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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Clarendon County

Honorable R. Kirk Griffin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOHN A. WELCH,

APPELLANT

APPELLATE CASE NO. 2023-001048

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA COURT OF GENERAL SESSIONS

COUNTY OF CLARENDON 2022-GS-14-00225

2022-GS-14-00226

State of South Carolina)

) TRANSCRIPT OF RECORD

-vs-)

) March 20, 2023 - Vol 1 of 3

John Allen Welch, Jr.,)

) Manning, South Carolina

B E F O R E:

The Honorable R. Kirk Griffin, Judge

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

Darla F. Pierce, Esquire
Attorney for the State

Matthew A. Williamson, Esquire
Attorney for the Defendant

Reported By:

Yvestre Torres, OCR
Circuit Court Reporter for the
Ninth Judicial Circuit

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THE COURT: Good morning, ladies and gentlemen. My name is Kirk Griffin; I'm a judge from Sumter County. It's my pleasure to be here with you this week for this term of general sessions court in Clarendon County. It is my duty as the presiding judge this week to qualify the jury.

And in that regard, I have a list of 19 questions I'm going to ask you, and they have to do with your qualifications to serve as jurors, the first 11, and then the last list of questions deal with any exemptions. And my directions to you on all of these questions, if any of these questions apply to you, please stand if you're able, give us your number and name, and then I may have some followup questions for you. So listen closely. If any of these questions apply, please do as I just instructed you.

First, is there any member of the jury panel who is less than 18 years of age? Is there any member of the jury panel who is not a citizen of the United States of America? Is any member of the jury panel not a citizen and resident of Clarendon County? Yes, sir, what's your number and name?

THE JUROR: Joharie Godwin, III. Just moved about two months ago to Sumter County.

THE COURT: All right, Mr. Godwin. I assume

you still have your Clarendon County address on your driver's licence?

THE JUROR: Yes, sir, I do.

THE COURT: All right, Mr. Godwin. Since you're not a resident of Clarendon, I'm going to have to excuse you and direct that you take care of that situation. You need to get your driver's licence switched over.

THE JUROR: Yes, sir.

THE COURT: And maybe the folks over in Sumter can have you for jury duty sometime. But since you're not a resident of Clarendon, you're free to go.

THE JUROR: Yes, sir.

THE JUROR: Number 36, Katrina Cain.

THE COURT: Yes, ma'am.

THE JUROR: I moved to Columbia, South Carolina.

THE COURT: How long have you been living in Columbia?

THE JUROR: About three months now.

THE COURT: All right. Your situation is the same. Your driver's license still has the Clarendon County address?

THE JUROR: It does not.

THE COURT: Oh, you changed it. Okay.

All right. Ma'am, you're free to go. Thank you. Yes, sir.

THE JUROR: Andrew Moore, 157. I recently moved about a month and a half ago.

THE COURT: All right. All right, Mr. Moore, since you're not a Clarendon resident, you're free to go. Thank you. Is there any member of the jury panel who has -- who does not have the ability to read, write, speak, or understand the English language? Is there any member of the jury panel who has less than a sixth grade education, or its equivalent? I'm sorry.

THE JUROR: I have diabetic retinopathy; I'm going blind. So, I don't read anything that's small print. I can't.

THE COURT: Okay. This is more -- deals with the ability to understand what you're doing. I appreciate you bringing that to my attention, but I don't believe that would disqualify you. All right. Thank you, sir. Is there any member of the jury panel who has less than a sixth grade education, or its equivalent? Is there any member of the jury panel, who because of a mental or physical infirmity, would be unable to perform jury duty this week?

All right, folks, this next question is often misunderstood, so I want you to listen closely.

This question deals with those of you who may have been convicted of a crime in the past. And it deals with those of you who have been -- may have been convicted of crimes in federal or state court of a crime punishable by imprisonment for more than one year, and you have not had your civil rights restored by pardon or amnesty.

Now this doesn't mean that you actually did any time in jail whatsoever. It deals with the crime, how much time the potential sentence would have been for that particular crime. So is there anybody who has been convicted of a crime that carried a penalty of more than one year in prison?

If I could have juror number 30 and juror number 31. Please stand for me and have the bailiff bring them up. Ms. Burgess, did you have a case in the late 90s? Yeah, I didn't think -- there's, obviously, something wrong with this record.

THE JUROR: It was thrown out.

THE COURT: Okay. All right. You're good to stay with us. Thank you, sir -- thank you, ma'am. Come on up, sir. Mr. Busby.

THE JUROR: How are you doing?

THE COURT: I'm doing good. Did you -- back in 2008, did you plead to some drug offenses?

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Looks like you got, according to this record, a fine.

THE JUROR: Thirty days.

THE COURT: Thirty days and a fine?

THE JUROR: Yes.

THE COURT: Yeah. All right. Looks like you were charged with distribution of cocaine base, pled ---

THE JUROR: Conspiracy or something like that.

THE COURT: Yeah, okay. All right, that would disqualify you. You're free to go. Juror number 31 is excused.

Is there any member of the jury panel who is employed as a clerk or deputy clerk of court, constable, sheriff, or other commissioned law enforcement officer, probate judge, county commissioner, magister, or other county officer, are any person employed within the walls of any courtroom? If so, please stand.

Is there any member of the jury panel who has performed jury duty in a court of record during this calendar year? This means circuit court, not municipal court or magistrate court. So that means if you had been called for jury duty this year in Clarendon County, it would be right here in this room. Does that apply

to anyone?

THE JUROR: Juror number -- I was called last month, but I didn't serve as a juror.

THE CLERK: She was transferred, Your Honor.

THE COURT: Okay, yeah. Apparently, according to Ms. Roberts, you were transferred to this term. Okay, you can have a seat. Thank you. Is there any member of the jury panel who has served as a member of the Clarendon County Grand Jury over the past several years? If so, please stand. All right.

Ladies and gentlemen, that concludes the qualification questions. The next list of questions deal with juror exemptions. And exemptions are different from qualification questions in the respect that if you meet an exemption, essentially, you have the choice of whether to exercise that exemption or stay with us and perform jury duty. And the first exemption question, is there any member of the jury panel who is age -- 65 years of age or older and would like to exercise that exemption? Yes, sir, what's your number?

THE JUROR: 210.

THE COURT: Mr. Sheppard?

THE JUROR: Yes, sir.

THE COURT: Mr. Sheppard, you're born

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in 1959?

THE JUROR: Yes, sir. Oh, I thought you said 55.

THE COURT: I was going to say my math was counting 64.

THE JUROR: I was just checking. I want to make sure.

THE COURT: Okay. Well, I went to law school because they promised me there wouldn't be any math. All right. I thought I was missing something. If you get called next year, you can answer that question yes. All right. This next question also deals with prior jury service. No one is required to serve as a juror more than once every three years, and this does not apply to magistrate court or city -- or municipal court. So if you served as a jury -- as a juror in circuit court within the last three years, please stand. All right.

The next question deals with those of you who may have small children. It has several parts, and all of these parts must apply for you to be able to claim this exemption. Does any member of the jury panel have a small child or children under the age of seven, you have legal custody of that child or those children, you have the principal care, custody,

and control of the child or children, and you are unable to make arrangements for adequate care of that child or children while you're performing jury duty? If so, please stand.

THE JUROR: Juror 40, Lashanunta Chatman.

THE COURT: Hold on one second. All right, ma'am, what's your situation?

THE JUROR: I have a six year old, and I work while my kids are in school. Once they're out of school, I get off because I have no one to get them.

THE COURT: All right, ma'am. Thank you. Have a seat. I'll come back to you. Yes, sir.

THE JUROR: 132. I have a one year old. And on my off days, I have a babysitter.

THE COURT: Okay. And your off days this week are what?

THE JUROR: It changes. This week here, I'm off just Friday and Saturday; I work Wednesday and Thursday.

THE COURT: Okay. Ms. Pierce, Mr. Williamson, can y'all come up?

(Off-the-record conversation held at sidebar.)

(Back on the record.)

THE COURT: All right, Mr. Lemon, we'll make sure that you're not on any case that goes into Friday,

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okay? Thank you, sir. Yes, ma'am.

THE JUROR: I have two children. I have a four year ---

THE COURT: Tell me your number first.

THE JUROR: Oh, my number is 26, and I have a two year old and a four year old, and once they're out of school, I don't have ---

THE COURT: Okay. You're Ms. Bryant?

THE JUROR: Yes, sir.

THE COURT: All right. I'll make a note of that, and I'll come back to you. Thank you. Is there any member of the jury panel who is a caregiver of someone who is 65 years of age or older, and you're -- you take care of that person, and they are unable to take care of themselves? If that applies to anyone, please stand. All right.

The next question deals with those of you who may be involved in a school-related activity. Is there any member of the jury panel who's a full-time student, schoolteacher, school crossing guard, school bus driver, or who serves in any school-related function, who is unable to serve this week because of that school involvement?

And before you answer that question, you need to know that all I can do is transfer you

to another term when school wouldn't be in session. So sometimes people just ride it out instead of being transferred to July or August -- June, July, or August when school wouldn't be in session. But if anyone wants to claim that exemption and seek a transfer, please stand now.

THE JUROR: Juror number 100.

THE COURT: Yes, ma'am. What's your situation, Ms. Hilton?

THE JUROR: I have -- well, this week, I have, like, three projects to do for my class. And I'm not really sure what my schedule is until after my semester is over.

THE COURT: All right. And where are you in school now, ma'am?

THE JUROR: USC Sumter.

THE COURT: Okay. All right, Ms. Roberts, let's transfer her to June, please.

THE CLERK: Okay.

THE COURT: We'll give you -- is there a court term in June or July?

THE CLERK: It's June; I have a term in June.

THE COURT: All right. Ms. Hilton, you are -- you're going to be transferred to June, okay?

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And this will mark your -- this is your second transfer, so you need to make sure that you get your schedule worked out so you can serve. But you'll receive another notice for your next service in June. You're free to go because of your school involvement.

Is there any member of the jury panel who performs services for a business, commercial, or agriculture enterprise, and whose services are so essential to the operation of that enterprise that that enterprise would close or cease to function if you're required to perform jury duty? If so, please stand. Yes, ma'am.

THE JUROR: Number 30.

THE COURT: Ms. Burgess.

THE JUROR: Yes, sir. I work, and I'm the only -- and the office is closed today. I have been transferred already. This is -- we don't have enough employees if someone has to be out. I sent a notarized letter to the clerk of court.

THE COURT: Okay. All right. I'll make a note of that. I'll come back to you. Thank you. Yes, sir.

THE JUROR: She was first.

THE COURT: Okay. Yes, ma'am.

THE JUROR: I'm juror number 122.

THE COURT: Okay.

THE JUROR: I'm the only one at JK's House of Ribs, my husband and I. And without me being there, I won't be able to open. I'm open Wednesday, Thursday, and Friday. I'll be of service Monday and Tuesday, but Wednesday, Thursday and Friday, I would have to close the restaurant.

THE COURT: All right. All right, ma'am, just have a seat. I'll come back to you. Thank you. Yes, sir.

THE JUROR: 172, Ryan Oliver. I lease and own my trucks, so if my wheels ain't turning, there's no money being made.

THE COURT: All right. I understand that. I'll come back to you, sir. Thank you. Yes, sir.

THE JUROR: 186, Brandon Privette. I'm an independent insurance adjuster; I'm the only one. So all of my clients, all the stuff comes to me. So while I'm in here, I can't respond to e-mails or phone calls or any ---

THE COURT: All right. I'll make a note of that. Thank you, sir. Is there any member of the jury panel who is employed as a guard with the department of corrections at a penitentiary? If so, please stand. All right, folks.

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And, finally, this is kind of a catch-all question that deals with those of you who may have a situation that is occurring in your life this particular week that would make this week about the worst week you could have possibly been chosen for jury duty. This deals with situations that would be classified as extreme hardships. I understand that all of you are here with some inconvenience and disruption to your daily lives, and that's not what I'm talking about. I'm talking about situations that are exactly like it sounds, extreme hardship.

The examples I always give are situations where you may have a medical procedure that's scheduled for later in the week, and if you missed it, it would be a significant amount of time before it could be rescheduled, or people who may have a situation where they have travel plans that are prepaid, you know, things like that, things that would make this just, you know, an awful week for you to have to be subjected to jury service. So if anybody believes they have a situation that rises to that level, please stand now.

THE JUROR: Yes, sir, 121.

THE COURT: Yes, sir.

THE JUROR: I've been sick for the last two weeks, and I haven't been able to work. My wife

is unemployed. I need to get back to work as soon as possible.

THE COURT: Give me your number again.

THE JUROR: 121.

THE COURT: All right. Thank you, sir. I'll come back to you. Yes, ma'am.

THE JUROR: Juror number 25. I start -- I'm employed through Cooper Country Store. Today was supposed to be my first day. My husband's paycheck is not steady, so I have the only steady income coming in.

THE COURT: And if you're here, you won't get paid?

THE JUROR: Right.

THE COURT: All right. Thank you, ma'am. Have a seat. Anybody else?

THE JUROR: Juror 151. Can I come down and talk to you?

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

THE JUROR: We're supposed to be -- because of a family member, one, and the other is supposed to be tomorrow. And I've got -- I take now because of my heart and blood pressure.

THE COURT: Okay.

THE JUROR: I could give you the list.

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THE COURT: I got you. I got you. I understand. All right. Just have a seat, and I will come back to you, okay?

THE JUROR: Okay. Thank you.

THE COURT: All right, folks. Based on the answers to the exemption questions, juror number 40, juror number 26, juror numbers 30, 122, 172, 186, 121, 125, and 151 will be excused. All right. All right, ladies and gentlemen, I've got good news for you. You are now qualified to serve as jurors this week. Further good news -- yes, sir.

THE JUROR: Yes, sir. I'm kind of like these other guys, I have a small business, and I'm the only -- if I'm not there, it doesn't get done, but I didn't know if that applied. Either way, I'm fine, but they got excused. I didn't know if it would -- I didn't know if it applied to me.

THE COURT: Well, it applies, but it's really up to you. The best I can do is transfer you, so you're going to be in the pool of names. This may be a -- this may be a good week and just take your chances, all right?

THE JUROR: That's fine. I'll just -- I'll wait it out. Yes, sir.

THE COURT: The rest of the good news I was

going to tell you is given the schedule for this week, I'm going to be able to let y'all go today, and ask that you come back tomorrow morning at nine. We'll pick the first jury then. We have some non-jury matters and other things that will keep us busy for the remainder of the day that doesn't require you to be here, and so we're not going to make you sit here.

So you can go back to your business for the remainder of the day, report back tomorrow morning at 9:30. We will pick the -- nine o'clock. I'm sorry. 9:30 is usual -- is my usual time. Nine o'clock tomorrow morning, and we'll select the jury for the first case that will be tried. And then those of you who aren't selected for that jury, I will excuse you and give you the instructions that you call.

The number that you've been given is the jury answering machine notice system. Basically, it will tell you when and if we need you to come back. And it will say one of three things, and you'll have to call this tomorrow evening. It will tell you to report back to the courthouse at some time; it will tell you to call back at some time; or it may tell you that you've been excused for the week. And the closer we get to Friday, the odds increase that you'll get that last message, because as time in the week runs out, it lowers

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the odds of jury trials being called.

So, I'll explain a little bit more about that tomorrow, but y'all are free to go for the balance of the day. Please report back tomorrow here in the courtroom at nine o'clock. Thank you.

(The jury panel exited the courtroom at 10:33 a.m.)

MS. PIERCE: Mr. Williamson and I, we had a conversation. But we just talked, and I believe that we don't have any pretrial matters. You know, I agreed the stuff he's asked for is not relevant, unless it becomes relevant. And then we've talked, and I believe that we won't need an in-camera hearing. The issues are going to come out in court anyway.

THE COURT: Okay. All right. How many potential witnesses does the State have?

MS. PIERCE: My list may have five or six. Right now, I only intend to call four, but that could change.

THE COURT: Okay. Any forensic issues?

MS. PIERCE: No, Your Honor.

THE COURT: Okay. All right. Obviously, we'll deal with the Defendant situation when the time comes. Mr. Williamson, other than the Defendant, does the defense plan to present any witnesses in the case? I'm just -- and I'm not going to hold -- I'm not keeping

y'all to those, kind of want an idea.

MR. WILLIAMSON: Not at this time, Your Honor.

THE COURT: Okay. All right. I guess, we'll be in recess until we hear from either Ms. Zmroczek or Mr. Anderson.

MS. PIERCE: Thank you, Your Honor.

THE COURT: All right.

MR. WILLIAMSON: Thank you, Your Honor.

(Proceedings adjourned until 9:00 a.m.)

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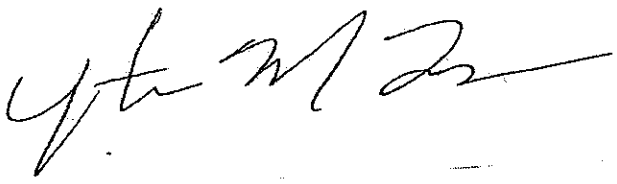
CERTIFICATE OF REPORTER

State of South Carolina)
County of Clarendon)

I, the undersigned, Yvestre Torres, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Clarendon County, South Carolina, on the 20th of March, 2023.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

August 31, 2023



Yvestre Torres
Circuit Court Reporter

STATE OF SOUTH CAROLINA COURT OF GENERAL SESSIONS

COUNTY OF CLARENDON 2022-GS-14-00225

2022-GS-14-00226

State of South Carolina)

) TRANSCRIPT OF RECORD

-vs-)

) March 21, 2023 - Vol 2 of 3

John Allen Welch, Jr.,)

) Manning, South Carolina

B E F O R E:

The Honorable R. Kirk Griffin, Judge

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

Darla F. Pierce, Esquire
Attorney for the State

Matthew A. Williamson, Esquire
Attorney for the Defendant

Reported By:

Yvestre Torres, OCR
Circuit Court Reporter for the
Ninth Judicial Circuit

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Jury Strike Sheet

State v. John Allen Welch, Jr.

2022-GS-14-00225 & 2022-GS-14-00226

March 20-22, 2023

Jury No.	Name	Race	Gender	Jury No.
181	Jan L. Poynter	W	F	Plf. Strike
235	Lysandra W. McCray	B	F	Def. Strike
210	Mark D. Sheppard	W	M	1
154	Penelope D. Miller	W	F	2
167	John A. Murray	B	M	3
224	Dixie D. Stukes	W	F	Def. Strike
219	Cynthia S. Smoak	W	F	Def. Strike
150	Matthew J. McLeod	W	M	4
141	Linda C. McBride	B	F	Plf. Strike
29	Geneva Burgess	B	F	5
184	Sandra V. Prince	B	F	6
132	Marquez T. Lemon	B	M	Plf. Strike
138	Susan D. Lyda	W	F	Def. Strike
207	Hettie P. Rutland	W	F	Def. Strike
192	Betty L. Ragin	B	F	7
232	Robert J. Tisdale	W	M	8
75	Tracy W. Geddings	W	M	Def. Strike
82	Charles E. Goff	W	M	Def. Strike

1	147	Lynn A. McKenzie	W	F	Def. Strike
2	197	Brady J. Rice	W	M	Plf. Strike
3	86	Misty R. Green	W	F	Def. Strike
4	162	Sharon E. Morris	W	F	Def. Strike
5	160	Jacqueline Morant	B	F	9
6	221	Willette R. Spann	B	F	10
7	115	Dante A. Jones	B	M	Plf. Strike
8	209	Holli R. Shanz	W	F	11
9	98	Joshua B. Hickman	W	M	12
10	136	Mattie Mae Logan	B	F	Def. Strike
11	213	Sadie D. Sims	W	F	Alt. No. 1
12	62	Richard Evans, Jr.	W	M	Alt. No. 2
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EXHIBITS

NO	DESCRIPTION	ID	EVIDENCE
S-1	Photograph	56	102
S-2	Photograph	56	103
S-3	Snapchat Screenshot	56	105
S-4	Passwords Screenshot	56	107
S-5	1/14/2020 Text Messages	56	110
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THE COURT: Thank you. Please be seated. Ladies and gentlemen, good morning. Thank you for your return here this morning so we can get started with the jury selection process. Ladies and gentlemen, I'm going to recognize the solicitor's office to call the first case. Ms. Pierce.

MS. PIERCE: Thank you, Your Honor. At this time, the state of South Carolina will call John Allen Welch, Jr., on indictment numbers 2022-GS-14-0225, that indictment here is criminal sexual conduct with a minor, the victim being age 14 years old at the time, second degree; 2022-GS-14-0226, criminal sexual conduct with a minor, the victim being age 15, second degree. Your Honor, we call this case for trial.

THE COURT: All right. Thank you, Ms. Pierce.

MS. PIERCE: Thank you.

THE COURT: All right. Ladies and gentlemen of the jury panel, give me your attention. We are about to begin the trial of the state of South Carolina v. John Allen Welch, Jr. He is before the Court on two separate indictments, each of these indictments alleges criminal sexual conduct with a minor in the second degree.

Now, ladies and gentlemen, I'm going to read

these indictments to you. Before I do that, I want to tell you that the indictment is not proof of anything. The indictment just contains allegations at this point in time, and the indictments are the formal documents which bring this case into court.

So, I'm giving you -- I'm going to read these indictments to you just to give you a little bit of knowledge as to what is alleged in this case, so you'll have some foundation and knowledge as we go through the jury selection process.

Indictment 2022-GS-14-0225 states that in Clarendon County, between the dates of April 1st, 2019 and September 3rd, 2019, the Defendant, John Allen Welch, Jr., did commit a sexual battery upon a minor who is at least 14 years of age, but who is less than 16 years of age, specifically, upon juvenile K.F., date of birth [redacted] 2004, and the Defendant was older than the victim, or was in a position of familial, custodial, or official authority to coerce the victim to submit, in violation of Section 16-3-655 of the South Carolina Code of Laws.

The second indictment is 2022-GS-14-0226. And that indictment states that in Clarendon County, between the dates of September 7, 2019 and September 6, 2020, the Defendant, John Allen Welch, Jr.,

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did commit a sexual battery upon a minor who is at least 14 years of age, but who is less than 16 years of age, specifically, 15 years of age, that victim was of the initials K.F., date of birth [redacted] 2004, and the Defendant was older than the victim, or was in a position of familial, custodial, or official authority to coerce the victim to submit, in violation of Section 16-3-655 of the South Carolina Code of Laws.

Again, ladies and gentlemen, the indictment is not proof; it is just the formal document which brings this case within the jurisdiction of the Court.

Ladies and gentlemen, I have some additional questions to ask you in the jury selection process, much like we did yesterday. If any of these questions apply to you, please stand. I'll ask for your juror number, and then I may have some followup questions. It's important that you only answer the questions that are asked.

Ladies and gentlemen, is any member of the jury panel related by blood or marriage, or has a close personal or social relationship with John Allen Welch, Jr.? Ladies and gentlemen, the following is a list of potential witnesses who may testify in this case. Again, if you have any close personal or social relationship, or are related by blood or marriage to any

of these individuals, please stand. K.F., Laura Driggers, John Floyd, Logan Floyd, or Investigator Tony Brown of the Clarendon County Sheriff's Office.

THE JUROR: Juror number 9 ---

THE COURT: Hold on one second, sir. Juror number 9. All right. Who on that list do you know?

THE JUROR: Logan Floyd and John Floyd.

THE COURT: All right. Is it a social relationship, sir?

THE JUROR: Yes.

THE COURT: All right. The fact that you know those individuals, would that impact your ability to be fair and impartial both to the State and the defense in the trial of this case?

THE JUROR: Yes, sir.

THE COURT: It would? All right. All right. Have a seat. Thank you very much. The attorneys in this case are Darla Pierce for the State and Matthew Williamson for the defense. Mr. Williamson, please stand and face the jury. All right, sir. Thank you very much.

Ladies and gentlemen of the jury, is any member of the jury panel related by blood or marriage to either of these attorneys, or do you have a close personal or social relationship with either of them?

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If so, please stand. Is any member of the jury panel currently being represented, or have you been represented in the past, by either of these attorneys? If so, please stand. Has any member of the jury panel ever campaigned for, or made a contribution to, Ernest A. Finney, III, who is our elected solicitor? If so, please stand.

Has any member of the jury panel, or a close family member, ever been a member of a group, which primary -- which the group's primary focus is victim's advocacy, such as Mothers Against Drunk Drivers, Students Against Drunk Drivers, or any organization of that nature? If so, please stand.

Has any member -- does any member of the jury panel currently work for the department of social services, or any member of your family presently work, or have worked, for the department of social services in the past? All right, ma'am, give me your number first.

THE JUROR: 136.

THE COURT: All right. And how does that apply to you, ma'am?

THE JUROR: I work for the department of social services here in Clarendon County.

THE COURT: Okay. You're currently employed

there, ma'am?

THE JUROR: Yes.

THE COURT: All right. Do you know -- through your employment, and if the answer is yes, don't tell me any specifics. But do you know anything about this particular case?

THE JUROR: No.

THE COURT: All right. Would the fact that you work for DSS, would that impact your ability to be fair and impartial to both the State and the defense in the trial of this case?

THE JUROR: No.

THE COURT: All right. Thank you, ma'am. You can have a seat. Yes, ma'am.

THE JUROR: 162.

THE COURT: All right. You're currently employed with DSS?

THE JUROR: I am.

THE COURT: All right. Do you know anything about this particular case?

THE JUROR: I do not.

THE COURT: All right. Would the fact that you're employed by DSS, would that impact your ability to be fair and impartial to both the State and the defense in the trial of this case?

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THE JUROR: It would not.

THE COURT: All right. Thank you, ma'am. You can have a seat. Has any member of the jury panel, or a member of your immediate family, ever been a victim of a violent crime? If so, please stand. All right, sir, what's your number?

THE JUROR: 222.

THE COURT: All right. Was that you or a family member?

THE JUROR: My wife.

THE COURT: Okay. And without going into any details, tell me the nature of the crime.

THE JUROR: Sexual assault.

THE COURT: All right. Would the fact that your wife was a victim of that crime, would that impact your ability to be fair and impartial to both the State and the defense in the trial of this case?

THE JUROR: I would love to tell you no, but I don't -- can't say for sure, sir, to be honest.

THE COURT: All right. All right, sir. Thank you. You can have a seat. Yes, ma'am.

THE JUROR: 240. My sister was murdered by a serial killer, and I was a witness to the execution in Florida.

THE COURT: All right. All right. That's

probably enough detail. Ma'am, would the fact that your sister was a victim of this -- of that type of crime, would that impact your ability to be fair and impartial to the State and the defense in the trial of this case?

THE JUROR: Possibly.

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

THE JUROR: Juror 168.

THE COURT: All right, ma'am. Was it you or a family member?

THE JUROR: A family member.

THE COURT: Okay. And without going into details, tell me the nature of the crime.

THE JUROR: I had two grandchildren sexually abused.

THE COURT: All right. And would the fact that you had close family members be a victim of a crime of that type, would that impact your ability to be fair and impartial to the State and the defense in the trial of this case?

THE JUROR: I would hope not. But without seeing the evidence, I couldn't say.

THE COURT: All right. Thank you, ma'am. Does any member of the jury panel currently have children under the age of 16 in your household? If so,

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please stand. All right. We're going to just go through, and I'm going to ask everybody to give me your number. I'm going to start over here to my right. Sir, in the sweatshirt, your number?

THE JUROR: 57.

THE COURT: All right.

THE JUROR: 72.

THE COURT: Okay.

THE JUROR: 147.

THE JUROR: 207.

THE JUROR: 160.

THE JUROR: 27.

THE JUROR: 75.

THE JUROR: 237.

THE JUROR: 46.

THE JUROR: 213.

THE JUROR: 224.

THE JUROR: 86.

THE JUROR: 68.

THE COURT: Okay, I kind of lost track of who said what. Who has -- if you've already given me your number, you can sit down.

THE JUROR: 142.

THE COURT: All right. Is any member of the jury panel through your employment considered a mandated

reporter if you hear of allegations of sexual assault? All right.

THE JUROR: 198.

THE COURT: All right. And what's your employment, sir?

THE JUROR: I'm a middle school principal.

THE COURT: All right. Thank you, sir.

THE JUROR: 223; I'm a registered nurse.

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

THE JUROR: 162; I work for the department of social services.

THE JUROR: 213; an MRI technologist.

THE COURT: Okay.

THE JUROR: 235; I'm a teaching assistant.

THE COURT: All right.

THE JUROR: 221; I work at a nursing home.

THE COURT: Okay.

THE JUROR: 136; employed with Clarendon County Department of Social Services.

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

THE JUROR: 209; Kelly Education, substitute teacher.

THE COURT: All right. Thank you. All right. Does any member of the jury panel volunteer

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in a capacity that would -- that you would deal with children, such as in a church youth group, Boy Scouts or Girl Scouts, things of that nature? If so, please stand.

THE JUROR: 162; I am -- my husband and I pastor a church, and I lead a youth group.

THE COURT: All right. Would the fact that you volunteer, I'm assuming that's volunteering, in that capacity, would that impact your ability to be fair and impartial to the State and the defense in this trial?

THE JUROR: I don't believe so.

THE COURT: All right. Thank you, ma'am. You could have a seat.

THE JUROR: 213.

THE COURT: Okay.

THE JUROR: And I'm a leader in a youth group in church.

THE COURT: All right. Would the fact that you are a youth leader, would that impact your ability to be fair and impartial to the State and the defense in the trial of this case?

THE JUROR: No.

THE COURT: All right. Thank you.

THE JUROR: 168.

THE COURT: Yes, ma'am.

THE JUROR: I work and volunteer with abused children.

THE COURT: All right. Would that situation impact your ability to be fair and impartial in a case of this type?

THE JUROR: I would hope not, but without seeing the evidence again.

THE COURT: All right. I understand. Thank you, ma'am. Yes, ma'am. You can have a seat.

THE JUROR: 235.

THE COURT: Okay. How does that apply to you?

THE JUROR: I'm the leader at the youth group of my church.

THE COURT: And would the fact that you're a youth leader, would that impact your ability to be fair and impartial to the State and the defense in the trial of this case?

THE JUROR: No.

THE COURT: All right. Thank you. You can have a seat. Yes, ma'am.

THE JUROR: 224, and I teach Sunday school at Southern Baptist, and I help with Sunday night church.

THE COURT: All right. Would the fact that

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you volunteer in that capacity, would that impact your ability to be fair and impartial in the trial of this case?

THE JUROR: No, sir.

THE COURT: All right. Thank you. Has any member of the jury panel, for any reason at all, given a statement to, or been questioned by, or made a report to the child protective agency, such as the department of social services, law enforcement, or to anyone involving an incident relating to a child? If so, please stand.

THE JUROR: Number 53, and I have.

THE COURT: All right. Without going into the details, just give me a general nature of that situation.

THE JUROR: Child abuse. I have custody of them now.

THE COURT: All right. Would the fact that you have made a report of a situation involving a crime of that nature, would that impact your ability to be fair and impartial to the State and the defense in the trial of this case?

THE JUROR: No.

THE COURT: All right. Thank you. You can have a seat. Yes, sir.

THE JUROR: 198.

THE COURT: Tell me how that applies, just in a general -- in general terms.

THE JUROR: I made reports to the school district.

THE COURT: Okay. Again, came through your capacity in your employment?

THE JUROR: Yes, sir.

THE COURT: Would that -- would the fact that you have made those types of reports, would that impact your ability to be fair and impartial to the State and the defense in the trial of this case?

THE JUROR: No.

THE COURT: All right. You can have a seat. Thank you. Yes, ma'am.

THE JUROR: 223, possible abuse of a very young child.

THE COURT: All right. Was that child related to you?

THE JUROR: Yes.

THE COURT: All right. Would the fact that you had been involved in that situation, would that impact your ability to be fair and impartial to both the State and the defense in the trial of this case?

THE JUROR: Possibly.

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THE COURT: Give me your number, ma'am.
THE JUROR: 223.
THE COURT: Thank you. You can have a seat.
THE JUROR: 235.
THE COURT: Yes, ma'am.
THE JUROR: And possible sexual abuse of a child through the school district.
THE COURT: All right. Would the fact that you've been involved in that situation, would that impact your ability to be fair and impartial to the State and the defense in the trial of this case?
THE JUROR: No.
THE COURT: All right. Thank you, ma'am.
THE JUROR: 222. I was a volunteer EMT in Ohio, and that was part of our reports. I don't know if that's significant or not.
THE COURT: Yes, sir. Would the fact that you saw cases of that type through your employment, would that impact your ability to be fair and impartial to the State and the defense in the trial of this case?
THE JUROR: No, sir.
THE COURT: All right. Thank you. You can have a seat. Are you, or is any member of your immediate family, a civilian or military law enforcement officer? If so, please stand. Does any member of the

jury panel -- have you or any member of your immediate family ever been employed in a law enforcement capacity? If so, please stand.

THE JUROR: 201.

THE COURT: Hold on one second. Yes, sir, 201, tell me.

THE JUROR: South Carolina Department of Corrections, 2002 to 2013.

THE COURT: You were a guard?

THE JUROR: I was.

THE COURT: All right. Thank you. You can have a seat.

THE JUROR: 181, decades ago, my husband, he was a law enforcement officer in Virginia.

THE COURT: All right. Thank you, ma'am. You can have a seat. Yes, ma'am, in the front.

THE JUROR: 219, prior law enforcement.

THE COURT: That was you?

THE JUROR: Yes, sir.

THE COURT: All right. You can have a seat. Thank you. Yes, ma'am.

THE JUROR: 240, my father is a retired police officer.

THE COURT: From?

THE JUROR: Charleston.

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THE COURT: Charleston. Okay. Thank you. You can have a seat.

THE JUROR: You said a family member?

THE COURT: Yes, sir.

THE JUROR: Yes, sir. I have a son who's a policeman in Clemson.

THE COURT: All right. Thank you, sir. What's your number?

THE JUROR: 62.

THE COURT: Okay. Has any member of the jury panel read about this case in the newspaper, or heard about it in news media, or on social media in any form, or had any conversations about this case with anyone? Has any member of the jury panel received any special training or education on the subject of sexual offenses, whether it may involve minors or adults? If so, please stand. All right, ma'am, your number again?

THE JUROR: 219.

THE COURT: That's through your employment as a law enforcement officer?

THE JUROR: Yes, sir.

THE COURT: And, sir, you're 222?

THE JUROR: Through EMS.

THE COURT: All right. Thank you, sir.

Has any member of the jury panel, or someone in your immediate family ---

THE CLERK: Excuse me. You have one other lady.

THE COURT: Oh, I'm sorry.

THE JUROR: I just didn't know, in being a nurse, I was trained in what to look for, but nothing formal.

THE COURT: All right. I understand. Your number?

THE JUROR: 223.

THE COURT: All right. Thank you. Has any member of the jury panel, or anyone in your immediate family, served in any branch of our military? If so, please stand. All right. In response to this question, just give me your number, whether it was you or a family member, and what branch, okay? Yes, ma'am.

THE JUROR: 219. My son, Air Force.

THE COURT: All right. You can have a seat. Thank you.

THE JUROR: 181. My husband is in the Air Force.

THE COURT: All right.

THE JUROR: 232, Army.

THE COURT: That's you?

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THE JUROR: Yes, sir.
THE COURT: All right. You can have a seat. Thank you, sir. Yes, sir.
THE JUROR: 167, my brother, Marines.
THE COURT: All right.
THE JUROR: 53, my father, Marines.
THE COURT: All right.
THE JUROR: 136, my son, the Navy; my brother, the Marines.
THE COURT: Thank you.
THE JUROR: 64, myself in the Navy; my father in the Army; uncle in the Air Force.
THE COURT: You just need a Marine, and you'll be all right. Thank you, sir. You can have a seat.
THE JUROR: I'm retired Air Force.
THE COURT: Okay.
THE JUROR: 198, Air Force, mother.
THE COURT: All right.
THE JUROR: 138, Air Force, my father; brother, Navy; and husband, Navy.
THE COURT: Okay. Thank you.
THE JUROR: 237, husband, Army.
THE JUROR: 62, son, Marines and Army.
THE COURT: Okay.

THE JUROR: 52, my uncle was Army; my father was Navy; my nephew was Marines; and a cousin in the Air Force.

THE COURT: Okay.

THE JUROR: Two years in the Army, and grandchild, Marines.

THE COURT: All right. Thank you, sir.

THE JUROR: 154, son, Navy.

THE COURT: Okay.

THE JUROR: 168, husband is in the Navy.

THE COURT: All right.

THE JUROR: 235, my father, Army; my sister, Army.

THE COURT: Okay.

THE JUROR: 209, my father, Army, and then my father-in-law, Marines.

THE COURT: Okay. Thank you.

THE JUROR: 174, my husband, Navy.

THE COURT: All right. Thank you. Has any member of the jury panel formed or expressed an opinion about any issue or matter involving this particular case? If so, please stand. Is any member of the jury panel aware of any bias or prejudice towards either the State or the Defendant in this case? Does any member of the jury panel know any reason whatsoever why

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he or she should not serve as a juror in this case, with particular inference being placed on your ability to be fair and impartial to both the Plaintiff -- excuse me, the State and the Defendant? If so, please stand.

All right. I believe that concludes the questions. Any further questions requested from the State?

MS. PIERCE: No, Your Honor.

THE COURT: From the defense?

MR. WILLIAMSON: No, Your Honor.

THE COURT: All right. All right, ladies and gentlemen. What's going to happen now is the clerk's office, assuming the software works properly, is going to create a random list that will contain some of your names. And then your name is on the list, it will be called, the lawyers will have -- you'll come up to the front, face the back of the room, and the lawyers will make a decision as to whether they want you to serve on the jury or not.

If the software doesn't work properly, we are prepared to go old school and pull your names out of little capsules that have been prepared at random. That's the way it was done for years. There used to be a big drum in this courtroom with a crank. Some of y'all may have served on a jury

before, some of y'all may know local legend Bubba Davis, who was in charge of turning that drum for years. Computers have cost him his job as jury selection assistant; I'll give him that title.

But anyway, if the software doesn't work right, we'll have to go back to those -- to that manner. But -- so we're going to be at ease for a few moments while the list is generated. If the list can't be generated, we'll go at random. All right. Strikes will be five and ten.

MS. PIERCE: Thank you, Your Honor.

(Pause.)

THE COURT: The fact that it's printing means everything worked properly. Let me see the lawyers up front.

(Off-the-record conversation held at sidebar.)

(Back on the record.)

THE CLERK: Ladies and gentlemen, if I call your name, as the judge said, come down the center here, come right up to where the mic is, turn around, and face the two tables. I'm going to ask each one of them a question, and then we'll give you other instructions. Everybody got it? Okay. All right. Number 181, Jan L. Poynter. If you'll come just right up here, turn around, and face the tables. All right. What says

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the State?

MS. PIERCE: Please excuse this juror.

THE CLERK: You may have a seat back in the jury pool, ma'am. Thank you. Number 235, Lysandra G. Walker-McCray. Come right up, just turn around right there. What says the State?

MS. PIERCE: Please present this juror.

MR. WILLIAMSON: Please excuse this juror.

THE CLERK: You can have a seat back in the jury pool, ma'am. Thank you. Number 210, Mark D. Sheppard. What says the State?

MS. PIERCE: Please present this juror.

MR. WILLIAMSON: Please present this juror.

THE CLERK: Okay. Go over to the bailiff, sir, and have a seat in the jury box.

THE JUROR: Can I get my jacket?

THE CLERK: Just tell him where your jacket is, and he'll get it. Barney, get his jacket for him, please.

THE COURT: Folks, when your name is called, you need to assume that you might end up sitting in this box over here, so bring your personal belongings with you. You may not get picked, but you might, so.

THE CLERK: Number 154, Penelope D. Miller. What says the State?

MS. PIERCE: Please present this juror.
THE CLERK: The defense?
MR. WILLIAMSON: Please present this juror.
THE CLERK: Go over to the bailiff, ma'am. Thank you. Number 167, John A. Murray. What says the State?
MS. PIERCE: Please present this juror.
THE CLERK: The defense?
MR. WILLIAMSON: Please present this juror.
THE CLERK: Go over to the bailiff, sir. Go right over to the bailiff. Thank you. Number 224, Dixie D. Stukes. What says the State?
MS. PIERCE: Please present this juror.
THE CLERK: The defense?
MR. WILLIAMSON: Please excuse this juror.
THE COURT: You can have a seat back in the jury box. Thank you. 219, Cynthia S. Smoak. What says the State?
MS. PIERCE: Please present this juror.
MR. WILLIAMSON: Please excuse this juror.
THE CLERK: You can have a seat back in the jury box, ma'am. Thank you. Number 150, Matthew J. McLeod. What says the State?
MS. PIERCE: Please present this juror.
THE CLERK: The defense?

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MR. WILLIAMSON: Please present this juror.

THE CLERK: Go over to the bailiff, sir. Number 141, Linda C. McBride. What says the State?

MS. PIERCE: Please excuse this juror.

THE CLERK: You can have a seat back in the jury box, ma'am. Thank you. Number 29, Geneva Burgess. What says the State?

MS. PIERCE: Please present this juror.

THE CLERK: The defense?

MR. WILLIAMSON: Please present this juror.

THE CLERK: Go over to the bailiff, ma'am. Thank you. Number 184, Sandra V. Prince. What says the State?

MS. PIERCE: Please present this juror.

THE CLERK: The defense?

MR. WILLIAMSON: Please present this juror.

THE CLERK: Have a seat in the jury box. Number 132, Marquez T. Lemon. What says the State?

MS. PIERCE: Please excuse this juror.

THE CLERK: You can have a seat back in the jury box, sir. Thank you. Number 138, Susan D. Lyda. What says the State?

MS. PIERCE: Please present this juror.

THE CLERK: The defense?

MR. WILLIAMSON: Please excuse this juror.

THE CLERK: You can have a seat back in the jury box. Number 207, Hettie P. Rutland. What says the State?

MS. PIERCE: Please present this juror.

THE CLERK: The defense?

MR. WILLIAMSON: Please excuse this juror.

THE CLERK: Number 192, Betty L. Ragin. What says the State?

MS. PIERCE: Please present this juror.

THE CLERK: The defense?

MR. WILLIAMSON: 192?

THE CLERK: Yes, 192.

MR. WILLIAMSON: Please present this juror.

THE CLERK: Have a seat in the jury box, ma'am. Number 70 -- excuse me. Number 232, Robert J. Tisdale. What says the State?

MS. PIERCE: Please present this juror.

THE CLERK: The defense?

MR. WILLIAMSON: Please present this juror.

THE CLERK: Go over to the bailiff, sir. Thank you. Number 75, Tracy W. Geddings. What says the State?

MS. PIERCE: Please present this juror.

THE CLERK: The defense?

MR. WILLIAMSON: Please excuse this juror.

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THE CLERK: Thank you, sir. Number 82, Charles E. Goff. What says the State?

MS. PIERCE: Please present this juror.

THE CLERK: The defense?

MR. WILLIAMSON: Please present -- please excuse this juror.

THE CLERK: Number 147, Lynn A. McKenzie. What says the State?

THE COURT: Mr. Goff, we ---

THE JUROR: I need to use the restroom.

THE COURT: I need to know where all the jurors are.

THE CLERK: What says the State?

MS. PIERCE: Please present this juror.

MR. WILLIAMSON: Please excuse this juror.

THE CLERK: Number 197, Brady J. Rice. What says the State?

MS. PIERCE: Please excuse this juror.

THE CLERK: Number 86, Misty R. Green. What says the State?

MS. PIERCE: Please present this juror.

THE CLERK: The defense?

MR. WILLIAMSON: Please excuse this juror.

THE CLERK: Number 23, Sharon E. Morris.

THE JUROR: I'm 162.

THE CLERK: I'm sorry. What did I say?
THE JUROR: Twenty-three.
THE CLERK: I'm sorry, 162. I was looking at the list.
THE JUROR: Is it me?
THE CLERK: Yes, ma'am, come on up, 162. I'm sorry. I was looking at another number. What says the State?
MS. PIERCE: Please present this juror.
MR. WILLIAMSON: Please excuse this juror.
THE CLERK: Okay. Thank you, ma'am. Number 160, Jacqueline E. Morant. What says the State?
MS. PIERCE: Please present this juror.
THE CLERK: The defense?
MR. WILLIAMSON: Please present this juror.
THE CLERK: Go over to the bailiff, ma'am. Thank you. Number 221, Willette R. Spann. What says the State?
MS. PIERCE: Please present this juror.
THE CLERK: The defense?
MR. WILLIAMSON: Please present this juror.
THE CLERK: Go is over to the bailiff. Number 115, Dante A. Jones. What says the State?
MS. PIERCE: Please excuse this juror.
THE CLERK: You can have a seat back in the

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jury pool, sir. Number 209, Holli R. Shanz. What says the State?

MS. PIERCE: Please present this juror.

THE CLERK: The defense?

MR. WILLIAMSON: Please present this juror.

THE CLERK: Go over to the bailiff. Number 98, Joshua B. Hickman. What says the State?

MS. PIERCE: Please present this juror.

THE CLERK: The defense?

MR. WILLIAMSON: Please present this juror.

THE CLERK: Have a seat in the jury box. Number 136, Mattie Mae Logan. What says the State?

MS. PIERCE: Please present this juror.

MR. WILLIAMSON: These are alternates?

THE CLERK: Alternates.

MR. WILLIAMSON: Do we have any strikes?

THE COURT: We do.

MR. WILLIAMSON: Please excuse this juror.

THE CLERK: Number 213, Sadie Sims. What says the State?

MS. PIERCE: Please present this juror.

MR. WILLIAMSON: Please present this juror.

THE CLERK: Please have a seat right there, and that will be your seat forever. Number 62, Richard C. Evans, Jr. What says the State?

MS. PIERCE: Please present this juror.

MR. WILLIAMSON: Please present this juror.

THE CLERK: And that will be your seat right behind her, forever and ever.

THE COURT: All right. Ladies and gentlemen of the jury, you will serve as the jury in this case, and we are going to start this trial momentarily. But y'all have probably been in this room about an hour -- almost an hour and 25 minutes. It's probably a good idea for us to all take a brief recess before we get started, and we're going to roll right into it.

Y'all are going to get tired of hearing me say this, but I have to say it every time I send you out of the room. You haven't heard any testimony in this case, so it wouldn't be proper for you to discuss anything about this case while you're in the jury room. So don't discuss it; certainly, don't begin your deliberations. You can talk about anything in the world; talk about the fact that winter has returned, talk about the basketball tournament, whatever, just don't talk about this case because the evidence will come to you from this witness stand or any exhibits.

You haven't heard anything but the indictments, and that's just allegations at this point. So if you would go to your jury room, we'll get you back

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out here in a few minutes after everybody has had a chance to take a brief break. So you go -- follow the bailiffs to the jury room, and we'll get you back out here in a moment.

(The jury exited the courtroom at 10:23 a.m.)

THE COURT: All right. Ladies and gentlemen, those of you that are in the gallery, you have not been selected as a juror in this case. But that doesn't mean that you might not get a chance later in the week. I'm going to excuse you for the balance of today. You can go back to your business as usual, and instruct that you call the number that you were given in your juror information packet.

There'll be a message on the machine tonight after six o'clock. It'll tell you what we need you to do, to either report back at a certain time, to either call back at a certain time, or that you've been excused for the week. So if you would call that number after six o'clock tonight, you'll receive further instructions. I want to thank you for being here today, and you are free to go.

(Recess taken.)

(Back on the record.)

(State's Exhibit Nos. 1 through 6 were premarked for identification.)

(Defendant's Exhibit Nos. 1 through 6 were premarked for identification.)

THE COURT: Thank you. Please be seated. All right. Anything before we bring in the jury?

MS. PIERCE: Nothing from the State.

MR. WILLIAMSON: Nothing from the defense, Your Honor.

THE COURT: All right. I will bring them in, I will make my preliminary remarks to them, and then we'll proceed straight into opening arguments -- opening statement. All right. Bring us the jury, please.

(The jury entered the courtroom at 10:43 a.m.)

THE COURT: All right. Ladies and gentlemen, we are back to begin the trial of the case of the state of South Carolina versus John A. Welch, Jr. And give me your attention here for a few moments as I make my opening remarks to you.

Ladies and gentlemen, before we begin the trial, I'm going to tell you that this trial probably will be different from what you might expect. Many people don't have a chance to attend actual court sessions, as you are doing now, and may think from watching television or reading books that trials are always full of high drama, intense action, and riveting circumstances.

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While all of these things may be true at times, this trial is not for entertainment; it's the fundamental part of our democracy. And trials are often slow, deliberate, and repetitive, the opposite of what you may have seen on TV or read in books. This courtroom is a place of honor, dedicated to the protection and the preservation of citizen's rights, and what many have called, the greatest justice system ever created.

The attorneys who appear before you are advocates for the parties they represent. But, first and foremost, they are officers of the court, sworn to uphold the integrity and fairness of our judicial system. You should expect them to be professional, competent, and ethical in the representation of their client's interest. Remember, that you have taken an oath to try this case and reach a fair verdict, and you are also expected to be professional, reasonable, and ethical. Thank you for accepting the important responsibility of jury service and for your contribution today to our justice system. Madam Clerk, if you would go ahead and swear the jury, please.

THE CLERK: All right. Ladies and gentlemen of the jury, please stand and raise your right hand.

(Whereupon, the jury panel was duly sworn.)

THE CLERK: Thank you. You may be seated.

THE COURT: Ladies and gentlemen, what I will say now is intended to serve as an introduction to the trial of this case. These remarks are not a charge on the law in this case. I will instruct you about the law which is applicable to this case at the end of the trial before you retire to consider your verdict. This is merely an explanation of the procedure that we'll follow in the trial of this case so that you may better understand what may be happening.

The Defendant is charged by two indictments filed with this court, with the crime of criminal sexual conduct with a minor in the second degree, the elements of which will be explained to you later. As I stated before, the indictment is simply the charge by which the case is brought into court and is not, in any sense, evidence of the allegations these indictments contain.

The Defendant has pled not guilty to these indictments. The State, therefore, has the burden of proving each of the elements of the indictment beyond a reasonable doubt. And your duty, ladies and gentlemen, is to decide whether the State has met that burden. Your purpose as jurors is to find and determine the facts. You are the sole judges of the facts, and any time I make any comment regarding the facts,

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you must disregard it.

You are to determine the facts from the testimony you hear and the other evidence introduced in court. It is up to you to determine the inferences which you may feel properly may be drawn from the evidence. It is especially important that you perform your duty of determining the facts diligently and conscientiously because, ordinarily, there's no way to correct an erroneous determination of the facts by the jury.

On the other hand, and with equal emphasis, the same law that makes you the judges of the facts, makes me the judge of the law. The law as given by the Court is the only law you may consider. You must accept and follow it, even though you may disagree with it. I cannot tell you what the facts are, and you cannot disagree with me about what the law is, or what it should be. Your job is to take the law, as I give it to you, and apply it to the facts as you find them from the testimony of the witnesses and any other evidence that is introduced. After doing that, you'll render a verdict under the solemn oath that you just took as jurors.

Until I advise you to begin your deliberations, you must not discuss this case with

anyone, including your fellow jurors, friends, family members, and anyone involved in the case. This includes discussions face-to-face and those by telephone, e-mail, text, or any other method of communication. You may not use a computer, cellular phone, or other electronic devices with communication capabilities at any time while in the courtroom or during your deliberations.

During your breaks, in the evenings and for meals, you may use those devices. However, you may not, at any time, use these devices to get or send any information about the case. This includes information about a party, a witness, an attorney, a court officer, news accounts about this case, research any topics raised, or any topics you think would be helpful in deciding the case, or any testimony presented by a witness.

During the trial, do not read, listen to, or watch any news reports about this case. This includes anything that may be in the newspaper, on the internet, radio or television. You must not consider anything you may have heard or read about this case outside of the courtroom, whether before or during the trial.

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

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jurors. The attorneys and parties in this case have been advised that they are not to talk to you at all, so if you see anyone involved in this case, and they do not even say hello to you, they aren't being unfriendly or rude; they are just following my instructions. It's important that you keep an open mind and not decide any issue in the case until all of the evidence has been presented, parties have made their closing arguments, and I have instructed you on the law in this case.

It is your solemn responsibility to determine the guilt or innocence of the Defendant, and your verdict must be based solely on the evidence, as it is presented to you during this trial, and on the law, as I instruct you, during and at the close of the trial.

In just a moment, the solicitor will make what is called an opening statement, in which the solicitor will explain to you the issues in this case, or at least what the solicitor thinks the issues are in this case. The attorney for the Defendant may also make an opening statement, although he is not required to do so. What the attorneys tell you during their opening statements is not evidence in this case; it's only their contention as to what the issues are.

Evidence in this case will be presented

to you by the testimony of the sworn witnesses from this witness stand and/or by exhibits that may be introduced into evidence.

From time to time during the trial, you may hear one of the lawyers say something like, Your Honor, I believe we have a question of law or a matter of law to discuss with you, or Your Honor, may we approach the bench? Or sometimes, I myself, might find it necessary to excuse you from the courtroom for a short while so the attorneys and I can discuss a matter of law. The reason for this is because you are the judge of the facts in this case, and sometimes when I'm discussing matters of law with the attorneys, it may be necessary for me to make some comment as to the facts in connection with ruling on whether or not a particular law applies. I'm not supposed to tell you what I think the facts are, so I'll excuse you from the courtroom while these discussions take place, so that in no way will you be influenced by anything that I might say or do in connection with the facts.

In determining what the facts are in this case, you must decide whether or not the testimony of the witnesses is believable. It will be my responsibility to rule as a matter of law as to whether certain testimony is admissible or not, but once

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the testimony is admitted, whether or not you believe it, is solely for you to determine.

In determining whether to believe a witness, you have the right to consider the interest of any witness, the bias of any witness, the prejudice of any witness, the opportunity for the witness to have seen the matters and things about which the witness may testify, and the way the witness acts on the witness stand. You have a right to consider anything that is in the record that will help you evaluate the testimony of the witness.

That means it is your duty to pay close attention to these witnesses, to observe the witnesses, to listen to the witnesses, and to pay close attention to the attorneys, and to the Court. Don't let your minds wander and give strict attention to the testimony in this case, so that at the end of all the testimony, after the arguments of counsel, and charge on the law by the Court, you'll be in a position to determine what the facts are and apply the law to those facts, and thus, render a verdict.

Ladies and gentlemen, in order to preserve everyone's rights, I will give the parties an opportunity to object to anything I have said. Any exceptions to anything I have said to the jury

from the State?

MS. PIERCE: No, Your Honor.

THE COURT: From the defense?

MR. WILLIAMSON: No, Your Honor.

THE COURT: All right. We will now begin the trial. Ms. Pierce.

MS. PIERCE: Thank you, Your Honor.

Do you know I just took your virginity? Those were the words that John Allen Welch told K.F. on a dirt road in his girlfriend's car. K.F. was 14 years old. In a few minutes, K.F. is going to take the witness stand, and she's going to tell you her story. She's going to tell you her story of how she was a shy, young lady, 14. Never had a boyfriend; never been kissed.

A friend of the family comes into her life. She meets him; she thinks he's nice looking; she gets a crush on him. She never thought they would be together at that time. He's an older man. She's going to tell you how that relationship evolved over time, and how she became convinced that he loved her, and how she became convinced they're going to end up together. You're going to hear from the mom and the dad, and they're going to tell you what they heard, what they thought, what was going on. And you'll hear from her brother as well.

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The Bible and Aesop Fables they warn us about the wolf in sheep's clothing. For those of you old enough to remember Looney Tunes, Wile E. Coyote, although not a wolf, he constantly tried getting into the pasture. He would dress up and try to fool the sheep. As you go through the trial, and you're listening to the testimony from the evidence -- from the witness stand, I want you to think about that. Think about people that come into our lives, and on the face of it, they're a friend. That's on the outside.

But on the inside, there's another motive, there's a darker side. And as that sheep morphs into the wolf, then I want you to think about that through the lies, through the deceit, all in order to get control.

And I'm not going to go into what they're going to tell you, I want you to listen hard. Listen for the lies; listen for John Allen Welch, Jr.'s lies; listen for the lies that others may have told just so they could be with him; listen to the deceit. Listen for the deception, not just on his part, but the deception that she later engaged in so they could meet up and be together. And then, finally, for the control, how he was able to convince a 14 year old, because they loved each other, it was okay to have sex on that dirt

road; 26, 14.

An old lawyer used to tell this story, and when I say old, I do mean old. He would be dated by this story, but I find that this story is powerful, and I ask you to think about this story and take this story with you into the jury room when you come together as one to deliberate.

The old attorney, he grew up poor, and his classmates and he, will tell the story of how one day he got off the bus, and there was a mud puddle in the rain. And as he and his classmates were going down the dirt lane, they approached that mud puddle, and in that mud puddle he saw a shiny nickel. Back then, that nickel was worth a lot of money, and he wanted that nickel, and he thought in his head as soon as he saw it, what he might buy with that nickle.

But before he could go pick it up, his other classmates didn't see the nickle, they ran straight through it. What happens when you run through a mud puddle? The dirt, the mud, starts to swirl, and the water gets murky, and you could lose sight of what's in the mud puddle. He lost sight of that nickel. He said as he stood there, he couldn't see the nickel, but he knew it was there.

I ask you to think about that as you listen

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throughout this trial, and as you go back in there, because there may be things that you hear that you might not like, you might not agree with, you might question some of the parenting decisions in this case, you might question some of the personal decisions made by people in this case, but don't lose sight of the nickle. The fact remains that the Defendant, John Allen Welch, Jr., is the one on trial; that's the nickel. Don't let the water get too murky that you lose sight of that.

Ladies and gentlemen, I am confident that when you go in there and you come together as one and you deliberate, you will render two guilty verdicts beyond a reasonable doubt that John Allen Welch is guilty of criminal sexual conduct in the second degree with a 14 year old, and then again when she was 15. Again, ladies and gentlemen, don't lose sight of the nickel; 26, 14. Thank you.

THE COURT: Thank you, Ms. Pierce. Mr. Williamson.

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

THE COURT: Yes, sir.

MR. WILLIAMSON: Members of the jury, first, I want to thank you for being here today. What you're here to do is one of the most important, if not the most

important, task in our criminal justice system. Now, I imagine that when you got that summons, you probably didn't want to have to respond, probably didn't want to have to be here, you'd probably rather be doing other things. But the service you're going to provide over this trial is invaluable, and I thank you for that. I thank you for responding to the summons, and I thank you for taking your civic duty seriously.

Members of the jury, now you looked at these numbers, I know you just heard what Ms. Pierce had to say. But there's something very important that you need to keep in mind throughout the facts of this case. It's not my responsibility, and it's not my client's, Mr. Welch's, responsibility to prove that he's innocent. In fact, we don't even have to put up a witness.

Members of the jury, it's the responsibility of the State to prove beyond a reasonable doubt. I want you to keep in mind those two words throughout this trial. Reasonable doubt. It's their responsibility to prove beyond a reasonable doubt that my client performed the crimes in which he's charged with. He doesn't have to prove he's innocent; he doesn't have to put up a case at all.

Because at the end of the State's case in chief, if you believe they have not proven beyond

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a reasonable doubt Mr. Welch is guilty of criminal sexual conduct in the second degree with a minor, if they have not done that, it's your responsibility to bring back a not guilty verdict and acquit my client.

Now at the end of this case, the judge will charge you on the law, but I just want to give you a definition very quickly to keep in your mind throughout this trial. I want you to think about that as the State puts up witnesses on the witness stand and then provide testimony. Reasonable doubt is defined as a kind of doubt that would cause a reasonable person to hesitate to act. It's a doubt for which you could give a reason. If there is any other reason that you can put in your mind that would show my client is not guilty ---

MS. PIERCE: Objection, Your Honor.

THE COURT: Y'all approach.

(Off-the-record conversation held at sidebar.)

(Back on the record.)

MR. WILLIAMSON: Members of the jury, if there's any reasonable reason you can put in your mind that my client is not guilty, you must bring back a verdict of acquittal, is what the law says, and what I believe will happen in this case.

Members of the jury, we expect that you will

hear testimony from the witness stand today. But what I also expect is that you won't see any physical proof. You won't see any medical reports; you won't see anything from a doctor's office; you won't see any of those things. All you're going to hear is the testimony of a little girl and the testimony of her mom and her family members saying that my client is guilty. I think that's very important. There's nothing that you will see today physically that will show that my client committed these crimes.

I thank you for your time; I thank you for you paying attention to the witnesses and the evidence as it's produced, and I thank you for being here. Thank you.

THE COURT: Thank you, Mr. Williamson. Ms. Pierce, call your first witness.

MS. PIERCE: Thank you, Your Honor. At this time, the state of South Carolina calls [redacted] to the stand.

THE CLERK: Raise your right hand, place your left hand on the Bible. Repeat your name, please.

THE WITNESS: [redacted].

MS. [redacted] was called as a witness, being duly sworn, was examined and testified as follows:

THE CLERK: Thank you, ma'am. Adjust this

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mic so you can speak right into it.

DIRECT EXAMINATION

BY MS. PIERCE:

Q. K.F., if you would, state your name and spell it for the record.

A. K.F., K.F..

Q. K.F., how old are you?

A. I'm 18.

Q. When is your birthday?

A. [redacted], 2004.

Q. If you will, tell the jury a little bit about yourself. Where are you from?

A. I'm from Lake City Scranton area.

Q. And where do you live today?

A. I live in Turbeville.

Q. What county is that?

A. Clarendon.

Q. Do you have any hobbies?

A. I used to play softball; I played for seven years.

Q. What happened with softball?

A. I broke my foot, so I do not play anymore.

Q. Are you currently in school?

A. Online school, yes.

Q. On what?

A. Online school.
Q. Online school. What grade are you in?
A. I'm in 12th.
Q. What do you want to do when you get out of school?
A. I want to go to college to be a certified medical assistant.
Q. If you will, tell us about your family.
A. Well, my parents are divorced, so I have a stepfather and a stepmother. They -- my stepmother has two kids, and my stepfather, there's also two kids.
Q. What is your mother's name?
A. My mother's name is Laura.
Q. Last name?
A. Driggers.
Q. And what about your stepfather?
A. Joseph Driggers.
Q. And your dad?
A. John Floyd.
Q. And his wife?
A. Darlene Floyd.
Q. And you have siblings?
A. Yes.
Q. Tell us about your siblings.
A. I have two older brothers, Logan Floyd and Landon

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[ph.] Floyd.

Q. Who's older?

A. [redacted]

Q. And how would you describe your relationship with your brothers?

A. We were all really close when I was younger. I went everywhere with [redacted] and [redacted] growing up. We just did everything together.

Q. You said your parents are divorced?

A. Yes.

Q. Who do you live with?

A. I live with my mother and my stepfather.

Q. How far away is your father's house?

A. It's right across the yard.

Q. So you can walk to your dad's?

A. Yes.

Q. Kaelin, do you know John Allen Welch, Jr.?

A. Yes.

Q. And by what name do you know him and call him?

A. I know him as Woody.

Q. How did you meet Woody?

A. I met him at the Country Store with my mom and my stepfather.

Q. Where's the Country Store?

A. The Country Store is off 378 going towards

Sumter, or going towards Turbeville, just depends which way you're coming.

Q. Tell us about that first meeting.

A. It was December 24th of 2017. I went to the store with my mom and Ms. Tress [ph.] and my stepfather. And Woody and his girlfriend, Courtney, they were there. Courtney was pregnant at the time with Minor. And I remember walking in, and mama and Ms. Tress had seen him and wanted to sit down, I guess, to talk with him for a little bit.

So, I was really -- I was shy all the time, so I didn't say much. But I asked mama if I could get, like, Dippin' Dots. So she told me to walk up and go get them. So, I did, but I didn't have a spoon to eat them with, and she told me where the spoons were, but I was too shy to get up again to get a spoon for me to eat my Dippin' Dots, and then Woody stands up and goes and grabs me a spoon. I was so shy that I wouldn't even take the spoon from him.

Q. Were you shy just for Woody, or shy in general?

A. Shy in general.

MS. PIERCE: One moment, Your Honor.

THE COURT: Yes, ma'am.

BY MS. PIERCE:

Q. So you were shy in general?

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A. Yes.
Q. How old were you?
A. I was 13.
Q. Have you ever had a boyfriend?
A. No.
Q. Have you ever been kissed?
A. No.
MR. WILLIAMSON: Objection, Your Honor, as to relevance.
THE COURT: Overruled.
BY MS. PIERCE:
Q. When you first saw the Defendant, what did you think?
A. I thought he looked good, I guess, like, good-looking. I was young.
Q. And you mentioned Courtney. Who is Courtney?
A. Courtney is his girlfriend.
Q. Is Courtney in the courtroom today?
A. Yes.
Q. Can you point her out, please.
A. (Indicating.) Right there.
Q. Striped shirt. All right. So you met Woody. What happened next?
A. They just started coming around more. And then after Courtney had Minor, I would babysit

a lot, me and my mama would. I watched Minor all the time.

Q. Did Minor have a special name for you at first?

A. Like, what do you mean?

Q. What did Minor call you?

A. Sometimes he would mess up and call me mama.

Q. Did you spend a lot of time with him?

A. Yes.

Q. And then, in addition to mama, what did y'all transition to?

A. K.K.

Q. K.K. You said they would come over more?

A. Yes.

Q. Who are they?

A. Woody and Courtney and Minor.

Q. And where would they come?

A. They would come to my house.

Q. Okay. And who would they come to see?

A. Me, my brothers, my mother, and my stepfather.

Q. How often would they come over?

A. Mostly on the weekends at first, and then a couple of times a week at night.

Q. At some point, you and the Defendant started communicating through electronic means. Can you tell the jury how that came about?

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MR. WILLIAMSON: Objection, Your Honor, as to leading.

BY MS. PIERCE:

Q. Could you please tell the jury how you began communicating with the Defendant?

A. It was one night, we were having, like, a little fire outside, and it was me, my mother, my oldest brother Logan, and Woody. And Courtney had just laid Minor down inside because he wouldn't sleep because it was kind of late, and he was still pretty young. And Woody couldn't figure out how to get back into his Snapchat, so I knew how to, like, recover his password. So, I helped him get his password fixed, and that's the night when he added me, my brother, and my mom to Snapchat.

Q. Can you please tell the jury what Snapchat is?

A. Snapchat is this app that you can communicate with others on, whether or not you're just chatting, or just taking selfies back and forth, or just regular pictures, to send to one another.

Q. What happened in February 2019?

MR. WILLIAMSON: Objection, Your Honor, as to leading.

THE COURT: Overruled.

BY MS. PIERCE:

Q. What happened in February 2019?

A. In February, we were at my daddy's house -- well, it was me, Woody, my daddy, and Miss Darlene. We were outside. My daddy was cooking something on the grill, and we had kind of came over. Well, we listened to a little bit of music, and then it was getting late, so daddy and Darlene wanted to go inside to go to bed.

And -- well, I didn't feel like walking all the way over to my house because it was dark, and I did not like the dark. So, I just got in the truck with Woody, and he drove us over there. And as I was getting out, he looked at me and told me he loved me like a girlfriend.

Q. Did you have a crush on him at this time?

A. Yes.

Q. Do you think he knew it?

A. I think he kind of did.

Q. Was he with Courtney?

A. Yes.

Q. Okay. If you will, if you'll step down, and this is just for demonstrative purposes. This is not to scale. Can everybody see? K.F., could you please tell the jury what this is a picture of?

A. This is a picture of where I live.

Q. Can you show the jury where your dad lives?

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A. (Indicating.) My dad lives right here.
Q. And where do you live?
A. (Indicating.) I live right here.
Q. And where did the Defendant end up moving to?
A. (Indicating.) Right here.
Q. Thank you. Had you told Woody in February of 2019 that you liked him?
A. Not that I can remember.
Q. All right. What happened after that night?
A. We were just kind of talking a little bit, like, normal conversation wise.
Q. In person?
A. In person, yes.
Q. Electronically?
A. Yes.
Q. What happened next?
A. Next was when he kissed me.
Q. Tell the jury about that.
A. It was March of 2019, and I was outside playing softball, like I usually do around that time, because I used to love it. And -- well, we had this old, like, fenced cage thing that we had put up, and I was practicing pitching to it. And, well, Woody drove up, and I guess, he came back from, like, the Country Store or something. I'm not really sure where he came back

from.

But he pulled up to my house and got out the truck, and he came over to where I was at. And he asked me what I was doing, and I told him that I was just playing with the softball and stuff. And I had, like, my extra glove on the ground beside me, so he picked it up and was helping me with it at first, and then he asked me ---

MR. WILLIAMSON: Your Honor, I'm going to object to hearsay. It's an out-of-court statement that won't prove the truth of the matter. She's about to testify to what my client allegedly would have said that day.

MS. PIERCE: Your Honor, the Defendant's statements are admissible.

THE COURT: Objection is overruled.

MS. PIERCE: Thank you, Your Honor. Continue with your story.

BY MS. PIERCE:

A. Then, he asked me if I wanted to go to the little red -- down the road in Turbeville to go, like, actually a field to practice, so I said, yeah. And I went inside and asked mama if it was fine, and she said that's fine, and I went and grabbed all of my softballs, my bat, and my gloves, and I went and put them in his truck,

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and I got in.

And then once we left, he ended up going on Welch [ph.] Dirt Road first and because -- he just, I guess, wanted to just go down. But it rained, like, a couple of days prior to it, so we ended up walking down, and he ended up calling one of his friends to come pull us out. And when we got pulled out -- well, the truck was all covered in mud and muddy, so he wanted to wash it, so we went by the car wash first.

And after he washed the truck off, then he wanted to go to the horseshoe dirt road. And -- well, how the dirt road is, you can go -- like, the way we came in, you could go this way, and you keep going, or there's a way that you can go. Well, he -- I was looking out the window the whole time because that's what I always used to do. When I was bored, I would just look out the window.

And we got to, like, the little middle of the road, like a fork in the road right there, the dirt road, and he just stopped. And I'm still kind of in my own little world just looking out the window, and he's just sitting there, and all of a sudden he says, you know what, F this, and he grabs my face then pulls me and tongue kisses me.

Q. What was that?

A. And he kisses me.
Q. You said he used his tongue?
A. Yes, he used tongue. And I was just kind of sitting there because I've never been kissed before. So it was all -- like a shock to me. So, I was just kind of almost, like, frozen there.
Q. Had you talked about kissing him prior to this day?
A. Not that I can remember.
Q. Prior to this day, were you flirting with each other a little bit?
A. A little bit.
Q. How so?
A. He would just sometimes call me, like, pretty or something.
Q. How did that make you feel?
A. It made me feel good in a way.
Q. What happened after he kissed you on the dirt road?
A. We left and -- well, once we made it back to the paved road, we came up to the stop sign right there before you have to turn, and he kisses me again. So he grabbed my face and tongue kisses me again, and then nothing was really said or anything that I could remember. And when we were pulling up, we got

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to my house, and was pulling down my driveway, and he does it, like, one last time. He grabs me by my face, and he tongue kisses me again, and told me as we we're pulling up that I can't go in and say, ha, ha, I just kissed your boyfriend to Courtney.

Q. Was Courtney inside?

A. Yes.

Q. How many times did he kiss you that night?

A. That night, three.

Q. What happened after that?

A. We were talking a little bit.

Q. Were you communicating electronically?

A. Yes.

Q. And what app or apps were you using?

A. Snapchat, mainly.

Q. Can you tell the jury what the significance of using Snapchat is?

MR. WILLIAMSON: Your Honor, I'm going to have to object because that might get into -- it's -- sorry, Judge. What might be significant to her, might not be significant to others. I think that's just a difficult question.

MS. PIERCE: Your Honor, I can rephrase.

BY MS. PIERCE:

Q. Can you please tell the jury what the

significance was to use Snapchat to communicate with Woody?

A. So messages couldn't be recovered.

Q. Were the two of you still flirting a little bit?

A. Yes.

Q. Did it escalate?

A. Yes.

Q. How so?

A. Um, um ---

Q. Did he ask you to do anything specifically electronically?

A. He -- we sent pictures back and forth.

Q. What kind of pictures?

MR. WILLIAMSON: Objection, Your Honor. There's no -- there's nothing been so far laid -- there's nothing in evidence to suggest that any types of pictures were sent between the two parties.

MS. PIERCE: Your Honor, may I ---

THE COURT: That's overruled. The jury can determine the credibility of the evidence.

MS. PIERCE: Thank you.

BY MS. PIERCE:

Q. K.F., what kind of pictures?

A. Nude pictures.

Q. Nude?

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A. Yes.
Q. Who sent the first picture?
A. I'm pretty sure he did.
Q. And what was it of?
A. Of his penis.
Q. Did you send pictures back?
A. Not right away.
Q. How long?
A. Um ---
Q. How did you feel about him at this point?
A. Ma'am?
Q. How did you feel about the Defendant at this point?
A. I thought I loved him.
Q. Did you think he loved you?
A. Yes.
Q. Did you think that you were in a relationship?
A. In a way, yes.
Q. Can you explain why you thought that?
A. Because, I guess, how he made me feel. In a way, he kind of made me feel, like, loved.
Q. Did he tell you he loved you?
A. Sometimes, yes.
Q. Did he make any promises?
A. Yes.

Q. What were they?
A. He used to promise that once I turned 18, that me and him would be together, or that he just promised anything really.
Q. What happened in April 2019?
A. In April of 2019 ---
Q. Let's slow down. How old were you?
A. I was 14.
Q. Do you remember what day of the week it was?
A. No.
Q. Do you remember giving a date to law enforcement and others?
A. I remember giving April 10th.
Q. And why April 10th?
A. I don't know. It was just a date that kept sticking in my head.
Q. Was April 10th the correct date?
A. I'm not 100 percent sure, but I know it was in April.
Q. It was an April date?
A. Yes.
Q. 2019?
A. Yes.
Q. Do you remember if it was the weekend or a workday?

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A. I want to say it was the weekend, but I'm not 100 percent sure.

Q. And on the date that we're talking about, do you remember what time of the day it was?

A. It was pretty late at night. It was probably around, like, 8:30 or nine-ish at night.

Q. Okay. Tell the jury what happened. Where was mom?

A. Mama and Courtney and Minor had run, I guess, to Wal-Mart in Lake City real quick. I didn't feel like going with them, so I stayed home. And shortly after they had left, Woody had pulled up. I was home with my stepfather, Mr. Joseph, and my brother Logan. And I remember Woody pulling up, and I was kind of doing my own thing at 14. I was just on my phone the whole time, and he Snapped me, and asked me if I wanted to go riding with him to go talk, so I said sure.

And once mama and Courtney got back because they were in her car, and I guess, he wanted take her car, Courtney's car. So once they got back, he told me to ask mama if it was fine, and mama said, yeah, it was fine, just don't be too late because we told her that we were going to go around the block. And we ended up going to the Welch Dirt Road and ---

Q. How far is the Welch Dirt Road from your house?

A. It's, like, two, three, maybe five minutes at the most, not far at all.

Q. What county is Welch Dirt Road again?

A. In Clarendon.

Q. So you get to Welch Dirt Road. What happened?

A. We were going down the dirt road, -- a hand kind of playing with himself over his pants. And ---

Q. What do you mean by that?

A. Like, he's kind of, like, playing with his penis and stuff. And I remember it was dark, so we were going on a dirt road, and we got kind of a ways down, and then he turned around and came back so we could be, like, along the treeline, so it would be even darker. And once we stopped, he turned off all lights and everything and -- well, that's when he pulled his penis out his pants and began playing with penis. And ---

Q. What were you doing?

A. I was just kind of sitting there; I was just sitting in the passenger seat.

Q. Did he say anything to you?

A. Not that I can remember.

Q. Did he ask you to have sex?

A. Ma'am?

Q. Did he ask you to have sex?

A. Not that I can remember, not necessarily.

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Q. So what happened?

A. After we parked the car, he did all that, he came over to the passenger seat and told me to, like, slide my pants off, and basically, he got on top, got over me, and put his penis inside my vagina.

Q. Did he do anything before he inserted his penis?

A. Yes.

Q. What did he do?

A. He had put his fingers inside of me, and I remember it hurt.

Q. Have you had sex before?

A. No.

Q. What happened after he put his fingers inside of you?

A. He -- after he did that, that's when he put his penis inside my vagina.

Q. Did he kiss you?

A. He kissed me on my mouth a little bit, but I don't remember him kissing me anywhere else that night.

Q. What happened next?

A. After he -- I guess he felt like he was about to ejaculate, he pulled out, and it went on the floor of the car, or I'm assuming it did because I've never seen it before. So, I was not sure what it was.

But after that, he crawled back over to the driver's seat, and I pulled up my pants, and we were -- he turned on the lights, and we were heading home. And on the way to my house, I remember him saying, you know I just took your virginity, right? And I didn't really say much.

Then, I remember walking inside that night and going to the bathroom because I had to use the bathroom, and I remember wiping and there being blood everywhere, and it scared me. So, I thought I started my period or something, but it wasn't. And I remember just going to bed after that because my stomach was hurting so bad, like, it was just hurting.

Q. Did you tell anybody that night?

A. No.

Q. Why not?

A. I was scared.

Q. What were you scared of?

A. Because he told me that I could never tell anyone because, well, one, they would never believe me, and two, he would kill himself because he would rather kill himself than go to jail.

Q. Is the man that had sexual intercourse with you that night in April 2019, is he in the courtroom?

A. Yes.

Q. Would you please point him out to the jury?

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A. (Indicating.) Right there.

MS. PIERCE: Your Honor, please let the record reflect she pointed at the Defendant at defense table.

THE COURT: The record will reflect. Thank you.

MS. PIERCE: Thank you.

BY MS. PIERCE:

Q. Did you talk to him the next day?

A. A little bit, yes.

Q. What was said?

A. Ma'am?

Q. What was said?

A. Nothing really. He just asked me, like, if I felt different, or if, like, my body felt different, and I didn't know really what that meant, so I just said no, or I don't think so.

Q. Then what happened after that?

A. We just -- I continued to talk with him and stuff.

Q. A little bit or a lot?

A. Ma'am?

Q. A little bit or a lot?

A. A lot.

MR. WILLIAMSON: Objection, Your Honor,

asked and answered. She had answered a little bit, and then the next question was a little bit, or a lot.

MS. PIERCE: She said, ma'am.

THE COURT: Overruled. That's a question for the jury to determine.

BY MS. PIERCE:

Q. How were you communicating?

A. Through Snapchat, on the phone.

Q. Were you told to do anything with the Snapchat messages?

A. Sometimes he -- like, he would tell me to, like, delete them that way so that no one would see them, especially mama, so she wouldn't go through my phone and end up seeing anything. He told me to delete everything.

Q. Was it just Snapchat?

A. Mainly, yes, just Snapchat.

Q. Did you delete other things?

A. Every now and then, he would text me -- and I would delete that, but it was rarely. So it's mainly on Snapchat that we talked through.

Q. Were you still sending nude pictures?

A. Yes.

Q. Did he send them to you?

A. Yes.

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Q. How long though do you think you were having sex after that April 2019 event, throughout the rest of that year, until you turned 15?

A. At first, it started off with, like, once a weekend, and then it started escalating to, like, a couple of times a week at night.

Q. Was he always home during the week?

A. No, not all the time. Sometimes he would be out of town. But if it was around the time he worked at Santee, sometimes he would come over because it was only, like, a 45-minute drive.

Q. How would you get together without anybody knowing?

A. I would sneak out of my house at night.

Q. And go where?

A. I would meet him at, like, one of those little houses that nobody lived in, either right here beside him or behind him.

Q. How did you know to meet?

A. He texted me; he told me where.

Q. During this time, did you love him?

A. Yes.

Q. Did you think he was your boyfriend?

A. Yes.

Q. Did you engage in any other sexual act with

the Defendant?

A. Yes.

Q. Please tell the jury. Did you engage in oral sex?

A. Yes.

Q. Fellatio, which is to the mouth, to the man?

A. Yes.

Q. Cunnilingus, to the female?

A. Yes.

Q. How did he describe your relationship?

A. He would tell everybody I was either, like, a little sister to him, or, like, a daughter to him.

Q. Did you ever get another boyfriend?

A. Yes, when I was 15, a little after.

Q. So were you still having sex with him at the age of 15?

A. Yes.

Q. What county?

A. Clarendon.

Q. Okay. You're 15; you've got a boyfriend. Please tell the jury about that.

A. It was my first boyfriend. Woody had told me that I needed to get a boyfriend to, basically, have sex with so I could be put on birth control, so I couldn't get pregnant.

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Q. What did you do?
A. Ma'am?
Q. What did you do?
A. I had sex with my first boyfriend, and told mama about it so she could go and put me on birth control.
Q. How many times did you have sex with your boyfriend?
A. Once.
Q. Never again? What kind of birth control did you get on?
A. I got ---
MR. WILLIAMSON: Objection, Your Honor. There's nothing in evidence that shows she's -- there's nothing to corroborate any of those things; there's nothing in evidence that would show she's actually on any type of birth control.
THE COURT: Y'all come up here.
(Off-the-record conversation held at sidebar.)
(Back on the record.)
THE COURT: Objection is overruled.
BY MS. PIERCE:
Q. What kind of birth control did you get on?
A. I got put on an IUD.
Q. When you had sex that one time with your boyfriend, did you use a condom?

A. Yes.
Q. Did you use condoms with Woody?
A. No.
Q. What happened after you got the IUD?
A. He still wanted to have sex. Sometimes he would pull out, but sometimes he wouldn't.
Q. Did you ever talk about what would happen if you got pregnant?
A. A little bit. He said that I needed to keep, like, I guess, a boy close by so I could get with in case I do, that way so he could just blame it on him.
Q. He told you that?
A. Yes.
Q. How old were you?
A. I was 15.
Q. Did you ever spend the night with Woody?
A. Yes.
Q. Woody and Courtney?
A. Yes.
Q. Can you tell the jury how you started spending the night over there?
A. With them? Sometimes, I asked to stay over to see Minor and stuff, and I would end up spending the night with him.
Q. Were you still babysitting Minor at this time?

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A. Yes.
Q. Did you ever spend the night when Courtney was not home?
A. Yes.
Q. Tell the jury about how that came to be.
A. When him and Courtney had split for a couple of months, I basically lived with him for a little bit. I cleaned up the house and stuff, or I washed clothes and everything, and would just basically keep his house straight for him.
Q. Was he home?
A. Not during the day; he was at work.
Q. What about during the week at nighttime?
A. Yes, he was home.
Q. What about the weekend?
A. Sometimes, yes, if he didn't, like, go out anywhere.
Q. Did you stay there a little bit or a lot?
A. A lot.
Q. Without Courtney?
A. Yes.
Q. And you would spend the night from sundown -- nighttime to sunup?
A. Yes.
Q. What other reasons did you give, or he gives,

to spend the night?

A. He would tell mama to ask me if I could spend the night so I could wake him up in the mornings for work, so he wouldn't be late.

Q. He asked your mama that?

A. Yes.

Q. Were there any other reasons he gave for you to spend the night?

A. If -- he would have ended up, like, killing himself if he was alone, so I felt that if I was there, he wouldn't have done it.

Q. And your mama gave you permission?

A. Yes.

Q. Who knew that you were spending the night?

A. My mama.

Q. Anybody else?

A. Not that I can remember.

Q. Did your dad find out that you were over at his house?

A. He knew that I was over there, but he didn't know I was staying the night.

Q. What does he do when he found out you were over there?

A. He walked over once, and told me I needed to go home and stuff. And he just talked to me for a little

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bit, and then I think I went home for a little bit that night.

Q. Did you listen to your dad?

A. Not really.

Q. Did anybody else know that you were spending the night over there?

A. Other than my mama and, I think, my oldest brother.

Q. You said you cleaned up?

A. Yes.

Q. Were you playing house?

A. Basically, yes.

Q. Did you think you were the girlfriend?

A. Yes.

Q. Did you think you were going to be together?

A. Yes.

Q. Were you still babysitting Minor whenever Minor came back into the picture?

A. A little bit, not really.

Q. Were you having sex with the Defendant regularly by that point?

A. Yes.

Q. Did he ever ask you to keep it a secret?

A. Yes.

Q. What did he tell you?

A. He told me I could never tell anyone. He made me promise not to tell anyone because if I did, he would have to kill himself. So, of course, I didn't want to say anything.

Q. Did he say why he would have to kill himself?

A. Because he didn't want to -- he would rather kill himself than go to jail.

Q. Did you tell mama about this at any point in 2019 or 2020?

A. No.

Q. Why not?

A. I was scared.

Q. Did you tell daddy in 2019 or 2020?

A. No.

Q. Did you tell Logan?

A. No.

Q. I'm going to show you what's been marked as State's Exhibit 1 for identification purposes. Do you recognize this?

A. Yes.

Q. What is that?

A. That's me and Woody at the Country Store.

Q. Is that photograph an accurate representation taken that day?

A. Yes.

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Q. Where was this photograph found?
A. In my phone.
MS. PIERCE: Your Honor, I would ask that State's 1 be entered into evidence.
THE COURT: Mr. Williamson?
MR. WILLIAMSON: No objection, Your Honor.
THE COURT: State's 1 is admitted without objection.
(State's Exhibit No. 1 was admitted into evidence.)
BY MS. PIERCE:
Q. I'm going to show you what's been marked as State's 2 for identification purposes. Do you recognize that?
A. Yes.
Q. What is that?
A. That's a picture of me and Woody also.
Q. And where was that taken?
A. That was at my house.
Q. Is that photograph an accurate representation of that day and time it was taken?
A. Yes.
Q. And where was this photograph retrieved from?
A. My phone.
MS. PIERCE: Your Honor, I would ask that State's 2 be entered into evidence.

THE COURT: Mr. Williamson?
MR. WILLIAMSON: No objection, Your Honor.
THE COURT: State's 2 is admitted without objection.
(State's Exhibit No. 2 was admitted into evidence.)
BY MS. PIERCE:
Q. Snapchat deletes messages after awhile?
A. It can, or you manually delete them.
Q. Were you manually deleting messages?
A. Yes.
Q. I'm going to show you what's been marked as State's Exhibit No. 3 for identification purposes. Do you recognize that?
A. Yes.
Q. What is that?
A. That is Snapchat's main community.
Q. Is that a picture or a screenshot?
A. It's a screenshot.
Q. Who took the screenshot?
A. I don't know.
Q. You don't know? Does that screenshot -- that picture, does that look like his Snapchat profile?
A. Yes.
Q. From that time period?
A. Yes.

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Q. Has anything changed from when his profile picture on Snapchat looked like that?

A. I don't know.

Q. Is that a fair and accurate representation of what his Snapchat looked like?

A. Yes.

MS. PIERCE: Your Honor, I would ask that Exhibit 3 be entered into evidence.

MR. WILLIAMSON: Your Honor, originally, I didn't had any issues with that being admitted. But with her not being able to identify whether -- who took it or not, I just want to raise an objection on that ground.

THE COURT: Can you lay some more foundation, Ms. Pierce?

MS. PIERCE: Yes, Your Honor.

BY MS. PIERCE:

Q. [redacted], do you know where this came from? This picture, where did we get the picture from?

A. My phone.

MS. PIERCE: Your Honor, this came from her phone, a download of her information from her phone.

MR. WILLIAMSON: No objection, Your Honor.

THE COURT: All right. State's 3 is admitted without objection.

(State's Exhibit No. 3 was admitted into evidence.)
BY MS. PIERCE:
Q. What was his Snapchat username?
A. The username?
Q. Uh-huh.
A. It was the woodpecker.
Q. And the cartoon people listed down there, what are they?
A. They are other people's Snapchat and who Snapchats the most in order.
Q. In order? Are you on there?
A. Yes.
Q. Where are you?
A. I'm the first one.
Q. The blonde girl?
A. Yes.
Q. Light-haired girl?
A. It was kind of red.
Q. Red-haired girl, that's you?
A. Yes.
Q. And that's in order of the frequency?
A. Yes.
Q. Now, earlier you testified that you were able to help the Defendant retrieve his Snapchat password?
A. Yes.

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Q. Did you keep other passwords?
A. Yes.
Q. How did that come about?
A. He would forget it all the time, so he asked me to put them in my notes. So he texted me, like, one of his passwords, so I would have it.
Q. Did he ask you to keep up with his passwords?
A. Yes.
Q. Did you ever have to send him a screenshot?
A. Sometimes, yes.
Q. And how old were you?
A. I was 15 during that time.
Q. I'm going to show you what's been marked as State's Exhibit No. 4. Do you recognize this?
A. Yes.
Q. What is that?
A. It's a screenshot of his passwords.
Q. Do you know where we retrieved those from?
A. My phone.
Q. Is this a fair and accurate representation of what the screenshot looked like that day that you took it?
A. Yes.
MS. PIERCE: Your Honor, we would ask that State's Exhibit 4 be placed into evidence.

MR. WILLIAMSON: No objection, Your Honor.

THE COURT: State's 4 is admitted without objection.

(State's Exhibit No. 4 was admitted into evidence.)

BY MS. PIERCE:

Q. Did the Defendant ever delete you, or block you from communicating with him?

A. Yes.

Q. Tell the jury about that.

A. Every now and then, he would, like, block me or remove me on Snapchat. And then, like, either a couple of hours later, a couple of days later, he had me added back.

Q. Why would he do that?

A. He would just do it to do it, I guess.

Q. What would you do?

A. I would text him on, like, regular text message and ask him why he blocked or un-added me.

Q. Did he ever give you an explanation?

A. Not really, no.

Q. What -- how did that make you feel?

A. It kind of hurt a little bit.

Q. A little bit or a lot?

A. A lot.

Q. You loved him at that time?

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A. Yes.
Q. Thought that was your boyfriend?
A. Yes.
Q. Would you ask him about why he deleted you?
A. Yes.
Q. I'm going to show you what's been marked as State's Exhibit No. 5 for identification purposes. First of all, do you recognize this document? You can look through it.
A. Yes.
Q. What is that document?
A. It's messages between me and Woody.
Q. And how do you know that?
A. Because that's his number, and then that's my number.
Q. Your phone number?
A. Yes.
Q. Woody's old number?
A. Yes.
Q. How does that show up here?
A. That was the number at the time that I had texted, like, before he had gotten a new number.
Q. Did you program it that way?
A. Yes.
Q. Do you know where these were retrieved from?

A. My phone.

Q. And, K.F., who's Uncle David?

A. That was my Uncle David who passed away when I was six.

Q. But it says that the messages -- some of these are from Uncle David. What does that mean?

A. My phone had changed it in there to being Uncle David. It's when I tried doing something one time. I guess, it changed on my e-mail or the ID password to Uncle David.

Q. Did you know that at the time?

A. Not really. I didn't know it has done that.

Q. Is it fair to say that when we see Uncle David that's you?

A. Yes.

Q. And this conversation that starts on January 14, 2020, what is that a conversation of? And it continues. What are y'all talking about, for the most part, there?

A. I don't remember.

Q. Flip through.

A. This is the time where he asked me to call him to make sure he got up for work in the morning.

Q. Okay. And what else?

A. And then it goes into one of the times when he deleted me off Snapchat.

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Q. Are those messages consistent with your memory of the communication with him?

A. Yes.

MS. PIERCE: Your Honor, we would ask that State's Exhibit No. 5 be placed into evidence.

THE COURT: Mr. Williamson?

MR. WILLIAMSON: No objection, Your Honor.

THE COURT: State's 5 is admitted without objection.

MS. PIERCE: Thank you, Your Honor.

(State's Exhibit No. 5 was admitted into evidence.)

BY MS. PIERCE:

Q. So you took -- he had deleted you off Snapchat?

A. Yes.

Q. And you were asking him to add you back?

A. Yes.

Q. Did you ask him one time?

A. Ma'am?

Q. Did you ask him just one time?

A. No, I asked him multiple times.

Q. How did you feel?

A. Hurt, like really hurt.

Q. Did you think you had done something wrong?

A. Yes.

Q. If he would have texted you and asked to meet,

would you have met him?

A. Yes.

Q. Even though he had deleted you at that time?

A. Yes.

Q. I'm going to show you what's been marked as State's Exhibit No. 6 for identification purposes, dated 12/31/19 -- 2019. Would you please look at that and look through that document. Do you recognize it?

A. A little bit, yes. This is when he was asking me if I remembered one of his passwords, and I told him I didn't because he would make new ones, because he figured that I had them. So he would make a new one and didn't tell me what the new one was.

Q. And he being who?

A. Woody.

Q. The Defendant?

A. Yes.

Q. Does it also ask anything else at the beginning?

A. You said at the beginning? I had asked him if he had made a new Snapchat or something.

Q. Did he ask you to go outside in some of the messages? Did he ask you where you were?

A. He did ask me where I was.

MS. PIERCE: Beg the Court's indulgence.

THE COURT: Yes, ma'am.

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(Pause.)

BY MS. PIERCE:

Q. Do you remember around the last time that you and the Defendant had sex?

A. The last time that I can remember was in September, around when I turned 17.

Q. What happened after that last time?

A. I had slowly started pulling myself away from him.

Q. Why?

A. Because I had met somebody; I met my boyfriend, [redacted].

Q. How old was [redacted] at the time?

A. [redacted] was also 17.

Q. Did you continue to believe that you and Woody would be together after 18?

A. No.

Q. Did you love Woody anymore?

A. No.

Q. What happened -- did you ever tell anybody what happened?

A. I told [redacted] first.

Q. Okay. Then who did you tell?

A. I told my older brother, Logan.

Q. Did you tell mama?

A. Yes.
Q. Did they call law enforcement?
A. Yes.
Q. What happened to your phone?
A. Ma'am?
Q. What happened to your phone at the time when law enforcement got involved?
A. Well, I still had my other phone, so we gave my old phone that most of the messages were on to law enforcement.
Q. You had deleted almost all the messages?
A. Yes.
Q. Did the Defendant know the password to your phone?
A. Yes.
Q. Did he access your phone?
A. Yes.
Q. How often?
A. As many times as he wanted.
Q. Did he ever go through your phone?
A. Yes.
Q. Would you let mama or daddy access your phone?
A. No.
Q. Did they know your password?
A. No.

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Q. Did Logan access your phone?
A. No.
Q. Did he know your password?
A. No.
Q. But Woody knew your password?
A. Yes.
Q. Did anybody put you up to making up lies on the Defendant?
A. No.
Q. Has anybody asked you to tell something that's untrue?
A. No.
Q. Did Woody get back with Courtney at some point?
A. Yes.
Q. Were you jealous?
A. A little bit.
Q. Were you jealous enough to make up lies?
A. No.
Q. Do you love him today?
A. No.

MS. PIERCE: Please answer any questions the defense may have.

THE COURT: Mr. Williamson.

MR. WILLIAMSON: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. WILLIAMSON:

Q. K.F., can you tell the Court again when you first met my client?

A. I met him December 24th, 2017.

Q. All right. So you and your family started to become close to my client around this time, correct?

A. Yes.

Q. Y'all spent a lot of time together?

A. Yes.

Q. He spent time with your mother and your father?

A. Yes.

Q. He spent time with all of you?

A. Yes.

Q. Spent time with your brothers?

A. Yes.

Q. Isn't it true that you babysat for my client?

A. Yes.

Q. Isn't it true that you would look after his house for him when he was gone?

A. Yes.

Q. So would it be reasonable for somebody to communicate with somebody who they're either looking after their child or looking after their house -- would it be reasonable for there to be ---

MS. PIERCE: Objection. Your Honor,

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that calls for speculation. Very broad and open ended.

THE COURT: Rephrase your question, Mr. Williamson.

BY MR. WILLIAMSON:

Q. Did you communicate with my client a lot about those topics?

A. Sometimes.

Q. Did you communicate with him regularly about -- when you were taking care of his child?

A. Yes.

Q. Did you communicate with him regularly about taking care of his house?

A. Yes.

Q. Let's talk a little bit about the Snapchat picture that was admitted into evidence. You said that was you that's down there at the circle?

A. Yes.

Q. Did you communicate with my client about taking care of his child through Snapchat?

A. Yes.

Q. Did you communicate with my client about taking care of his house when he was away through Snapchat?

A. Yes.

Q. Now you testified that Courtney, who you identified in the courtroom, left my client and stopped

being his girlfriend for a period of time, correct?

A. Yes.

Q. Was it back in 2021 and not in 2019?

A. Yes.

Q. Didn't you testify earlier that that happened in 2019?

A. Everything started happening in 2019, but that happened later.

Q. Okay. Let's talk about some other stuff you testified about. How many boyfriends have you had?

A. Four.

Q. What are their names?

A. [redacted] [redacted] [sp.], [redacted], and [redacted].

Q. How long were you with them?

A. [redacted] was only, like, a week or two; [redacted] was two months; and [redacted] was three months; and [redacted] is almost a year and a half.

Q. So when did you start dating [redacted]?

A. October 3rd.

Q. Of?

A. 2021.

Q. When did you date [redacted]?

A. I don't remember.

Q. Would it have been when you were 15?

A. It would have been when I was 15.

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Q. What about [redacted]?
A. [redacted] was a year before [redacted], so 2020.
Q. Right. And what was the -- remind me of the other one's name again.
A. [redacted].
Q. [redacted]. How long did you date [redacted]?
A. I only dated him for two months.
Q. When was that?
A. That was around 2019, 2020.
Q. Did you have sex with any of them, besides [redacted]?
A. Yes.
Q. Which one?
A. [redacted] and [redacted].
Q. Did you have sex with [redacted]?
A. Yes.
Q. In total, how many times have you had sex with your current boyfriend?
MS. PIERCE: Objection. Your Honor, I think that's irrelevant.
THE COURT: Y'all approach.
(Off-the-record conversation held at sidebar.)
(Back on the record.)
THE COURT: Objection sustained.
BY MR. WILLIAMSON:
Q. K.F., which of the young men that you just

gave the Court the names of did you date during the time that you alleged my client had sex with you?

A. [redacted], [redacted], and [redacted].

Q. Okay. How many times did you have sex with them during that time period?

A. A couple of times.

Q. Each or just -- was it a couple of times with all of them, or was it -- can you explain yourself a little better?

A. With [redacted], it was a couple of times, and with [redacted] it was only twice.

Q. And with [redacted] it was only once?

A. Yes.

Q. And you testified that my client attempted to cut off communication with you multiple times, correct?

A. Yes.

Q. And you testified that you had a crush on my client?

A. Yes.

Q. When did Courtney -- you testified that Courtney had left my client for an extended period of time. When did -- did she ever come back?

A. She did.

Q. Did that make you jealous that she came back?

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A. A little bit.
Q. Isn't it true that you also said that my client had said to you that he would kill himself if anyone found out about you two?
A. Yes.
Q. Isn't he still alive today?
A. Yes.
Q. And there's nothing to prove that you deleted anything from your phone, correct?
A. Yes.
Q. There's nothing to prove that you deleted anything from Snapchat?
A. Yes.
Q. There's no physical evidence that you had sexual relations with my client, correct?
A. Yes.
Q. Let's talk a little bit more about your family's history. Was there a wedding that my client missed that was pretty important to your family?
A. It was my brother's wedding.
Q. So wouldn't that be pretty important?
A. I guess.
Q. Were you and your family upset that my client wasn't at that wedding?
A. Not really, no.

Q. When was that wedding?
A. February 12th of -- I don't remember the year.
Q. Was it 2022?
A. I think so.
Q. And didn't you make -- didn't you report these allegations to law enforcement shortly after that time period?
A. Yes.
Q. Okay. When you would go to my client's home, you said your mother was aware when you were there, correct?
A. Yes.
Q. Did your mother ever tell you not to go to my client's house?
A. Not that I can remember.
MR. WILLIAMSON: I beg a moment of the Court's indulgence, Your Honor.
THE COURT: Yes, sir.
(Pause.)
BY MR. WILLIAMSON:
Q. [redacted] isn't it true that you were talking about -- actually, let me rephrase my question, Your Honor. You were testifying about Snapchat earlier, correct?
A. Yes.

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Q. And you were talking about how somebody would end up further up somebody's list like what's on that picture?

A. Yes.

Q. Isn't it true that it doesn't necessarily mean somebody's responding to a message if you send it to that person? That if you're up on the list, that could be because you're sending that message to that person, and they're not responding?

A. No. For it to come up to the top, both people have to respond.

Q. Did you ever get in arguments with your mom?

A. Yes.

Q. Did you ever ask my client to stay at his house because of one of those arguments?

A. What do you mean?

Q. Did you ever ask my client if you could stay with him?

A. Yes.

MR. WILLIAMSON: May I approach, Your Honor?

THE COURT: Yes, sir.

BY MR. WILLIAMSON:

Q. [redacted], is that your number right there at the top and your name?

A. Yes.

THE COURT: Mr. Williamson, before we go any further, identify that document for the record.

MR. WILLIAMSON: Oh.

BY MR. WILLIAMSON:

Q. Is that -- is this a copy of text messages?

A. Yes.

THE COURT: What's it marked as?

MR. WILLIAMSON: Oh, I'm sorry, Your Honor, defense -- it's marked as Defendant's Exhibit 2.

THE COURT: All right.

BY MR. WILLIAMSON:

Q. You said those are text messages?

A. Yes.

Q. And are those text messages between you and my client?

A. Yes, it looks like it.

Q. Can you tell me what date that is at the top of that?

A. 3/3/2021.

MR. WILLIAMSON: Your Honor, at this time, I would like to move to admit this into evidence. It was marked as Defendant's Exhibit 2, but at this point, it will be No. 1.

THE COURT: It could stay as 2. Ms. Pierce, have you seen that?

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MS. PIERCE: Yes, Your Honor. No objection.

THE COURT: All right. Defendant's 2 is admitted without objection.

(Defendant's Exhibit No. 2 was admitted into evidence.)

BY MR. WILLIAMSON:

Q. Can you start with the first paragraph and read through the third paragraph on there, please?

A. You mean read it out loud?

Q. Please.

A. It says, "I don't know what happened, but please try to fix it. I got too much schoolwork to do today, and I don't wanna go back to that house, so please try and get her to calm down and let me stay, please." And then, I asked, "Did she unblock you?", and he said, "Nope."

Q. All right. Thank you. Let's talk about that a little bit. Do you know why your mom would have blocked my client from her phone?

A. Probably mad at him or something.

Q. Did your mom ever try to help -- do you know if your mom ever tried to help my client get back together with Courtney?

A. I think so.

Q. Did you ever try to help my client get back together with Courtney?

A. Yes.
Q. I would like to show you what's marked as Defense's Exhibit 3. Do you recognize that?
A. Kind of.
Q. Would that be more text messages between you and my client?
A. Yes.
MR. WILLIAMSON: Your Honor, at this time, I would like to admit this as Defense's Exhibit 3, based on identification.
MS. PIERCE: No objection.
THE COURT: Defendant's 3 is admitted without objection.
(Defendant's Exhibit No. 3 was admitted into evidence.)
BY MR. WILLIAMSON:
Q. Can you read the entirety of that for the Court -- for the jury, please, ma'am?
A. The whole thing?
Q. Yes, ma'am.
A. It says, "I know that, but she's acting like it's something totally different. She yelled at me so bad that it pissed me off, and I yelled at her and told her not to yell at me." And he asked, "So you home?" And I said, "I'm at your house doing my schoolwork." And then I said, "I'm going to try and get her to

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unblock you so she don't make me go back to that house cause the minute I get there, she's gonna make me do everything, and I'm not doing it." And then I said, "If mama calls, you answer. It's okay. I'm trying to get her to talk to you." And he said, "I'm still with Shawn." And I said, "Oh, okay. Well, I'll tell her to send you a message."

Q. Thank you. So based on those texts, you communicated with my client about your relationship with your mother, correct?

A. Yes.

Q. You would text him about taking care of his kid?

A. Yes.

Q. You texted him about taking care of his house?

A. Yes.

Q. You texted him about just daily life things, correct?

A. Yes.

Q. And that's because you've known him for an extended period of time, correct?

A. Yes.

Q. Your families were close?

A. Yes.

Q. And isn't it true that you lived two doors down from him?

A. Yes.

Q. Let's talk about one last thing. You talked about gathering around the campfire one night. What time would that have been, do you remember?

A. It would have been, like, probably 9:30, ten o'clock, maybe a little bit later.

Q. How long would those gatherings last?

A. Just depends on if whoever gets tired or whatever. It would really depend.

Q. Would they sometimes last until 12:30, one o'clock in the morning?

A. Yes.

Q. Did your families interact at that time pretty regularly between those hours?

A. Yes.

Q. Would you have communicated with my client about his child or his home or any other, just things related to family gatherings between those hours?

A. Sometimes.

Q. So it wouldn't be abnormal for your family or you to be around my client about 12:30, one o'clock in the morning?

A. Yes.

MR. WILLIAMSON: I have no further questions, Your Honor.

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THE COURT: Any redirect, Ms. Pierce?

MS. PIERCE: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MS. PIERCE:

Q. Were you upset that the Defendant didn't go to your brother's wedding?

A. No.

Q. Were you dating [redacted]?

A. Yes.

Q. Did you and your mama sometimes get into arguments?

A. Sometimes, yes.

Q. I heard you answer the defense to sending late-night texts or communications about his home or his son.

A. Yes.

Q. Did the two of you ever exchange communications during that timeframe from 12, 12:30, one o'clock, or so on in the morning that was sexual in nature?

A. Yes.

MS. PIERCE: No further questions, Your Honor.

MR. WILLIAMSON: No redirect, Your Honor -- no recross.

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

You can step down. All right, ladies and gentlemen of the jury, it's almost 12:30. It's a good time for us to stop and take a recess for lunch. And again, I'm going to advise you don't begin your deliberations, don't talk about this case amongst yourselves or with anybody else while you're at lunch, or do anything, via your cell phones or any other electronic device, to do research on any issue which may have been raised in this case. We will see you back at two o'clock, and we'll resume the trial. Enjoy your lunch.

(The jury exited the courtroom at 12:28 p.m.)

THE COURT: All right. Folks, we'll be in recess until two o'clock.

MS. PIERCE: Thank you, Your Honor.

THE COURT: Before we recess, we had a juror not show up. I'm going to deal with that situation before we break. All right, Mr. Rhodes, you're juror number 196?

THE JUROR: Yes, sir.

THE COURT: Apparently, we had some miscommunication to when you needed to report back for jury service; is that correct?

THE JUROR: Correct.

THE COURT: All right, sir. I think the events of this morning probably confirm to you

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how important following instructions are, so we brought you in here so I can talk to you a little bit about jury service. We picked the jury in the case, we just broke here this morning. The jury panel is still -- I have not released the jury panel yet, so you're going to get an opportunity potentially to serve as a juror at some point this week. I want you to listen to me closely.

There will be a message on the clerk's answering machine tonight after six o'clock that tells you what you need to do. And it will give you specific instructions about either when to come back, when to call back, or the fact that you've been excused.

So whatever that message is will be determined by how far we get in this case today. It will likely be to call back at some later point in time. So whatever is on that machine tonight, you need to follow those instructions because we don't want to have to send another deputy out to come locate you, because the next time I could, in my discretion, find you in contempt of court. Do you understand that?

I'm not going to do that today; I'm going to give you -- give you, I guess, a grace period on this one. So just make sure you follow those instructions and report back when instructed, okay?

THE JUROR: Yes, sir. I have health reasons

why I didn't come.

THE COURT: Okay. Well, that's fine. I'm not upset. I just want to impress upon you how important it is. If you have some health situation that keeps -- that would prevent you from coming, you need to call and let somebody know because we don't know. I mean, we can't guess as to what's going on. So if you have some situation that would prevent you from coming to court, if we know about it, we can deal with it, okay?

THE JUROR: Okay. I'm letting it be known today, then.

THE COURT: And what's your situation?

THE JUROR: My mental health.

THE COURT: Okay. All right. Well, I -- and I'm not mad, so don't feel like I'm mad. But I asked that question yesterday morning about anybody who has a physical or mental issue that would prevent you from serving on a jury. So, I gave you an opportunity to let us know that. So, I understand your situation, but I'm just -- follow the instructions that's on the answering machine. There might be one more case tried this week; there may not. But you've got to -- you've got to follow instructions that everybody else follows.

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THE JUROR: Yes, sir.

THE COURT: Call in tonight, it will tell you what to do. Thank you, sir. You're free to go for the remainder of the day.

THE JUROR: Thank you.

THE COURT: Recess until two o'clock.

(Recess taken.)

(Back on the record.)

THE COURT: Thank you. Please be seated. All right. Folks, is there anything we need to address before we bring in the jury?

MS. PIERCE: Nothing from the State.

MR. WILLIAMSON: Nothing from the defense, Your Honor.

THE COURT: All right. Bring us the jury, please.

(The jury entered the courtroom at 2:11 p.m.)

THE COURT: All right. Ms. Pierce, you may call your next witness.

MS. PIERCE: Thank you, Your Honor. At this time, the state of South Carolina calls Laura Driggers to the stand.

THE COURT: All right, Ms. Driggers, please come forward and be sworn.

THE CLERK: Right this way, Ms. Driggers.

Raise your right hand, place your left hand on the Bible, and repeat your name, please.

THE WITNESS: Laura Driggers.

MS. LAURA DRIGGERS was called as a witness, being duly sworn, was examined and testified as follows:

MS. PIERCE: Ms. Driggers, if you'll state and spell your name for the record.

THE WITNESS: Laura Driggers, L-A-U-R-A, D-R-I-G-G-E-R-S.

DIRECT EXAMINATION

BY MS. PIERCE:

Q. Ms. Driggers, would you please tell the jury a little bit about yourself.

A. I'm a mom, I have three children, one grandchild. I'm a surgical tech. I work in a hospital in the operating room, and we live in Turbeville, South Carolina.

Q. And who are your children?

A. John Logan Floyd, Christopher Landon [ph.] Floyd, and [redacted] K.F.

Q. And I know that your last name is Driggers. Are you with their father?

A. No, ma'am.

Q. Who's their father?

A. John Robert Floyd.

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Q. Does John live near you?
A. Yes, he does.
Q. Are you remarried?
A. I am.
Q. Ms. Driggers, do you know John Allen Welch, Jr.?
A. Yes, ma'am.
Q. Can you please tell the jury how you met him and how you know him?
A. I met him through my husband, Joseph -- at the Country Store around my house, and we got ---
Q. At the what?
A. At the Country Store.
Q. And where's the Country Store?
A. In Turbeville.
Q. I'm sorry, the air was going.
A. In Turbeville.
Q. You met him through who?
A. My husband, Joseph.
Q. Okay. And did you become friends?
A. We did.
Q. Tell the jury how that friendship evolved.
A. We would be out there sometimes. His girlfriend, Courtney -- we started talking, got to be friends, found out we had something in common. We've both lost our brothers, and we kind of bonded. They had a child,

and I would go and visit her and the baby a lot of times, and I would babysit on the weekends for them.

Q. Did they come over to your house a lot?

A. Yes, we cooked out a lot. I had bonfires in the yard, played music. We always hung out together.

Q. Did you ever help Courtney and the Defendant with their child?

A. Yes.

Q. How so?

A. I would watch him so they can go out and have a date night or whatever. He would spend the night with us, and I had things at my house for him, just like he had at home. He was at my house daily. We were very close to [redacted]. And, you know, they trusted me with their baby. I could take care of their baby, and I trusted them to take care of mine.

Q. If you will, describe what you noticed about [redacted] after she met Woody. Did you notice anything change?

A. [redacted], yes, she changed. She got real -- she would stay in her room. She wouldn't come out; she wouldn't -- but she would talk with Woody. It was easy for her to talk to him is what she'd say. He understood issues she was having to go through in school.

Q. Did she have a crush on him?

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A. She did.

Q. Did you know that she had a crush on him?

A. Yeah, everybody knew. It was cute. We kind of thought it was cute, you know. She thought it was a crush.

Q. Did she develop a crush early on?

A. Oh, yes, from the first time she saw him.

Q. Initially, and up until 2022, how would you have described K.F.'s relationship with the Defendant?

A. They would do a lot of things together. They would do a lot of things together.

Q. Like what?

A. He would take her fishing. She would help do whatever he wanted, clean out the truck, things like that, get everything in order for his work truck. He did that, like, every weekend. She was always the one that would hold the light for him when they were working on the vehicle, just -- she just hung around.

Q. Did she ever invite him to attend any functions or anything like that during this time?

A. Yes. She was in a Christmas play at church, and she invited both him and Courtney, but the baby had kept her up that night, so Courtney wasn't able to come, but he did and watched her play at church.

Q. Would you consider yourself to have been close

friends with the Defendant?

A. Yes.

Q. Did you ever help him out financially?

A. Financially, yes. I had an extra cell phone that I was still paying on, and I let him use that.

Q. And you continued to pay the monthly bill?

A. Yes.

Q. Can you tell the jury about K.F. and Woody -- the Defendant going off, and as things progressed. Can you describe that for the jury?

A. K.F. was having issues at school with a bunch of little girls, and she found it easy to talk to him because he was younger. So he was younger, she could talk to him. He's an easy person to talk to. He's a very likeable person, and K.F. was able to talk with him.

So when it got time for her to start practicing for her permit, he would ask if he could take her down the block and practice with her. He did it multiple times, taught her how to parallel park, taught her how to turn. He did all that stuff with her, like, a dad would do or a big brother would do. So if she comes and said she had a bad day at school, and she just needed to talk to somebody, she said he always listened because he doesn't give her fuss. I would fuss back,

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you know, mom and daughter stuff. So, I would fuss back with her, but he wouldn't fuss back, so she felt comfortable talking to him.

Q. And you just said that he was younger. What do you mean?

A. Younger that me.

Q. How old are you?

A. Forty-two.

Q. How old is the Defendant?

A. Thirty.

Q. Do you know his date of birth?

A. [redacted] 1992.

Q. Do you know that for a fact?

A. Yes.

Q. What's K.F. 's date of birth?

A. [redacted] 2004.

Q. Have you ever described the Defendant and K.F. 's relationship as father/daughter?

A. No.

Q. Brother/sister?

A. Yes, like a brother, his little sister.

Q. At any point -- let me ask it this way. Up until 2022, or prior to, did you know that she was sneaking out at night?

A. I did not know that.

Q. Did anything ever appear odd to you during that time?

A. Just a few mornings I would wake up, and the back door would be open. But to shut the back door, you had to pull it. It made a lot of noise, and you have to lock the dead bolt. If you don't lock the dead bolt, it's not going to stay shut, and when you lock it, it was very loud. And there's many mornings, me and my husband would get up, and that door was wide open. Now who left the door open? Nobody ever said who left the door open. So we just figured it, you know -- have no way of knowing -- she was leaving.

Q. And you'll admit that you gave her permission to ride off alone with the Defendant?

A. Yes.

Q. Multiple times?

A. Yes.

Q. A lot of times?

A. Yes.

Q. What about spending the night over at his house?

A. She spent the night when they were together -- when he and Courtney were still together at their house a couple of times, too. But she did, yes, stay some by herself at the house when he was going through a situation, and just needed somebody to talk to,

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and K.F. wanted to make sure he woke up for work because he would set the alarm, and he didn't hear them, would wake him up so he would to go work. And she would clean his house during the day when he was gone.

Q. And how old was she?

A. 16, 17.

Q. 16, 17?

A. About 16 at that time.

Q. When she spent the night, did she stay from dark to the next morning?

A. Yes.

Q. Did she go to school?

A. Yes.

Q. She would leave his house to go to school?

A. Yes.

Q. And you knew she had a crush on him?

A. Early on, yes. As it got later, I didn't see it as much when she started getting a boyfriend. So, I didn't see it.

Q. Would you tell the jury what you noticed about K.F. 's cell phone and her interactions with the Defendant?

A. K.F. , if she didn't do her chores that day, and I would go, you've got to do your chores, I would threaten to take her phone, and I would have. If she

didn't do what she was supposed to do, I would take the phone away. And I've always said, it was a week. If I took it, it was a week. I couldn't get in her phone, didn't have her password, couldn't figure out what her password was. She refused to tell me, so I threatened to cut it off.

And then, she opened it up real quick, but I didn't see anything on her phone. But if Woody was at the house, and I took the phone away from her, he would say, Laura, if something happens, how is she going to get in touch with you? And I was, like, well, I guess, I should, think about it when she's at school, so I ended up giving her the phone back. And he was, like, I'll check on her. I'll make sure she's not doing anything she's not supposed to.

Q. So you didn't make her wait a full week for punishment?

A. No.

Q. You said you did not have her password?

A. I did not, no.

Q. Do you know if her father had her password?

A. No, he shouldn't have.

Q. Did the Defendant have the password?

A. Yes.

Q. How do you know that?

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A. Because I watched him open her phone in front of me. And I would be trying to get it, and he's, like, give it to me, and he punched the numbers in, and it opened right up.

Q. What was going through your mind when you noticed that and watched that interaction?

A. I still assumed it was, like, he was her big brother. I didn't see anything else.

Q. How would you describe K.F. the very first part of 2019?

A. She was very shy, always been very shy. She's -- it takes a lot for her to start talking to people, for her to come out and start talking, and it would be with anybody. She just was an extremely shy child. But the Defendant would be at the house, and -- out there, playing hide and seek -- so, they would all play around. He acted like they did, so that's how I took it, you know. And once she got used to him, you know, she palled around with him like anybody else.

Q. Did you invite the Defendant and Courtney to Logan's wedding in 2022?

A. Yes, they were invited.

Q. Did they go?

A. No.

Q. Did it make you mad?

A. So-so. More so that Courtney didn't go because I was thinking she would go but -- it wasn't that big of a deal.

Q. But you were upset?

A. Yes.

Q. Were you upset enough to tell K.F. to lie and make up this story?

A. No.

Q. Were you jealous of Courtney?

A. No.

Q. You testified that you were paying for a phone for him. Did you ever get the phone back?

A. I did.

Q. What did you do with the phone?

A. I kept it.

Q. And then what happened to the phone after that?

A. When K.F. told Logan and they told me, I turned the phone over to the investigator for them to do a phone dump on it, the hard drive.

Q. And would you please tell the jury how you found out, about what K.F. told you about what happened with the Defendant -- how you found out about K.F. and the Defendant, what she told you?

A. What she told me was that he -- K.F. had sex with [redacted]im.

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Q. And what did you do?
A. I immediately dialed 911.
Q. Did you ever talk to the Defendant about that?
A. I did confront him one time.
Q. Do you remember the day that you called 911?
A. I do; it was February 21st, 2021.
Q. 2021 or 2022?
A. 2022; we're in 2023 right now.
Q. When did you confront him?
A. February 24th at the Country Store.
Q. Would you please tell jury about that?
A. Me and my daughter-in-law and a friend of ours went to the store. I went to get a pack of cigarettes. Since the 21st, I've had no contact with him or Courtney after I found out. And as I was, you know, walking in the store, he said, you can't talk to nobody? And I said, no, I don't want to talk to you. I said, I never want to talk to you again. I said, I know, John knows, we all know. He's, like, what are you talking about?

I walked on out the door, and after I walked out the door and went back to my car, he comes out, what's going on? And I said, you know what's going on, and his remark was, Laura, I never touched your daughter.

Q. Had you mentioned K.F. ---
A. And I never ---
Q. Had -- did he have any reason to know at this point that you knew?
A. That was the night he found out we called the cops.
Q. And he told you, Laura, I never touched your daughter?
A. Yes, he thought that her dad had called the cops.
Q. Okay. Was K.F. hanging around Woody and riding off with him in 2019?
A. Yes.
Q. Was she hanging around, riding off with him in 2020?
A. Yes.

MS. PIERCE: Beg the Court's indulgence.

THE COURT: Yes, ma'am.

MS. PIERCE: Please answer any questions the defense may have.

THE COURT: Mr. Williamson.

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

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. WILLIAMSON:

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Q. Ms. Driggers, isn't it true that you met my client in 2017?

A. Probably.

Q. Would it have been the same time K.F. testified to earlier, December 24th, 2017, at the Country Store?

A. I actually met him prior to that.

Q. Okay. When -- do you remember the date?

A. It was earlier that year, probably. It was right about the time -- because they were fixing -- my brother-in-law had just come back from being overseas, and my husband and I stopped there at his house at the time. That's the first day I remember ---

Q. Okay. So would you say you communicated regularly with my client from 2017 to 2022?

A. After I got -- yes. The first time I met him, it was months before we ever talked again.

Q. Y'all developed a friendship?

A. Yes.

Q. Developed a relationship?

A. I wouldn't call it a relationship.

Q. Were you aware that your daughter during this time period was spending time with my client?

A. Yes.

Q. Did you ever do anything to stop her from spending time with him?

A. No, sir, no reason to.
Q. And isn't it true that you and your family and my client would spend time late at night and had bonfires together?
A. Yes.
Q. Wouldn't they go sometimes to 12:30, one o'clock in the morning?
A. Yes.
Q. So it wasn't an unusual occurrence that y'all would be communicating with each other, spending time with each other past midnight?
A. No, it was not.
Q. Isn't it true that you started hooking up with my client in 2019?
A. 2019, no.
Q. So when did you start hooking up with my client?
A. 2018.
Q. Okay. Describe that for me.
A. Describe what?
Q. Describe it. You said you were hooking up with my client. Describe that for the jury, please, ma'am.
A. We were, basically, friends with benefits.
Q. So you were having sex with my client?
A. Yes.
Q. In 2018?

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A. Yes.
Q. What about 2019?
A. Yes.
Q. What about 2020?
A. Yes.
Q. What about 2021?
A. Yes.
Q. Were you -- so just friends with benefits?
A. Yes.
MR. WILLIAMSON: Your Honor, may I approach?
THE COURT: Yes, sir.
BY MR. WILLIAMSON:
Q. Ms. Driggers, I'm about to show you what's been marked as Defendant's Exhibit No. 4. Do you recognize that document?
A. Okay, yes.
Q. What is that?
A. Messages that I sent him.
MR. WILLIAMSON: Your Honor, at this time, I move to admit this into evidence as Defendant's Exhibit 4, based on identification.
MS. PIERCE: Your Honor, I just ask a little bit more foundation be laid as to the -- what type of message, the date, the time, the parties involved.
THE COURT: All right. Lay a little more

foundation, Mr. Williamson.

BY MR. WILLIAMSON:

Q. All right. Can you tell me the date on that text message, please, ma'am?

A. Which one? This one or this one?

Q. The top.

A. 1/24/2021.

Q. And is that your telephone number that's there where it says Laura?

A. That's not my telephone number.

Q. But does that say your name? Does that say Laura?

A. Yes.

Q. All right. But is that message from you to my client?

A. Yes.

Q. All right. How do you know that?

A. Because I wrote it.

Q. All right. And you wrote it to my client?

A. Yes.

MR. WILLIAMSON: Your Honor, again, I move to admit this as Defendant's Exhibit No. 4.

MS. PIERCE: No objection.

THE COURT: It's admitted without objection, Defense's 4.

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MR. WILLIAMSON: Thank you.

(Defendant's Exhibit No. 4 was admitted into evidence.)

BY MR. WILLIAMSON:

Q. Ms. Driggers, can you please read the entirety of that page, starting with the top paragraph?

A. "I don't know what to say or do anymore. I've got so many things going through my head. My granny always told me that I am the strong one in bad situations, that God made me to be the one who could hold it all together for everyone. May will be ten years since I lost my brother. Ever since, it has been constantly one thing after another, me always trying to help everyone else through their bad times. I've tried to be there for you through the stuff with Courtney. I'm sorry I have made them worse. I need you to know I apologize for the way I felt when she did leave. I'm not gonna lie, I was glad she left. I'm truly sorry for the things I did to make you lose the love of your life. It absolutely breaks my heart you can't see your son. I'm not trying to make you upset. I just need you to understand that at this time, I'm having to make a choice, and this choice is killing me inside. I'm sorry I didn't see what we had was just a hookup. I did let my guard down, and now I see it was just one sided. I did it to myself, and I'm sorry. Now the only

thing I can do is walk away and not look back. I wish you the best, Woody. I hope you still will talk with K.F. because she respects you and does things you tell her to do. You seem to be the only one who understands her. I'm not sorry that I fell in love with Minor. He truly brought joy to my life. I will forever treasure the times I got to spend with him. I'm always just a call away, if you need to talk. Best of luck."

Q. Can you keep reading, please, ma'am?

A. It says, "I figured you would block me after the text I sent. But why did you block K.F.? She does any fucking thing you want her to do. What is your problem -- your damn problem?" And then it says, "Explain what?" And "What the text was earlier."

Q. All right. Thank you. So in this message, you referenced issues that my client was having with his girlfriend at the time, Courtney; is that correct?

A. Yes.

Q. And didn't you say that you were glad that -- didn't you say, I'm not gonna lie, I was glad she left?

A. Yes, I did.

Q. And wasn't that during the time you were having an affair with my client?

A. Yes, it was.

Q. So would you say you were jealous of Courtney's

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relationship with Woody?

A. No.

Q. But you're glad when she left?

A. She got out of a bad situation.

Q. Okay. Your -- at the time you were hooking up with my client, did you ever exchange nude pictures with him?

A. I did.

MR. WILLIAMSON: Your Honor, may I approach?

THE COURT: Yes, sir.

BY MR. WILLIAMSON:

Q. I'm showing you, Ms. Driggers, what's been marked as Defense Exhibit No. 6. Can you tell the jury what that is?

A. It says, "I'm sorry for sending the pic."

Q. Is it a text message?

A. I guess, yeah.

Q. And is that your name there?

A. Yes.

Q. And what's the date on that?

A. 2/22/21.

MR. WILLIAMSON: Your Honor, at this time, I move to admit that into evidence as Defendant's Exhibit 6.

MS. PIERCE: Your Honor, I would object

to the simple fact there's not a picture on there. It's only a message where she says, I'm sorry for sending the pic. That could be anything. We don't know. I don't think there's any reference to it being a nude picture.

MR. WILLIAMSON: Your Honor, she clearly just testified that she sent nude pictures to my client.

THE WITNESS: Not on a text.

MR. WILLIAMSON: But the text message references a picture. I think I'm -- I think that she can answer whether or not that was in relation to what she had just testified to, whether or not she was sending nude pictures.

MS. PIERCE: Your Honor, I'm objecting ---

THE COURT: Ms. Pierce, would you approach?

MS. PIERCE: Yes, Your Honor.

(Off-the-record conversation held at sidebar.)

(Back on the record.)

THE COURT: All right. Ladies and gentlemen of the jury, sometimes during trials matters come up that require me to send you to your jury room, so these issues could be argued on the record. I'm going to have to do that at this point in time. If you would go to your jury room. Please, do not discuss the case amongst yourselves, or with anybody else. Don't do any research

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about any issue which may have been raised. We'll get you out as soon as possible. Thank you.

(The jury exited the courtroom at 2:40 p.m.)

THE COURT: Ms. Pierce.

MS. PIERCE: Thank you, Your Honor. Your Honor, I'm just objecting to the fact that he referenced that that was a nude picture. There is not a picture on there. All she says is I'm sorry I sent a pic. That could be a picture of a dog, a picture of her breasts. We don't know; that's what I'm objecting to. She's already testified that she did send nude pictures from time to time; she's already testified they were having sex. But that does not prove she sent nude pictures on that date in that text.

THE COURT: All right. Mr. Williamson, given the fact that she's, number one, admitted, I think in her words, that they were friends with benefits, and that she had sent pictures, what makes this particular exhibit relevant given she's already made those admissions?

MR. WILLIAMSON: Your Honor, I believe it's just -- I believe it's a -- in addition to her testimony, I believe it can go to validate. I think it's up to the jury to decide how they can interpret that text message. But I believe it can serve

to validate the testimony and provide written evidence for the jury to be able to consider in deliberations in terms of the credibility of this witness.

MS. PIERCE: Your Honor, I mean, she's already testified to it. We don't have proof that that references a nude picture. He's wanting an inference to go to the jury as a fact; it is not a fact. We don't know.

THE COURT: All right. Mr. Williamson, what's your response in regards to -- I understand you're offering this, I guess, in the sense that corroborates his testimony, but she has -- her testimony. But she's admitted that she's sending photographs. How do we know that this is in response -- that this text was sent in response to sending a graphic photograph?

MR. WILLIAMSON: Your Honor, I think that they -- in proximity to the text message where she admits to the hooking up, lends credence to the fact that she's apologizing for a picture that could have been nude in nature.

MS. PIERCE: Your Honor, she's admitted from 2018 to 20 -- by his testimony, he got her to say 2021. That's a huge time span.

MR. WILLIAMSON: And, Your Honor, the text

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message that was previously admitted was from January of 2021. It's not that far in proximity from January 2021 to February 2021, the date of that message. I don't think the jump is that far, Your Honor.

MS. PIERCE: I don't object to that; I object to just that specific message being presented to the jury ---

THE COURT: How is it not hearsay? She's not a party. She's admitted to it. It's not a prior inconsistent statement. How does it get around a hearsay objection? It's being offered for the truth of the matter that she sent a photograph. How is that not hearsay?

MR. WILLIAMSON: Your Honor is correct. She's here and able to testify about it, and she's already testified to it.

THE COURT: Yeah, it's -- I mean, out of court. If she had equivocated in any fashion, I think it could come in as a prior inconsistent statement, but she's admitted it. So, I think it's hearsay, so I'm going to sustain the objection.

MS. PIERCE: Thank you, Your Honor.

MR. WILLIAMSON: Thank you, Your Honor. Your Honor, may I approach?

THE COURT: Well, let's bring -- you can

give the document to Eve. Let's bring the jury back in.

MR. WILLIAMSON: Thank you, Your Honor.

(The jury entered the courtroom at 2:44 p.m.)

THE COURT: Ma'am, just make sure you keep your voice up. It's always a delicate balance. If you get too close, then there's feedback, but you're too far away, so just -- if y'all have trouble hearing, just raise your hand, and we'll make sure, okay? All right. The State's objection is sustained. Mr. Williamson.

MR. WILLIAMSON: Thank you, Your Honor.

BY MR. WILLIAMSON:

Q. Let's move forward, Ms. Driggers, and talk about the wedding, and it was your son Landon, correct?

A. No, Logan.

Q. Logan. Sorry. So your son got -- your son Logan got married in February of 2022, correct?

A. Yes.

Q. When was that wedding supposed to take place?

A. February 12th.

Q. Did you expect my client to be at that wedding?

A. I expected Courtney to, not your client, necessarily.

Q. But did you invite him to that wedding?

A. Yes, they were invited.

Q. And they didn't show up, did they?

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A. No, sir, they did not.
Q. And you testified earlier that made you a little bit upset, didn't it?
A. Yes.
Q. How upset would you say that made you?
A. I mean, it's just -- it upset me because they didn't show up. That's all.
Q. So they didn't show up to that wedding in February -- early February, and you called law enforcement regarding allegations that your daughter made on February 21st of 2022?
A. Yes.
Q. Isn't that two weeks after -- less than two weeks after the date the wedding was supposed to take place?
A. That is the day I found out what was happening to my ---
Q. That wasn't the question. Wasn't it less than two weeks after the date that that wedding was supposed to take place?
A. Yes.
Q. Ms. Driggers, you don't have any physical proof that can substantiate the claims that your daughter has made, do you?
A. I think she's already testified and told you the truth.

Q. But you don't have any physical evidence that could substantiate the claims, do you?

A. I personally don't have any evidence. I don't know what you're asking exactly.

Q. I'm just asking if you have anything that can show where my client would have admitted to having sex with your daughter.

A. Do you have anything that would show that he didn't?

THE COURT: No, ma'am, we're not going to -- answer the questions he's asked. Don't challenge him with another question. You can answer and then explain your answer, but, you know, you have to answer questions.

THE WITNESS: No.

BY MR. WILLIAMSON:

Q. And you were aware -- and you knew that your daughter was spending time with him, correct?

A. Yes.

Q. And you trusted him, correct?

A. Yes.

MR. WILLIAMSON: Your Honor, may I approach?

THE COURT: Yes, sir.

BY MR. WILLIAMSON:

Q. Ms. Driggers, I'm showing you what's been marked

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as Defense's Exhibit No. 5. Those appear to be more text messages with your name, and they appear to be addressed to my client. Is that the case?

A. Um-hum.

Q. Is that a yes?

A. Yes.

Q. Can you tell the jury the date on those messages?

A. 2/15/21.

Q. And again, those are from you, correct?

A. Not all of those.

Q. But those are messages between you and my client?

A. Yes.

MR. WILLIAMSON: Your Honor, at this time, I would move to admit those into evidence as Defense's Exhibit 6 [sic.].

MS. PIERCE: No objection.

THE COURT: All right. Hold on. You said five when you identified it.

MR. WILLIAMSON: Oh, sorry. I think -- it's Defense's Exhibit 5, Your Honor. I apologize.

THE COURT: All right. Defense's 5 is admitted without objection.

(Defendant's Exhibit No. 5 was admitted into evidence.)

BY MR. WILLIAMSON:

Q. Can you read that, and start from the top please,

Ms. Driggers?

A. "I never said you're an asshole, and you have never treated my kid bad." There's messages missing from here.

Q. Huh?

A. There's messages missing from here.

Q. Please continue.

A. He said, "That one is under my ass because of a storm." That's him telling me that, and I said, "Okay, technically, she's my kid, but you are the only man in her life that she's ever been able to look up to and depend on. You are the only man who listens when she has a problem and not yell at her for stupid shit. You don't know how much we appreciate everything you do for her. And, yes, she is scared of storms."

Q. Thank you.

THE COURT: Y'all come up, please.

(Off-the-record conversation held at sidebar.)

(Back on the record.)

THE COURT: Ladies and gentlemen, the witness needs to take a brief recess. So, I'm going to send you to your jury room again just for a moment. Ask that you do not begin your deliberations, don't discuss the case amongst yourselves, or do any research about any issues which has been raised. We'll get

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you back out as soon as we possibly can.

(The jury exited the courtroom at 2:51 p.m.)

THE COURT: Ms. Driggers, you can step down, please. Do not discuss your testimony with anyone while you're off the witness stand. Folks, we'll be in recess until she returns from the restroom.

MR. WILLIAMSON: Thank you, Your Honor.

(Recess taken.)

(Back on the record.)

THE COURT: Please be seated. Thank you. All right. Bring us the jury, please.

(The jury entered the courtroom at 3:04 p.m.)

THE COURT: Mr. Williamson.

MR. WILLIAMSON: Thank you, Your Honor.

BY MR. WILLIAMSON:

Q. Ms. Driggers, I just have a few more questions. Isn't it true that Courtney took K.F. to a medical appointment to get birth control in 2020?

A. She met me there, yes. I was at work. She was not at the appointment. She was out in the lobby; I was in the back with K.F..

Q. And that was in 2020?

A. Yes, it was in January.

Q. Okay. Was that the first time she got on them in 2020?

A. Yes, she had.

Q. Okay.

MR. WILLIAMSON: Your Honor, I have no further questions.

THE COURT: All right. Ms. Pierce, redirect.

REDIRECT EXAMINATION

BY MS. PIERCE:

Q. Ms. Driggers, I'm going to show you what's been marked as Defendant's Exhibit No. 4. Would you please tell the jury what is the date of that text message?

A. 1/24/2021.

Q. What year?

A. Twenty-one.

Q. What year did this incident get reported to law enforcement?

A. Twenty-two.

Q. Would you please tell the jury the date of this text message?

A. 2/15/21.

Q. Twenty-one? And when did you report this to law enforcement?

A. In 2022.

Q. Thank you. You testified earlier that you were upset because Courtney did not go to the wedding.

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Why were you upset?

A. Well, she was -- I went to her house and told her when I got my dress, me getting my dress on, she was going to come and help me do that.

Q. So you were depending on her?

A. Yes.

Q. Were you mad enough to lie?

A. No.

Q. Were you mad enough to encourage [redacted] to lie?

A. No.

Q. Did you know [redacted] was having sex with the Defendant in 2019?

A. No.

Q. Did you know [redacted] was having sex with the Defendant in 2020?

A. No.

Q. Did you know that she was having sex with the Defendant in 2021?

A. No.

Q. When did you found out?

A. February 21st, 2022.

MS. PIERCE: No further questions, Your Honor.

MR. WILLIAMSON: No recross, Your Honor.

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

You can step down. Ms. Pierce.

MS. PIERCE: Thank you, Your Honor. At this time, the State would call John Floyd to the stand, and Investigator Brown is going to get him.

THE COURT: All right.

THE CLERK: Right this way, Mr. Floyd. Right this way. I need you to raise your right hand, and place your left hand on the Bible. Repeat your name, please.

THE WITNESS: John Floyd.

MR. JOHN FLOYD was called as a witness, being duly sworn, was examined and testified as follows:

THE CLERK: Step around and adjust that mic and speak into it loudly. Pull your chair up.

DIRECT EXAMINATION

BY MS. PIERCE:

Q. Mr. Floyd, would you please state your name and spell it for the record.

A. My name is John Floyd; it's J-O-H-N, F-L-O-Y-D.

Q. Mr. Floyd, please tell the jury a little bit about yourself.

A. I live in Turbeville. I work contract work for MTC; I work in the area, in the Clarendon area. So other than that, I have three beautiful kids. One of them shouldn't be here today, but is.

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And I just ---

Q. Is K.F. your daughter?

A. Yes, she is.

Q. Mr. Floyd, do you know the Defendant, John Allen Welch, Jr.?

A. I do.

Q. How do you know him?

A. He was a neighbor a couple of houses down from us.

Q. Did you hang out with him a lot?

A. Not a lot, a few times.

Q. Were you as close to him as Ms. Driggers and her husband were?

A. No, they know him longer than I did. I didn't go over there very much. I would go -- if he was in the yard, I would stop and speak. Went over there just a few times.

Q. To your knowledge, did K.F. have a crush on the Defendant?

A. Yes, I was told.

Q. Did you see it for yourself?

A. Yeah, kind of.

Q. Did you think anything was going on?

A. No.

Q. Could you please tell the jury what you did

observe about K.F. and the phone and the passwords?

A. She had her cell phone that she wouldn't give her mom, and she wouldn't give up her password. We're sitting over there at Laura's house, and John Welch, he looked at her and says, give me the phone, and she handed him the phone.

Q. Did he know the password?

A. I think she gave it to him then. I'm not sure. I can't remember her telling me, but he did get the phone.

Q. Did he go through her phone?

A. Yeah.

Q. Did you find -- how did you find that, to be odd or normal?

A. It was odd, but.

Q. Okay. Were you aware that K.F. would go to the Defendant's house?

A. Yeah. I came home one day, and I'd seen her at the front door, and I went on to the house, and I walked around there. Didn't knock on the door, I went through, she met me in the living room, and I said, whatcha doing down here? And she says, she was cleaning up. I said, well, he's a grown man, he could clean his own house, you need to get home.

Q. And what did she do?

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A. She called her mom, and I reckon she went home. I went on back to my house because I didn't see anybody there.

Q. To your knowledge, did K.F. ever go back to his house?

A. I think she -- I think she did. I wasn't honestly sure that she went over there, but I was just told that she was cleaning his house at the time.

Q. Did you have any concern about K.F. being over at his house?

A. Oh, yeah, it don't look right. It didn't look right, and that's what I told her. I said, this don't look right, get home, you shouldn't be up here.

Q. In your interaction with the Defendant, did you have -- ever have any odd moments that gave you pause?

A. Yeah. There was a time that he would have a song playing on his truck, he'd Bluetooth it from his phone, and I don't remember the name of the song, but he looked at it and he says, he's a pedophile, that's about a pedophile, and kind of laughed, snickered it off. I didn't think nothing of it, just kind of I didn't want to listen to the song, but.

Q. Did you think it was funny?

A. Yeah, I thought it was a little odd, but, you know ---

Q. No, did you ---
A. --- people say things.
Q. --- find it humorous?
A. No, I didn't think it was very humorous, no.
Q. But you thought it was odd?
A. Yeah, it was odd.
Q. Is there another time that you had an odd moment with your interaction with Mr. Welch?
A. Um ---
Q. Please tell the jury.
A. Yeah, he looked at me, and told me he would never hurt my -- K.F., that he was like a brother to her, and she was like his sister.
Q. Did you ask him before he said that about his relationship with her?
A. No, I did not. I didn't think there was one.
Q. Was there any context to why he would have said that to you?
A. After I told K.F. to go home, he told -- he called Laura, and Laura called me and says, John, he wants to know if you were mad at him. And I told Laura, I said, do I have a reason to be mad at him? And that's all that was kind of said.
Q. Okay. Please answer any questions the defense counsel may have.

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THE COURT: Mr. Williamson.

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

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. WILLIAMSON:

Q. Mr. Floyd, who are you currently married to?

A. I'm not married -- well, I am married; I'm separated. I'm currently married to Ashley Floyd from Lake City.

Q. Okay. So you're not married to Ms. Driggers at this point in time?

A. No we've been -- we've been divorced for ten years.

Q. Ten years. So you were divorced -- ten years, you were divorced in about 2013?

A. Well, 2012.

Q. Okay.

A. It was 2012.

Q. When was the last time that you lived in a home with [redacted]?

A. That would have been in probably 2015, probably. She lived with me and my wife in Lake City Scranton area, and then she ended up moving back with her mom.

Q. Okay. Now, you testified earlier that you didn't

think anything of the crush that you had found out that K.F. had on my client, correct?

A. Correct.

Q. And didn't you testify that the statement that you had said my client had made regarding wouldn't do anything to hurt K.F., or something along those lines, was prompted by something that you had already said to him?

A. Well, I didn't say anything to him, no. I said, I told K.F. to get home.

Q. Okay.

A. And I reckon he got that through her, and he called Laura, and asked Laura if I was mad, you know. He didn't -- he don't come directly to me.

Q. Okay.

A. He went through her.

Q. All right. Now, you also testified about an interaction with her phone; is that correct?

A. That's right.

Q. Now, you said that you couldn't remember whether or not she told the password to him that day, or he opened the phone himself?

A. He got in the phone, but I don't remember exactly as to how he got in the phone.

Q. Okay. After he got in the phone, did he let

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anybody else see it?

A. No, he handed it back to her.

Q. Okay. About how often do you see your daughter now?

A. Not as often as I used to. She used to come to my house two or three times a week, which is across -- but I mean, she would just be sitting with my fiance/girlfriend at the house whenever I got home. But -- and it kind of got slower and slower, and I didn't speak to her. I had -- I would call her on the phone and be, like, you want to go fishing? And she would be, like, I've got something to do. But whenever before, she never really had nothing to do because she wanted to go.

Q. So when was the last time you would say you were very close to your daughter?

A. It's been a couple -- it's been a couple of years, a year and a half maybe.

MR. WILLIAMSON: I beg a moment of the Court's indulgence, Your Honor.

THE COURT: Yes, sir.

(Pause.)

MR. WILLIAMSON: Your Honor, I have no further questions at this time.

THE COURT: All right.

MS. PIERCE: No redirect.

THE COURT: All right, sir. You can step down. Thank you, sir.

MS. PIERCE: With the Court's permission, could Mr. Floyd be excused and go back to work?

THE COURT: Any objection, Mr. Williamson?

MR. WILLIAMSON: No, Your Honor.

THE COURT: All right, Mr. Floyd, is excused. Thank you, sir.

MS. PIERCE: Your Honor, the State would call Logan Floyd to the stand.

THE COURT: All right. Mr. Floyd, come up, sir.

THE CLERK: Could you raise your right hand, place your left hand on the Bible.

MR. LOGAN FLOYD was called as a witness, being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. PIERCE:

Q. Logan, can you state your name and spell it for the record?

A. Yes, ma'am. My name is Logan Floyd; it's L-O-G-A-N, F-L-O-Y-D.

Q. Mr. Floyd, would you please introduce yourself to the jury?

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A. I'm 21 years old; I am K.F.'s older brother. I take very, very much pride in my siblings. For a long time, whenever my parent divorced, I was my siblings' backbone. We was a team. We did everything together. Where me and my little brother was, my little sister was right behind. She always had a big heart, just like me and my little brother.

Q. Would you describe yourself as being close to K.F.?

A. Yes.

Q. Do you know the Defendant?

A. Yes, I do.

Q. How do you know him?

A. Met him through my stepdad.

Q. Tell us about that.

A. I met him through my stepdad at the Country Store. My stepdad and my mom actually met him first, and then they started talking and kind of got a friendship. I didn't really go over to his house until after the fact of them talking and being friends and stuff, and mama getting close with his girlfriend at the time, Courtney. It started out as mostly just talking about the truck he had in the yard and his boat.

Q. Did you ever go hunting or fishing with him?

A. I went duck hunting with him one time.

Q. Were you aware that K.F. had a crush on the Defendant?

A. I was aware that she did have a crush. But it's like everybody else said, I just figured it was one of those little kid things, you're young, and you think somebody -- you might have a chance with somebody whenever you're young.

Q. And you could tell that, based on your observation and knowing your sister well?

A. Yes, ma'am, most definitely.

Q. Did you ever notice anything on K.F.'s phone, or did she ever tell you anything that led you to believe she had a crush on the Defendant?

A. She would get really defensive when we were young, and I noticed a heart next to his name every time she texted, whether it was on messages or whether it was on Snapchat.

Q. A heart?

A. A heart.

Q. Did she ever share her thoughts about her future with the Defendant with you?

A. You mean as -- like, what she wants to be?

Q. Did she ever say if she had any hope of being with him?

A. No, ma'am, not at all.

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Q. She didn't confide that in you?
A. No, ma'am.
Q. Did you ever see with your own eyes K.F. ride off with the Defendant?
A. Yes, ma'am, numerous occasions.
Q. Numerous?
A. Numerous occasions.
Q. What time of day?
A. Sometimes it would be midday morning, and most of the time, evening.
Q. Evening. Did the Defendant ever come over to your house?
A. Yes, ma'am, he has.
Q. Did he go into the living room and visit?
A. He's gone into the living room, my little sister's room, my room, and my little brother's room.
Q. Tell us about him going into your sister's room.
A. Sometimes he would go in there, sometimes the door would be open. The only time the door would be closed is whenever she said that she wanted to talk to him, or either felt comfortable talking to him, or had to talk to him about something. That's the only time that the door was really closed. Other than that, it was just play free, close free.
Q. Did he go into your bedroom and talk to you

behind a closed door?

A. No, ma'am.

Q. And you just testified that they would play wrestle?

A. Yes, ma'am.

Q. Describe that to the jury, please.

A. At first, I figured it was like how me and my little brother and sister would wrestle when we really were kids and stuff. But it was -- in my opinion, it was more like -- like a newlywed couple wrestling.

Q. Were you getting concerned at this point?

A. I was. I had suspicions.

Q. And what did you do?

A. I wanted to do some more digging. I didn't want to come out the blue and just flat out say something and me be wrong, because my little sister at the time was very head over heels and figured, I guess, that was love, and anything I would -- she would get defensive about and shut me out completely.

Q. Did you say anything to the Defendant?

A. I asked him on numerous occasions if K.F. was okay, or something, like, can you tell me something about K.F. ? He's, like, don't worry, I got her, you know I ain't going to let nothing happen to her and stuff, think of me as an older brother, or more like

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a father figure.

Q. Did you know that K.F. was sneaking out at night to meet him?

A. I did not, but I had suspicions.

Q. Why?

A. The back door would be wide open late at night with her coming home. And some nights, I would see a truck pull up.

Q. To your knowledge, did she ever spend the night with him?

A. Yes, ma'am, she has.

Q. When Courtney was home?

A. Sometimes when Courtney was home. But most of the time it was whenever Woody was home and Courtney was not.

Q. Would you please tell the jury what you observed about K.F. and the Defendant's interactions regarding the cell phone?

A. All he had to do is say, hand me your phone, and he would go through it. He had every password any time he wanted in that phone. He would sit there and tell her anything on a drop of a dime, and that was it.

Q. Did K.F. obey your mom at a drop of a dime?

A. No, she did not; she used to. She used to be

right there on my mom's heel, and then I really started noticing something weird whenever she pushed my mother away and everybody else.

Q. Did she obey your dad when he was around at a drop of a dime?

A. No, ma'am, she was always a mama's girl.

Q. Did she obey you every time you told her to do something?

A. Not one time -- until she started pushing me away.

Q. Is that when she started obeying Woody, or the Defendant, at a drop of a dime?

A. Yes ---

MR. WILLIAMSON: Your Honor, I'm going to object. There is potential improper bolstering.

THE COURT: Overruled.

MS. PIERCE: Thank you, Your Honor.

BY MS. PIERCE:

Q. Did the Defendant ever make any comments to you about liking women?

A. Yes, he has. He has told me on numerous occasions that he likes older women because the younger, underaged women won't leave him alone, and that he broke up with an older woman at one time because of her 16-year-old daughter.

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Q. Okay. Thank you. Would you please tell the jury what happened on the night that you went on the horseshoe road -- dirt road?

A. The night on the horseshoe road, as y'all heard, my mother and him having that going on, I was driving down the road; me, my wife, and K.F. I had seen my mother's car and a blue F-250.

Q. What was distinctive about that F-250?

A. It had General Grabbers X3s.

Q. Did you know anyone else in Turbeville that had that make, model, and tires?

A. No, ma'am. He was the only one out in Turbeville that had that one because he personally bought it from, unfortunately, my deceased uncle, Matthew.

Q. Okay. So you saw the vehicle. So what happened next?

A. I stopped my mom, and before I got out the truck to talk with her, he already called K.F.

Q. Who's he?

A. Mr. John Allen Welch, Jr. already called K.F.

Q. And could you hear that conversation for yourself?

A. I did.

Q. Tell the jury what you heard.

A. While my little sister was having a panic attack

and crying and stuff, he told her, K.F., that was not me on the dirt road, calm down and stuff, said, we'll talk later.

Q. How soon after that had -- what was the timeframe between you riding up on them, stopping your mom, and then K.F. getting that phone call?

A. Five to ten minutes.

Q. Did she call him?

A. No, he called her.

MS. PIERCE: Beg the Court's indulgence.

THE COURT: Yes, ma'am.

MS. PIERCE: Please answer any questions the defense may have.

THE WITNESS: Yes, ma'am.

THE COURT: Mr. Williamson.

MR. WILLIAMSON: Thank you, Your Honor. Your Honor, I beg a moment of the Court's indulgence.

THE COURT: Make sure your microphone is pushed away. There you go.

(Pause.)

CROSS-EXAMINATION

BY MR. WILLIAMSON:

Q. So, Mr. Floyd, you testified that you had met my client through your stepdad?

A. Yes, sir.

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Q. And when would that have been?
A. Maybe about a month after my mother and stepdad actually started talking with him.
Q. All right. You testified that you went duck hunting one time with him?
A. Yes, sir, but that was about a year and a half after the fact.
Q. Did you ever go fishing with him?
A. I can't say that I have.
Q. Did you ever do anything else with him?
A. Other than helping him work on a couple of his trucks, the boat, and we cleaned our guns.
Q. Outside of the times when he was in your home, and you said that he would talk with K.F. behind a closed door, did you ever see him alone with K.F. at any other times?
A. Yes.
Q. Did you ever see him do anything sexual in nature with your sister?
A. The way he would touch her made me question; the way he would make comments about what she wore.
Q. But you never saw him actually do anything with your sister, correct?
A. No, sir, I haven't.
MR. WILLIAMSON: I have no further

questions, Your Honor.

THE COURT: All right. Ms. Pierce.

MS. PIERCE: No redirect, Your Honor.

THE COURT: All right. Thank you, sir. You can step down.

MS. PIERCE: Your Honor, at this time, the State rests.

THE COURT: All right. Y'all would approach.

(Off-the-record conversation held at sidebar.)

(Back on the record.)

THE COURT: Ladies and gentlemen of the jury, the State has rested its case. And based on the time of day and some matters which the law requires us to take up outside of your presence, I'm going to excuse you for the balance of the day. Do not begin your deliberations; do not discuss this case amongst yourselves, or with anybody else. We'll have you back tomorrow morning at 9:30 to resume the trial.

One thing I want y'all to do in the morning when you get here, before we start court, is to select a foreperson for this jury. And you can do that by any means that you see fit, via voice vote, or y'all can do little secret ballots on paper appointing, a certain

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someone can volunteer to be the foreperson if they want to. The foreperson doesn't have any greater weight in terms of vote or anything of that nature. They just serve as the jury's spokesperson, and are in charge of filling out the verdict form at the close of the trial. I'll explain more about that when the time comes. So if y'all will do that for me when you get here.

Again, don't discuss it with anybody else. The first thing that's going to happen when you get home this evening is your spouse, significant other, or child is going to ask you what you did today. You just need to tell them I got picked to serve on a jury, and that's probably about as far as it needs to go, because if you start talking about it, then they're going to ask you questions, and that's not what we're -- that's not the kind of conduct we're looking for outside of the courtroom. So if you would be back tomorrow morning at 9:30, we will resume the trial then. Thank you very much.

(The jury exited the courtroom at 3:35 p.m.)

THE COURT: All right. Mr. Williamson, do you have any motions?

MR. WILLIAMSON: Yes, Your Honor. At this point, I would like to move for a directed verdict. Your Honor, I do not think the State has met their

burden of proof beyond a reasonable doubt that the crimes alleged under 16-3-655 occurred. More specifically, Your Honor, there's been nothing introduced to suggest, outside of the victim's testimony, that sexual battery occurred, Your Honor.

As I'm sure Your Honor is aware, sexual battery has a very specific definition, and I just don't believe that the State has proven that beyond a reasonable doubt in this case. I don't think there's any way that the jury could, if this were submitted to them, to find, based on the evidence submitted through testimony and the few items admitted into evidence, to prove the elements of those charges, Your Honor.

More specifically, the items submitted by the State are some text messages that, quite frankly, don't show sexual battery occurred. They submitted pictures of the two that are, by all means, innocent in nature, and they submitted a Snapchat log, Your Honor. None of those go to prove that sexual battery occurred. Your Honor, again, I don't think they met the burden of proof that's required in this case, and I would move for a directed verdict at this time.

THE COURT: Thank you, Mr. Williamson. Ms. Pierce, any response?

MS. PIERCE: Your Honor, I think this

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is a question for the jury. I think credibility is a question for the jury. She has testified. She said that they had sexual intercourse, cunnilingus, and fellatio which is vital to the definition of sexual battery. I do believe we've met our burden of proof, and it should go to the jury.

THE COURT: All right. Mr. Williamson, Rule 19 of the South Carolina Rules of Criminal Procedure governs directed verdict. And what the Court is considered with is the evidence in the light most favorable to the nonmoving party, whether that evidence exists. In this case, it's been presented that she was under the age of 16, and the Defendant was an adult.

So the age requirement has been testified to, the alleged victim has testified regarding digital penetration, penile penetration, cunnilingus and fellatio. So that -- there is evidence in this record that a sexual battery has occurred. Any judgment I would be making would cause me to weigh the evidence, and that is the jury's job. So the motion for a directed verdict is, respectfully, denied.

MR. WILLIAMSON: Thank you, Your Honor.

THE COURT: All right. Mr. Floyd, could you stand up for me, sir? I mean, I'm sorry, not Mr. Floyd. Mr. Welch, could you stand up for me, sir? All right.

Mr. Williamson, stand up for me, sir. Mr. Floyd -- I'm sorry. Mr. Welch, raise your right hand, sir.

(Whereupon, Mr. Welch was sworn in.)

THE COURT: All right. Mr. Welch, you can put your hand down. You understand the State has rested its case, and now it becomes time for the defense to decide whether you want to put up any witnesses, including whether you want to testify. You understand that under the state and federal constitution, you have the right to remain silent under the Fifth Amendment, and nobody can force you to testify in your own defense. Do you understand all that? Do you understand that even though this decision needs to be made after consulting with your lawyer, the decision is yours and yours alone?

THE DEFENDANT: Yes, sir.

THE COURT: And you understand that if you choose not to testify that it cannot be held against you? And I will specifically charge the jury that your failure to testify cannot be considered by them in any way during their deliberations.

THE DEFENDANT: Yes, sir.

THE COURT: All right. Mr. Welch, do you need some more time to speak with Mr. Williamson about the decision as to whether you want to waive your right to self-incrimination, or waive your right to remain

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silent and testify in this case? Do you need to talk to him any more about it? You can have time.

THE DEFENDANT: Yes, sir.

THE COURT: You want to talk a little bit more about that?

THE DEFENDANT: Yes, sir.

THE COURT: All right. Well, we are essentially through for the day, so you've got whatever time between now and whenever we resume tomorrow at 9:30. But I will need an answer on the record before we proceed any further. Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: All right. You've been out on bond this whole time, sir?

THE DEFENDANT: Yes, sir.

THE COURT: All right. I'm going to allow you to remain out on bond while -- overnight. I want to caution you, number one, that the terms and conditions of your bond remain in effect. I would imagine there was likely a no-contact order in this case that will continue until this case is concluded. Also, if you decide over the evening that, for whatever reason, you aren't going to come back to court, you need to know that this case is going to proceed in your absence. Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. All right. Anything else we need to take up before we adjourn for the day?

MS. PIERCE: Nothing from the State.

MR. WILLIAMSON: Nothing from the defense, Your Honor.

THE COURT: All right. I have a proposed draft jury charge that I've put together over the course of the testimony. I will have Ms. Hartman [ph.] here e-mail that to both of you, so you can look at it tonight. It's -- at this point, it's pretty bare bones, given what I've heard. I've included the portion about the failure of the Defendant to testify. Obviously, that can be taken out and be changed. This is mine. I include that as a matter, of course, because frequently Defendants chose not to testify. But, you know, it's all going to be electronic, so we can take it out. If y'all have any suggestions, or any specific charges you want me to consider, I would like to receive those electronically, so I can cut and paste and save me some typing.

MS. PIERCE: I do not have any, Your Honor.

THE COURT: Okay.

MR. WILLIAMSON: Your Honor, I have -- but I'll wait -- to Ms. Hartman.

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THE COURT: Okay. All right. I will send you what I put together, and we will talk about that after the defense rests its case. All right.

MR. WILLIAMSON: Thank you.

MS. PIERCE: Thank you, Your Honor.

THE COURT: We'll be in recess until 9:30 tomorrow morning.

MS. PIERCE: Thank you.

MR. WILLIAMSON: Thank you.

(Proceedings adjourned until 9:30 a.m.)

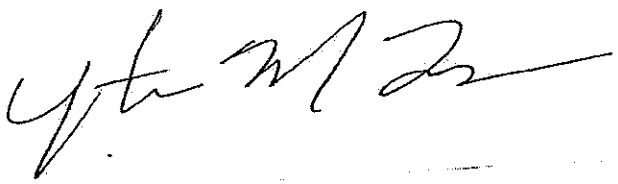
CERTIFICATE OF REPORTER

State of South Carolina)
County of Clarendon)

I, the undersigned, Yvestre Torres, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Clarendon County, South Carolina, on the 21st of March, 2023.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

August 31, 2023



Yvestre Torres
Circuit Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF CLARENDON

COURT OF GENERAL SESSIONS
2022-GS-14-00225
2022-GS-14-00226

State of South Carolina)
)
-vs-)
)
John Allen Welch, Jr.,)
)

TRANSCRIPT OF RECORD

March 22, 2023 - Vol 3 of 3

Manning, South Carolina

B E F O R E:

The Honorable R. Kirk Griffin, Judge

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

Darla F. Pierce, Esquire
Attorney for the State

Matthew A. Williamson, Esquire
Attorney for the Defendant

Reported By:

Yvestre Torres, OCR
Circuit Court Reporter for the
Ninth Judicial Circuit

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THE COURT: Thank you. Please be seated. Good morning, everybody. Mr. Williamson, before we get started this morning, we need to put your client's decision on whether or not he's going to testify on the record. Mr. Welch, stand up for me. Mr. Welch, you've had the opportunity to speak to Mr. Williamson about whether or not you want to testify in this case?

THE DEFENDANT: Yes.

THE COURT: And what's the decision you've made?

THE DEFENDANT: No, sir.

THE COURT: You're not going to testify?

THE DEFENDANT: No, sir.

THE COURT: All right. And that decision was made by you?

THE DEFENDANT: Yes, sir.

THE COURT: Anybody influenced you in any way to make that decision?

THE DEFENDANT: No, sir.

THE COURT: You made it freely and voluntarily, of your own free will?

THE DEFENDANT: Yes, sir.

THE COURT: All right. Thank you. You can have a seat. Mr. Williamson, given the fact that he's not going to testify, would the defense be putting

up any evidence?

MR. WILLIAMSON: No, Your Honor.

THE COURT: All right. Ordinarily, I think, following technical procedure, we would bring the jury out, you rest on the record. I'll have to send them out and do any motions, but I think we can cover that before we bring them in so we can get on with the closing arguments. Mr. Williamson, do you have any motions at this time?

MR. WILLIAMSON: Just to renew the directed verdict motion from previously, Your Honor.

THE COURT: All right. And I will, respectfully, deny that motion based upon the reasons given at the close of the State's case.

MR. WILLIAMSON: Thank you, Your Honor.

THE COURT: All right. Are we ready for the jury?

MS. PIERCE: Yes, Your Honor.

THE COURT: And just so everybody is clear, again we talked about this in chambers, the State will close in full, then the defense will close, then the State will have the opportunity to rebut the arguments of the defense. All right. Bring us the jury, please.

(The jury entered the courtroom at 9:52 a.m.)

THE COURT: Good morning, ladies and

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gentlemen. Thank you for your prompt return here this morning. I've been informed by members of the clerk staff that you, as a group, have selected juror number 150, Mr. McLeod, as the foreperson. Is that correct?

THE FOREPERSON: Yes, sir.

THE COURT: All right. I will explain a little bit more what that means when the time comes. But as I stated yesterday, you'll be the jury's spokesperson if anything needs to be brought to the Court's attention, and you'll be in charge of filling out the verdict forms in this case. When we broke yesterday afternoon, the State had rested its case. Now, it is the defense's turn. Mr. Williamson.

MR. WILLIAMSON: Your Honor, the defense rests.

THE COURT: All right, folks, that means you have heard all of the evidence and testimony that you'll hear in this case. We are not in a position for you to begin your deliberations yet. We still have the closing arguments and the charge on the law. So at this time, ladies and gentlemen, I recognize Ms. Pierce on behalf of the State for closing arguments. Please give her your attention. Thank you.

MS. PIERCE: Thank you, Your Honor. Good morning. Yesterday, I pointed out 26, 14.

You heard testimony, 27, 15. Ladies and gentlemen, those aren't football scores; those are the ages of the victim and the Defendant when he talked her into having sexual intercourse, 14, 26; 15, 27.

Now later this morning, the judge is going to give you the law. He's going to tell you what the law is, and that is the law you have to apply in this case. That law, the laws, they're there to protect young children from adults who want to use their immaturity, the fact that they're naive, use that to satisfy their own sexual desires. Now His Honor will give you the law, but I'm going to run through it very quickly.

This is really a simple case. This case really comes down to 14, 26 and 15, 27, the law. In this case, His Honor will define what's criminal sexual conduct with a minor, second degree, ages 15 [sic.] through 14. You have to have a sexual battery.

A sexual battery can be sexual intercourse, cunnilingus, female oral sex, fellatio, male oral sex, or penetration onto a person's body, ever so slight. The victim has to be between the ages of 11 and 14. And the Defendant in this case, this part of the law, is the Defendant is older than the victim. In this case, there's a sexual battery; digital penetration,

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sexual intercourse, cunnilingus, and fellatio. You heard her say that she was 14 in April of 2019, and you heard his date of birth was [redacted] 1992; he was 26.

And then there's another count that you'll deliberate on, and this one is the same, only it's less than 16 years old, and that is where -- she was 15 at the time, and it actually continued until she was 16, but 15. Same analysis continuing, the only thing that changed is she got a year older.

Ladies and gentlemen, I want you to take a minute and think about what she told you. She told you that it started in 2019. It continued; it continued at her house; it continued on a dirt road; it continued at his house; it continued outside; continued all in that area. Take a minute, if you will, and look at [redacted] K.F. [redacted]. She's 18 years old today. That's what she looks like at 18. She was 14 when it started.

Now His Honor is going to talk to you about reasonable doubt, and that is our burden of proof for the State. He'll tell you -- and I'm paraphrasing, but he's going to tell you the actual law. But he'll tell you something along the lines that it's the kind of doubt that would make a reasonable person hesitate to act. And that's the key word, reasonable person.

You have to be firmly convinced of the Defendant's guilt.

But keep in mind that the State does not have to overcome every single doubt you have. Nothing in life is absolutely certain, very few things. But we don't have to overcome every doubt, any doubt, any speculation you may have. That's not -- it is a reasonable doubt. And I tell you, you came in this courtroom with all the tools that you need to analyze this, and find that he's guilty beyond a reasonable doubt. Your came in here with your life experiences; you came in here with your common sense; and you came in here with your reason, and that's all that we ask.

Now, there are two types of evidence, and you heard the defense question about evidence yesterday. Do we have physical evidence? You know, did she go to the hospital? Was there any DNA? Well, ladies and gentlemen, in this case they engaged in a consensual, although legally not consensual, relationship from 2019 to 2021, and she reported in 2022. There are no trips to the hospital for a rape kit; there was no physical DNA.

But what you do have -- and don't let them get you hung up, don't let the waters get muddy on the evidence. His Honor will tell you direct evidence

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is the testimony from this witness stand. It can be testimony if direct evidence comes from an eyewitness, or a person who can see the event. Think of the five senses; that's direct evidence. If we go outside and it starts raining on us, we feel it, we see it, we hear it, we can say, it's raining, that's direct evidence.

But if you were waiting in that jury room, and it wasn't raining when you came in, and then one of your fellow jurors walked in, and they had an umbrella, they had a raincoat, and they were wet, that would be circumstantial evidence. And that could be what you can use as inference that it was raining outside. Both of those have equal weight in the law. You have [redacted] with her direct evidence, telling you what happened, step by step of the way. That's evidence.

You have circumstantial evidence because the other three witnesses, Ms. Floyd, Mr. Floyd, and then Logan Floyd, the brother, told you, yeah, they went off a lot. Yes, she spent the night over there when nobody else was there but a grown man and her, that she drove herself to the high school the next day, you can make those inferences and ask yourself what happened. What happened in those hours? She told you what happened.

This is the big one because I want to talk to you about credibility. Quite frankly, it's simple. Believability. Who do you believe? Do you believe her? Did you find her credible? Was what she was telling you, was that credible? Was that real? Was that believable?

Now, you may have heard from witnesses that you didn't like, and that's okay. You don't have to like them; you don't have to agree with the decisions that were made. Do you believe them? Were they credible?

Now at the beginning of the trial, I made the comparison to the wolf in sheep's clothing. I asked you to think about three things; the lies, the deceit, and the control. And these aren't full examples. There were a lot more, but I asked you to think about that and talk about that when you go to the jury room to deliberate.

He told her he loved her like a girlfriend, but we know that's not true. She didn't know it at the time, but we know it's not true. He had a girlfriend with a baby. And you heard testimony, you may not like it, may not agree with it, mama is not on trial, but mama also was having an affair with him. So how can he love her like a girlfriend? The law says

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he can't love her like a girlfriend anyway physically, but it's not true.

He told her they would be together when she was 18. Why did he tell her that? And then I thought this was interesting, Logan told you that he knew his mom was having an affair with the Defendant. And so when he was on that dirt road, and he saw a truck that he knew to be Woody's, the Defendant's, and he saw his mama's car -- and what did he tell you? He said within five minutes his sister's phone was ringing. She was in the back seat crying, and he could hear the Defendant say, it wasn't me.

How did he know? If he wasn't there and that truck drove up, how did he even know to say it wasn't me? Why would he call an underaged girl to say it wasn't me if nothing was going on? Why would he care if she's upset? He sure didn't seem -- Logan didn't say anything to him about it. He didn't want to say, hey, now, are we straight? He wanted to call her. It wasn't me. Then he lied to the family. She's like a sister; I'm like a father figure.

Deceit. He would tell her and tell the others, we talk, she can talk to me. She talks to me, let her talk to me. Yeah, let her talk to you. Then, he would tell her and others, oh, I'm going to kill

myself. I need her to spend the night with me. Well, why did he say that? He's still alive so it wasn't true. He was deceiving them to get her over there is what I submit to you. This one, I need help waking up in the morning. Please, send me your underaged daughter to help wake me up for work in the morning.

He told her get a boyfriend, and you heard her testify she did. She got one. She said that he told her get a boyfriend, have sex so she can be on birth control, hoping that she would have sex with him one time. She did exactly that. Get a boyfriend so we can keep having sex. That way if you do get pregnant, I guess the implication is pass it off as his. Underaged, ladies and gentlemen. A close family friend, to their face, smiling, barbecuing, hanging out, drinking, and then all the while having an affair with mom too.

And, finally, control where he gets what he wants. She was going -- she met him, she went and got on birth control, just like he said. She went and had sex with other people, just like he said. She deleted everything; she told you that. We don't have a smoking gun, ladies and gentlemen. We really don't. We have her testimony. We have, you know, just pictures of them hanging out, to give you an idea.

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She told you about the Snapchat and how her being placed there showed that they had the most interaction, how she kept up with his passwords to all his accounts. When you go back there, will y'all please think about this? Think about that the babysitter, the little sister that you claim you have, is the one keeping up with the passwords.

And then you'll have the messages, and it's a long stream of messages. She told you it starts on January 14, 2020, and it just goes throughout time. And she tells you about how he would keep deleting her from Snapchat every now and then. I submit to you that's control, because when you look at those messages, you're going to see add me back. What did I do? Are you mad? Please, add me back. Please, add me back. She was underage, still a little girl in her mentality. It's still what did I do wrong? Let me fix it. Please, don't be mad at me. Never realizing that he had her right where he wanted her.

You heard the testimony where mom would get mad and take her phone, like any other teenager. And then lo and behold, here's the Defendant, oh, man, she needs her phone back. What if something happens to her? Why would he care? Why would he want her to have that phone back? Mom told you she gave it back.

You heard mama testify that their affair started in 2018. K.F. testified that he told her he loved her like a girlfriend in February of 2019, kissed her for the first time, her first kiss ever, in March 2019, and then they had sex on a dirt road in April of 2019. It's pretty interesting, isn't it? An affair with mom, followed by having sex with the daughter, the babysitter, the young girl, the underaged girl. Young, shy, inexperienced, and the bottom line he's the adult.

The judge is going to tell you in order to find him guilty on two counts that you have to be convinced of his guilt beyond a reasonable doubt. It's the kind of doubt that you're not going to hesitate to act. Let me ask you this. Think back to yesterday when she sat up here and told you her story, her testimony, her direct evidence. Did you hesitate then? When Mr. Williamson cross-examined her, did you hesitate then? Did you have a firm belief that the adult, the Defendant, had sex with a 14 year old and then a 15 year old? Firm belief, ladies and gentlemen, that's a conviction on both counts. Thank you.

THE COURT: Mr. Williamson.

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

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THE COURT: Yes, sir.

MR. WILLIAMSON: Members of the jury, I thank you again for being here; I thank you for your attention to the evidence that was presented yesterday. It's not the easiest task; it's not a task that I imagine you want to have, but I do appreciate you being here and giving my client his day in court.

As I said yesterday, it's one of the most important parts, if not the most important part, of the criminal justice system. You can't take what you've done lightly. And if you remember, at the start of my opening statement yesterday, I wanted you to remember two words. I wanted you to keep those words in mind throughout the testimony that you heard from the State's witnesses yesterday. Those two words are reasonable doubt.

Now, as Ms. Pierce has already said, the judge at the close of this trial is going to instruct you as to what reasonable doubt means by law. He's going to instruct you on the elements of the charges brought against my client. And he's going to give you some other instructions that you'll take back with you when you deliberate in the jury room.

I just want to go over that one topic. I don't want to sound like a professor, but I just

want to let you know again what the law says reasonable doubt is. Reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act. It's a doubt for which you can give a reason. Let's think of it like this, if anything you heard yesterday makes you hesitate and go, um, maybe not, maybe I don't believe that 100 percent, maybe I can't overcome that hurtle in my mind, ladies and gentlemen, that's what a reasonable doubt is.

A couple of things that I thought were interesting about yesterday are some of the things you didn't hear versus some of the things you did hear from the State's witnesses. You heard from the mother of K.F. that she called law enforcement on February 21, 2022.

But what didn't you see? You didn't see any evidence from law enforcement; you didn't see anybody from law enforcement testify. They were here in the courtroom, but they didn't bring up anybody from law enforcement to present any evidence or testimony. You've got no direct evidence from law enforcement; you've got no circumstantial evidence from law enforcement. The mother said she called law enforcement. Why didn't you see anything from law enforcement on the stand? Why didn't you see anything

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from law enforcement in evidence?

Members of the jury, you heard about a wedding in K.F.'s family that took place on February 12th, 2022. You heard the mother testify that she was upset that Ms. Bernell [ph.] didn't go. She said she didn't care whether or not Mr. Welch went, my client, but you heard she was upset. That wedding took place on February 12th, 2022. She called law enforcement on February 21st, 2022, nine days after that wedding she missed. They're a close family.

They were friends; they hung out together at night. K.F. testified to it; Ms. Driggers testified to it that they hung out together at night, sometimes 12:30, one o'clock in the morning. That wasn't an abnormal occurrence in their families. You heard testimony that K.F. babysat for my client and Ms. Bernell, that she would take care of his house when he was away, that she would take care of his house when he was there. The families were that close. Let's not try to muddy the waters, members of the jury. That's just stating what they testified to on the stand.

Members of the jury, you heard K.F. state, and Ms. Pierce state again in her closing argument, that my client somehow coerced her to get on birth control. But members of the jury, what you didn't

see was any evidence that shows that she's actually on birth control now. That could have been presented, could have been proven. They could have gotten something from a doctor that says she was on birth control, use it as evidence. They didn't; it's not there.

You also heard that it was Ms. Driggers that took her to -- that was -- that had her at the appointment. But what we also heard was that Ms. Bernell took her there. Things just don't add up.

And, lastly and most importantly, members of the jury, and I think this causes the biggest reasonable doubt of them all. You heard that during the time period that K.F. alleges my client was having sex with her, and that's what it is, an allegation. You heard that Ms. Driggers was having sex with my client at the same time.

So what is this a case of? Is this the truth? Is this a case of a daughter covering for the mom? Is this a case of the mom covering for the daughter? Those are all things that played in my mind; those are all things that in my mind are reasonable doubt.

Lastly, members of the jury, again you didn't see anything here that shows that any sexual

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battery happened. There's no physical evidence. You have text messages actually that show my client blocked [redacted] on social media. You have text messages, you'll see, from Ms. Driggers that say you never treated my kid bad, that say you're the only man in her life she's been able to look up to and depend on. You're the only man who listens when she has a problem and not yell at her for stupid shit. They trusted him. And, to me, it's a little strange that trust appears to have been broken after a missed wedding and an affair.

Members of the jury, if you do have a reasonable doubt, the law says that you must resolve that doubt in favor of the Defendant and find him not guilty of the crimes that he's charged with. If you have that reasonable doubt in your head, you have to bring back a verdict of acquittal.

I thank you for your time; I thank you for paying attention to the evidence; and I thank you for listening to me throughout this trial. And I hope at the end of this that you'll see the same things I do and bring back a verdict of acquittal. Thank you.

THE COURT: Ms. Pierce, rebuttal.

MS. PIERCE: Thank you, Your Honor, very briefly. Mr. Williamson said one thing that I absolutely agree with. He said it was strange that

the trust was broken between them for a missed wedding and its implications, that's why we're here today. I agree that's strange. I submit to you that's ludicrous. You heard K.F. said she didn't care about the wedding. She had her boyfriend, [redacted] Logan didn't care about the wedding; mom cared because Courtney didn't help with the dress. It's ludicrous. Those messages are going to go back in the jury room. Please look at the dates. The wedding was in 2022. Laura, mom's messages, were in 2021.

I just told you, we don't have a smoking gun; we don't have her medical records. What we do have is her direct evidence, her testimony, which she's telling you she was on birth control. Credibility. Believability. Don't lose sight of the nickel that I told you about yesterday, that shiny nickle laying there.

At the end of the day, the muddied waters of mama, the muddied waters of whether or not we had a sexual assault kit, or any evidence of birth control, other than her telling you she was on birth control, mama acknowledged she was on birth control, Courtney being there. Do you think Courtney actually -- don't let that muddy the waters; don't lose sight of the nickel. The nickle is he was the adult, she was

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the child, and they had sex ages 14 and 15. That's the nickel, ladies and gentlemen. And I ask you to go back there and weigh the evidence and look at everything, especially credibility and believability, and that you return two counts of guilty. Thank you.

THE COURT: Members of the jury, please give me your attention now. It is my duty as the trial judge to instruct you on the law applicable to this case. And in that regard, it is your duty as jurors to accept and apply the law as I state it to you.

Furthermore, it's your exclusive duty to decide all of the issues of fact in this case and to determine the effect, value, and weight of the evidence. The State and the defense have the right to expect that you will carefully consider and evaluate the evidence and apply the law of this case to it, so that in the end both the State and the Defendant have received a fair and impartial trial.

I remind you that during this trial you and I have had certain duties to perform. As the trial judge, it is my responsibility to preside over the trial of this case. And I also have the duty to rule on the admissibility of the evidence offered during this trial. You are to consider only the competent evidence before you. If there was any testimony ordered stricken from

the record in this case during this trial, you must disregard that testimony. You are only to consider the testimony which has been presented from this witness stand, any exhibits which have been made a part of the record in this case, and any stipulations of counsel.

I have the additional duty to charge you the law applicable to this case. As the presiding judge, I am the sole judge of the law in this case, and it is your duty as jurors to accept and apply the law as I now state it to you. If you already have any idea as to what the law is, or what you think the law ought to be, and it does not agree with what I tell you the law is now, you must abandon this idea, as you are sworn to accept the law and apply the law exactly as I state it to you.

In every case tried in this court before a jury, the jury becomes the sole and exclusive judge of the facts in the case. A trial judge cannot intimate, state, comment on, or make any statement to a trial jury about the facts in a case since you, the jury, are the sole judge of the facts in the case.

You're not to infer from what I've said during the progress of this trial, in ruling upon the admissibility of evidence or otherwise, or anything that I say now during the course of this instruction to you,

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that I have any opinion about the facts in this case. The law does not allow me to have an opinion about the facts in any particular case. This is a matter solely for you, the jury, to determine. As jurors, it is your duty to determine the effect, value, weight, and truth of the evidence presented during this trial.

The indictment in this case charged the Defendant with two counts of criminal sexual conduct with a minor, second degree. I remind you that the fact that the Defendant was arrested, charged, and indicted in this case is not evidence in this case and cannot be considered by you as evidence of guilt in this case, nor does it create any presumption or inference of guilt. These documents are simply the formal written instruments which contain the charges made against the Defendant. They are the formal document by which this case is brought into court.

The indictments in this case allege two different counts against the Defendant. Each indictment charges a separate and distinct offense. You must decide each indictment separately upon the evidence and law applicable to it, uninfluenced by your decision as to any other count or indictment. The Defendant may be convicted or acquitted on any or all of the indictments charged. You'll be asked to write

a separate verdict of guilty or not guilty for each.

The Defendant has pled not guilty to these indictments, and that plea puts the burden on the State to prove the Defendant guilty. A person charged with committing a criminal offense in South Carolina is never required to prove himself innocent. I charge you that it is an important rule of law that a Defendant in a criminal trial, no matter what the seriousness of the charges may be, will always be presumed to be innocent of the crimes for which the indictment were issued, unless that guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt.

This presumption of innocence does not end when you begin your deliberations, but it accompanies the Defendant throughout the trial until you reach a verdict of guilt, based upon evidence satisfying you of that guilt beyond a reasonable doubt.

The presumption of innocence is like a robe of righteousness placed about the shoulders of the Defendant, which remains with the Defendant until it has been stripped from the Defendant by evidence satisfying you of the Defendant's guilt beyond a reasonable doubt. The presumption of innocence is not a mere legal theory; it is not just a legal phrase. It is a substantial right to which every Defendant is entitled, unless

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you, the jury, are satisfied from the evidence of the Defendant's guilt beyond a reasonable doubt.

What is reasonable doubt in the law? A reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act. The State has the burden of proving the Defendant guilty beyond a reasonable doubt. Some of you may have served as jurors in civil cases, where you were told that it is only necessary to prove that a fact is more likely true than not true, such as by the greater weight, or preponderance of the evidence.

In criminal cases, the State's proof must be more powerful than that; it must be beyond a reasonable doubt. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the Defendant's guilt. There are very few things in this world that we know with absolute certainty. And in criminal cases, the law does not require proof that overcomes every possible doubt.

If, based on your consideration of the evidence, you are firmly convinced that the Defendant is guilty of the crimes charged, you must find the Defendant guilty. If, on the other hand, you think there's a real possibility that the Defendant is not guilty, you must give the Defendant the benefit

of the doubt and find him not guilty.

Ladies and gentlemen, there are two types of evidence which are generally presented during a trial; Direct evidence and circumstantial evidence. Direct evidence is the testimony of a person who claims to have actual knowledge of a fact, such as an eyewitness. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact.

The law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence, nor is a greater degree of certainty required of circumstantial evidence than of direct evidence. You should weigh all the evidence in the case. After weighing all of the evidence, if you are not convinced of the guilt of the Defendant beyond a reasonable doubt, you must find the Defendant not guilty. Direct evidence proves the existence of a fact, and does not require deduction.

Circumstantial evidence is the proof of a chain of facts and circumstances indicating the existence of a fact. Crimes may be proven by circumstantial evidence. To the extent that the State relies on circumstantial evidence, all of the circumstances must be consistent with each other, and when taken together point conclusively to the guilt

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of the accused beyond a reasonable doubt. If circumstances merely portray the Defendant's behavior as suspicious, the proof has failed.

The State has the burden of proving the Defendant guilty beyond a reasonable doubt, and this burden rests with the State, regardless of whether the State relies on direct evidence, circumstantial evidence, or some combination of the two.

Now, necessarily, ladies and gentlemen, you must determine the credibility of witnesses who have testified in this case. Credibility simply means believability. It becomes your duty as jurors to analyze and to evaluate the evidence and to determine which evidence convinces you that it's true.

In determining the believability of witnesses who have testified in this case, you may believe one witness over several witnesses, or several witnesses over one witness. You may believe a part of the testimony of a witness, and reject the remaining part of the testimony of that same witness. You may believe the testimony of a witness in its entirety, or reject the testimony of a witness in its entirety. You may consider whether the witness has exhibited to you any interest, bias, prejudice or other motive in the case. You may also consider the appearance

and manner of a witness while on the witness stand.

In order to establish criminal liability, criminal intent is required. For example, the mental state required to be proven by the State for a particular crime might be purpose, intent, knowledge, recklessness, or criminal negligence. Criminal intent must be proven by the State beyond a reasonable doubt. Criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation.

There's no way to prove intent to a mathematical certainty; there's no way medical science can dissect a person's brain and determine what the person had in mind. So the law says criminal intent may be inferred from the circumstances shown to have existed. This is how you make a determination of whether or not the element requiring intent was present.

It is not necessary to establish intent by direct and positive evidence, but intent may be established by inference in the same way as any other fact by taking into consideration the acts of the parties and all of the facts and circumstances in the case.

Criminal intent is a mental state, a conscious wrongdoing. It is up to you to determine

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what the Defendant intended to do based upon the circumstances shown to have existed. Criminal intent can arise from action or a failure to act. It may arise from negligence, recklessness, or an indifference to duty, which are consequences that is considered by the law to be equivalent to criminal intent.

I instruct you and emphasize that the fact that the Defendant did not testify is not a factor to be considered by you in any way in your deliberations and in your consideration on the question of the guilt or innocence of the Defendant. It must not be considered by you in any manner whatsoever. The Defendant has the constitutional right to remain silent, and the assertion of this right must not be considered by you in your deliberations.

I repeat, under your oath, you are to draw no conclusions whatsoever from the fact that the Defendant in this case did not testify. The fact that the Defendant did not testify should not even be discussed in the jury room. The burden of proof, as I have stated to you, is on the State. The Defendant is not required to prove his innocence. The burden of proof remains on the State to prove guilt beyond a reasonable doubt.

The Defendant is charged with criminal

sexual conduct with a minor in the second degree. The State must prove beyond a reasonable doubt that the Defendant engaged in a sexual battery with the victim. A sexual battery is sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person's body, or any object into the genital or anal openings of another person's body, except when the intrusion is accomplished for a medically-recognized treatment or diagnostic purposes.

The State must prove beyond a reasonable doubt that the victim was at least 11 years old, but not more than 14 years old, at the time of the sexual battery, or the victim was less than 16 years old, but at least 14 years old, and that the Defendant was either in a position of familial, custodial, or official authority to coerce the victim to submit, or that the Defendant was older than the victim. Consent, willingness, indifference, or ignorance on the part of the minor, if any, as to what was taking place does not in any way effect the charge of criminal sexual conduct with a minor, because an unmarried woman under the age of 14 cannot legally consent to sexual intercourse.

Now, ladies and gentlemen, there are two separate verdict forms in this case, because there were

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two separate indictments. I have listed each count on each separate verdict form and simply ask you to answer one question. As to each count, we the jury, unanimously find the Defendant not guilty or guilty. There's no significance whatsoever in the order in which I state the possible verdict, it is simply that one must come first.

Now, ladies and gentlemen, your verdict must be a unanimous one. Mr. Foreperson, when the jury agrees on the verdict unanimously, all 12 of you, you'll write the verdict on the verdict forms, sign your name and date the forms, and notify the bailiff that you have reached a unanimous verdict. At that time, we'll receive you back into the courtroom. If you have any questions over the course of your deliberations, those questions need to be written and signed and dated and notify the bailiff, and we'll bring you out and take up that question on the record. Madam Clerk, I'm going to hand you these verdict forms.

THE CLERK: Yes, sir.

THE COURT: If you would give them to our foreperson.

THE CLERK: Okay.

THE COURT: Ladies and gentlemen, again your verdict must be unanimous. And I'm going to send

you to your jury room here in a moment and ask that you don't start your deliberations quite yet. The law requires me to take up a matter quickly with the lawyers. Now your signal to begin your deliberations will be when the items of evidence, which were submitted in this case, are brought to you by the bailiff. That will trigger your duty to begin your deliberations.

If at any time any of the jurors are absent from the deliberation room, whether in the restroom or anywhere else, deliberations need to cease. All 12 of you need to be together while deliberations take place. Ladies and gentlemen, if you will go to the jury room at this time, and again wait until you receive the items of evidence before you begin deliberations.

(The jury exited the courtroom at 10:37 a.m.)

THE COURT: Any exceptions or objections to any of the jury charge from the State?

MS. PIERCE: No, Your Honor.

MR. WILLIAMSON: No, Your Honor.

THE COURT: All right. If y'all will get together and make sure the items which have been admitted are correct, and we will send them in to the jury.

(Pause.)

THE COURT: All right. Got everything?

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All right. Will you bring the alternates out for me, sir? Thank you. All right. Ms. Ward [sic.] and Mr. Evans; that's correct?

MR. EVANS: Yes, sir.

THE COURT: All right. You two have been the alternates in this case. The law requires that once the case is submitted to the jury, the alternates will be separated and only 12 primary jurors can deliberate. So, I'm going to be able to excuse the two of you for the afternoon and ask that you call back the jury callback number after six o'clock tonight. There will be a message which will give you further instructions whether we will need you to return back to continue jury service this week.

So, folks, I thank you for your service on this case. I wish you could stay and participate in deliberations, but the law doesn't allow that, so you are free to go. If you don't have the jury callback number, the clerk's office can provide it to you. But if you will, call the number after six o'clock tonight. Thank you very much. All right, folks. We'll be in recess until we hear from the jury. Thank you.

(Recess taken.)

(Back on the record.)

THE COURT: Thank you. Please be seated. All right, folks, I understand that we -- the jury has reached a verdict. Before we bring the jury in and receive the verdict, one thing I want to say, this is not necessarily a warning. It's just something I always advise folks out in the gallery and the parties to a case like this. It's understandable that these types of cases are emotional, will cause an emotional response, regardless of whatever the verdict is.

So knowing that, and knowing that we have to maintain proper decorum in this courtroom, if you are involved in this case as a family member, a loved one, whatever, if you feel like regardless of whatever the verdict may be, that you can't maintain your emotions and keep proper courtroom decorum, it's probably a good idea to step out now. It's not necessarily a threat or anything like that. I just want everybody to know that if any outbursts -- anybody that has any sort of outbursts, you will be removed from the courtroom. So again, I understand that these are emotional situations, but I do want to give that suggestion before we receive the verdict. Is the State ready to receive the verdict?

MS. PIERCE: Yes, Your Honor.

THE COURT: Is the defense ready?

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MR. WILLIAMSON: Yes, Your Honor.

THE COURT: All right. Bring us the jury, please.

(The jury entered the courtroom at 11:38 a.m.)

THE CLERK: Mr. Foreperson, have you reached a verdict?

THE FOREPERSON: Yes, ma'am.

THE COURT: Mr. Foreperson, these two verdicts are unanimous, sir?

THE FOREPERSON: Yes, sir.

THE COURT: All right. Mr. Welch, please stand up, sir. State of South Carolina, county of Clarendon, in the state of South Carolina versus John Allen Welch, Case No. 2022-GS-14-0225, as to the count of criminal -- as to count one of the indictment, criminal sexual conduct with a minor, 11 to 14 years of age, we the jury, unanimously find the Defendant guilty.

Indictment No. 2022-GS-14-226, as to the count of -- the indictment of criminal sexual conduct with a minor second, victim under 16 years of age, we the jury, unanimously find the Defendant guilty. Signed foreperson, Matthew J. McLeod, March 22, 2023. Mr. Williamson, does the Defendant request polling the jury?

MR. WILLIAMSON: Yes, Your Honor.

THE COURT: Madam Clerk.

THE CLERK: Yes, sir. Thank you, Your Honor. Ladies and gentlemen of the jury, as I call your name, I want you to stand. I have two questions for you. Beginning with the foreperson, Mr. Matthew J. McLeod, is this your verdict?

THE FOREPERSON: Yes, ma'am.

THE COURT: And still your verdict?

THE FOREPERSON: Yes, ma'am.

THE CLERK: Thank you, sir. Mark D. Sheppard, is this your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: And still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Thank you. Penelope D. Miller, is this your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: And still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: John A. Murray, is this your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: And still your verdict?

THE JUROR: Yes, ma'am.

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THE CLERK: Thank you, sir. Joshua B. Hickman, is this your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: And still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Geneva Burgess, is this your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: And still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Thank you. Sandra V. Prince, is this your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: And still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Betty L. Ragin, is this your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: And still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Robert J. Tisdale, is this your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: And still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Jacqueline E. Morant, is this your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: And still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Willette R. Spann, is this your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: And still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: And, Holli R. Shanz, is this your verdict and still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Thank you. Your Honor, the jury has been polled.

THE COURT: All right. Thank you, ma'am. All right. Ladies and gentlemen of the jury, I've been telling you for the last day and a half that you can't discuss this case with anybody. Now that the verdict has been reached, I'm going to lift you of that restriction with this advice. If someone contacts you about this case, and you don't want to talk about it, you don't have to explain anything to anybody. So if you want to talk with someone about it, and someone asks you questions, you may. It's up to you, but you don't

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have to. If someone persists in asking you questions that you don't want to answer, you notify the clerk of court's office, and they will take care of that situation.

Folks, you have provided a service this week, and we wouldn't be able to have our court system function without jurors. I wish I could excuse you for the remainder of the week, but we still have more matters which may come before the Court this week, and we're going to possibly need you to continue your jury service. So, I'm going to excuse you for the balance of the day, ask that you call the number that you were given in your jury packet after six o'clock tonight for further instructions. But, folks, you are now free to go, call that number tonight, and we may get a chance to see each other again before the end of the week. Thank you very much.

(The jury exited the courtroom at 11:43 a.m.)

THE COURT: All right, Mr. Williamson, do you have any post-trial motions, or would you like ten days, as allowed by the rules?

MR. WILLIAMSON: Your Honor, I would appreciate ten days, as allowed by the rules.

THE COURT: All right, folks, we're going to take a brief recess and allow y'all to get your

thoughts together before we proceed to sentencing, so we will resume at 11:55.

(Recess taken.)

(Back on the record.)

THE COURT: Thank you. Please be seated. All right. Ms. Pierce, whenever you're ready.

MS. PIERCE: Thank you, Your Honor. On behalf of the State, as well as the victim, we respectfully ask that the Court sentence him to the max, which is 20 years. Your Honor, I would like to pass one printout up. This is a meme that he posted on Facebook. It was shared, sent to me Thursday of last week -- I'm sorry, on Friday, and it was dated one day ago, so that would have been Thursday. I find it very telling, Your Honor, that he posted this the Thursday before going to trial for statutory rape.

THE COURT: Has the defense seen this?

MS. PIERCE: Yes, I've sent it to him. Your Honor, I also -- if you're willing, I would offer the fact that we can go in chambers, and you can look at the contents of his cell phone. This man is a pedophile; he's a predator. There are pictures of what appears to be very young girls. Unfortunately, law enforcement did not recognize any of them, but the range of the pornography goes from very young girls,

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very questionable, all the way up, male, female. It's sickening, but there are concerns about him being a pedophile.

In this case, there's evidence that he groomed her, and that is one of the scariest things, when you have somebody who's pretending to be close to the family, grooming an underaged girl for his gratification. If Your Honor wishes, we can show you the contents of the phone. I'll tell you, I felt dirty after.

THE COURT: Ms. Pierce, I'll take your word for it.

MS. PIERCE: Thank you, Your Honor.

THE COURT: Is there anything that either the victim or any member of her family wants to say?

MS. PIERCE: I believe they just ask for the max.

THE COURT: All right. Anything else from the State?

MS. PIERCE: No, Your Honor.

THE COURT: All right, Mr. Williamson, I'll be happy to hear from you in mitigation.

MR. WILLIAMSON: Yes, Your Honor. May it please the Court.

THE COURT: Yes, sir.

MR. WILLIAMSON: Your Honor, throughout this case, we've had multiple hearings on modifying bonds so my client could have permission to leave the state for work. Your Honor, he's met the conditions of his bond since bond was instated back at the start of this case, Your Honor. As we've said throughout bond hearings, Your Honor, he has strong ties to the community. He's met the conditions of his bond. He's had the same job for an extended period of time, the Power Plant Systems of Sumter.

Your Honor, as I'm sure the Court can see, his current girlfriend, Ms. Bernell, is expecting with his child. She's due very shortly, Your Honor. Your Honor, I don't believe that my client is a predator; I don't believe that he groomed Ms. Floyd. I understand the jury brought back a verdict of guilty, but we believe that the evidence that was put into the record shows that there was a reasonable doubt that any of this occurred. In fact, some of the text messages that were exchanged, I think go to show that there was reasonable doubt, but that's for another date and time.

Your Honor, we would ask, based on his life record, which was given for competence in discovery. His record is very light. From what I can see, there are no violent crimes on the record, so this would

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be the first in that regard, Your Honor.

Again, he has strong ties to the community. He's worked for the Power Plant Systems of Sumter for a long time. He has complied with all conditions of his bond. Your Honor, we would ask for either a probationary sentence or house arrest considering the birth of his child is forthcoming sooner rather than later. And we would just request either -- like I said, either a probationary sentence or a house arrest sentence, Your Honor. Thank you.

MS. PIERCE: Your Honor, if I may point out to the Court ---

THE COURT: Hold on one second. Let me give Mr. Welch an opportunity to speak. Mr. Welch, anything that you want to tell me, sir?

THE DEFENDANT: Yes. If you could, please, house arrest, that way I can work from home and still provide for my family.

THE COURT: All right. Ms. Pierce.

MS. PIERCE: Just want to point out to the Court, it's my understanding he's going to have a little girl in two months, the little girl being his own.

THE COURT: Anything else from anybody?

MS. PIERCE: No, Your Honor.

MR. WILLIAMSON: No, Your Honor.

UNIDENTIFIED WOMAN: Am I able to speak?

THE COURT: Who is that, Ms. Pierce?

UNIDENTIFIED WOMAN: I'm the mother of his first child.

MS. PIERCE: Your Honor, she came today, and I was told she works for DSS. But she came, and she is the mother of another child that the Defendant has. I have not talked to ---

THE COURT: How about we find out the nature of -- because, technically, she is not a victim in this case or a member of that family.

MS. PIERCE: Right.

(Pause.)

MS. PIERCE: She just asks the Court to know that if he would be placed on house arrest, he has told her before that he knows how to get out of his bracelets.

THE COURT: House arrest isn't going to be an option in this matter. So, I appreciate your words, ma'am, but that's not an option in a case like this.

MR. WILLIAMSON: Your Honor, one last thing. If the sentence of the Court is for time, we would request that would run concurrent, not consecutive.

THE COURT: Folks, these cases are, obviously, extremely difficult for everybody involved,

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and the law is in place to keep impressionable young people from being convinced, coerced, whatever phrase you want to use for it, from consenting to a relationship like this because children don't have the wisdom to consent to things like this. They may think that they're in a real relationship when they don't know what a real relationship is. And, unfortunately, that's the situation we're in here.

The jury found that sexual battery occurred. The jury found, because of his age and because of her age, that he was guilty of these two separate offenses. And, unfortunately, a 14-year-old girl, regardless of whatever she believes about whether she's in a relationship with somebody, if that person is a grown adult, she can't provide any consent.

This was a unique situation, and I think the situation was taken advantage of, to the victim's detriment, in this case. I've stated before, the law -- this law exists to prevent things like this from happening. Unfortunately, it can't always accomplish that goal. So, I understand that the State and the victims want the max, and I'm not going to give him the max, but it's going to be a substantial sentence.

This is a violent crime; this is a most serious crime. Mr. Welch is going to have to assume

that he's going to do at least 85 percent of whatever the sentence is. So this won't be a situation where a person gets a sentence, serves a quarter of it, and then they're eligible for parole. That's not feasible under the law.

So the sentence on both of these is the same, they'll run concurrent. The sentence of the Court on both indictments, Mr. Welch, you're committed to the department of corrections for a determinate term of 16 years. They'll run concurrent with each other. You'll be given credit for any time that you have served in pretrial detention. That is the sentence of the Court.

MS. PIERCE: Thank you, Your Honor.

THE COURT: And I forgot this. This sentence does carry a mandatory sex offender registry requirement.

MS. PIERCE: Yes. Thank you, Your Honor.

THE COURT: All right. All right, we'll be in recess.

(End of Transcript of Record.)

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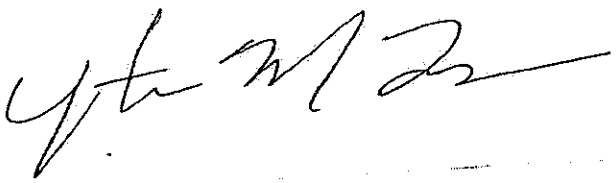
CERTIFICATE OF REPORTER

State of South Carolina)
County of Clarendon)

I, the undersigned, Yvestre Torres, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Clarendon County, South Carolina, on the 22nd of March, 2023.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

August 31, 2023



Yvestre Torres
Circuit Court Reporter

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WITNESSES

Clarendon County Sheriff

TA Brown

C. Watson

K. Clark

ARREST WARRANT NUMBER

2022A1410100059

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 3-16-2023

VERDICT

Foreperson of Petit Jury

Date:

AMENDED
DOCKET NO. 2022-GS-14-0225

The State of South Carolina

County of CLARENDON

COURT OF GENERAL SESSIONS

March TERM **2023**

THE STATE

vs.

JOHN ALLEN WELCH JR.

Indictment for

Criminal Sexual Conduct with Minor, 11 - 14 Years of Age

ERNEST A. FINNEY, III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF CLARENDON)

INDICTMENT FOR

Criminal Sexual Conduct with Minor, 11 - 14 Years of Age

At a Court of General Sessions, convened on March 16, 2022 the Grand Jurors of CLARENDON County present upon their oath:

COUNT ONE

That in Clarendon County, South Carolina, between the dates of April 1, 2019 and September 3, 2019, the Defendant, **JOHN ALLEN WELCH JR.**, did commit a sexual battery upon a minor who was at least fourteen (14) years of age but who was less than sixteen (16) years of age, to wit: upon juvenile K.F., date of birth [redacted], 2004, and the Defendant was older than the victim or was in position of familial, custodial, or official authority to coerce the victim to submit; in violation of Section 16-3-655(2), S.C. Code of Laws, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Solicitor

Ernest A. Finney III

241

WITNESSES

Clarendon County Sheriff

TA Brown

C. Watson

K. Clark

ARREST WARRANT NUMBER

2022A1410100060

ACTION OF GRAND JURY

True bill

Louis Hallock

Foreperson of Grand Jury

Date: 6/16/22

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2022-GS-14-0226

The State of South Carolina

County of CLARENDON

COURT OF GENERAL SESSIONS

June TERM 2022

THE STATE

vs.

JOHN ALLEN WELCH JR.

Indictment for

Criminal Sexual Conduct with Minor 2nd; Victim under 16 Years of Age

Ernest A Finney III

ERNEST A. FINNEY, III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF CLARENDON)

INDICTMENT FOR

Criminal Sexual Conduct with Minor 2nd; Victim under 16 Years of Age

At a Court of General Sessions, convened on June 16, 2022 the Grand Jurors of CLARENDON County present upon their oath:

COUNT ONE

That in Clarendon County, South Carolina, between the dates of September 7, 2019 and September 6, 2020, the Defendant, **JOHN ALLEN WELCH JR.**, did commit a sexual battery upon a minor who was at least fourteen (14) years of age but who was less than sixteen (16) years of age, to wit: 15 years of age, upon K.F., date of birth [redacted], 2004, and the Defendant was older than the victim or was in position of familial, custodial, or official authority to coerce the victim to submit; in violation of Section 16-3-655(2), S.C. Code of Laws, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Solicitor

Ernest A. Finney III

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED
Mar 05 2024
SC Court of Appeals

Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 5th day of March, 2024.

RECEIVED
Mar 05 2024
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Clarendon County

Honorable R. Kirk Griffin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

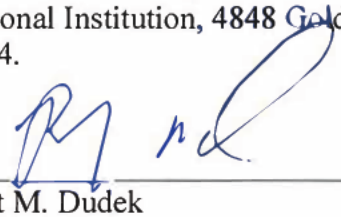
JOHN A. WELCH,

APPELLANT

APPELLATE CASE NO. 2023-001048

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 Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on John A. Welch, #390582, at Kershaw Correctional Institution, 4848 Gold Mine Highway, Kershaw, SC 29067-8069, this 5th day of March, 2024.



Robert M. Dudek
Chief Appellate Defender

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ATTORNEY FOR APPELLANT