The way
9 she described it and she also described the "diffused
10 your erythema", which erythema in that terminology
11 she said was "redness". She was talking about how
12 that whole area was red all over **Minor's** genital
13 area. And she testified that she felt like what she
14 saw was consistent with what **Minor** reported
15 happened. She also testified that she didn't think
16 it looked like a rash or anything like that. And Dr.
17 Huxford on cross, I don't know if you remember this
18 but I believe Ms. Little got into her with, you know,
19 **Minor** playing with herself, or about the
20 possibility of this being self-inflicted. And she
21 testified, and she's an expert, qualified as expert,
22 that in her opinion like what she saw on **Minor's**
23 body looked like that when it was inflicted that it
24 was probably painful and that because it was painful
25 she would doubt and would find it hard to believe

1 that a child would do that to herself.

2 I also called Dr. Morphis. That was a another
3 medical professional. Even though Dr. Morphis never
4 personally examined **Minor** she did review the
5 records in this case and Malyah did get a forensic
6 medical exam but it was 26 days later. Of course, at
7 that point, she testified you would expect and it
8 would be absolutely, you know, all that would have
9 healed which is why I was so thankful Dr. Huxford was
10 to look at her the night of. But Dr. Morphis as
11 expert in the field of forensic child sexual assault
12 examinations certainly agreed that vaginal abrasions
13 were consistent with the type of acts and with the
14 sexual assault that **Minor** said occurred.

15 I want to talk a little bit about Reginald
16 Bonaparte's testimony. You know, the State called
17 him and this was difficult because he's, you know,
18 Terry Sanders is actually his father, but he did have
19 relevant information. I felt like he, you know, of
20 course, agreed that he was there that night. He
21 stated that he was keeping the girls. That he was
22 babysitting **DS** and **Minor** At some point Terry
23 comes home. He did agree, in his testimony that,
24 that his dad was intoxicated or admitted that he --
25 he eventually admitted he was under the influence of

1 something after I had to confront him with his prior
2 statement for him to admit that. But he did finally
3 admit that his dad was under the influence of
4 something. And this is important, and I know his
5 testimony kind of went by quickly. Sometimes I talk
6 a little fast. But I asked him about DS coming
7 to get him and in his testimony he agreed. DS
8 came, he was playing his video game, and DS the
9 2-year-old, little girl -- I'mma let that pass,
10 judge.

11 (Whereupon, sirens are heard from outside)

12 DS the 2-year-old, comes and gets him
13 because she needs help because she wants to use the
14 bathroom and the door is locked. So she comes to get
15 him and he agreed, he told her, and this is important
16 "I want to finish something on my game, give me a
17 minute". And then he agreed that he went and helped
18 DS tried to go to the bathroom. Well, what did
19 Reg -- what did Reggie find when he went to the
20 bathroom? He testified that the door was locked. It
21 was also interesting, and he agreed, he did not deny
22 this, he got on his knees to look through a peephole
23 in the door. That tells you, you can infer from that
24 behavior, he was concerned about what was going on in
25 the bathroom. Now, that's his father. He wouldn't

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1 admit **Minor** was in the bathroom with him. But
2 that's why I recalled Maureen Valazak and she read
3 this into the record from her report from her
4 interview, "Reginald advised that he did see Terry
5 through the peephole stating his back was turned to
6 him and he was standing next to the bathtub. He
7 could not see **Minor** through the peephole. Reginald
8 stated he went and looked around the house", that's
9 important, "and came back to the bathroom. The door
10 was opened and he observed **Minor** near the toilet
11 and she was pulling up her pants." That was read
12 into the record when I had to recall Ms. Valazak
13 about, specifically, what his statement was
14 previously about **Minor** being in the bathroom. And
15 I think you can also infer from that when he went to
16 the look, he went to look. He looked through the
17 peephole, he saw his dad and then he went to look
18 through the house. I mean, I would submit to you
19 that he was looking for **Minor** and he was concerned.
20 That he -- he did in his testimony talk about how he
21 knocked, he got no answer. And eventually he learned
22 his dad was in the bathroom. And there's one more
23 point I want to hit on, let me see -- and I want you
24 to think about how he got down on his knees and look
25 through the peephole and I want you to think about

1 the time that would have lapsed from when DS
2 first came to him and said I can't get in the
3 bathroom, okay. So there's -- I think that all this
4 corroborates Minor's testimony that something
5 happened in that bathroom. Reginald Bonaparte also
6 testified about Terry, Minor and DS being on
7 the bed in the bedroom watching cartoons. He's
8 playing his video game. So out of his sight, he
9 don't know what's going on in there. But he
10 testified -- he testified that he heard DS start
11 to cry. So that prompted him to go check. And he
12 says -- this was his, this was his testimony and I
13 know throughout the course of this testimony, I was
14 like leading him a little bit in that if he would
15 agree or disagree, but he, some of this was his own
16 words, that when he went to the bedroom he turned on
17 the light his dad jumped out the bed quickly. And
18 then it's also in his testimony that Minor was in
19 the bed with her pants and her panties down. And I
20 believe -- I believe on direct I asked him when I got
21 to that question about when you heard DS start
22 cry, and about what he saw, and I asked him was
23 Minor in the bed, it was a question there right
24 when we got to the part about what he walked in on in
25 the bathroom that I thought, you know, Reggie's voice

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1 cracked a little bit. He trailed a little bit. I
2 mean, I -- just from looking at his demeanor I think
3 he knows something happened. He did deny that
4 **Minor** was crying, but that's neither here nor
5 there. But it was important -- it's important that
6 also in his testimony he testified that **Minor** did
7 indicate something happened to her, okay. So there
8 was a disclosure there to Reggie. He didn't say who
9 -- he didn't say who, but he did testify that she
10 said that someone touched her. And this was right
11 after he had walked to the bedroom, turned on the
12 lights and his dad jumps out the bed quickly. Now, I
13 also asked him, I don't know if you remember this, I
14 asked him on direct examination about did he have a
15 confrontation with his dad or was there heated word
16 or was there an argument and he denied that. But
17 then when I confronted him with, well, did you tell
18 law enforcement y'all had words and that you
19 confronted your dad about what was going on. This is
20 what he, I believe what he said, he admitted that
21 they had words. He said, but it was about his dad
22 not paying **DS** his sister, any attention. So
23 then he kind of backtrack and says, I confronted my
24 dad, but it was about my dad not paying **DS** any
25 attention. But I think we can infer and taking all

1 things into consideration, he confronted his dad
2 about what he saw. There was some type of argument
3 or some type of confrontation and heated words about
4 it. And then there was a phone call made to Florence
5 and Laura and April who were in Florence at the
6 hospice house had to get home quickly. There was
7 something -- there was something that was indicated
8 that something happened and they had to get home
9 quickly. You know, throughout Reggie's testimony
10 there were some things he denied saying. I tried to
11 ask him did you do this? Well, did you do that? Did
12 you get your dad a blanket? Aren't you the one that
13 called Laura? And he was able to deny things. It's
14 not Reggie just agreed with everything I said when he
15 was on the stand. He, I felt like, showed ability to
16 deny certain things and disagree with me. But I want
17 to point out, you know, um, you know, on cross, you
18 know, Ms. Little really didn't ask him anything
19 factual about what happened that night. She
20 questioned him about his dad being intoxicated and he
21 admitted his dad was. She questioned him -- but he
22 denied that he didn't see his dad drinking. And she
23 questioned him about was he -- was the dad, early,
24 earlier in that afternoon or that evening, picking up
25 limbs for the neighbor. Remember there was some

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1 testimony about that. Picking up limbs for the
2 neighbor and Reggie, Reggie said I don't know where
3 he was and Ms. Little shut it down. And then, then
4 all the questions she had for Reggie was what kind of
5 classes he had in school and how far he went in
6 school and she was done with him. She was scared to
7 ask him about what he saw about what happened in the
8 house that night. She didn't go there with him.
9 Nothing factual. She probably tried to get you to
10 believe that he was just agreeing with me. But he
11 did -- he did show ability to -- he did disagree with
12 me on several points. He did just agree with
13 everything I said. He had relevant information to
14 this case. He knew something was going on and he saw
15 something. I want to do, and I may have already said
16 this, but if you have any questions about anyone's
17 testimony or if you think what I'm telling you is not
18 what you remember hearing you can ask to hear it
19 again. But at the very end his testimony he did, he
20 did, he did testified that **Minor** told him someone
21 touched her and then there was a phone call to
22 Florence.

23 I want to briefly talk about some of the defense
24 witnesses just real brief. Debbie Roberts testified,
25 you know, she, she had all this information about,

1 you know, **Minor's** behavior or whatever. But, I
2 mean, when she, when she took the stand she was not
3 forthcoming with you about her relationship to the
4 defendant. When she testified, you know, and I was
5 listening to her talk in the beginning, you know, she
6 sound like a neighbor, said she lived close by. She
7 didn't say she live with his in-laws. He's
8 practically family. I had to get that out of her on
9 cross. She wasn't forthcoming about that. And she
10 stated that she observed this behavior with Maliiyah
11 playing with herself. But she never told law
12 enforcement about any of that. She never told law
13 enforcement about any of that. She never told DSS
14 about any of that. And then she stated that kids
15 were with her the whole summer of 2014. And I want
16 to point out Peggy Rivera's testimony and Ms. Little
17 put her up, I didn't. Talking about an intake form
18 at the Durant Center a year and a half before this
19 incident that we're here for today which would be --
20 and the date of that Durant Center form was June,
21 2014. Who had the kids in June, 2014? Peggy Rivera
22 did. And Peggy Rivera was at the Durant Center
23 getting, you know, answering questions on that
24 intake. So -- and Debbie Robert on cross, when I
25 crossed her, she claimed she had the kids the summer

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1 of 2014. I mean, she's clearly biased and connected
2 with the defendant. Expecially considering she lives
3 with his in-laws. She's practically family. And all
4 this, I mean, she never came forward with any of this
5 only here at trial. And the defense called April
6 Cook, the victim's own mother, and there was just all
7 this discussion about Facebook pictures and that's
8 one of the rabbits I chased. I chased it all over
9 this courtroom. But where are the pictures? I mean,
10 Ms. Little would identify them and she had showed
11 them to April and she showed them to Laura. She
12 talked about what was in them. Did you see them?
13 Because they were not published and they never put
14 into evidence. And she's trying to make it out like
15 these Facebook pictures was awful and terrible like
16 it's something sexual when it's just, you know, a
17 bunch of nothing. I -- now, I've gone through my
18 family pictures. There's some pictures of me when I
19 was little with just a diaper on. This is, you know,
20 is this appropriate for Facebook? Maybe not in this
21 day in time. Again, the 80s, for that Polaroid would
22 be in my mom's drawer is one thing. I mean, social
23 media, there's too many sickos in the world and
24 social media is probably not appropriate. But this
25 was just an attempt to attack the child's credibility

1 or to create something and she's -- by attacking the
2 family, by attacking the mom and April had some prior
3 difficulty, she had. You know, all of that came out.
4 I mean, she's trying to use this against the child.
5 But on cross, you know, April testified that when she
6 got to the house [Minor] told her what Terry did.
7 And also I think on cross April's testimony about how
8 Laura acted at the hospice house. "Oh, we got to get
9 back." Like something was wrong. Something was
10 wrong but she stated that on the way home from
11 Florence Laura didn't want to tell her what was
12 wrong. Laura didn't want to tell her whatever had
13 been told on the phone. Laura didn't want to say.
14 And then she finally got it out Laura. Because like
15 I said on Wednesday when I talked to y'all, I told
16 y'all to pay attention to the timing. The sequence
17 of how it all unfolded. Because this sequence of how
18 it unfolded it's just not consistent with a child who
19 was coached and told to say this. It's not.

20 Laura Crawford testified, Laura Crawford Sanders,
21 and so her bias goes without saying, but she would
22 have you believe that Terry was slurring his words
23 after just one beer. I mean, that's not credible.
24 She did agree that she got a call from Florence and I
25 think it's important for you to note that she was,

1 and it came out in the State's case, she was a
2 complainant. She was the actually party that called
3 911. Now, yesterday she was trying to back it up.
4 And -- well, April, April dial the phone and threw it
5 on the bed but I talked to them. But she was the
6 complainant. She was the party that spoke to 911.
7 She was the party that requested that the law come in
8 reference to a possible sexual assault. She
9 testified about [Minor] playing with herself. Laura
10 never told the police that. That's why I recalled
11 Ms. Valazak this morning. Ms. Valazak interviewed
12 her the night of. All this information about child
13 plays with herself did not come up at that time.
14 Nobody said that. And my argument to you is that's
15 damage control. That's something that was concocted
16 after some time had passed and they had some time to
17 think how can we clean this up? What can we say to
18 explain this? Because Reginald's testimony is very
19 discriminating against his father about walking into
20 that room turning the lights on and his daddy jumping
21 up out the bed and [Minor] is beside him with her
22 panties down. About that door being locked. [DS]
23 couldn't get in. Then he couldn't get in. Then he's
24 looking through the peephole and then he's looking
25 around the house for where's [Minor] And then goes

1 back in there and now the door is opened and he sees
2 **Minor** coming out. **Minor** was in that bathroom
3 with Terry. And all -- a lot of this, you know, some
4 concocted after the fact.

5 Ladies and gentlemen, **Minor** told her truth to
6 Reggie that night. **Minor** told her truth to her
7 mom. **Minor** told her truth to the ER doctor.
8 **Minor** told her truth to Robin Griggs at the Durant
9 Center. **Minor** told her truth to you on Wednesday
10 morning. And is gonna **Minor's** truth for the rest
11 of her life. And at this point, at this juncture,
12 just in closing, I'mma ask you to find him guilty on
13 all counts. I feel like the State has met its
14 burden. Terry Sanders is guilty. You'll have an
15 opportunity to hear from Ms. Little. And she's gonna
16 come give her closing argument and then I'll, I'll be
17 able to briefly respond if I choose to. But I thank
18 you for your attention in this matter.

19 Thank you.

20 THE COURT: Ms. Little?

21 MS. LITTLE: Thank you, Your Honor. Madam
22 Solicitor?

23 Closing arguments- Ms. Little:

24 Good morning.

25 (Whereupon, the jury responds)

1 Kind of a long week so we thank you for your
2 attention. Again, I've noticed that you were all
3 listening carefully. I just want to remind you that
4 what the lawyers say is not evidence. Madam
5 Solicitor is doing her job. She was kind of
6 paraphrasing things and bringing this to your
7 attention because she wants to make sure it to stick
8 in your mind and, basically, again as I told you
9 earlier yesterday, the defense has no burden of proof
10 here. Basically, my job is to point out some things
11 to you that I believe will give you reason to pause
12 and consider inconsistencies and some issues and some
13 problems with the State's case that will give you
14 pause and give you reasonable doubt as to whether or
15 not all of these things occurred or if any of them
16 occurred or if they occurred the way Madam Solicitor
17 described them. And just as an aside, last night
18 while I was getting ready for my closing, I started
19 thinking about memory and I started trying to
20 remember back to things that happened when I was 4-
21 years-old, 5-years-old and now I know, we all know
22 the longer time goes by, probably the harder it is to
23 go search back to those memories. I was able to
24 remember some things that happened when I was in
25 first grade. Pretty much that was about as far as

1 back as I could go.

2 At any rate, you can use your common sense about
3 that as far as memories. I will point out, I mean,
4 you heard **Minor** testify. You saw the video.
5 That's for you to look at and decide, you know, what
6 you think really happened. But I am going to point
7 out a few things about that because, you know, at
8 first according to the -- at first, I believe
9 according to April and I'mma bring this up as well,
10 the child's mother, April Cook Morris, is supposedly
11 the first person that the child said anything to.
12 And I find it very interesting and I think you will
13 too, the prosecutor did not even bother to present
14 her as a witness. The only reason we heard anything
15 from her is because I, the defense, put her on my
16 list because I wanted to ask her some questions. You
17 know, why in the world the child's mother, the first
18 person that's disclosed to, would you not want the
19 jury to hear from her. I -- couldn't understand it.
20 I called her myself so you can hear what she had to
21 say. And, yes, I showed her some pictures. She
22 admitted to taking the pictures. One, she said Laura
23 took, but she admitted to posting the pictures. She
24 described what was in the pictures. The children
25 were unclothed. And the second picture that was kind

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1 of blurry, the child was completely naked except for
2 socks. She denied it was her child, but she said it
3 was her child's friend. You know, is that important?
4 Well, you know, it is important because when, you
5 know, you're a mother and you teach your children
6 about privacy and private bodies, I mean, it's, it's
7 just kind of odd that you would actually post, if it
8 wasn't -- it's bad enough to post your own child
9 naked, but to post somebody else's child, she said
10 that was a friend of her daughter's. And then you
11 her testimony from Laura. Laura said, no, that was
12 her middle daughter. She was 7 or 8-years-old. At
13 any rate, I'm sure that, that those things would be
14 embarrassing to her and she probably would not want
15 to admit that.

16 I want to bring out a few things about the
17 medical report. You know, the State brought you the
18 doctor who said that there was some redness in the
19 child's vaginal area. And I believe the doctor said
20 it could've, could, could've been consistent with an
21 assault, but she also said there were many other ways
22 that it could have occurred. So with that I think
23 why it's important that you think about the testimony
24 and the other witnesses that there was some, some
25 sexual behavior of this child that they thing was

1 going on, they called it to the mother's attention.
2 And we never heard that the mother did anything about
3 it which, you know, if you, if you suspect that a
4 neighbor or a child has been abused, some people are
5 mandatory reporters. They have to go to the police.
6 A lot of people might just go talk to the child's
7 parents. And in this case that's what Laura did.
8 And as far as Ms. Roberts she told Laura who was good
9 friends with the mother and thinking that she would,
10 she would address the issue. So neither one of those
11 people had any legal duty to to tell anybody
12 anything. I think they did the right thing by
13 talking to the mother. Now, at any rate, that would
14 be something for a parent to address.

15 As far as the medical, they did bring me Dr.
16 Huxford, or here to testify. Of course, the second
17 doctor who interviewed, I mean, I'm sorry, who, who
18 examined **Minor** -- and yes, it was, it was a couple
19 of weeks later, she didn't find any, the exam was
20 completely normal. She didn't find any problems.
21 And, of course, they did not bring you that doctor
22 here to say that there was a completely normal exam.
23 So they brought the first doctor who said there was a
24 problem. The second doctor whose trained as a
25 forensic examiner, they did not bring her here to let

1 you hear from her.

2 The next issue I want to go into is -- I'm not
3 gonna go over the rehash of what every witness said.
4 You know what they said. If you don't know they said,
5 you have the ability to go back and find out. But I
6 will point out some inconsistencies in, in **Minor's**
7 statements. I'm a mother and I'm sure some of you
8 are. I'm sure your parent -- some of you are
9 parents. You have love ones and it's very difficult
10 to listen to a child describe something **Minor**
11 described. And the point I want to make is the
12 description she gave at the doctor's office, I mean,
13 I'm sorry at the ER and then the description she gave
14 on the interview were quite different than what she
15 said on the stand here in court. She was older now
16 and, you know, when you think about memories and I
17 think we all know this from our common sense,
18 they're, they're not concrete, you know. You might
19 have something that really sticks in your mind. But
20 I come from a big family and I've got four brothers
21 and we all live all over the place, but when we get
22 together and start talking about things that happen
23 when we were children, we'll have some heated
24 arguments because I remember it that way and he
25 remembers it that way. So just use your common sense

1 on that. I know that you'll remember that in the
2 first disclosure or allegation nothing was said,
3 Minor never said anything happened in the bathroom.
4 In fact, you'll, if you watched the interview, you'll
5 see that the interviewer specifically asked her if
6 anything happened anywhere including the bathroom or
7 the living room and the child said no. The child
8 also said nothing went in to her tutu. You know, so
9 is this about Mr. Sanders sitting on the toilet and
10 while he's on the toilet, throwing her down on the
11 bathroom floor, none of that ever was brought up
12 until she came to court.

13 Just briefly, I want to talk about the
14 investigation in this case. And I know Ms. Valazak.
15 I've known her for years and I like her a lot. She's
16 retired now. And I've worked on a lot of cases with
17 her. But I think if you think about it she has a
18 very interesting memory. She can remember every
19 single word that everybody told her. Six or 7 years
20 ago now, she lost the video or the video didn't
21 record. She thought she was videoing but it wasn't,
22 it wasn't recording. But she can remember every
23 single thing that was said to her. The things that
24 she can't remember, she can't remember if she took
25 any photos. Now, that's something that you -- that's

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1 not something that somebody said to you that
2 something that you physically do, you go out and do.
3 She said, oh, I would've, I should've of taken
4 photos. I would have. But I can't remember if I
5 took any or not. And if I did I don't know where
6 they are. You know, it may have been helpful us to
7 see the video or hear what people said during that
8 interview with Ms. Valazak. But we can't because
9 those were not preserved. And, you know, I'm sorry,
10 but memories are different and I do not, I don't
11 think you'll believe it's possible for her to
12 remember every possible thing that was said to her by
13 the three different people she interviewed that
14 night. I think that's a stretch.

15 I also want to remind, remind you about another
16 thing she didn't remember. One of the things that I
17 found puzzling, and I think you will too, because it
18 could have corroborated or maybe excluded some of
19 these things from happening, the sheet that was on
20 the bed, I mean, Ms. Valazak said that she took the
21 trouble to get the sheet that was on that bed where
22 this was all supposedly occurred. She got the sheet.
23 She thinks the sheet is probably still in evidence.
24 She got the sheet because she might want to send it
25 for testing. Well, she never send it for testing.

1 We don't know if there's any DNA on it. Of course,
2 she did say, well, why should she because Mr.
3 Sanders's DNA is gonna be on it because it's his bed.
4 Well, that may be the case, but on the fitted sheet,
5 was the child's DNA on the fitted sheet? Wouldn't
6 that have been something we've like to know. And
7 when I asked her about testing the sheet for vomit,
8 she didn't know what I was talking about. She's got
9 this outstanding memory, but she didn't -- either she
10 didn't never watch the forensic interview or she
11 didn't remember that child said she threw up. She --
12 she did not know what I was talking about. So this
13 is the person with the fantastic memory who can
14 remember every word that was said to her when she
15 thought she was recording a statement.

16 All of these things are things that I wanted to
17 call to your attention. You may or may not think
18 they're important. I think they're important,
19 especially, when you have a case where it's an
20 allegation. You know, physical evidence is
21 important. I understand there was evidence of some
22 abrasions when the child went to the doctor. The
23 doctor, herself, said they're other ways that could
24 have occurred. You did hear testimony about sexual
25 behavior. In fact, if you'll recall, and I know it's

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1 probably, you're looking at the case from a different
2 perspective than I am, but when Ms. Griggs from the
3 Durant Center testified, she testified that she
4 didn't interview this child over a year before all
5 this supposedly occurred. And at that time, for one
6 or another, DSS had, had removed the children from
7 their mother's custody and they were in the care of
8 an aunt. And so she stated that she took the
9 background information from the aunt at that time.
10 And the aunt, I brought her here, said she was the
11 only adult there. She's the one who took the child.
12 So, of course, she would have been the one giving the
13 information. And during that report while she was
14 getting, she was getting the background information
15 for that report, over a year before this happened,
16 there's indication on the report that Ms. Griggs
17 admitted that there was prior sexualized behavior of
18 some sort. It would be nice if we knew what that
19 was. That was not written down. Unfortunately, Ms.
20 Griggs was not able to remember. She doesn't have as
21 good memory as Ms. Valazak and some other people.
22 She was not able to remember. And then, of course,
23 when I brought the aunt here who is Ms. April Cook
24 Morris's sister, she denied knowing anything about
25 it. I mean, she couldn't even -- she had trouble

1 remembering what year she had the children. How
2 long she had them. She said she had them for a
3 couple of years. And I don't think that ever, that
4 testimony was not ever really corroborate by anybody
5 else.

6 As far as what Ms. Roberts said, who was the
7 family friend, she answered the questions. When we
8 ask her the questions, she answered the questions.
9 It's not really a witnesses job to bring up
10 information, but merely to respond what they're, what
11 they're asked. And I don't think that that there was
12 any evidence that she was trying to hide her
13 relationship. She described it as a godmother. She
14 admitted that she cares for the defendant and, and
15 that she was close to him. But she did say that she
16 would not lie, she would not live for him.

17 At any rate, that's your job to decide what the
18 witnesses, what they said, whether or not they were
19 credible. As far as Reggie Bonaparte, you know, Ms.
20 Valazak, Valazak said that she didn't think he was
21 slow. You heard him testifying. I don't know if he
22 testified that he gets a check, but he did testify
23 that he went to special ed classes in high school and
24 that he has, that he's disabled and that he's easily
25 confused.

1 You also heard testimony from Laura that stated
2 that Reggie had told her at least four different
3 stories about what supposedly had happened that
4 night.

5 The other thing I want to talk to you about is
6 reasonable doubt and the judge is gonna try to define
7 that to you. But he's -- I mean, I'm sorry, he's
8 gonna define it for you. He's gonna tell you what
9 the law, what the definition of reasonable doubt is.
10 And one of the standard definitions we use is that
11 it's a doubt that gives you a question to pause, I'm
12 sorry, a reason to pause. And while you're
13 deliberating I want you to think about the,
14 primarily, I want you to think about everything, but
15 I want you to think about the investigation in this
16 case in which, again, as I said I like Ms. Valazak, I
17 mean, we worked together, but this, this is a sloppy
18 investigation by law enforcement. I mean, you've got
19 missing interviews. Interviews you thought were
20 recorded and they weren't recorded or either they
21 were recorded, and they didn't keep them. Photo,
22 yeah, I probably took photos. I normal would've taken
23 photos, but I don't know if I did this time and if I
24 did I don't know where they are. The blanket, I took
25 the blanket so it can be tested for DNA, but I never

1 sent it to be tested, I'm sorry, not blanket, sheet,
2 fitted sheet which would have been the sheet on the
3 bottom of the bed right directly on the mattress.
4 Never sent it to SLED for testing. She didn't think
5 it was important. And I asked if she tested it, had
6 it tested for vomit. Vomit, she, she never even
7 remembered that there was anything ever said about
8 the child throwing up.

9 So again, these are things that I think would be
10 good for us to know. I think they would be helpful
11 in reaching your decision. But we don't have the
12 benefit of those things. And the person who would
13 have brought those to you would've been the State
14 through their investigator. Because again, you know,
15 there is no burden of proof on the defense.

16 Briefly, I'd like to bring up the fact that the
17 judge is gonna tell you this, under our Constitution
18 my client has the absolute right to remain silent.
19 And the fact that he has really has no bearing
20 whatsoever on this case and you're not to consider
21 it. I think he's gonna tell you can't even talk
22 about it. But I will tell you that as a defense
23 attorney there are lots of reasons why you would
24 choose not to call the witness. It could be just
25 they have a very loud aggressive voice and that you

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1 think that they may, the jury may not like that. It
2 could be that they suffer from severe anxiety and
3 you're concerned that they'll have an anxiety attack.
4 So it's really not any reason for you to worry about.
5 But I would just asked that you take that into
6 consideration or you don't use it at all in your
7 deliberations.

8 And I'm gonna go ahead and close now. I'm sure
9 there's something that may be left out, some
10 inconsistencies that you heard because when I'm
11 listening I'm writing things down and you were just
12 able to sit here listen. So I'd ask you to think
13 about other things, any testimony that heard that
14 were different. And one finally thing I want to
15 bring and you can use it, not use it, take whatever
16 inference you want for it, from it, is the fact fact
17 that when this child was 4-years-old and she's
18 talking about these body parts and she refers to her
19 own body part as tutu. And I believe her mother
20 testified they called it tutu and they called the
21 male part a winky. But this 4-year-old used the term
22 penis. And even April Cook Morris, her mother, was
23 shocked at that. She didn't know why the child even
24 said that word. I, personally, never heard a 4-year-
25 old child say a word like that. In fact, I don't

1 know anybody who calls it that except for maybe a
2 physician. But I found that interesting. It did
3 give the interviewer a little bit of pause. If you'll
4 recall also during the interview when I asked if
5 anything happened, um, if anybody else did anything
6 to her? First, she actually said her mother and then
7 she said something about nothing. And then also
8 there was another time and I may be paraphrasing, but
9 said something about, sorry, oh, I'm sorry, oh, one
10 of her mother's boyfriends getting into the bed or
11 wouldn't let her get in the bed. I'm sorry, she
12 asked if this happened anywhere else? And the child
13 said "in her room." Talking about the child's own
14 room. And then she made some other comment like I
15 "didn't done it" so the interviewer took that to mean
16 that nothing happened in the child's room. But Ms.
17 Griggs also admitted hindsight she would've liked to
18 have followed up on that to see what other things
19 that happened to the child that, you know, that maybe
20 more questions would've brought out, but she did not
21 ask those. And it is kind of easy to sit back and
22 look at something that somebody did years ago and
23 poke holes in it. But when you're a forensic
24 interviewer anything sexual in nature it would seem
25 to me and probably to you, that would be a red flag,

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1 something you would wanted to follow up on and get
2 more detail about. And, unfortunately, that didn't
3 happen in this case.

4 Again, thank you for your time. This is gonna be
5 the last time you're gonna hear from me. You will be
6 able to hear from Madam Solicitor one more time
7 because that's the way our rules work. I just ask
8 that you do what I know you're gonna do. You'll be
9 diligent. Consider everything. Considering any
10 doubts that you may have. Any consistencies.
11 Differences in what the child has said at different
12 times. And that you'll find reasonable doubt.
13 Again, I'm gonna ask you to use, use your common
14 sense. We've got all this legal terminology. Y'all
15 know what sexual assault is. You know what rape is.
16 You know what a kidnapping is. The judge is going to
17 explain the law to you and I hope and I believe that
18 after you deliberate, you will find reasonable doubt
19 and you'll find Mr. Sanders not guilty.

20 Thank you.

21 THE COURT: Ms. Parker?

22 MS. PARKER: Thank you, Your Honor.

23 **Closing arguments- Ms. Parker:**

24 Ms. Little just now stated that **Minor's** first
25 disclose was to her mom and I believe -- and I

1 disagree. I think the testimony from Reginald,
2 Reginald Bonaparte and the circumstances that brought
3 them back home from Florence in a rush, support the
4 fact that there was a disclosure made while those
5 ladies were at the hospice house. That's why they
6 had to get home. So Minor's mom, April, was the
7 not the first person she told. The phone call, it
8 was in Reggie's testimony Minor told him something,
9 someone touched her, not who, someone, but when you
10 look at it and the totality of the circumstances it's
11 well established that there was a phone call. It was
12 well established that they were the hospice house.
13 It's well established that they had got home in a
14 hurry and immediately called the law. That supports
15 that there was a disclosure made, not to the mom
16 first. Not to her first. I would submit to you, to
17 Reggie, is the first person she disclosed to. I want
18 to ask you this, did this case come from April?
19 Where was April when Minor disclosed? April was in
20 Florence. Who was the complainant and told 911 that
21 they needed to get a police officer to the residence?
22 Not April. April didn't call the law. And Ms.
23 Little pointed out that I didn't call April in the my
24 case in chief and that's because I knew that she was
25 gonna try to drag this mom through the mud and make

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1 it about something it's not, and take away from what
2 Minor told you happened. This case is about what
3 Minor said happened. If we want to talk about the
4 terminology she used, that the terminology changed,
5 and you're, you know, if anybody was uncomfortable
6 with her saying, you know, the word "penis", this is
7 what I would submit to you, does that detail
8 disclosure sound like a child of that age was coached
9 to say that? You can probably coach a child at that
10 age maybe to say Terry touched my tutu. And she
11 could repeat that over and over and over again, maybe
12 one phrase. But all this detail, about on the bed,
13 and what he did, and the things he did. It's too
14 much for a child that age to have that much detail.
15 It's too much. It's well established Minor denied
16 not once, not twice, but three times that anyone else
17 touched her. Because y'all did hear about the Durant
18 Center interview from a year and half prior. There
19 was no sexual disclosure made. I know we've all
20 heard about there was a box checked that maybe there
21 was, you know, sexual activity behavior/other and we
22 have no context for that. What behavior the aunt
23 said she was exhibited. And the aunt said she didn't
24 even see it. No contents for it whatsoever. The
25 forensic interview that's applicable to this case

1 that you actually reviewed, she denied anyone else
2 ever touched her. And on the stand on Wednesday she
3 denied that anyone else had ever touched her.

4 And lastly, I want to hit on, you know, Ms.
5 Valazak. She testified this morning that pictures,
6 pictures are route when they go on scenes, on the
7 scenes of crime, that's route. That's ordinary that
8 they would take pictures. But that if Laura Crawford
9 had said **Minor** was playing with herself that would
10 stand out. And I just find that that's believable.
11 Because things that are habit and ordinary sometimes
12 you forget. Have you ever taken -- have you ever had
13 medicine and you thought, did I take my medicine this
14 morning? But you can't remember if you took your
15 medicine and I've done that so then I've dumped them
16 out and count and do the math. Although, you know,
17 this is an antibiotic. This is around of seven days.
18 If I took it there should be five left. I've had to
19 do that myself. Sometimes things that are an
20 ordinary routine you may forget. But she testified
21 that she would've remembered that Laura Crawford
22 said, told her that night that **Minor** played with
23 herself. It would've stood out to her.

24 And I want to end on this, sloppy interviews do
25 not change **Minor's** truth. It doesn't change this

1 case. The defense pointed out that it does not
2 change the facts in this case.

3 Thank you.

4 THE COURT: Thank you, Madam Solicitor.

5 **Judge's Charge**

6 All right. Ladies and gentlemen of the jury, I
7 have some preliminary comments to you before I get to
8 the jury charges. All right, foreman, ladies and
9 gentlemen of the jury, you've seen and heard the
10 evidence presented as well as the arguments of
11 counsel and now becomes my duty and obligation to
12 instruct you on the applicable law in this case. It
13 will then be your duty and obligation to begin your
14 deliberations through which process you will decide
15 the facts, apply the laws instructed by the Court and
16 determine whether the State has met its burden of
17 proof. It's your exclusive duty to determine the
18 facts in this case. You do that based upon your
19 common sense examination and evaluation of the
20 testimony and other evidence received during the
21 trial of this case.

22 You twelve jurors, alone, will decide what
23 weight, value and effect that is to be given to any
24 particular testimony or other evidence received.
25 Your ultimate goal is to determine whether the State

1 has met his burden of proof in this case. And in so
2 doing, you will have fulfilled your obligations as
3 jurors and that is to give both the State and the
4 defendant a fair and impartial trial based upon the
5 evidence presented and the law applicable to this
6 case.

7 In this case the State of South Carolina through
8 the circuit solicitor has charged the defendant with
9 the following criminal offenses: criminal sexual
10 conduct with a minor in the first degree, criminal
11 sexual conduct with a minor in the third degree, and
12 kidnapping.

13 The allegations charging the defendant with these
14 crimes are set forth in the indictment that's been
15 previously explained to you. The indictments are not
16 evidence in this case and may not be considered by
17 you as evidence against the defendant. The
18 indictments will be in the jury room with you, but
19 serve only one purpose and this is to serve as the
20 verdict forms in which your unanimous decision will
21 be written.

22 Each indictment charges a separate and distinct
23 offense. You must decide each indictment separately
24 on the evidence and the law applicable to it
25 uninfluenced by your decisions as to any other

1 indictment. The defendant may be convicted or
2 acquitted on any or all of the offenses charged. You
3 will be asked to write a separate verdict of guilty
4 or not guilty for each indictment. As to the charges
5 set forth in the indictments, the defendant has
6 entered a plea of not guilty. That plea of not
7 guilty is, therefore, been placed upon the State, the
8 burden of proving the allegations that are set forth
9 in each of the indictments. The burden of proof of
10 each of the essential elements in these crimes, of
11 the crimes charged and, therefore, the burden of
12 proving the guilt of the defendant to the
13 satisfaction of you twelve jurors beyond a reasonable
14 doubt before a verdict of guilty could be returned as
15 to any indictment. The burden is never upon a
16 defendant to prove that he is not guilty or to prove
17 that he is innocent because in some cases that might
18 not be possible. The burden is always upon the State
19 because they have made the allegations to prove the
20 defendant guilty beyond a reasonable doubt.

21 You are further instructed that is a vital
22 important and cardinal rule of law that every
23 defendant in a criminal trial, no matter how serious
24 that the offense might be for which he stands
25 charged, shall always be presumed innocent of that

1 charge and that presumption of innocence shall be
2 with the defendant from the moment of his arrest and
3 throughout the course of the criminal process and
4 even throughout the course of the actual trial. The
5 presumption of innocence shall be with the defendant
6 even as you go to the jury room to begin your
7 deliberations and that presumption of innocence shall
8 be with him there and be with him forever unless you,
9 twelve jurors, determined that he is no longer
10 entitled to that presumption of innocence. It is
11 only if unless and until you are satisfied of the
12 defendant's guilt beyond a reasonable doubt that he
13 would no longer be entitled to the presumption of
14 guilt.

15 Duties of the jury and the trial judge. I remind
16 you that during this trial, you and I have certain
17 duties to perform. As the trial judge it is my
18 responsibility to preside over the trial of this case
19 and also have the duty to rule on the admissibility
20 of the evidence offered during this trial. You are
21 only to consider the competent evidence before you.
22 If there was any testimony ordered stricken from the
23 record in this case, you must disregard that
24 testimony. You are to consider only the testimony
25 which has been presented from the witness stand, any

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1 exhibits which have been made a part of the record in
2 this case, and any stipulations of counsel. I had
3 the additional duty to charge you the law applicable
4 to this case. As the presiding judge, I'm the sole
5 judge of the law of this case and it is your duty as
6 jurors to accept and apply the law as I now state it
7 to you. If you already have any idea as to what the
8 law is or what ought to be and it does not agree with
9 what I now tell you the law is, you must abandon this
10 idea because you are sworn to accept the law and
11 apply the law exactly as I state it to you.

12 In every case tried in this court before a jury,
13 the jury becomes the sole and exclusive judge of the
14 facts in a case. A trial judge cannot intimate,
15 state, comment on, or make any statement to a trial
16 jury about the facts in a case. Since you, the
17 jury, are the sole judges of facts in this case, you
18 are not to infer from what I've said during the
19 progress of this trial and ruling upon the
20 admissibility of evidence or otherwise, or anything
21 that I say now during the course of this instruction
22 to you that I had any opinion about the facts in this
23 case. I do not. The law does not allow me to have
24 an opinion about the facts in this case. This is a
25 matter solely for you, the jury, to determine. As

1 jurors it is your duty to determine the effect,
2 value, weight, and truth of the evidence presented
3 during this trial.

4 Reasonable doubt. The State has the burden of
5 proving the defendant guilty beyond a reasonable
6 doubt. Some of you have -- some of you may have
7 served as jurors of civil cases where you are told
8 that it is only necessary to prove that a fact is
9 more likely true than not true such as by the greater
10 weight or preponderance of the evidence. In criminal
11 cases, the State's proof must be more powerful than
12 that. It must be beyond a reasonable doubt.

13 Reasonable doubt is the kind of doubt that would
14 make a reasonable person hesitate to act.

15 Proof beyond a reasonable doubt is proof that
16 leaves you firmly convinced of the defendant's guilt.
17 There are very few things in this world that we know
18 with absolute certainty and in criminal cases the law
19 does not require proof that overcomes every possible
20 doubt. If based on your consideration of the
21 evidence you are firmly convinced that the defendant
22 is guilty of the crimes charged, you must find the
23 defendant guilty. If on the other hand you think
24 there is a real possibility that the defendant is not
25 guilty, you must give the defendant the benefit of

1 the doubt and find him not guilty. Facts and
2 circumstances that merely place upon the defendant a
3 grave suspicion of the crime charged or that merely
4 raised a speculation or conjecture of the defendants
5 guilt are not sufficient to authorize a conviction of
6 the accused.

7 Failure of defendant to testify. I instruct you
8 and emphasize that the fact that the defendant did
9 not testify is not a factor to be considered by you
10 in any way in your deliberations and in your
11 consideration on the question of the guilt or the
12 innocence of the defendant. It must not be
13 considered by you in any manner whatsoever. A
14 defendant has the constitutional right to remain
15 silent and the assertion of this right must not be
16 considered by you in your deliberations. I repeat
17 under your oath you are to draw no conclusion
18 whatsoever from the fact that the defendant in this
19 case did not testify. The fact that this defendant
20 did not testify should not even be discussed in the
21 jury room. The burden of proof, as I've stated to
22 you, is on the State. The defendant is not required
23 to prove his or her innocence. The burden of proof
24 remains on the State to prove guilt beyond a
25 reasonable doubt.

1 Criminal Intent. In order to establish criminal
2 liability, the State must also prove criminal intent.
3 For a particular crime the mental state required
4 might be, might be purposed, intent, knowledge,
5 recklessness or criminal negligence. The State must
6 prove criminal intent beyond a reasonable doubt.
7 Criminal Intent is a matter that must be determined
8 by the jury from the facts of the case. There is no
9 way to prove criminal intent to a mathematical, to a
10 mathematical certainty. So the law says that
11 criminal intent may be inferred from the
12 circumstances shown to have existed. This is how you
13 determine whether or not the element requiring intent
14 was present. It is not necessary to establish intent
15 by direct evidence. Intent may be established by
16 circumstantial evidence or by taking into
17 consideration the acts of the parties and all the
18 facts and circumstances of the case. Criminal Intent
19 is a mental state of conscious wrongdoing. It is up
20 to you to determine what the defendant intended to do
21 based on the circumstances shown to have existed in
22 this case.

23 Credibility of witnesses. Necessarily you must
24 determine the credibility of witnesses who have
25 testified in this case. Credibility simply means

1 believability. It becomes your duty as jurors to
2 analyze and to evaluate the evidence and determine if
3 the State has met its burden of proof in this case.
4 In determining the believability of witnesses who
5 have testified in this case, you may believe one
6 witness over several witnesses or several witnesses
7 over one witness. You may believe a part of the
8 testimony of a witness and reject the remaining part
9 of the testimony of that same witness. You may
10 believe the testimony of a witness and its entirety
11 or reject the testimony of a witness and its
12 entirety. You may consider whether the witness has
13 exhibited to you any interest, bias, prejudice, or
14 other motive in this case. You may also consider the
15 appearance and manner of a witness while on the
16 witness stand.

17 Expert witnesses. The rules of evidence
18 ordinarily do not permit witnesses to testify to
19 opinions or conclusions. An exception to this rule
20 exists for witnesses we call expert witnesses. A
21 witness who by education and experience has become an
22 expert in some art, science, profession, or calling
23 may state an opinion as to relevant and material
24 matters in which the witness claims to be an expert
25 and may also state the reasons for the opinions. You

1 should consider any expert opinion received in
2 evidence in this case, and like any other evidence,
3 give it the weight you think it deserves. If you
4 decide that the opinion of an expert witness is not
5 based on sufficient education and experience or if
6 you conclude that the reason given in support of the
7 opinion are not sound, or that the opinion is
8 outweighed by other evidence, you may disregard the
9 opinion entirely. An expert witnesses testimony is
10 to be given no greater weight than that of other
11 witnesses simply because the witness is an expert.
12 Further, you are not required to accept an expert
13 opinion even though it is, it is not contradicted.

14 Direct and circumstantial evidence. There are
15 two types of evidence which are generally presented
16 during a trial, direct evidence and circumstantial
17 evidence. Direct evidence is the testimony of a
18 person who claims to have actual knowledge of a fact
19 such as an eyewitness. It is evidence which
20 immediately establishes the main fact to be proved.

21 Circumstantial evidence is proved of a chain of
22 facts and circumstances indicating the existence of a
23 fact. It is evidence which immediately establishes
24 collateral facts from which the main fact may be
25 inferred. Circumstantial evidence is based on

1 inference and not on personal knowledge or
2 observation. The law makes absolutely no distinction
3 between the weight or value to be given to either
4 direct or circumstantial evidence, nor as a greater
5 degree of certainty require a circumstantial evidence
6 then of direct evidence. You should weigh all the
7 evidence in the case. After weighing all the
8 evidence, if you are not convinced of the guilt of
9 the defendant beyond a reasonable doubt, you must
10 find the defendant not guilty.

11 Criminal sexual conduct with a minor, first
12 degree. The defendant is charged with criminal
13 sexual conduct with a minor in the first degree. To
14 show the defendant's guilt the State must prove two
15 elements beyond a reasonable doubt.

16 First, the State must prove beyond a reasonable
17 doubt that the defendant engaged in a sexual battery
18 with the victim. A sexual battery is sexual
19 intercourse, cunnilingus, fellatio, anal intercourse.
20 or any intrusion however, slide of any part of the
21 person's body or of any object into the genital or
22 anal openings of another person's body except when
23 the intrusion is in complished for medically
24 recognized treatment or diagnostic purposes.

25 Second, if you find that a sexual battery did

1 occur, you must then decide whether the State has
2 proven beyond a reasonable doubt that the victim was
3 less than 11-years-old at the time of the sexual
4 battery. Consent, willingness, indifference, or
5 ignorance on the part of the minor victim, if any, as
6 to what was taking place does not in any way affect
7 the charge of criminal sexual conduct with a minor.

8 Criminal sexual conduct with a minor, third
9 degree. The defendant is charged with criminal
10 sexual conduct with a minor in the third degree. To
11 show the defendant's guilt, the State must prove
12 beyond a reasonable doubt that the defendant lewdly
13 and willfully committed or attempted to commit a lewd
14 or lascivious act upon the body or it's part of a
15 child under the age of 16 years of age with the
16 intent to arouse, appeal to, or gratify the lust,
17 passions, or sexual desires of the defendant or the
18 victim.

19 Willfully means voluntarily and intentionally
20 with the specific intent to do something the law
21 forbids.

22 Lewd means obscene, loosefull, lustful, indecent
23 or lecherous while lascivious means tending to incite
24 lust, indecent, obscene or tending to depraved the
25 morals in respect to sexual relations. Consent,

1 willingness, indifferent or ignorance on the part of
2 the minor victim, if any, as to what was taking
3 place, does not in any way affect the charge of
4 criminal sexual conduct with a minor.

5 Kidnapping. The defendant is charged with
6 kidnapping. The State must prove beyond a reasonable
7 doubt that the defendant knowingly and unlawfully
8 seized, confined, inveigled, decoyed, kidnapped,
9 abducted, or carried away another other person
10 without the authority of law. To do a thing
11 unlawfully is to do it willfully against the law.
12 Knowingly means with knowledge, consciously, not
13 accidentally. Seized means to take hold of suddenly
14 or forcibly. Confined means to limit, restrict or
15 enclosed within bounds in prison or shut or keep in.
16 Inveigle means to lure, entice, or lead astray by
17 false representations, promises or other deceitful
18 means. Decoy means to lure by, or as if by decoy. A
19 decoy is something to entice a person into a trap.
20 Kidnap is to remove a person against his will by
21 unlawful force or by fraud. Abduct means to carry
22 off secretly or by force for an illegal purpose.
23 Carry away means to remove.

24 The State does not have to prove that the
25 defendant did all of these things. Instead, if you

1 found beyond a reasonable doubt that the defendant
2 did any of these things, you may find the defendant
3 guilty of kidnapping. Something done without
4 authority of law is something which the law does not
5 sanction, permit, allow, condone, or provide
6 justification for. The kidnapping does not have to
7 be for any personal or monetary gain for any illegal
8 purpose, but may be for any reason whatsoever.

9 All right. I will give you a copy of these
10 instructions in written form. During your
11 deliberations you may refer to my instructions to
12 guide your decision making. You must consider the
13 instructions as a whole and may not follow some and
14 ignore others. Please return the copy of
15 instructions to the Court at the time your verdict is
16 rendered.

17 Ladies and gentlemen of the jury, please remember
18 that each indictment charges a separate and distinct
19 offense. You must decide each indictment separately
20 on the evidence and the law applicable to it
21 uninfluenced by your decision as to any other
22 indictment. The defendant may be convicted or
23 acquitted on any or all of the offenses charged. You
24 will be asked to write a separate verdict of guilty
25 or not guilty for each indictment. Your verdict as

1 to each indictment must be a unanimous one.

2 Mr. Foreman, when the jury agrees on the verdict
3 you'll mark the verdict on the indictments and sign
4 your name as foreperson on each one. Please then
5 knock on the jury room door and inform the bailiff
6 that you have reached a verdict. At that time we
7 will receive you back into the courtroom.

8 All right. Mr. Foreman, would you please stand,
9 sir. Here's the verdict form and these not in any
10 particular order. We, the jury, unanimously find the
11 following beyond a reasonable doubt and you will
12 check one box, guilty or not guilty. Upon making a
13 decision, you will sign as foreman here. And there
14 are three indictments. Do you have any questions
15 about this?

16 MR. FOREMAN: No, sir.

17 THE COURT: Okay. Before I dismissed the jury,
18 are there any objections that need to be noted for
19 the record with regard to the jury charges?

20 MS. PARKER: No, Your Honor.

21 MS. LITTLE: Your Honor, there was one word in
22 the charge on presumption of innocence, um, the very
23 last sentence, I believe the Court accidentally said
24 the presumption of guilt. And I would just ask that
25 you double check the jury instructions, if you're

1 gonna give those to the jury, and make sure that that
2 is not written on the very last word under
3 presumption of innocence.

4 THE COURT: All right. So ladies and gentlemen of
5 the jury, these are some instructions that I gave
6 you. This part of my charges will not be given to
7 you in the jury room. And what Ms. Little points out
8 is, is a sentence that I read with regard it was with
9 regard to the defendant being entitled to the
10 presumption of innocence and only once you have
11 decided, otherwise, would he lose that presumption.
12 And I believe that that was cure the, the correction.

13 MS. LITTLE: Thank you, Your Honor.

14 THE COURT: Or the error. Okay. All right.
15 Before I dismiss the jury, I'm going to ask that our
16 three nice ladies here, our alternates, if you would
17 remain with us before, before I excused them.

18 All right. So Mr. Foreman, ladies and gentlemen
19 of the jury, we're going to allow you to begin, to
20 return to the jury room. You will not begin your
21 deliberations until the clerk gives you instructions
22 that you may begin, okay. There may be some matters
23 of law that we need to take before you get the case
24 and, also, I have the jury charges, Clerk, if you
25 would hand these to the foreman. The jury charges

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1 will be sent with you into the jury room for you to
2 review.

3 All right. Once the clerk brings the evidence in
4 the record and gives you the go ahead to begin
5 deliberations, you may. And you may be excused at
6 this time.

7 Thank you.

8 (Whereupon, the jury exits the courtroom at 10:54
9 a.m.)

10 All right. The alternates first. Madam
11 Solicitor?

12 MS. PARKER: And just for the record, I guess,
13 notated my objection that Section 3, 16-3-657 of
14 South Carolina Code was charged concerning the
15 criminal sexual conduct case testimony of the victim,
16 need not be corroborated.

17 THE COURT: All right. I note your objection.
18 And just for the record the Court was concerned about
19 how to address that without giving it more weight
20 over the other jury charges with, with regard to
21 witness credibility and believability. And I note
22 your objection.

23 MS. PARKER: Thank you, Your Honor.

24 THE COURT: All right. Ms. Little, was there
25 anything else?

1 MS. LITTLE: No, sir.

2 THE COURT: Okay.

3 (Whereupon, the exhibits are being looked over to
4 give to the jury)

5 THE COURT: And in the event they need to watch
6 that, how would we -- what technology could be made
7 available ---

8 THE CLERK: You'll agree that this is the evidence
9 that should be given to the jury, solicitor?

10 MS. PARKER: I agree. Thank you, Scott.

11 THE COURT: All right. They're good?

12 THE CLERK: Yes, sir.

13 THE COURT: Just for the record, the jury now has
14 the evidence. The clerk has given them instruction
15 to begin deliberations at 10:59. Our three
16 alternates, I appreciate you being with us this week.
17 You have the unenviable position of having run the
18 race, but you don't get to cross the finish line. We
19 have alternates in the event that one of our jurors
20 or more than one are not able to finish the trial.
21 And in the age of COVID we've been finding that we
22 need more and more alternates. However, it's good
23 fortune we didn't loose anybody this week. I
24 appreciate you being with us this week. You've been
25 most attentive and I thank you for that. At this

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1 time, you'll be free to go. If you want to discuss
2 this with anybody you're welcome to, and if you don't
3 want to discuss your observations of the trial,
4 you're welcome to refuse any invitations as well.
5 The clerk will take your buttons and you will be free
6 to go or if you want to stay you're welcome to do
7 that as well, okay. But your services are discharged
8 at this time and thank you. Good luck to all of you.

9 We're gonna take a brief recess and then we'll
10 start with our....

11 (Whereupon, the Court takes up other matters during
12 deliberations)

13 (Whereupon, the clerk informs the judge that the jury
14 has a question)

15 THE COURT: Okay. The clerk -- why don't we just
16 the lawyers what was reported to you.

17 THE CLERK: First, they asked to see the video. I
18 told them it would take a minute to do that. We were
19 involved in another matter and I would let them know
20 about the video. As I walking out one of the jurors
21 handed me this paper and they wanted to know what
22 happens to the rest of this question as it goes from,
23 when asked if Terry and then give gives her reply.

24 THE COURT: And this is State's ---

25 THE CLERK: Number 1.

1 THE COURT: --- Exhibit Number 1.

2 MS. LITTLE: They asked what?

3 THE CLERK: It just wasn't redacted all the way is
4 what it comes down to.

5 MS. LITTLE: They asked ---

6 COURT REPORTER: You're gonna have to speak up a
7 little bit. MS. PARKER: I mean, any reply she
8 gave to that, when asked

9 if Terry, you know, any reply to that was redacted.

10 But I do believe there's testimony on point to that.

11 I mean, I know you can't tell the jury that

12 but....Tonya asked her and clarified what she would
13 ask **Minor** on cross.

14 THE COURT: I think ---

15 MS. PARKER: Tonya had actually enlisted a
16 response to that but it was redacted out of my
17 exhibit.

18 THE COURT: I think that we'll tell them anything
19 beyond that was redacted and it's not for
20 consideration, okay. Y'all have objection to that?

21 MS. LITTLE: I don't have any objection.

22 THE COURT: The State? I mean, that is the truth.
23 I mean, anything beyond that -- and that specific
24 language may have been meant to be redacted, I don't
25 know.

1 THE CLERK: It looks like it probably would've
2 been.

3 THE COURT: 'Cause it doesn't -- 'cause there's
4 not a -- the rest of the sentence is not present ---

5 MS. PARKER: Yes, sir.

6 THE COURT: --- so the rest of the sentence was
7 redacted. So anything beyond that it for them to
8 consider?

9 MS. PARKER: That's correct.

10 THE CLERK: You just want to bring them out.

11 THE COURT: Bring them out. I can address that.
12 Y'all need to put anything on the record in addition
13 to that?

14 MS. PARKER: No, sir.

15 MS. LITTLE: I don't.

16 THE COURT: All right.

17 THE CLERK: Have order in the courtroom. The jury
18 is entering.

19 (Whereupon, the jury enters the courtroom at 12:23
20 p.m.)

21 THE COURT: All right. Court will come to order.
22 Ladies and gentlemen of the jury, we brought you back
23 out. We understand there was a question with regard
24 to State's Exhibit Number 1 which is a McLeod
25 Regional Medical Center document and that there was

1 a, on the second page of said document, the last
2 sentence as I understand the question from the jury,
3 "was when asked did Terry", and then if you flip the
4 page there is no, the sentence is not completed.
5 That portion of the sentence was redacted and is not
6 for you to consider. That was redacted for the
7 purpose. Madam Solicitor, did I state that properly
8 as we've discussed?

9 MS. PARKER: Yes, sir.

10 THE COURT: All right. Ms. Little?

11 MS. LITTLE: Yes, sir.

12 THE COURT: Okay. They've both indicated yes.
13 All right. With regard to that there's nothing to
14 consider for the remainder of that sentence. It may
15 not help you but that's the best that I can give you
16 right now, okay. I'm gonna give this document back
17 to Foreman and you'll be responsible for that. If I
18 could just ask you to return to your jury room and
19 continue your deliberations.

20 (Whereupon, the jury exits the courtroom at 12:25
21 p.m.)

22 (Whereupon, the Court continues to handle matters
23 while the jury is deliberating)

24 (Whereupon, the jury had a question and wants to play
25 back testimony of Dr. Huxford)

1 (Whereupon, the jury enters the courtroom at 1:56
2 p.m.)

3 THE COURT: All right. Court will come to order.
4 We have the jury back in the courtroom and the court
5 understands that the jury had a question with regard
6 to some testimony of Dr. Huxford and specifically
7 with when she made reference to a diagram which I
8 believe was State's Number 2?

9 MS. PARKER: Two. The diagram was Number 2.

10 THE COURT: All right. And Mr. Foreman, is that
11 your understanding, sir?

12 MR. FOREMAN: That's correct, Your Honor.

13 THE COURT: He indicates yes. Okay. So what we
14 will do is we'll play Dr. Huxford's testimony and at
15 the point in which we, you have heard part of the
16 testimony satisfies your concern, you would just
17 alert the Court and we will stop with that part of
18 the record, okay. And I'll just defer to y'all when
19 you want me to stop it. All right. Madam Court
20 Reporter?

21 (Whereupon, the testimony is played for the jury)

22 THE COURT: All right. Mr. Foreman, that's, you
23 believe that that captures the part of the testimony
24 of Dr. Huxford that y'all need to listen to?

25 MR. FOREMAN: Yes, sir.

1 THE COURT: All right. Okay. All right. If
2 that's the case, if y'all would retire.

3 THE CLERK: You need to continue to deliberate.

4 THE COURT: Yes, sir. You will need to continue
5 to deliberate.

6 (Whereupon, the jury exits the courtroom at 2:16
7 p.m.)

8 THE COURT: All right.

9 (Whereupon, the Note By the Jury has been marked and
10 entered into evidence as Court's Exhibit No. 1)

11 (Whereupon, the Court continues to with other matters
12 during deliberations)

13 THE COURT: We're ready. The jury had a verdict?

14 THE CLERK: Yes, sir.

15 THE COURT: All right. Have we got everybody?

16 THE CLERK: Yes, sir.

17 THE COURT: Okay. All right. We can bring the
18 jury out.

19 (Whereupon, the jury enters the courtroom at 2:35
20 p.m.)

21 THE COURT: All right. Court will come to order.
22 All right. Mr. Foreman, has the jury reached a
23 verdict?

24 MR. FOREMAN: Yes, Your Honor, we have.

25 THE COURT: All right. Sir, if you would hand it

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1 to the clerk please. All right. Mr. Clerk?

2 **Verdict**

3 THE CLERK: Thank you, Your Honor. Your Honor,
4 this is case number 2015A1620100239, the State of
5 South Carolina vs. Terry Lee Sanders, defendant. We
6 the jury unanimously find the following beyond a
7 reasonable doubt, instruction is to check one box
8 only. That box is that the defendant is guilty of
9 the offense of criminal sexual conduct with a minor
10 in the first degree and it is signed by the
11 foreperson, Mr. Jason Fore on September 16, 2022. If
12 this is your verdict would you so signify by raising
13 your right hand please.

14 (Whereupon, all jurors raises their hands)

15 THE CLERK: Let the record reflect that all twelve
16 jurors have raised their hand. Case number 2022-GS-
17 16-00680, the State of South Carolina vs. Terry Lee
18 Sanders, defendant. We the jury unanimously find the
19 following beyond a reasonable doubt, instruction is
20 to check one box only. That box is that the
21 defendant is guilty of the offense of criminal sexual
22 conduct with a minor in the third degree. Signed by
23 the foreperson, Mr. Jason Fore on September 16, 2022.
24 If this is your verdict would you so signify by
25 raising your right hand please.

1 (Whereupon, all jurors raises their hands)

2 THE CLERK: Let the record reflect that all
3 twelve jurors have raised their hand. And in case of
4 2015A1620100240, the State of South Carolina vs.
5 Terry Lee Sanders, defendant. We the jury
6 unanimously find the following beyond a reasonable
7 doubt, instruction are to check one box only. The
8 box checked is that the defendant is guilty of the
9 offense of kidnapping. Signed by the foreperson, Mr.
10 Jason Fore on September 16, 2022. If this is your
11 verdict would you so signify by raising your right
12 hand please.

13 (Whereupon, all jurors raises their hands)

14 THE COURT: Thank you. Anybody wish for the jury
15 to be polled?

16 MS. PARKER: Not from the State.

17 MS. LITTLE: No, sir.

18 THE COURT: All right. Okay. All right. Ladies
19 and gentlemen, that's going to conclude your service.
20 I appreciate your hard work this week and I thank you
21 for your service. That will conclude your service.
22 If you would hang your badges to the bailiff as you
23 exit the courtroom. You're welcome to stay. Or you
24 are welcome -- you're free to go to at this time, if
25 you'd like to.

1 (Whereupon, the jury exits the courtroom at 2:39
2 p.m.)

3 THE COURT: Are y'all ready or do you need a
4 minute?

5 MS. PARKER: We're ready.

6 THE COURT: Okay.

7 COURT REPORTER: If y'all can come up to the bar.
8 Thank you.

9 MS. PARKER: You're welcome.

10 THE CLERK: Raise your right hand. You swear the
11 testimony you give this Court will be the truth, the
12 whole truth, and nothing but the truth so help God?

13 MR. SANDERS: I do.

14 THE COURT: All right. Court will come to order.
15 All right. Madam Solicitor, do you wish to be heard
16 at this time?

17 MS. PARKER: Your Honor, just briefly, not to the
18 facts, but I do have a letter that Maliyha wrote that
19 I would like to read the appropriate time. I
20 promised her I would read it.

21 THE COURT: Yes, ma'am.

22 MS. PARKER: But I have no further comments on the
23 facts. And then on the record I will say that, of
24 course, that two of the convictions are sex offender
25 registry, mandatory convictions. Both are GPS

1 mandatory. The CSC, first degree, is violent and
2 most serious. And the CSC, third-degree, is serious.
3 And then with respect to his prior record the
4 defendant is already on the registry for an offense
5 that occurred when he was young. In 1994 he pled
6 guilty two counts of attempted criminal sexual
7 conduct, third-degree, and received a YOA and that
8 put him on the registry at that time. That's really
9 the only notable prior record that he has. And then I
10 promised **Minor** she wouldn't have to come back up
11 here, but she brought this to the judge. It says,
12 "Dear Judge, Ms. Patti has explained a lot of things
13 that can happen in court. She even gave me a book.
14 In my heart I know the truth every day since the
15 night Terry Sanders molested me -- since the night
16 that Terry Sanders molested me it has been a
17 nightmare like life is very hard keeping my feelings
18 for so long held up. Until now, I've been able to
19 tell Ms. Patti a lot. What that monster did to me, I
20 pray no other child including his daughter's, ever
21 have to go through what he did to me. I was robbed
22 of my body. He used me, an innocent toddler. I'm
23 older now. I will forever speak my truth. He
24 doesn't deserve like with his children. They live
25 with a monster and don't even know it. **DS** might

474

1 have an idea, but not the new baby. Someone needs to
2 protect. I hope one day Laura knows in her heart
3 that Terry hurt me. She gave up a life with us for
4 that child molester. God, I, and Terry all know the
5 truth. God will take care of me as he always has all
6 along. Judge, please don't not punish my abuser.

7 **Minor**

8 And she wrote this on August 11, 2022.

9 THE COURT: Thank you, Madam Solicitor. All
10 right. Ms. Little, you wish to be heard?

11 MS. LITTLE: Yes, Your Honor, just briefly. Your
12 Honor, Terry is 48-years-old. As you know he's
13 married. He has two young children and one teenager.
14 And he also has his older special needs son, Reggie
15 Bonaparte. Your Honor, obviously -- he's, obviously,
16 very disappointed in the verdict. Judge, you know
17 what the offers were that were on the table and that
18 my client did not accept. I would ask you to
19 consider knowing, understanding that this case has a
20 mandatory minimum ---

21 MS. PARKER: Yes, sir -- yeah.

22 MS. LITTLE: A mandatory minimum of 25 years.
23 Your Honor, given his age I would asked that you give
24 him the mandatory minimum of 25 years and also give
25 him credit for which he's get regardless, but he does

1 have 509 days credit.

2 THE COURT: Five hundred and nine, days?

3 MS. LITTLE: 5-0-9, yes, sir. Sorry, judge, I
4 forgot to add, I would also asked that any sentence
5 be concurrent.

6 THE COURT: All right. Did Mr. Sanders wish to
7 say anything to the Court?

8 MS. LITTLE: No, Your Honor. I've advised him not
9 to make any statements on the record because of ---

10 **Sentencing**

11 THE COURT: I understand. Okay. All right. With
12 regard to the Indictment 2016-GS-16-0190, criminal
13 sexual conduct with a minor, first degree, Mr.
14 Sanders, this carries a sentence of a mandatory
15 minimum sentence of 25 years to life. The Court will
16 sentence you to the Department of Corrections for 25
17 years. These will all be concurrent. I'll give you
18 the credit for the time served of 509 days.

19 On the charge of sexual conduct with a minor,
20 third-degree, this charge carries 0 to 15 years. The
21 sentence of the Court would be 15 years to the
22 Department of Corrections, credit for the 509 days,
23 concurrent.

24 On the charge of kidnapping, this charge carries
25 up to 30 years. The sentence of the Court will be 25

1 years, concurrent. Credit for the 509 days. And I
2 would also provide for the sex offender registry.

3 All right. That is the sentence of the Court.
4 Madam Solicitor, is there anything that you need to
5 put on the record or....

6 MS. PARKER: No, Your Honor. Nothing additional.

7 THE COURT: All right. Ms. Little, anything
8 further?

9 MS. LITTLE: No, Your Honor.

10 THE COURT: Okay. If there's nothing further
11 that's the order of the Court. Good luck to you,
12 sir. It's so ordered. We are adjourned.

13 (Whereupon, Court adjourns for the final day at 2:55
14 p.m.)

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CERTIFICATE

I, the undersigned Lisa S. Carter, Official Court Reporter for the Fourth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete excerpt of transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Fourth Circuit Court for Darlington County, South Carolina, on the 12th through 16th day of September, 2022.

I do further certify that I am neither of kin, counsel, nor interest in any party hereto.

Lisa S. Carter

Lisa S. Carter

Circuit Court Reporter

January 2, 2024

WITNESSES

Maureen Valazak

Darlington Police Department

Law Enforcement Case #: 1510-0016



836

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I
hereby waive presentment to the Grand Jury.

Defendant

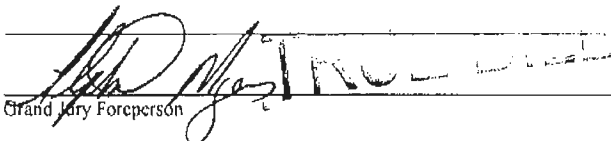
I hereby appear in my own proper person and
plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2015A1620100240

ARRESTED ON: 2015-10-03

ACTION OF GRAND JURY



Grand Jury Foreperson

Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2016-GS-16-0191

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
February 2016

THE STATE

vs.

Terry Lee Sanders

INDICTMENT FOR

Kidnapping / Kidnapping

§16-03-0910

CDR Code: 0095

TRUE CERTIFIED COPY,



CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

INDICTMENT FOR

Kidnapping / Kidnapping

§16-03-0910

At a Court of General Sessions, convened on February 18, 2016, the Grand Jurors of Darlington County present upon their oath:

KIDNAPPING

CDR: 0095 16-03-0910

That Terry Lee Sanders did in Darlington County on or about October 2, 2015, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one **Minor** without authority of law, in violation of Section 16-03-0910, S. C. Code of Laws, 1976, as amended.

TRUE CERTIFIED COPY,
Sgt B Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

William B. Rogers, Jr.

WILLIAM B. ROGERS, JR.
SOLICITOR

0-30 years

451

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Darlington

STATE

VS.

INDICTMENT/CASE#: 2016-GS-16-0191

Terry Lee Sanders

AW#: 2015A1620100240

AKA:

Date of Offense: 10/2/2015

Race: Black Sex: M Age: 48

S.C. Code §: 16-03-0910

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 0095

Address:

City, State, Zip:

DL#: [REDACTED] SID#: [REDACTED]

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: Kidnapping / Kidnapping

In violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ 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:

Patti M Parker 74836
Parker, Patti L SC Bar # Defendant

JC Little 74928
SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,

for a determinate term of 25 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: —

☒ 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.

5090 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.

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

MSH

STATE VS.

Terry Lee Sanders

INDICTMENT/CASE#:

2016-GS-16-0191

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	\$ 100
§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	\$ 25
§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	\$ 3.75

☐ 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

 Clerk of Court/ Deputy Clerk: Shanda Mae
 Court Reporter: Lisa Carter

Presiding Judge:

Judge Code:

Sentence Date:

TOTAL

2772

9-16-22

TRUE CERTIFIED COPY,

Sgt B Suggs

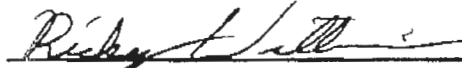
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

WITNESSES

Maureen Valazak

Darlington Police Department

Law Enforcement Case #: 1510-0016



836

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

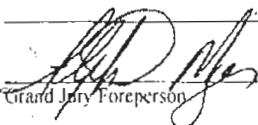
I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2015A1620100239

ARRESTED ON: 2015-10-03

ACTION OF GRAND JURY



FEB 18 2016

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2016-GS-16-0190

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
February 2016

THE STATE

vs.

Terry Lee Sanders

INDICTMENT FOR

Sex / Criminal sexual conduct with minor -
victim under 11 yrs of age - First degree

§16-03-0655(A)(1)

CDR Code: 0385

TRUE CERTIFIED COPY.
JAN 8 2016
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA

INDICTMENT FOR

COUNTY OF DARLINGTON

Sex / Criminal sexual conduct with minor - victim
under 11 yrs of age - First degree

§16-03-0655(A)(1)

At a Court of General Sessions, convened on February 18, 2016, the Grand Jurors of Darlington County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR
FIRST DEGREE

CDR: 0385 16-03-0655(A)(1)

That Terry Lee Sanders did in Darlington County, State of South Carolina, on or about October 2, 2015, willfully and unlawfully commit the crime of Criminal Sexual Conduct with a Minor in the First Degree by engaging in sexual battery with a minor who is less than eleven (11) years of age, to wit: **Minor** whose date of birth is , age 4, in violation of Section 16-3-655(A)(1), [formerly Section 16-3-655(1)], S. C. Code of Laws, 1976, as amended.

TRUE CERTIFIED COPY,
Scott B. Singer
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

William D. Byers

WILLIAM B. ROGERS, JR.
SOLICITOR

25 yrs - 11th

455

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Darlington

INDICTMENT/CASE#: 2016-GS-16-0190

STATE

VS.

A/W#: 2015A1620100239

Terry Lee Sanders

Date of Offense: 10/2/2015

AKA:

Race: Black Sex: M Age: 48

S.C. Code §: 16-03-0655(A)(1)

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 0385

Address:

City, State, Zip:

DL#: [REDACTED] SID#: [REDACTED]

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 ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Patti M Parker 74836

Parker, Patti L SC Bar # Defendant

[Signature] 74928
SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,

for a determinate term of 25 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: —

☒ 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.

509 (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.

TRUE CERTIFIED COPY,

CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

MSH

STATE VS.

Terry Lee Sanders

INDICTMENT/CASE#:

2016-GS-16-0190

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	\$ 100
§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	\$ 25
§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	\$ 3.75

☐ 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
Clerk of Court/ Deputy Clerk: Manda MaulCourt Reporter: Lisa CarterPresiding Judge: Michael S. HoltJudge Code: 2172Sentence Date: 9-16-22

TRUE CERTIFIED COPY

Scott B. Suggs

CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

WITNESSES

Maureen Valazak

Darlington Police Dept

Law Enforcement Case #: 1510-0016
836

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I
hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and
plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
DAR- 1130

ARRESTED ON: 2015-10-03

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

Date

6/16/22

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:

2022-GS-16-0680

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
June 2022

THE STATE

vs.

Terry Lee Sanders

INDICTMENT FOR

Sex / Criminal sexual conduct with minor,
3rd degree - Commit/Attempt Lewd act
(victim under 16 yrs & actor over 14 yrs)

§16-03-0655(C)

CDR Code: 3661

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF DARLINGTON)

) Sex / Criminal sexual conduct with minor, 3rd degree
 - Commit/Attempt Lewd act (victim under 16 yrs &
 actor over 14 yrs)

§16-03-0655(C)

At a Court of General Sessions, convened on June 16, 2022, the Grand Jurors of Darlington County
 present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH MINOR, THIRD DEGREE, COMMIT/ATTEMPT LEWD
 ACT

CDR: 3661 16-003-0655(C)

That Terry Lee Sanders, being over fourteen years of age, did in Darlington County on or about October 2, 2015 [REDACTED] Street, Darlington, SC, willfully and lewdly commit a lewd or lascivious act upon or with the body of a 4 year old child (DOB [REDACTED]) to wit: did touch child victim in the vaginal area and/or breast area of her body, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of said defendant or of the child, in violation of Section 16-003-0655, S. C. Code of Laws, 1976, as amended.

TRUE CERTIFIED COPY.
San B. Suggs
 CLERK OF COURT/RMC
 DARLINGTON COUNTY, S.C.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

William B. Rogers, Jr.

WILLIAM B. ROGERS, JR.
 SOLICITOR

0-13 yrs.

459

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Darlington

STATE

VS.

INDICTMENT/CASE#: 2022-GS-16-0680

Terry Lee Sanders

AW#: DAR-1130

AKA:

Date of Offense: 10/2/2015

Race: Black Sex: M Age: 48

S.C. Code §: 16-03-0655(C)

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 3661

Address:

City, State, Zip:

DL#: [REDACTED] SID#: [REDACTED]

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, 3rd degree - Commit/Attempt Lewd act (victim under 16 yrs & actor over 14

in 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. [REDACTED] (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

Patti M Parker 74836

Parker, Patti L SC Bar # Defendant

JP Little 74828
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: —

☒ 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.

509 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.

TRUE CERTIFIED COPY
Sam B. Suggs
CLERK OF COURT/AMC
DARLINGTON COUNTY, S.C.

MSH

STATE VS.

Terry Lee Sanders

INDICTMENT/CASE#:

2022-GS-16-0680

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)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ 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

\$	
\$	
\$100	\$ 100
\$100	\$
\$121	\$
\$25	\$
\$25	\$ 25
\$150	\$
\$41	\$
\$50	\$
\$40/ea	\$
TBD	\$ 3.75
\$500	\$
TBD	\$

TOTAL

Clerk of Court/ Deputy Clerk: _____
Court Reporter: _____

Presiding Judge: _____

Judge Code: _____

Sentence Date: _____

 CLERK OF COURT/RMC
 DARLINGTON COUNTY, S.C.



TB Chart report EDR (Group) - Archive - All - Page 1 of 6

McLeod Regional Medical Center

555 East Cheves Street

Florence SC 29502

Phone: 8437772000

Soarian© Chart Report - Visit

Name:	Minor	MRN:	1223423
DOB:		Patient ID:	130093479
Age/Sex:	4Y/F	MPI:	1223423
Arrival Date/Time:	10/03/2015 02:21		
Provider:	Michelle C Huxford, MD		
Primary Care Physician:			
PCP Phone Number:			

Visit Information

Arrival Date/Time:	10/03/2015 02:21
Discharge Date/Time:	10/03/2015 04:30
Patient Complaint:	ASSAULT
Treating Complaint:	Sexual Assault
Disposition Diagnoses:	Child sex abuse
Disposition:	Discharge
Dispositioning Provider:	Haleigh Mouzon, RN, Michelle C Huxford, MD

Name: Minor **MRN:** 1223423 **Patient ID:** 130093479

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McLeod Regional Medical Center

555 East Cheves Street

Florence SC 29502

Phone: 8437772000

Soarian© Chart Report - Physician Notes

Name:	Minor	MRN:	1223423
DOB:		Patient ID:	130093479
Age/Sex:	4Y/F	MPI:	1223423
Arrival Date/Time:	10/03/2015 02:21		
Provider:	Michelle C Huxford, MD		
Primary Care Physician:			
PCP Phone Number:			

ED Provider Note

Collected On: 10/03/2015 02:43

Arrival Information

I have reviewed available Ancillary / Nursing Staff documentation

Yes.

Provider Type

Physician Time Seen 10/3/2015 02:44.

Historian

Parent.

Collected On: 10/03/2015 02:43

HPI

Primary Complaint

Sexual Assault Episode Single, Occurred at Home, Patient Behavior Appropriate, Actions After Event None, Assault Reported Yes Reported to Police Dept; Relationship to Assailant Friend, Images Stored No, Sexual Assault Type Fondling, Vaginal Penetration; Injury No, Pain Yes Location Abdomen, Radiating to None, Quality Ache, Severity Mild (1-3), Exacerbated by Nothing, Relieved by Nothing; Associated Symptoms Redness; vaginal discharge; abdominal pain, Risk Factors None, Similar Symptoms/Event No.

Primary Complaint Details

4 y/o female presents to the ED with a sexual assault that occurred tonight around 21:30.

"In the ED, pt states "terry touched my too too", "it throwed up", "he (terry) was in the bathroom" and "terry hurt me". Pt reports, "terry pulled my hair and covered my mouth and put me under the covers and wouldn't let me see the tv and pulled my pants down". Pt states, "my tummy started hurting, he touched me right here (pointing at vagina) with his hands and he pulled his pants down too". Pt notes "he put my hand on his tootoo". When asked did terry

Pt Name: Minor

MRN: 1223423

Patient ID: 130093479

Chart Report - Physician Notes Page 1 of 5

TB Chart report EDR (Group) - Archive - All - Page 3 of 6

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". She states, "it hurt me". She also said that her tummy hurt.

Dr. by bedside at 02:44.

Collected On: 10/03/2015 02:43**Allergies**

- NKA
- NKDA
- NKFA

Allergy List Was Reviewed
Yes.

Collected On: 10/03/2015 02:43**Medications**Medication Hx
10/03/2015 02:23

- Part in Clin Trial?: No

Home Medication Reconciliation/List Was Reviewed
Yes.
Current Medication Orders Reviewed
Yes.

Collected On: 10/03/2015 02:43**History**Significant Medical History
Significant Med Hx None.
Significant Surgical History
Significant Surg Hx As Listed Common Adenoidectomy, Ear Tubes, Tonsillectomy.

Pt Name: Minor [REDACTED]

MRN: 1223423

Patient ID: 130093479

Chart Report - Physician Notes Page 2 of 5

TB Chart report EDR (Group) - Archive - All - Page 4 of 6

continued from previous page

Obstetric History

Pregnant Lactating Evaluation Pregnant No, Lactating No.

Social History

Traveled to any of the following West African Countries in the past 21 days N/A.

Family History was/is

Reviewed and is Non-Contributory to the Patient's Illness.

Collected On: 10/03/2015 02:43

ROS

Systems Review

At least 10 systems reviewed and are otherwise negative. Yes, Head no Headache, no Head Injury; Eye no Blurred Vision, no Pain, no Swelling; Neck no Neck Stiffness, no Neck Pain, no Swelling; Cardiovascular no Pain, no Palpitation; Respiratory no Chest Discomfort, no Cough, no Dyspnea; Gastrointestinal Pain, no Decreased Appetite, no Constipation, no Diarrhea, no Nausea, no Vomiting; Female GU Vaginal Discharge, Redness, no Abnormal Bleeding, no Pain, no Dysuria; Musculoskeletal no Myalgia, no Back Pain, no Leg Pain, no Leg Swelling; Peripheral Vascular no Extremity Numbness, no Extremity Swelling; Neurological no Dizziness, no Headache, no Numbness, no Paresthesia, no Syncope, no Weakness; Integumentary no Rash.

Collected On: 10/03/2015 02:43

Exam

Comment

Non toxic; well appearing.

The Patient is/has

Well-Developed and Well-Nourished, Not in Acute Distress, Non toxic; well appearing.

I have reviewed and agree with vital signs as listed in the EMR

Yes Time 10/3/2015 03:01.

Head/Ear/Nose/Throat

Normocephalic; Atraumatic.

Eye

EOMI; PERRL.

Neck Details

General Inspection Supple.

Respiratory Details

Effort No Evidence of Labored Breathing, Lung Sounds Clear Bilateral.

Cardiovascular

RRR; Normal S1, S2.

Gastrointestinal

Soft; NT; +BS.

Genitourinary

Comment Vaginal abrasions to the left lateral vaginal introitus, diffuse erythema and irritation.

Extremities

No Cyanosis, Clubbing, Edema.

Pt Name: Minor

MRN: 1223423

Patient ID: 130093479

Chart Report - Physician Notes Page 3 of 5

TB Chart report EDR (Group) - Archive - All - Page 5 of 6

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Musculoskeletal
No Injury or Deformity.
Neurological
Comment Awake and Alert.
Behavior/Emotional
Comment Age appropriate.
Skin
Clean, Dry and Intact.

Collected On: 10/03/2015 02:43

Consults

Consultations

Call Time 10/3/2015 03:30, Provider Name/Group Bardi, Christopher T MD (092940) - Pediatrics, Details agrees with no STI prophylaxis at this time.

Consultations

Call Time 10/3/2015 03:45, Provider Name/Group Sergeant Maureen "Moe", Details informed her of my exam findings.

Collected On: 10/03/2015 02:43

ED Course

ED Course

Clinical Status Stable.

ED Course

Time 10/3/2015 03:44, Clinical Status Stable, Findings Mother states pt said "he put that in my mouth"; Referring to his penis..

Collected On: 10/03/2015 02:43

Diagnostic Impression

Child sex abuse.

Medical Decision Making

Pt is a 4 yo F here s/p sexual assault. I have examined the pt and agree that the exam is consistent with a sexual assault. The child is medically stable. She is safe for discharge and will have her forensic exam on Monday. The perpetrator is currently incarcerated. Mother agreeable with holding off on STI prophylaxis. .

Collected On: 10/03/2015 02:43

Disposition

Pt Name: Minor [REDACTED]

MRN: 1223423

Patient ID: 130093479

Chart Report - Physician Notes Page 4 of 5

TB Chart report EDR (Group) - Archive - All - Page 6 of 6

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Disposition

Discharge Discharge Details Decision Time 10/3/2015 03:53, Discharged to Home, Patient Condition Stable.

Collected On: 10/03/2015 02:43**Documented for Michelle C Huxford, MD by Toiekka (Toy) Johnson on 10/03/2015 03:47****Electronically signed by Michelle C Huxford, MD on 10/03/2015 03:53**

Pt Name: Minor**MRN:** 1223423**Patient ID:** 130093479

Chart Report - Physician Notes Page 5 of 5

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,



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 15th day of August, 2024.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Darlington County

Honorable Michael S. Holt, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TERRY L. SANDERS,

APPELLANT

RECEIVED

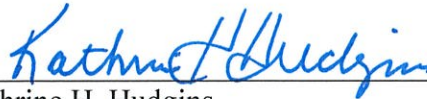
Aug 15 2024

SC Court of Appeals

APPELLATE CASE NO. 2023-001100

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 15th day of August, 2024.



Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT