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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Appellate Case No. 2023-000126

The Honorable G.D. Morgan Jr., Circuit Court Judge

State of South Carolina.....Respondent,

v.

Randy Lee Flower Appellant.

**RECORD ON APPEAL
VOLUME III OF III**

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1 A In the past, I was a member of APSAC. I -- I ceased
2 membership in all organizations. Because I came to
3 experience that all business organizations have to at some
4 point issue opinions that are based on the determination
5 of some members, but not all.

6 And because all members of the organization could not
7 be a part of making these decisions to publish certain
8 opinions, I decided it was more prudent for me to no
9 longer be a member of any organization, whether it be
10 supporting victims of abuse, supporting the rehabilitation
11 of perpetrators, supporting the necessary boundaries of
12 forensic practice for reasons such as that opinion that
13 you hold.

14 Q Okay. And you -- but you just referenced them as
15 someone you would refer to; correct?

16 A I do review their research, I do. I've been
17 reviewing their research for years. I have colleagues who
18 are still members of APSAC. The National Advocacy Center
19 is connected with APSAC.

20 And the reason I left the Greenville Sexual Trauma
21 Center, as we were becoming an advocacy center, the CVs of
22 the employees had to be sent to the national program.
23 Well, my CV listed my work in my private practice with
24 adolescent sexual offenders. And I was at the time
25 offering a community-based therapy group for kids who had

1 been adjudicated of non-violent sex crimes.

2 And, in fact, the sexual trauma center, which was
3 under the alliance with the Greenville Sexual Trauma
4 Center, they, also, offered a therapy group with
5 adjudicated -- kids who had been adjudicated for
6 nonviolent sex crimes at the time. That's one of the
7 reasons I was hired to be the clinical director, so I
8 could work in both areas.

9 And when the funding streams were looked at in
10 reference to, okay, you guys are meeting all the
11 guidelines, we can call you an official advocacy center.
12 However, this woman who is a clinical director works with
13 adolescent sex offenders in her private practice. So in
14 order for the federal funding streams that fund national
15 advocacy centers to fund you, she has to stop doing that
16 and take that off her CV. And the sexual trauma center,
17 which is attached to you, has to quit offering groups for
18 adolescents who were adjudicated of non-violent sex
19 crimes.

20 So I chose to continue to offer rehabilitative
21 services to adolescent sex offenders in my practice,
22 rather than be controlled in what was referred to at the
23 time of -- I was told I couldn't have a foot on both sides
24 of the fence, that I either had to be a victim advocate or
25 work with perpetrators. And I consider I am a victim

1 advocate by working with perpetrators. I did at the time.
2 I had not done that again since having children who were
3 at a vulnerable age and not working with criminal cases or
4 violent people.

5 So that is why there -- I do review the literature of
6 agencies or organizations that I may not agree with some
7 of the opinions they have produced. I don't dismiss them
8 on the whole, but I'm not a member of those organizations.
9 Because I'm not going to be held to an opinion they
10 produce that I don't agree with.

11 Q But, Ms. Stitchnoth, didn't you just refer to them as
12 something that you were stating a basis for an opinion on?

13 A I referred to the APSAC handbook on psychological
14 maltreatment, which is a -- something that's published.
15 But I'm not a member of APSAC for the reasons I've just
16 explained.

17 Q Sure. But you rely on materials they produce, as you
18 just did?

19 A Some materials they produce, I do.

20 Q Would you agree with their statement that science --
21 I'm sorry. This article that I showed you is APSAC's
22 position statement. And it's dated January 22nd, '22.

23 A Okay.

24 Q They state that science and careful evaluation of the
25 causes of child resistance refusal and fear of contact in

1 particular cases should guide investigations by child
2 protective services in evaluations by child custody
3 experts. Would that be correct?

4 A I -- I think absolutely that's correct. That's part
5 of what I've said.

6 Q And their position is that parental alienation should
7 not be used if there is a contested child custody case
8 that involves abuse allegations; is that correct?

9 A I don't know if that's their position or not. But
10 it's not my position, nor is it relative to the multitudes
11 of research like this book here and other books that have
12 been published.

13 The -- APSAC is -- is welcome to their opinions. I'm
14 sure they have very learned people forming those opinions.
15 But there are, also, very learned people publishing
16 empirically-based literature, peer reviewed, qualified
17 through the standards of testing that would disagree with
18 that written opinion. As I said, I review all the
19 literature.

20 Q And have you -- I believe you quoted from a Family
21 Court Review; is that correct? Do you read the Family
22 Court Review?

23 A Family Court Review. Yeah, the Kelly and Johnston
24 study was published in Family Court Review. I think that
25 was back in, maybe, 2000. It was a while back. It's been

1 updated since that time, actually.

2 Q Have you reviewed the article from April of 2020 that
3 was written for the Family Court Review?

4 A I have not read this article. Can you tell me who
5 wrote it? Interesting, yeah. I'll have to check on that.

6 Q Okay. And you rely on the Family Court Review
7 because you just cited from them; correct?

8 A As I said, I scan the empirical research available on
9 the web. That's what I do on the weekends, like, most
10 single parents and, you know, review the literature not
11 only in this country, but abroad. And there are some that
12 I may have scanned briefly as I found the article and
13 decided it was not something that I wanted to maintain in
14 my body of work that I would testify from.

15 Sometimes, articles are not available online. So I
16 rely on colleagues who are members of organizations to
17 provide me with journals when they're finished with them.

18 Q Okay. And do you know who these authors are that
19 wrote this article Ideology and Rhetoric Science and
20 Reasoning and Some Parental Alienation Literature
21 and Advocacy and Critique by Madeline Milcolm, Robert
22 Giffner and Joan Myer?

23 A I'm familiar with the name Joan Myer.

24 Q Okay. This was published. And I believe since
25 you've referred to them, you can, also, refer to the

1 articles. Would you read for us this highlighted portion?

2 A Right there?

3 Q Yes.

4 A However, despite their claims -- that would be the
5 claims of Baker -- Baker Burkhart, Albert Kelly, their
6 research designs are not consistent with standards for
7 scientific validity research.

8 Do you want me to read the rest?

9 Q That's it.

10 Thank you.

11 And would you agree that there is some discrepancy
12 regarding the research?

13 A Absolutely. There are -- as I said, there are
14 differing opinions in the field and -- and they are
15 published as opinion pieces at times, which is kind of
16 like an editorial in the paper. It is an opinion.
17 Sometimes, there are research findings that have been
18 conducted that combat the research that was done by
19 another person. There's -- there's a great deal of
20 academic -- or competition among -- in the academic field
21 among psychologists who conduct research and publish.

22 So, yes, there are different schools of thought
23 regarding alienation. There are different schools of
24 thought regarding eating disorders, bipolar disorder.
25 That's not uncommon in the behavioral science field.

1 Q I'm going to, again, refer you to this article. But
2 you're referring to a book written by William Bernet; is
3 that correct?

4 A Yeah. He -- it wasn't written by him, no.
5 There's -- it's a metaanalysis of published research.
6 That is what makes up that book.

7 Q Okay. But William Bernet does a lot of research in
8 this field; correct?

9 A He does, yes, ma'am.

10 Q And, again, in this article, would you, please, read
11 for us these two sections?

12 A What article -- is this the same article?

13 Q Yes, ma'am.

14 A So that whole thing, not just what's in green?

15 Q Yes.

16 A Okay. Despite the absence of actual scientific
17 underpinning, some PA authors have repeatedly asserted
18 that there's sufficient evidence of PA scientific validity
19 to support its institutionalization, Baker, Bernet --
20 Bernet, Baker, Brockhousen. The evidence they cite,
21 however, when examined consists in significant measure of
22 self-proclaimed victim statements, case studies, and
23 aligned expert opinions.

24 Q And is that -- what they're, basically, saying is
25 that the research that -- the authors that I think you've

1 referred to, Mr. Bernet, are, essentially, what are
2 self-told?

3 A Test instruments like an MMPI, personality inventory,
4 trauma tool assessment, and sexual behavior inventories to
5 measure sexual trauma, all of these test instruments are
6 subjective in that the score one achieves is based on the
7 answers that one gives to the test instrument. So to some
8 degree, you have to rely on the -- whether this person is
9 being honest or not.

10 Now, they have validity scales built into them. So
11 if somebody is faking good or faking bad -- some people
12 malinger. They want to show that they're really, really
13 sick so they can get federal benefits. They'll fake bad,
14 you know. There are validity skills built into these test
15 instruments so that a flag goes up.

16 But I'm looking to see what research these people
17 have -- have -- okay. So they've not included any
18 research of their own. They're just saying we don't
19 believe their research is valid and there needs to be more
20 research to show why these people are valid. That's very
21 common in the field, absolutely.

22 I tend to only collect the empirically-based articles
23 and publications that have actual research in them. And I
24 do have research regarding the disclosures of abuse by
25 children and -- and why individuals believe that --

1 certain individuals in the field believe that, you know,
2 alienation statistics cannot be applied to these people.

3 Kathleen Colburn Fowler was a prolific writer on
4 behalf of that opinion for advocacy centers and APSAC for
5 many, many years. That's why I was looking to see if her
6 name was on there. And she's incredible. And she's a
7 very learned individual. And she's entitled to her
8 opinion. But that doesn't negate the validity of the
9 other research that has a different opinion.

10 Q But you would agree that there is differing research?

11 A There's absolutely differing research, yes.

12 Q Would you, please, explain to the jury what justified
13 estrangement is?

14 A Justified estrangement is when one parent engages in
15 behavior that pushes their child away from them.

16 Q What are some factors for that?

17 A Okay. First of all, distance, like, moving away,
18 having a job -- or two jobs so you don't have a lot of
19 time to visit your kids or see your kids. So that would
20 be, you know, distance of time and emotional distance.

21 A parent who had an ineffective parenting bond. They
22 just -- they never really connected with how to parent,
23 how to connect emotionally with their children, or maybe
24 with one child, but not with another, and/or, you know,
25 they had some type of mental illness or physical illness

1 that prevented them from engaging in strong emotional
2 connections with their children and getting to spend a lot
3 of time with them.

4 Or, you know, there -- there could be -- I was going
5 to say substance abuse. Yes, sometimes substance abuse.
6 If a parent is not in treatment for their mental illness
7 or their physical illness and is not being treated
8 productively, they may engage in sexual -- I'm sorry,
9 substance abuse to self-medicate. And that becomes a
10 barrier between them and their children.

11 Or there may be evidence of abuse, emotional abuse,
12 psychological abuse, or sexual abuse, or physical abuse by
13 that parent of the child or children that are rejecting
14 them. And all of those things have to be looked at and
15 assessed and evaluated.

16 Q So you would agree that if there's some sort of abuse
17 in the home that the alienation is warranted?

18 A Yes. If -- if there is evidence that there is one of
19 those forms of abuse in the home, then the alienation by
20 the child is warranted.

21 Q Okay. And would you, also, agree that there could be
22 potential child hostility based on those factors towards a
23 parent?

24 A There could. But I have to say that part of the
25 evaluation when alienation is alleged, it is my

1 responsibility to differentiate between the child's anger
2 at a parent for having engaged in some type of
3 estrangement behavior versus the child's anger at a parent
4 that is a reaction to the alienating dynamics in the home.

5 So that differentiation has to be made as part of the
6 evaluation. It doesn't -- because someone may report
7 abuse, there's things you evaluate relative to that
8 report.

9 Q But if a child was abused by one of the parents,
10 would you agree the estrangement would be warranted?

11 A Yes. I have supported a finding of estrangement when
12 a child had been abused by one of their parents, if that's
13 who they're estranged from.

14 Q And then the concept of alienation really wouldn't
15 apply?

16 A And that's what I've said. You don't find alienation
17 if there are justified reasons for estrangement.

18 Q And you said substance abuse, that could be alcohol
19 related; correct?

20 A It can.

21 Q And distance. So that could be as far away as across
22 the ocean, or it could be just not being available; correct?

23 A It can.

24 Q And you, also, said -- I'm sorry. Just so I'm clear,
25 that if, you know, a parent is not available emotionally,

1 maybe or not in a good -- I'm not sure I'm using the
2 correct words you did. But if they're not really an
3 all-in parent, could that possibly create some
4 estrangement issues?

5 A Yes, ma'am.

6 Q And are there times where if things aren't good in
7 the home because a parent may be an alcoholic, or
8 alcoholic and finances, or alcoholic, finances, and not
9 available?

10 A I'm sorry. Alcohol, finances, and not available?

11 Q Yes.

12 A Okay.

13 Q Would you say that that could then create -- for an
14 older child, let's say, a teenager, they're able to see
15 how things really are and then they could choose to be
16 estranged from the parent?

17 A That is one possible option, yes, ma'am.

18 Q And would you agree that in situations of abuse
19 people don't always tell, especially based on your
20 background?

21 A Yes, ma'am. I said that earlier. Some people never
22 disclose in a multitude of types of abuse.

23 Q So just for a hypothetical, if there was a father and
24 a mother and they have to take out a -- a father quits his
25 job, had a full-time job and they take out a second

1 mortgage so that he can go to school and things are
2 lacking in the home, there is some substance abuse
3 regarding alcohol and there's, also, potential sexual
4 abuse, in that situation, would you say that estrangement
5 from that father would be warranted?

6 A It's difficult to comment on a scenario that has that
7 many variables in it. And I'm going to tell you why. The
8 determination of whether someone has a substance abuse
9 issue or substance abuse -- in some homes, any alcohol is
10 substance abuse. That is subjective to the reports of the
11 individuals in the family system.

12 If -- if it is a home involving, you know,
13 psychological maltreatment where one parent exerts a lot
14 of control over the children and how the children interact
15 with the other parent, if that parent says, your mom's
16 drinking a beer, that's alcohol abuse. That's poison,
17 that's going to kill her. If, you know -- and if -- if
18 there are arguments in the home -- like, I think the
19 scenario you gave was one parent quits their job to go
20 back to school. Okay. The scenario you offer, okay,
21 that's possible. But a counter scenario would have to be
22 considered as well.

23 Let's say the parent who's not in school really
24 pushed and insisted that the other parent quit their job
25 and go to school for that person's own reasons. Maybe

1 that person wanted the social hurray of their spouse has
2 this higher degree. There's lots of different reasons
3 that could go into that.

4 But then when the finances get tight and that person
5 has said, you know, you quit your job, stay home, go to
6 school, you need to get this degree, I'll work. But then
7 the kids see things shifting. Well, then a parent who is
8 alienating or engaging in psychological abuse could use
9 that with the kids, yeah, I know I can't believe I have to
10 go back to work because this other person quit their job.

11 So how -- I spoke to that earlier. How parental
12 marital distress -- how the functions and the -- what each
13 one brings to that relationship or takes away from that
14 relationship, how that is communicated to the children in
15 the home in each case by each case is very, very important
16 to arriving at what is most likely the best understanding
17 of what's really happened in the home.

18 Q I think that's what I'm getting at. So all these
19 factors could create alienation; is that correct?

20 A All of them could be behind it, yes, ma'am.

21 Q And justified estrangement can absolutely be because
22 a child was sexually abused; correct?

23 A Yes, ma'am, absolutely.

24 Q There's no research that denies that?

25 A No, ma'am, nor would I believe research if it said

1 that.

2 Q And, Ms. Stitchnoth, you've reviewed the reports and
3 everything in this case; right?

4 A I reviewed reports, maybe interviews way back, I want
5 to say in early 2022. It had to have been early 2022
6 because I was out on -- I was out on medical leave for an
7 extended period of 2022. I did not review that
8 information, again, in preparation for today because
9 Mr. Kornfeld had told me that I would not be testifying
10 about the specifics of the case. I would merely be
11 talking about the empirical literature and how it applies
12 to alienation, estrangement, abuse, all of these different
13 things.

14 Q But you have previously reviewed the reports?

15 A I did a very long time ago. I could not answer any
16 questions about it, though. I don't have a lot of memory
17 about it.

18 Q And we just agreed that the empirical data, kind of,
19 goes both ways. There's research to support and research
20 against; correct?

21 A There is, yes, ma'am.

22 Q So there's no actual fine line definition because
23 there's research for it and research against it; correct?

24 A Well, the research against, like, that article you
25 showed me, that was an opinion against the research

1 supporting parental alienation. But it didn't provide any
2 countering research. It was just an opinion.

3 So there -- you know, there's -- I've not seen actual
4 research that says parental alienation doesn't exist or
5 that, you know, the factors related to parental alienation
6 are -- are false. I've seen opinions of that. And, as I
7 said, people are entitled to their opinions.

8 Q I would agree. I'm sorry. Yes, they are. But there
9 is research on both sides; correct?

10 A There is research on both sides, yes, ma'am. I've
11 relied for many, many years on the research related to
12 child abuse for evaluations that I do that are sent to me
13 by the court to evaluate allegations of child abuse.

14 Q Ms. Stitchnoth, how much did you get paid to be here
15 today?

16 A My standard fee for forensic evaluation services is
17 \$180 an hour. When I do a -- when I'm contracted for a
18 documents exam, which means I don't meet anybody or do any
19 interviews with anybody, then I, typically, collect a
20 10-hour retainer. And if it goes over 10 hours, I'll
21 contact the attorney to request the retainer be
22 replenished. When I do evaluations that involve
23 interviews, it's a 24-hour retainer because that's very
24 time consuming.

25 Q So how much did you get paid today?

1 A Well, I got paid a long time ago. But that would
2 have been 180 times ten, that's \$1,800 was the initial
3 retainer. And I want to say there was one additional
4 check because we went over the retainer because I had
5 several conversations with -- I'm sorry. I'm used to
6 calling him Alex. I can't remember his last name right
7 this minute because I'm trying to do numbers in my head.

8 The second retainer or replenishment of retainer, I
9 don't know if it was the full 1,800 or less than that
10 because I don't have that with me. That would have been
11 in the file. That was done back before I was out on leave
12 due to illness. So I'm not sure.

13 Q So it's safe to say you got paid a couple thousand
14 dollars to come testify?

15 A Well, I got paid for my time evaluating the empirical
16 literature and providing it to come do that. But my
17 opinion is not for hire. I'm not a hired gun. And I
18 don't -- you don't see me in court on cases where someone
19 is looking for a hired gun.

20 Q And we can agree that if a child is sexually abused,
21 parental alienation does not apply?

22 A Yes, ma'am. I agree.

23 MS. OWEN: Thank you.

24 I have no further questions.

25 THE COURT: All right. Any redirect?

1 MR. KORNFELD: No, Your Honor.

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

3 You can step down.

4 THE WITNESS: Thank you, sir.

5 THE COURT: Next witness.

6 MR. KORNFELD: Yes, Your Honor. I'm calling Ruth
7 Hughes.

8 THE CLERK: Please place your left hand on the Bible
9 and raise your right hand.

10 WHEREUPON,

11 RUTH HUGHES,

12 after first having been duly sworn, testified as follows:

13 THE CLERK: Thank you.

14 Please be seated.

15 Please state your name for the record.

16 THE WITNESS: My name is Ruth Hughes.

17 DIRECT EXAMINATION

18 BY MR. KORNFELD:

19 Q Good afternoon, Ms. Hughes.

20 Can you tell the jury where you're employed?

21 A I am on staff at Aldersgate.

22 Q And how long have you worked at Aldersgate?

23 A It's been about 34 years.

24 Q All right. And were you asked to -- or were --

25 was -- did you receive a subpoena from me on behalf of

1 Randy Flower to Aldersgate United Methodist Church?

2 A I did.

3 Q And did you, as a result of that subpoena, provide
4 some payroll inquiry?

5 A Yes.

6 Q All right. And can you tell me what -- if Randy
7 Flower was employed at Aldersgate Methodist?

8 A He was. He joined us in 2008 as our organist
9 part-time. And then a few years later, our music director
10 left. And we asked Randy to come and step into that role.
11 So he did that for us.

12 Q Okay. And what were his duties under his employment?

13 A He -- as the organist, he was to be an accompanist
14 for the choirs, and for funerals, and weddings, and that
15 kind of thing. He worked with the music director to craft
16 the music for the worship services, based on theme and
17 time of year. He -- he accompanied our youth choir and
18 our children's choir. And he helped some with the hand
19 bells at the time.

20 Q Okay. And was he there on Sunday for service?

21 A He was there for two services on Sunday. He was
22 there Wednesday nights for choir practice, and Sunday
23 evenings was sometimes the youth choir practices or hand
24 bell practices.

25 Q And did he work with people in the choir there?

1 A Yeah, yeah. We had a pretty big choir at that time.

2 Q All right. And what were the overall ages of the
3 choir? Was it an adult choir? Youth choir?

4 A So we had a children's choir all the way down to
5 preschool age level, and then all the way up through our
6 older adult choir. So we had youth choir, children's
7 choir, and adult choir.

8 Q And which choir did he work with?

9 A He would have worked with all of them at one time or
10 another. Mostly, the adult choir and the youth choir.
11 But sometimes, he would have to step in to play the piano
12 for the little bitties.

13 Q And when did -- when did Randy end his employment at
14 Aldersgate United Methodist Church?

15 A When did it end?

16 Q Yes.

17 A He worked with us until August of 2015.

18 Q And did he give a reason as to why he left?

19 A (There was no response.)

20 Q Did he inform Aldersgate that he was resigning?

21 A Yes, yes.

22 Q And I'm going to show you three pieces of paper. Are
23 these his last two pay stubs?

24 A Yeah. That would be the July pay stubs. Because
25 he -- he left, I think, on the 2nd of August.

1 Q Okay.

2 A His final day was the 2nd of August.

3 Q And there's a third piece of paper. Can you tell the
4 jury what that is?

5 A So these are honorariums and gifts. Occasionally,
6 for a funeral or wedding, he would be given an honorarium
7 for playing the music during those times.

8 Q All right. Does that accurately show how much Randy
9 Flower was compensated by Aldersgate United Methodist
10 Church in the year 2015?

11 A I would say so. He began at 15,000 as the organist.
12 And then when he took on the directorship, it went up from
13 there a little bit.

14 Q Okay.

15 A But, yeah, he would not have received much more than
16 that. Because at that time, there were not so many
17 funerals and not so many weddings, so.

18 (WHEREUPON, Defendant's Exhibit No. 2 was marked for
19 identification and admitted into evidence.)

20 MR. KORNFELD: I have no further questions for
21 Ms. Hughes.

22 THE COURT: Any cross-examination?

23 MS. OWEN: No, Your Honor. I have no questions.

24 THE COURT: All right. Ma'am, you are excused.

25 THE WITNESS: Thank you.

1 THE COURT: Call your next witness.

2 MR. KORNFELD: The bailiff is getting the witness,
3 Your Honor.

4 THE COURT: Are you all okay? Do you need a break?
5 (WHEREUPON, the jurors indicated in the negative.)

6 MS. OWEN: Your Honor, may we approach?

7 THE COURT: Yes.

8 (WHEREUPON, a bench conference was held.)

9 THE COURT: All right. You can sit back down for
10 right now.

11 As I understand, y'all are willing to go to 7:00
12 tonight. Is that all right?

13 (WHEREUPON, the jurors indicated in the affirmative.)

14 THE COURT: We're going to have to take a break right
15 now for a certain reason. Since y'all are willing to do
16 that, that's great. We're going to take a break right
17 now. And then we're going to resume when we're able to
18 resume.

19 (WHEREUPON, the jury was excused from open court at
20 approximately 5:00 p.m.)

21 THE COURT: All right. We'll be in recess.

22 (WHEREUPON, a break was taken.)

23 THE COURT: Anything before we bring them in?

24 MR. KORNFELD: No, Your Honor.

25 MS. OWEN: Nothing from the State.

1 THE COURT: All right. Bring them in.

2 (WHEREUPON, the jury came into open court at
3 approximately 5:35 p.m.)

4 THE COURT: All right. Mr. Kornfeld.

5 MR. KORNFELD: Thank you, Your Honor.

6 I call Karen Flower to the stand.

7 THE CLERK: Please raise your right hand.

8 WHEREUPON,

9 KAREN FLOWER,

10 after first having been duly sworn, testified as follows:

11 THE CLERK: Thank you.

12 Please be seated.

13 Please state your name for the record.

14 THE WITNESS: Karen Flower.

15 DIRECT EXAMINATION

16 BY MR. KORNFELD:

17 Q Thank you.

18 Ms. Flower, did you grow up in Alaska until you were
19 about five years old?

20 A No, sir.

21 Q Okay. Where did you grow up until you were five
22 years old?

23 A Tacoma, Washington.

24 Q All right. And did you know your dad?

25 A Yes, sir.

1 Q All right. Did you then move to Minnesota?

2 A Yes, sir.

3 Q All right. And when did you move to Minnesota?

4 A When I was five.

5 Q All right. And did your mother remarry at that time?

6 A No, sir.

7 Q All right. Did she marry after you -- she moved to
8 Minnesota?

9 A Sometime after.

10 Q All right. And did she marry what came known as your
11 stepfather?

12 A Yes, sir.

13 Q All right. Did you then move to Greenville around
14 1982?

15 A No, sir.

16 Q All right. When did you move to Greenville?

17 A 1984.

18 Q All right. And did you go to high school here?

19 A For two years.

20 Q All right. And where did you go to high school?

21 A Bob Jones Academy.

22 Q All right. And then did you go to Converse College?

23 A I did.

24 Q All right. And when did you graduate from Converse?

25 A 1991.

1 Q All right. When did you and Randy Flower marry?

2 A 1992.

3 Q All right. And did you get married on May the 2nd?

4 A Yes, sir.

5 Q Okay. And did you tell your children about any
6 abuse?

7 MS. OWEN: Objection, Your Honor.

8 THE COURT: What's the basis?

9 MS. OWEN: I don't know how this is relevant.

10 MR. KORNFELD: May we approach?

11 (WHEREUPON, a bench conference was held.)

12 THE COURT: The objection is overruled.

13 MS. OWEN: Thank you, Your Honor.

14 BY MR. KORNFELD:

15 Q Ms. Flower --

16 A Yes, sir.

17 Q -- did you tell your children that you were abused by
18 your stepfather?

19 A No.

20 Q Okay. When did you -- so you and your husband, y'all
21 had four children; correct?

22 A Yes, sir.

23 Q And when did you and Randy separate?

24 A April 15th, 2013.

25 Q All right. And do you remember telling Officer Woods

1 on July 6th, 2019, that two weeks before he left, your
2 oldest daughter started screaming and they were in the
3 back bathroom. And you heard her. And so you went in
4 there and you, finally, caught him in there with them. Do
5 you remember that?

6 A I do.

7 Q And do you remember that you told Officer Woods, What
8 are you doing with [REDACTED] in the shower? Do you
9 remember that?

10 A Yes, sir.

11 Q And you would agree that that didn't, actually,
12 happen, did it?

13 A Pardon?

14 Q You would agree that that didn't, actually, happen,
15 did it?

16 A I'm not following.

17 Q You didn't, actually, see Randy Flower in the shower
18 with your oldest daughter, [REDACTED], did you?

19 A I saw him coming out of the bathroom.

20 Q All right. And you're testifying that you heard
21 screaming; correct?

22 A I did.

23 Q All right. And then you -- you stated that you -- I
24 just went nuts on him because I, finally, caught him in
25 there; correct?

1 A Yes, sir.

2 Q But you, finally, caught him. But you had no
3 indication that any of this occurred before, did you?

4 A [REDACTED] had told me that he would come in the
5 bathroom.

6 Q Okay. So she did tell you that. And when did she
7 tell you that?

8 A I don't know exactly when she told me that.

9 Q All right. So if -- when you stated that the first
10 you had heard of that was on -- when you went to the
11 police station on July 6th, 2019, that was not true?

12 A What was not true?

13 Q That that was the first that you had heard of any
14 allegations at all is what you told Officer Woods on
15 July 6th, 2019?

16 A I, also, stated that I had, finally, caught him
17 coming out of the bathroom.

18 Q And you said you could hear her. So was she
19 screaming?

20 A She was.

21 Q Okay. And then you, also, stated that he throttled
22 you then; correct?

23 A I did.

24 Q And did anybody see when he throttled you?

25 A No, sir.

1 Q So, I assume, he did that after he ran out of the
2 bathroom when this was happening with [REDACTED]. And he
3 took you somewhere and throttled you; is that right?

4 A Took me where?

5 Q I'm asking you, where did he take you to throttle you
6 so that nobody could see?

7 A He didn't take me anywhere. I didn't say that.

8 Q Okay. So how did nobody see that he throttled you?

9 A Nobody else was in the bedroom, the master bedroom.

10 Q I thought you just testified that you caught him in
11 there running out and he was in the shower with [REDACTED]?

12 A That's not what I said.

13 Q Oh, okay.

14 A I said he came out of the master bathroom.

15 Q Okay.

16 A Into the master bedroom.

17 Q Okay.

18 A I met him in the master bedroom. We were the only
19 two in the master bedroom. She was in the shower.

20 Q Okay. And that's when you're testifying that he
21 throttled you; correct?

22 A Yes, sir.

23 Q All right. And, I guess, he did that and there
24 weren't any marks; is that right?

25 A Any marks?

1 Q From the throttling.

2 A Probably not. I don't know. I didn't look right
3 away.

4 Q Okay. And you didn't go see a doctor about that?

5 A Sometime later.

6 Q Oh, okay. So you did see a doctor?

7 A Sometime later.

8 Q Okay. So did you have wounds from that throttling?

9 A Soreness that wouldn't go away.

10 Q All right. And how long did that last for?

11 A Months.

12 Q Months. Okay. And did you then after you told
13 Officer Woods in this same interview that you were going
14 to have a quiet, friendly divorce because we've been
15 married and we were friends?

16 A Yes, sir.

17 Q All right. And this was after you allegedly caught
18 him being inappropriate with your oldest daughter?

19 A Yes, sir.

20 Q And you still wanted to be friends with him?

21 A A quiet, friendly divorce. We agreed to use the same
22 attorney.

23 Q Okay. And you, also, stated, I didn't --

24 MS. OWEN: Your Honor, I'm going to object because
25 he's been leading. This is direct --

1 THE COURT: Sustained.

2 MR. KORNFELD: Okay.

3 BY MR. KORNFELD:

4 Q Do you remember telling Officer Woods that you did
5 not do the alcoholism, concerning the divorce?

6 A Can you explain?

7 Q You were talking about your divorce from -- or your
8 separation from Mr. Flower. And you explained that you
9 didn't do the alcoholism and you didn't do any affairs.
10 Do you remember that?

11 A I didn't do alcoholism or affairs?

12 Q Correct. As a grounds for divorce.

13 A I see. Yes, that's true.

14 Q All right. And you gave the reason -- what was your
15 reason for not doing the alcoholism or the affairs for the
16 divorce?

17 A Because we agreed to do a quiet, friendly divorce.

18 Q Didn't the reason that you gave -- didn't you say
19 that it was because he would lose all his income?

20 A Probably his teaching and church work possibly in the
21 future.

22 Q All right. And -- okay. And you didn't -- when
23 asked about the reason for the divorce, what reason did
24 you give Officer Woods?

25 A I don't remember.

1 Q All right. Did you tell her that you had been
2 married for 22 years?

3 A Probably so.

4 Q All right. And did you tell her that you wanted to
5 have a quiet, friendly divorce?

6 A Yes, sir.

7 Q All right. And in your separation, you had a lawyer;
8 correct? Did you have a lawyer?

9 A We agreed to share an attorney.

10 Q All right. Do you agree that Randy, actually, did
11 not have a lawyer?

12 A The way we talked about it, Randy and I, was that we
13 agreed to share an attorney.

14 Q All right. But do you agree that --

15 MS. OWEN: Objection, Your Honor. Leading.

16 MR. KORNFELD: Okay.

17 BY MR. KORNFELD:

18 Q When you went before the Family Court and you put
19 your agreement on the record -- did you put an agreement
20 on the record before the Family Court?

21 A (There was no verbal response.)

22 Q Did you and Randy come to a separation agreement?

23 A A separation agreement, yes.

24 Q And did you have to go to court to put that agreement
25 on the record?

1 A Yes, sir.

2 Q And at that time, did your lawyer stand next to you?

3 A Yes, sir.

4 Q And at that time, was there --

5 A Excuse me just a minute. Sorry.

6 Q At that time, was there any lawyer that was standing
7 next to Randy Flower?

8 A No, sir.

9 Q All right. And you agree that there would be -- that
10 y'all would have joint decision making concerning
11 extracurricular activities? Did you agree to that?

12 A Yes, sir.

13 Q And you agreed that Randy would have visitation; is
14 that true?

15 A Yes, sir.

16 MS. OWEN: Objection, leading, Your Honor.

17 THE COURT: Mr. Kornfeld --

18 BY MR. KORNFELD:

19 Q And this -- did -- this agreement that you came to
20 with Mr. Flower, did you come to this agreement after you
21 caught Randy in the shower with [REDACTED]?

22 A I didn't catch him in the shower with [REDACTED].

23 Q Oh, I thought --

24 A I caught him coming out of the master bedroom.

25 Q Oh, I thought you said you caught him.

1 A Coming out of the master bathroom. She was in the
2 shower.

3 Q All right. And --

4 A We met in the master bedroom.

5 Q And so -- but is it true that you said to Randy -- or
6 you told the police officer --

7 MS. OWEN: Objection. Leading.

8 BY MR. KORNFELD:

9 Q Did you tell the police officer, What are you doing
10 with [REDACTED] in the shower?

11 A I don't know.

12 Q Well, would you like me to refresh your memory?

13 A Sure.

14 (WHEREUPON, a bench conference was held.)

15 BY MR. KORNFELD:

16 Q All right. I'm going to play the interview -- a part
17 of the interview from July 6th, 2019, in which you are in
18 an interview room with Officer Woods, in which you are
19 talking about this incident. And see if it helps refresh
20 your memory.

21 (WHEREUPON, an unmarked video was played in open
22 court.)

23 BY MR. KORNFELD:

24 Q All right. Is that what you said?

25 A That's the same as what I've just said.

1 Q No. Before, you said that it was in the bathroom,
2 not that you caught him in the -- while you were doing --
3 while [REDACTED] was in the shower. What are you doing
4 while [REDACTED] is in the shower? So you told -- is it
5 true that you told Officer Woods that you caught him with
6 [REDACTED] in the shower?

7 A [REDACTED] was in the shower.

8 Q Okay. And -- and when you got separated from Randy
9 Flower, you didn't make any allegations of any --

10 MS. OWEN: Objection. Leading, Your Honor.

11 MR. KORNFELD: Sorry.

12 BY MR. KORNFELD:

13 Q In your -- you filed -- did you file for divorce --
14 separation from Randy?

15 A Yes.

16 Q And did you make any allegations of molestation?

17 A No.

18 Q Did you make any allegations of impropriety against
19 Randy Flower?

20 A No.

21 Q All right. And why did it matter to you if he lost
22 all his income?

23 A It didn't.

24 Q Why did you tell Officer Woods that if you went for a
25 fault divorce that he would lose all his income?

1 A That he would lose his opportunity to teach and his
2 opportunity to work in a church, which is his life. And
3 that was not my intention.

4 Q All right. And --

5 A My intention was to be divorced from him.

6 Q All right. And in your agreement, did you -- you had
7 an agreement with him, a separation agreement; correct?

8 A Yes, sir.

9 Q And in that agreement, there was an agreement
10 concerning alimony and child support?

11 A Yes, sir.

12 Q All right. And do you remember how much that alimony
13 amount was?

14 A No, sir.

15 Q Was it \$1,096 every two weeks?

16 A You probably have the figures. I really don't
17 remember the exact amount.

18 Q And how did you come to that alimony and child
19 support amount?

20 A Randy set it up.

21 Q Okay. And how much money was Randy making at that
22 time?

23 A I don't know.

24 Q All right. How much money were you making at the
25 time of separation?

1 A I was making mostly cash, some money from the
2 mechanic's place that was written to Randy, not to me.

3 Q Okay. After you separated -- or at the time you
4 separated, how much money were you making?

5 A I don't know.

6 Q What jobs did you have when you separated from Randy?

7 A My jobs were always not visible. I didn't go out
8 into the workplace and work. The facade was that I didn't
9 work. That's what we would tell people, friends, church
10 people, that I did not work. I took jobs such as interior
11 design, which was my degree --

12 Q I'm asking at the time of separation --

13 A -- and --

14 Q -- how much money were you making?

15 A I don't know how much money. It went to him.

16 Q It went -- so you're -- if I understand you
17 correctly, you're saying when you were separated and you
18 made money?

19 A No. You said at the time. I'm assuming you meant up
20 until he left.

21 Q That's why I'm asking at the time you separated --
22 when you separated, how much money were you making?

23 A That, I don't know. It was just odd jobs, whatever I
24 picked up, cleaning houses.

25 Q Did you tell the Court on May 28th, 2013, that you

1 were making \$200 a month?

2 A On average, yes.

3 Q Okay. So is that what you told a court?

4 A Yes.

5 Q Okay. Is it true that you -- did you receive over
6 \$38,000 a year in combined alimony and child support from
7 Randy Flower under the separation order?

8 A If that's what the figure is, yes.

9 Q Okay. And was the money that Randy Flower earned
10 from Aldersgate Methodist deposited directly into your
11 account?

12 A Yes. He set that up when he left before we were
13 separated officially.

14 Q Okay. And what evidence do you have of any affairs
15 that Randy was having during the marriage?

16 A From his open writing, information from his journals.

17 Q Okay. And did you tell Officer Woods that you didn't
18 do the affairs? I assume that you meant concerning as a
19 grounds for divorce.

20 A Yes.

21 Q And did you, back in 2021, write this letter to
22 Melissa Woods?

23 A That's my handwriting.

24 Q All right. And can you read this to the jury?

25 A Sure. I read it once before he left. It helped me

1 know for sure that he was with other women while we were
2 married and he was living at home.

3 After he left, I put a lot of visuals in our
4 Rubbermaid tub of things. I couldn't look at wedding
5 albums, et cetera, and this copy of the journal too. So I
6 knew exactly where it was. I will look today to see if I
7 have any student contacts. You are welcome to call me for
8 any questions or clarifications on the journal. Regards,
9 Karen Flower.

10 Q Okay. And this -- it -- did you give this to the
11 lady who was the cop in this case?

12 A Melissa Woods?

13 Q Yes.

14 A Yes, sir.

15 Q All right. And why is that relevant to this case?

16 A I don't know. That's not for me to decide.

17 Q All right. And I'm going to show you the journal
18 that you gave to Officer Woods, a copy of it. Is this it?

19 A It looks like it.

20 Q Okay. I'd like you to go ahead and point out to the
21 jury the evidence you're referring to?

22 MS. OWEN: Objection, Your Honor. That is about 50
23 pages long.

24 THE COURT: What's your objection?

25 MS. OWEN: Well, A, I don't know that we have the

1 time. But I don't think he's given her any specifics as
2 to where that can be located. At this point, he's just
3 throwing a document at her and asking her to go through
4 it.

5 MR. KORNFELD: I am asking --

6 MS. OWEN: I, also, don't know that it's relevant.
7 And it hasn't been put into evidence.

8 THE COURT: All right. There you go. It's not been
9 put into evidence. So I'll sustain the objection as to
10 not being put into evidence.

11 MR. KORNFELD: Okay. I can --

12 BY MR. KORNFELD:

13 Q I'd like you to look at this whole journal. Is this
14 the journal copy that you gave to Melissa Woods?

15 MS. OWEN: Your Honor, I'm, also, going to object.
16 This is a copy of something she had. She didn't write
17 this, so.

18 MR. KORNFELD: She --

19 THE COURT: Before it gets into evidence, let's lay a
20 foundation and let me see if you can authenticate it.

21 MR. KORNFELD: Okay.

22 BY MR. KORNFELD:

23 Q Is this a copy of the journal you gave to Officer
24 Woods?

25 A It looks like it, but it looks different.

1 Q What looks different about it?

2 A Just the way it's photo copied, the different
3 direction.

4 Q The different direction. Can you explain that to the
5 Court?

6 A It's his handwriting. The dates look -- I think it's
7 his journal.

8 Q So does it appear to be a fair and accurate depiction
9 of his journal that you provided to Officer Woods?

10 A It has extra writing on it. This is different.

11 Q Where is there extra writing on it?

12 A Notes written throughout.

13 Q Okay. Let me get the other one, the one that doesn't
14 have it.

15 All right. How about this one? Does this look like
16 a fair and accurate copy?

17 A I expect it is. It's his handwriting. It's even
18 more blurry.

19 MR. KORNFELD: Okay. I'd ask to mark this as
20 Defendant's Exhibit No. 3, and put it into evidence.

21 THE COURT: Any objection?

22 MS. OWEN: Your Honor, I just don't know what
23 relevance this has to the allegations here.

24 THE COURT: What's the relevance?

25 MR. KORNFELD: Well, the relevance is I'm going to

1 ask her about what she told Officer Woods in 2021, that
2 she just knew for sure that he was with other women.

3 THE COURT: Okay. So what's the relevance?

4 MR. KORNFELD: Well, it goes to her veracity in this
5 case. She's been completely involved in this case with
6 the children. She has been at every step of the way in
7 the interviews.

8 (WHEREUPON, a bench conference was held.)

9 THE COURT: The objection is sustained.

10 BY MR. KORNFELD:

11 Q Do you know if you were receiving all of Randy's
12 take-home pay from Aldersgate?

13 A I don't know.

14 Q All right. When did you go back to court with Randy
15 to finalize your divorce?

16 A We were divorced in June of 2015.

17 Q All right. And is it true -- were there any
18 modifications made at that time to your agreement?

19 A I don't think so.

20 Q All right. Were there any modifications concerning
21 any custody?

22 A I don't think so.

23 Q All right. And when was the last alimony and child
24 support payment that you received from Randy?

25 A I don't remember if I received anymore after the

1 divorce. I don't think so, maybe --

2 Q Did you receive a payment from Randy on July 8th of
3 2015?

4 A If you would have the record, yes.

5 Q All right.

6 A I'm sorry.

7 Q And did you call -- did you call anybody on a welfare
8 check looking for Randy in August of 2015?

9 A Yes, sir.

10 Q All right. And --

11 A No. I don't know the date exactly.

12 Q And why -- why were you checking on Randy?

13 A Because I hadn't received any payment from him.
14 There -- I tried to reach him by phone and his phone had
15 been disconnected.

16 Q Okay. On August 6th, 2015, did you call the Fountain
17 Inn Police Department?

18 A Oh, that, I don't know.

19 Q I'm going to show you a document.

20 A I think it was Mauldin. That's where his condo was.
21 I think it was the Mauldin department.

22 Q On August 6th, did you call the Fountain Inn Police
23 Department?

24 A What is this? My writing?

25 Q I believe so. Is this your e-mail?

1 A Uh-huh.

2 Q Okay. Did you write this and say on August 6th that
3 you called the Fountain Inn Police Department?

4 A It says, I called and spoke with Corporal
5 Cumbee [phonetic].

6 Q Okay. And --

7 A How to go about doing a well check.

8 Q All right. And --

9 A I ended up -- can I explain that?

10 I ended up not calling the police. Because I called
11 his aunt and uncle because they had keys.

12 Q Wait. So -- so when you wrote on August 6th -- did
13 you call the Fountain Inn Police Department, or did you
14 not?

15 A It says I did. I must have. I don't have a memory
16 of it.

17 Q All right. And you called and -- what was your
18 primary concern in calling the police department and
19 Randy's aunt and uncle?

20 A To see if he was okay.

21 Q Okay.

22 A We had just gotten divorced.

23 Q And were you trying to find out where your child
24 support and alimony was?

25 A Also, that.

1 Q And had he been paying that child support and alimony
2 for the last two and a half years?

3 A Almost two and a half years, yes.

4 Q All right. And did you ask someone to do a welfare
5 check on Randy Flower?

6 A I decided -- his aunt and uncle asked me not to call
7 the police, that they would rather go themselves since
8 they had keys to the house. They didn't want the police
9 busting down the door.

10 Q Okay. Was his door ever busted down pursuant to a
11 welfare check?

12 A Not that I know of.

13 Q All right. And so did you receive an e-mail from
14 Randy on August 10th, 2015, telling you that he had left
15 the country?

16 A Permanently.

17 Q Okay. And then did you -- did you file a contempt
18 action on September 25th, 2015?

19 A That sounds right.

20 Q All right. And did you hire a lawyer to do that?

21 A Probably the same lawyer I was with.

22 Q Okay. And was that -- did you, also --

23 MS. OWEN: Objection, Your Honor. I think we are
24 continuing down a leading path.

25 THE COURT: I'll allow a little. I'll give you a

1 little leeway.

2 Overruled.

3 THE WITNESS: I don't know that it was an extra hire,
4 but I went to him for it.

5 BY MR. KORNFELD:

6 Q Did you hire a process server to serve Randy?

7 A What does that mean?

8 Q Were you -- did you -- when you are filing a contempt
9 action, you need to serve the person that you're filing
10 the action against. I'm asking, did you hire somebody to
11 do that?

12 A Yes.

13 Q All right. And --

14 A The attorney must have.

15 Q And how did you find out where Randy was residing?

16 A My son figured it out.

17 Q All right. And did you see that he was on Facebook?

18 A No.

19 Q All right. Did you previously provide the
20 solicitor's office with Facebook documents showing Randy's
21 Facebook? Did you provide these documents to the
22 Prosecutor?

23 A I've not seen these before. I don't believe so.

24 Q Okay. And I'll show you a document. Did you have --
25 was Randy served with your contempt papers on February 1st

1 of 2016?

2 A (There was no response.)

3 Q Maybe this will help refresh your recollection.

4 A Yes, an ex parte order.

5 Q Okay. Did you go through great efforts to --

6 MS. OWEN: Objection, Your Honor. Leading.

7 MR. KORNFELD: She can say "yes" or "no."

8 THE COURT: Let him finish the question. He hasn't
9 finished the question yet.

10 BY MR. KORNFELD:

11 Q Did you go through great efforts in trying to find
12 Randy and then serve him with a contempt action?

13 A It wasn't great efforts.

14 Q Okay. Was Mr. Flower fairly easy to find?

15 A My 18-year-old son -- I think he was 18 at the time.

16 Q Okay.

17 A 20, maybe 20 years old.

18 Q Okay.

19 A He was able to find him.

20 Q And --

21 A He thought it was fairly easy. I don't think I would
22 have found it easy.

23 Q And did you pursue any criminal charges against Randy
24 at that time?

25 A No.

1 Q All right. And did you tell Officer Woods that,
2 well, he -- he even told an attorney that if we ever tried
3 to bring any of this out that he would leave the country?

4 MS. OWEN: Your Honor, objection. Leading.

5 MR. KORNFELD: I'm asking if she --

6 THE COURT: Overruled.

7 BY MR. KORNFELD:

8 Q Did you tell Officer Woods, well, he even told an
9 attorney if we tried to bring any of this out that he
10 would leave the country?

11 A He threatened throughout our marriage to leave the
12 country and disappear.

13 Q All right. And the reason -- what was the reason
14 that you allege that he said he would leave the country?

15 A He didn't specify why.

16 Q Was it because of the child support and alimony
17 amount that he was paying?

18 A He never said.

19 Q All right. Well, when you told Officer Woods, "If we
20 ever try to bring any of this out," what did you mean by
21 that?

22 A He gets angry. He threatens to leave the country.
23 It's always his go to. He'll disappear and nobody can
24 find him.

25 Q When you told Officer Woods "If we ever try to bring

1 any of this out, he would leave the country," what did you
2 mean by that?

3 A When he was coming out of the bathroom when [REDACTED]
4 was showering and I met him in the master bedroom. And,
5 like I said, I went crazy angry at him. He threw me up
6 against the wall, throttled me. And that's when he said,
7 If you ever try to say anything against me, I will
8 disappear and leave the country.

9 Q All right. And --

10 A It was that incident that I was referring to.

11 Q And so you were referring to an incident that
12 happened in -- that you allege happened in 2013; is that
13 correct?

14 A I believe it was 2013.

15 Q All right. And so if I understand you correctly,
16 your testimony is that none of this had anything to do
17 with child support or alimony; is that correct?

18 A None of what?

19 Q Why Mr. Flower left the country.

20 A I don't know if it did.

21 Q Okay.

22 A It could have.

23 Q And did Mr. Flower ever live in Spain before you and
24 he were married?

25 A Yes, he did.

1 Q Okay. And did Mr. Flower remarry a woman in Spain?

2 A Do you mean growing up in Spain?

3 Q Yes.

4 A Okay.

5 Q Did Mr. Flower marry a woman in Spain?

6 A That's what I understand.

7 Q All right. And what attorney did Mr. Flower -- you
8 said that he even told an attorney that if we tried to
9 bring any of this out, he would leave the country. What
10 attorney did he tell?

11 A When we were sharing an attorney and talking in his
12 office together.

13 Q Okay. And when you said "bring any of this up," what
14 did he tell that attorney? What are you saying he said?

15 A I don't remember what he told that attorney,
16 specifically.

17 Q Well, would you agree that this is pretty important?
18 Can you try and remember?

19 MS. OWEN: Objection. Hearsay, Your Honor.

20 THE COURT: You're asking what she told the attorney
21 or what the attorney told her?

22 MR. KORNFELD: She says -- well, he --

23 THE COURT: I'll let you ask her what she told the
24 attorney, but not what the attorney told her.

25 MR. KORNFELD: Okay.

1 BY MR. KORNFELD:

2 Q What was told to the attorney about bringing anything
3 out?

4 A I don't remember. I remember being in that office
5 and how we were sitting. But I don't remember any of the
6 conversation we had in that room.

7 Q Okay. And in 2013, after you allegedly caught Randy
8 in the shower with your daughter, what steps did you take
9 to protect your children?

10 A I don't know, specifically, any steps I took to
11 protect them. Communication --

12 Q Okay. Didn't --

13 A -- if they're going to shower to let me know so I
14 can, at least, be close by.

15 Q Okay. Didn't Mr. Flower tell you that he couldn't
16 keep paying that amount of child support and alimony?

17 A I don't remember that.

18 Q Okay. And would you agree to modify -- did you ever
19 agree to modify the alimony amount?

20 A That never came up. He had set it in place before
21 he -- or immediately after he left the house.

22 Q Okay.

23 A And it stayed that amount all the way through.

24 Q Okay. And did you tell Officer Woods that you had a
25 therapist through this whole thing?

1 A I have a friend who's a therapist, yes.

2 Q Did you tell Officer Woods that you had a therapist
3 through this whole thing?

4 A I don't know.

5 Q All right. Did you disclose the shower incident to
6 your therapist?

7 A I don't think so. I don't remember.

8 Q Okay. And did the children ever tell you that their
9 father molested them before 2019?

10 A No.

11 Q All right. And when -- is it true that when Randy
12 came back in the country on July 6th, 2019, that he had
13 not paid alimony or child support for four years? Is that
14 true?

15 A I think we got the date wrong on that last question.
16 Is it true that he hadn't paid child support and alimony?

17 Q For four years when July 6th, 2019 occurred?

18 A He left in '15. '16, '17, '18, '19. Yes.

19 Q Okay. When Randy was studying to get his doctorate,
20 is it true that he stayed in Columbia more often at that
21 time?

22 A When he was getting his doctorate, yes.

23 Q Is it true that you didn't like that he was staying
24 down there?

25 MS. OWEN: Your Honor, leading -- objection. I'm

1 sorry. Leading.

2 THE COURT: Mr. Kornfeld.

3 MR. KORNFELD: She can say "yes" or "no." I'll
4 rephrase.

5 THE COURT: All right.

6 BY MR. KORNFELD:

7 Q Did you like that Randy was in Columbia -- spending
8 so much time in Columbia working on his doctorate?

9 A I missed the first part of that. I'm sorry.

10 Q Did you like or dislike that Randy was in Columbia at
11 the University of South Carolina getting his doctorate?

12 A It was his goal. We were -- yeah. It was part of
13 his goal achieving his doctorate. It's what it took.

14 Q All right. And did you take your children to the
15 doctor regularly when they were children?

16 A While we still had insurance.

17 Q All right. After -- when did you lose insurance?

18 A When he quit his job.

19 Q What job did he quit that you're referring to?

20 A MCI World Com.

21 Q And what year was that?

22 A The year our last daughter was born, 2002.

23 Q Okay. Did he ever get insurance after that?

24 A Not that I remember, no.

25 Q Okay. And did you take your daughters to yearly

1 physicals?

2 A I don't believe so. It was only episodic.

3 Q Only where?

4 A Only when they had an issue, episodic visits.

5 Q Okay. And did your children -- was a physical
6 required for your children for any extracurricular -- or
7 school activities?

8 A No.

9 Q All right. And do you remember who your children's
10 pediatrician was?

11 A Yes.

12 Q And who was that?

13 A Larry Burkhart [phonetic].

14 Q All right. And why did you want to have a quiet,
15 friendly divorce with someone who went into the shower
16 with your oldest daughter and, also, throttled you?

17 A He went into the master bathroom.

18 Q Why did you want to have a nice divorce with him? Is
19 it because you were friends with him? Is that what you
20 said before?

21 A Friendly. I'm not a malicious person.

22 Q Okay. Did you say you were friends with him?

23 A I think I said we wanted a friendly divorce.

24 Q Okay.

25 A We had friends who had done it that way. And we

1 agreed we were going to do it that way.

2 Q All right. And --

3 A I think it was a money thing.

4 Q When you --

5 A Sharing the attorney.

6 Q Did you tell Officer Woods that you didn't work all
7 the years you were married?

8 A Probably so. That was the guise that we lived under.

9 Q All right. And this was -- you told her this -- did
10 you tell her this in 2019 -- on July 6th, 2019?

11 A If it's in the record, yes.

12 Q All right. And you speak of this guise you were
13 under. Isn't it true that -- well, did Randy and you
14 separate in 2013?

15 A April of 2013.

16 Q Why were you still under a guise in 2019?

17 A I still am. It's 2022 [sic] and I still am. Can you
18 believe?

19 Q Did you tell Officer Woods that the girls were in
20 therapy, but it ended when Randy left the country in 2015?

21 A I don't know.

22 Q Well, would you like me to refresh your recollection?

23 A Sure.

24 Q This is July 6th, 2019. Let's see if I can refresh
25 your recollection here. This is you and this is Officer

1 Woods.

2 A What was the question?

3 (WHEREUPON, there was no response.)

4 (WHEREUPON, an unmarked video was played in open
5 court.)

6 BY MR. KORNFELD:

7 Q Could you hear that? Did you say, I didn't work all
8 the years that we were married. He did all the work. He
9 did all the income?

10 A That's right.

11 Q Okay. So is that a true statement that you made to
12 Officer Woods or not a true statement that you made to
13 Officer Woods?

14 A Not a true statement.

15 Q All right. And when you and your husband, Randy
16 Flower, separated, did you and he go to coparenting
17 counseling with Celia Tuttle?

18 A I'm not sure about the word coparenting counseling,
19 but we had one session.

20 Q All right. And did Ms. Tuttle talk to the children
21 at that time?

22 A I believe so.

23 Q Okay. And was it Randy Flower's recommendation to
24 see the counselor?

25 A I really don't know.

1 Q All right. And did you tell Officer Woods that
2 [REDACTED] locked herself in her bedroom?

3 A Yes.

4 Q There -- were there any locks on the children's
5 bedrooms?

6 A Bathroom.

7 Q Excuse me?

8 A I believe it was the bathroom.

9 Q No. Did you say to Officer Woods that [REDACTED]
10 locked herself in her bedroom?

11 A I'm making a correction. I believe it was the
12 bathroom.

13 THE COURT: Ms. Flower, can you get a little bit
14 closer to the microphone?

15 THE WITNESS: Yes.

16 THE COURT: Thank you.

17 BY MR. KORNFELD:

18 Q So when you told Officer Woods that [REDACTED] locked
19 herself in her bedroom, am I hearing you correctly that
20 that's not correct?

21 A That's not correct.

22 Q Okay. And --

23 A Bathroom.

24 Q Why --

25 A He had all the doors removed from the bedrooms.

1 Q Okay. Why did you -- do you know why you got that
2 incorrect?

3 A Probably my brain. I'm sorry.

4 Q All right. And on July 6th and July 9th, were you
5 present at the interviews that your children were involved
6 in?

7 A For part of the time. Most of the time, I sat out in
8 the lobby.

9 Q Well, you sat -- in the first interview, did you not
10 sit in the interview the entire time?

11 A [REDACTED] was the first interview. And, no, I sat in
12 the lobby.

13 Q All right. If I show you the video that I just
14 showed you, would that maybe refresh your recollection as
15 to how much you were sitting in there?

16 A I went back there for a period of time.

17 Q Well --

18 MS. OWEN: Your Honor, can I just object and get some
19 clarification? There's been discussion of multiple
20 interviews. It might help --

21 MR. KORNFELD: This is July 6th of 2019.

22 MS. OWEN: And there's interviews with several
23 people.

24 MR. KORNFELD: July 6th, 2019, this is the
25 interview -- here's the -- I believe the middle child

1 here, she is all the way through. Here, she still is. I
2 think I can ask her about this to help her recollection.

3 THE COURT: It -- if you put the microphone up to the
4 speaker, the laptop might put out a little more volume.

5 THE WITNESS: You said the first interview. And the
6 first interview was [REDACTED]?

7 BY MR. KORNFELD:

8 Q Okay. Is this -- is this the July 6th, 2019,
9 interviews?

10 A Yes.

11 Q All right. And at about one minute in, you would
12 agree that this is you next to [REDACTED]; correct?

13 A Yes. But that wasn't the first interview.

14 Q Okay. This is on July 6th. Let's go through this.
15 This is you; correct?

16 A It is.

17 Q All right. And then tell me when you get out of the
18 picture here?

19 (WHEREUPON, an unmarked video was played in open
20 court.)

21 BY MR. KORNFELD:

22 Q All right. You were there for her entire interview,
23 were you not?

24 A For [REDACTED].

25 Q Okay. And then you're here with Officer Woods and

1 nobody else is in there. It's just you and Officer Woods
2 talking?

3 A She was interviewing me.

4 Q Okay. And then...

5 (WHEREUPON, an unmarked video was played in open
6 court.)

7 BY MR. KORNFELD:

8 Q Here you are. And here's your other daughter; right?
9 She sits down. Here she is. And you're still here.
10 Okay. Tell me when you leave.

11 A She was a minor child. I stayed in there with her.

12 Q I thought you just said you didn't stay in there for
13 the most part?

14 A You said for the first interview. And [REDACTED]
15 interview was the first interview.

16 Q This is on July the 7th. Look at the other one --
17 July 6th, I think, actually. The other interview with --
18 are you saying that one was with [REDACTED]?

19 A The first interview was with [REDACTED].

20 Q Okay.

21 A That the police had.

22 Q Okay. And are you saying that that was on July 9th,
23 2019?

24 A I don't know the date.

25 Q All right. And do you remember in the interview with

1 [REDACTED] telling [REDACTED] what to say?

2 MS. OWEN: Objection. Leading, Your Honor.

3 MR. KORNFELD: She can say "yes" or "no."

4 THE COURT: Overruled.

5 BY MR. KORNFELD:

6 Q Do you remember in the interview with [REDACTED] you
7 telling [REDACTED] what to say?

8 A No. I reminded her of one thing that she had told
9 me.

10 Q Okay.

11 A That I encouraged her to make sure she told the
12 police.

13 Q All right. And did you tell her this after Officer
14 Woods left the room to get some coffee?

15 A Probably.

16 Q And did you whisper to her when you said it?

17 A It was -- yes.

18 Q And why did you think that you needed to whisper?

19 A It was being recorded.

20 Q And you -- and is it true you didn't want anybody to
21 hear you?

22 A No.

23 Q Well, why did you just say that it was being
24 recorded? Why would that matter?

25 A Everything in those rooms are recorded.

1 Q But why does that matter? What I'm asking you is,
2 why did you whisper?

3 A We talk in low voices. I do, anyway.

4 Q Okay. But when you talked to Officer Woods when she
5 was in there just before, did you talk in a whisper?

6 A No. I don't know her.

7 Q Okay.

8 A And it was a more professional conversation.

9 Q And did you tell your daughter, [REDACTED], They'll
10 think that I'm crazy?

11 MS. OWEN: Objection. Leading.

12 MR. KORNFELD: She can say "yes" or "no." It's not
13 leading.

14 THE COURT: I'll allow it.

15 MS. OWEN: I believe those are leading questions,
16 Your Honor.

17 BY MR. KORNFELD:

18 Q Did you say to [REDACTED], They'll think I'm crazy?

19 A Maybe. I don't remember the context.

20 Q All right. Did you say to [REDACTED], I saw you under
21 the bed?

22 A I don't remember. We'll have to look at that video.

23 Q Okay. See if you can recall this?

24 (WHEREUPON, an unmarked video was played in open
25 court.)

1 BY MR. KORNFELD:

2 Q Can you hear that?

3 A (There was no response.)

4 (WHEREUPON, an unmarked video was played in open
5 court.)

6 BY MR. KORNFELD:

7 Q All right. Do --

8 MS. OWEN: Your Honor, I'd ask for the last few
9 seconds of that to be played for completeness.

10 THE COURT: The last few what?

11 MR. KORNFELD: That's the entire quote. That is the
12 entire quote that she says.

13 THE COURT: Are you representing that that's the
14 entire quote and that's -- overruled -- or not overruled.
15 It's not an objection. He said he has played the entire
16 quote.

17 So proceed.

18 BY MR. KORNFELD:

19 Q Do you remember stating that?

20 A I didn't hear it.

21 Q Okay. I'll play it again.

22 A If I remember right, that was talking about being in
23 court with him.

24 Q Okay. You're talking about -- are you talking about
25 when you told the girls that he had a bench warrant for

1 not paying child support and alimony? Is that what you're
2 talking about when you whispered that?

3 A What I heard was not wearing my glasses so I didn't
4 have to.

5 Q All right. We'll listen to it again. Are you ready?

6 A (There was no response.)

7 (WHEREUPON, an unmarked video was played in open
8 court.)

9 BY MR. KORNFELD:

10 Q Okay. Do you remember that?

11 A I couldn't quite hear it. I don't think it's talking
12 about when I was in court. And I didn't wear my glasses
13 so that I didn't have to burn it into my vision. The part
14 before that, I didn't catch.

15 Q I thought you said, Then he must have assumed you
16 were sleeping together. I would say he would come up the
17 stairs. I would hide under the bed. I didn't have my
18 glasses and so I have a little bit of blurry when it's a
19 distance. So I didn't have to burn it into my vision.
20 Isn't that what you said in this case?

21 A I'm not hearing that.

22 Q Okay. Well, I don't know what else I can do to make
23 it louder.

24 THE COURT: I don't know. You can put it up to the
25 microphone. And that's all you can do. You can plug it

1 into the system here.

2 MR. KORNFELD: I'll play it one more time.

3 BY MR. KORNFELD:

4 Q All right. I'll come over to you and maybe we can
5 put it in the mic. Maybe this will help you hear it.

6 (WHEREUPON, an unmarked video was played in open
7 court.)

8 BY MR. KORNFELD:

9 Q Did you hear that?

10 A I heard so I didn't have to burn it into my vision.

11 Q Okay. And at that point, are you coaching your
12 daughter what to say?

13 A No.

14 Q Are you telling her what to say?

15 A No.

16 Q Are you -- what incident -- what instance are you
17 talking about here?

18 A I don't know.

19 Q Okay. Well, why did you have a little bit of the
20 blurry?

21 A I don't know.

22 Q What were you looking at?

23 A I don't know.

24 Q Why were you telling your daughter something that you
25 did not know about while whispering?

1 A I didn't catch that recording. I'm sorry.

2 THE COURT: Ma'am, could you pull the microphone
3 closer to you?

4 THE WITNESS: Yes, sir.

5 BY MR. KORNFELD:

6 Q Do you need me to play this for you again? Is that
7 what I'm hearing?

8 MS. OWEN: Objection, Your Honor. I believe we've
9 played this several times.

10 MR. KORNFELD: She said she didn't catch that in the
11 recording, so.

12 THE COURT: Please answer his questions.

13 BY MR. KORNFELD:

14 Q Why did you tell your daughter, I'd say when he would
15 come up the stairs, I would hide under the bed?

16 A Reminding her what she told me.

17 Q I thought the first time -- is it the first time that
18 she made any disclosure was at the police station in 2019
19 on July 6th?

20 A Except for that information she told me.

21 Q All right. And were you on a text chain with your
22 daughters?

23 A On a text chain?

24 Q Yes.

25 A Probably. We've had one with our family.

1 Q Okay. And did you talk to your daughters about the
2 sexual allegations on that text chain on July 6th, 2019?

3 A I don't believe so.

4 Q Okay. So if the first time this was disclosed was on
5 July 6th, 2019, when did your daughter tell you about
6 this?

7 A [REDACTED]?

8 Q Yes.

9 A She told me sometime after Randy left the country.

10 Q So am I now hearing that July 6th, 2019, was not the
11 first time that she told you this?

12 A [REDACTED] told me some things after he left the
13 country.

14 Q Okay. And when was that? July -- was it on
15 July 6th, 2019?

16 A That's when he came back into the country -- he was
17 in the country then.

18 Q Okay. I thought that the first that you heard of
19 this was in July of 2019; is that correct?

20 A Heard of what?

21 Q Any of the sexual allegations.

22 A There were some things that [REDACTED] told me after he
23 left the country and after he had been gone a while.

24 Q That's what I'm asking you. When are you now saying
25 that those occurred?

1 A Those conversations?

2 Q Yes.

3 A I don't have dates.

4 Q Do you suffer from depression?

5 A No.

6 MS. OWEN: Objection, Your Honor. Relevance.

7 THE COURT: What's the relevance?

8 MR. KORNFELD: Just asking if she --

9 THE COURT: Sustained.

10 MR. KORNFELD: The relevance --

11 THE COURT: Sustained.

12 MR. KORNFELD: Okay.

13 BY MR. KORNFELD:

14 Q In your home -- were you in your home the majority of
15 the time during your marriage?

16 A Can you clarify that?

17 Q Yes. Were you a stay-at-home mother?

18 A Yes.

19 Q Did you home school your children?

20 A I did.

21 Q And were you home almost every night?

22 A No.

23 Q Where did you go at night?

24 A Sometimes, working, shopping for groceries. But I
25 was home most of the time.

1 Q Okay. And did you ever see any -- any sexual abuse?

2 A No.

3 Q All right. Did you drink wine while you and Randy
4 were married?

5 A Very little.

6 Q Did you ever spank your children?

7 A Occasionally.

8 Q Did you have health problems during your marriage?

9 A Sometimes.

10 Q Were you diagnosed with MS?

11 A No.

12 Q You were not diagnosed with MS?

13 A I was not.

14 Q Did you ever tell anybody you were diagnosed with MS?

15 A No.

16 Q Do -- does your daughter, [REDACTED], live with you?

17 A Presently?

18 Q Yes, presently.

19 A Yes.

20 Q All right. And do your other two daughters when they
21 are not in school reside with you?

22 A Yes.

23 Q Does anybody else reside with you in your home?

24 A No.

25 Q All right. Are you married now?

1 A No.

2 Q Did you ever remarry after you and Randy divorced?

3 A No, sir.

4 Q Do you remember telling Officer Woods that [REDACTED]
5 had a little bit of the suicide stuff?

6 A Probably a lot.

7 Q What did -- why did you tell her that there was a
8 little bit of the suicide stuff?

9 A Because I spent quite a bit of time watching over her
10 during very dark depressive times.

11 Q All right. Did you keep your children from reaching
12 out to their father after you filed a contempt in 2016?

13 A No.

14 Q Did you tell your children that you filed a contempt
15 action?

16 A I don't remember.

17 Q Did you tell your children that Randy was not paying
18 child support?

19 A They knew.

20 Q Did you tell -- how -- did they know because you told
21 them?

22 A Yes.

23 Q Okay. Did you, also, tell them that he was not
24 paying alimony?

25 A It's the same in our mind, yes.

1 Q Okay. And --

2 A Meaning it was one check.

3 THE COURT: Can I see counsel up here?

4 (WHEREUPON, a bench conference was held.)

5 THE COURT: All right. Ladies and gentlemen, we're
6 going to recess for the day. We're going to start back at
7 9:15 in the morning. And we are working to get the
8 evidence in and, hopefully, get it to you tomorrow. So
9 we're working on that. So I'll see you at 9:15.

10 Please don't discuss the case.

11 And I hope everybody has a good night.

12 (WHEREUPON, the jury was excused from open court at
13 approximately 7:00 p.m.)

14 THE COURT: All right. Ms. Flower, you are on the
15 witness stand now. So that means you're not allowed to
16 discuss this case whatsoever in any form at all with your
17 children, with anybody.

18 Do you understand that?

19 THE WITNESS: Yes, sir.

20 THE COURT: You are not to say anything or have any
21 kind of conversation whatsoever until you get back on the
22 stand tomorrow morning.

23 THE WITNESS: Yes, sir.

24 THE COURT: Thank you.

25 MS. OWEN: Your Honor, may I ask a favor of the

1 Court?

2 THE COURT: Yes, ma'am.

3 MS. OWEN: Just so that we are all clear on the
4 indictments -- I'm sorry.

5 I'm going to ask you, Mr. Barrow, if you'll just send
6 us an e-mail of the list so that we are all sure.

7 I want to make sure everybody is on the same page on
8 the indictments.

9 THE COURT: I'll tell you what we'll do, we'll kill
10 two birds with one stone. We have prepared a draft
11 verdict form. And so he will e-mail that to you both.
12 And it will have the indictments on the verdict form.

13 MS. OWEN: Okay.

14 THE COURT: Now, it, also, leads me to charges that
15 we need to discuss, which I'm not going to do tonight
16 because it late.

17 Ma'am, you can go ahead and step down.

18 THE WITNESS: Thank you.

19 THE COURT: Let me -- I normally do not send out my
20 charges. I normally just allow you to take a look at them
21 here in the courtroom.

22 MR. KORNFELD: That's fine.

23 THE COURT: We have a little bit of a different
24 situation in this case due to some time issues. I'm going
25 to think about possibly with the verdict form sending you

1 out -- this is just a rough draft of the charges. Once
2 all the evidence is in and motions are made, some of these
3 could go out. I take back what I just said, there's some
4 things we need to work on tonight.

5 So if for some reason we're able to get some things
6 done, I'll send them out. Otherwise, I don't think --
7 factually, obviously, from an indictment standpoint, it's
8 a complicated case. From a charge standpoint, the charges
9 are straightforward. I don't think we're going to have
10 really much discussion on the charging.

11 MR. KORNFELD: I don't either, Your Honor.

12 THE COURT: So I don't anticipate any issues there.
13 What we will do is send out the verdict form. Again, this
14 is just a draft. This is a different kind of case with a
15 verdict form of a number of pages.

16 What I have done is -- what we have done is -- we
17 haven't done separate pages. We've done them just listed
18 like a normal verdict. But it does cover a lot of pages.
19 And it does have the indictment numbers. So that should
20 give you each the identification of the indictments
21 following our motions that we had earlier today.

22 So this should set out the indictments that we are
23 going forward on right now. And, again, I am saying this
24 before all the evidence is in. Motions could change
25 things. But this is, generally, what I'm going to do.

1 And that may save some time, as opposed to me giving you
2 the verdict forms tomorrow and you've got to take a look
3 at them.

4 So this way, if I can send them to you tonight, that
5 will give you an opportunity to take a look at it.

6 All right. Anything before we adjourn?

7 MR. KORNFELD: No, Your Honor.

8 9:15 is what I heard?

9 THE COURT: We're going to start at 9:15. What I'd
10 like to do, if y'all -- why don't I have y'all in here
11 about quarter until 9:00 to discuss any potential issues.
12 There may be some issues with the verdict form and that
13 may take some time. I don't want to come in at 9:15,
14 start talking about that and the jury is sitting back
15 there.

16 MR. KORNFELD: All right.

17 THE COURT: Now -- and I'm not holding anybody to
18 anything or any number of witnesses. But I'm just kind of
19 looking forward from a scheduling standpoint, logistics.

20 I do have some doubt that we could finish tomorrow.
21 We've got this witness that --

22 You've indicated, Mr. Kornfeld, that you've still got
23 some time with this witness. And then we have
24 cross-examination of this witness. And then you,
25 potentially, have one more witness, which could be very

1 lengthy if it's -- if it is, in fact, the Defendant.

2 I'm not asking you who you're calling. But if it is
3 the Defendant himself, we're talking about -- the way the
4 case has gone so far, I -- I anticipate it will be lengthy
5 examination. And then we've got cross-examination of that
6 witness. So I'm just kind of giving you a heads up that
7 maybe this goes into next Tuesday.

8 Now, if we can finish it, if we can get all the
9 evidence in, and argue, and charge by early afternoon, I'm
10 good with that. I mean, I -- but I don't want to get into
11 a situation of 4:00 Friday afternoon of charging the jury,
12 unless that's where we are and I give the option to the
13 jury if they want to do that.

14 I'm -- I will not -- without getting any kind of
15 consent from the jury, I'm not going to give them the
16 case, more than likely, late tomorrow afternoon,
17 especially with the number of indictments that we have in
18 this case. However, if I do give them that option, it's
19 late in the afternoon and they want to continue on and
20 do -- they do want to deliberate to save them from coming
21 back next week, I will, certainly, entertain their
22 response.

23 So I'm just giving everybody a heads up where we are,
24 and what might happen, and our logistics so everybody can
25 be prepared. So we'll just see how tomorrow turns out,

1 how it goes.

2 I would like to get this case and, I assume, both of
3 y'all would like to get this case to the jury tomorrow.
4 The jury, certainly, wants to get the case tomorrow. We
5 know that. But if we're not able to, we're not able to.
6 But if we can make any effort -- or every effort to --
7 it's possible to get it to them, we will do so.

8 So I want to see y'all here at a quarter of 9:00.
9 And that way, we can discuss whatever we need to discuss.
10 And when the clock strikes 9:15, bring them out here and
11 start.

12 Anything from the State?

13 MS. OWEN: No.

14 THE COURT: Anything from the Defendant?

15 MR. KORNFELD: No, Your Honor.

16 THE COURT: All right. We'll adjourn until tomorrow.

17 (WHEREUPON, the proceedings were concluded at
18 approximately 7:09 p.m., to be reconvened on
19 Friday, January 13, 2023.)
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1 FRIDAY, JANUARY 13, 2023

2 THE COURT: Did y'all have an opportunity to look at
3 the verdict form?

4 MR. KORNFELD: Yes, Your Honor.

5 THE COURT: I'll hear from you, from the State, yes,
6 Ms. Owen.

7 MS. OWEN: Yes.

8 Mr. Barrow, thank you so much for sending that to us
9 last night. I appreciate it.

10 I did stay up pretty late making sure I went through
11 everything. There are several on here that I think we're
12 not going forward on. And I'll be happy to send an e-mail
13 with those, if that would be helpful. And there are just
14 a couple of corrections that I saw --

15 THE COURT: Which ones? Do you have the ones listed?

16 MS. OWEN: Sure. I'll just give you the number.

17 THE COURT: The number would be fine.

18 MS. OWEN: On the verdict form, it would be number
19 five, number six, number 10, number 12, number 13 and 14,
20 number 17, number 18.

21 We are going forward on number 19. And I believe
22 that should be anal penetration, Your Honor. And on
23 number 20, I just want to make sure -- we're just going to
24 leave the header at the top as to which victim,
25 specifically, the way the verdict form is written as to IF

1 at the very top so we don't have to have to add the
2 specific victim in for number 20.

3 THE COURT: So 20 --

4 MS. OWEN: 20 is just the voyeurism charge, Your
5 Honor. And I just want to make sure when the verdict form
6 is going to go back, it will be to -- just as it's
7 written, please, answer the question below as to victim
8 IF, so they'll know, specifically.

9 We're going to leave it that way; correct?

10 THE COURT: Yes.

11 MS. OWEN: Okay. On 21, 22, 23, and 24, there is
12 specific language added as to what the lewd act would be
13 in those indictments. I don't normally do that. But
14 based on our prior hearing last March, I did make them
15 narrow and specific. If you would like to add the
16 specific language that's in those indictments.

17 THE COURT: Are you talking about putting the whole
18 entire language in there?

19 MS. OWEN: No. There's just specific acts in those
20 specific indictments because Mr. Kornfeld had asked for
21 more specificity in the indictments during that hearing.

22 THE COURT: So 21, 22, 23.

23 MS. OWEN: And 24.

24 THE COURT: And 24.

25 MS. OWEN: And I can tell you, specifically, what I'm

1 referring to, if that would be helpful. Again, in regards
2 to lewd acts, Your Honor, just, for example, on Indictment
3 No. 19-8047A, we do have the specific act being to-wit:
4 Touch IF in her vaginal area. If you would like to add
5 that language or if you want to leave lewd act, it's up to
6 you. I just have that in there based on our prior hearing
7 last March.

8 THE COURT: All right.

9 MS. OWEN: And, Your Honor, as to indictment -- I'm
10 sorry. Number 26, I believe we had agreed that one was
11 not going to be put in.

12 THE COURT: Okay.

13 MS. OWEN: And 27.

14 And then as to 31, Your Honor, I do not believe we
15 were going forward on that one.

16 THE COURT: 31?

17 MS. OWEN: Yes, Your Honor.

18 And then I do not believe we're going forward on 38
19 and 39, or 42. I, also, do not believe we were going to
20 go forward on 44 or 46.

21 THE COURT: Okay.

22 MS. OWEN: Everything else appeared to be what we
23 have talked about.

24 THE COURT: It seems like we left out a lot of the
25 ones we were not going forward on. Did we include the

1 ones that we are going forward on?

2 MS. OWEN: Yes, yes. Those are included.

3 And I did have one issue that I wanted to bring up.
4 Obviously, I spent quite a while going through this and
5 making sure we were all on the same page. And, Your
6 Honor, there was an indictment yesterday that got
7 dismissed. I will say, obviously, as you know, there's a
8 voluminous number. In going through my records, I just
9 would like to ask that this one be readdressed.

10 THE COURT: What number?

11 MS. OWEN: 22-2806. It's a CSC first in regards to
12 KF. And it was penile/vaginal penetration.

13 MR. KORNFELD: And, Your Honor, I would object from a
14 procedural standpoint. The ruling was made on a directed
15 verdict and our case has been stated.

16 MS. OWEN: And I understand that, Your Honor. This
17 is a unique scenario for me in the amount of indictments
18 we have and the amount of testimony that we need to go
19 through in two hours. And in going through the notes last
20 night -- I believe, previously, there was some discussion
21 about the penile penetration. And we agreed that there
22 was some testimony regarding him touching her vagina in
23 sex movements.

24 In going through my notes, the rest of that was my
25 mom had pancreatitis. I just wanted to die. I was eight

1 years old. I cried. He stopped pressing in so hard.
2 And, Your Honor, I believe that meets the statutory
3 elements for any intrusion however slight. And I realize
4 we had a very --

5 THE COURT: I'll be honest with you. When that
6 testimony came up, I did not take it as he was penetrating
7 her. He might have been pressing on her, but --

8 MS. OWEN: But, Your Honor, I think --

9 THE COURT: -- my notes -- I didn't -- as you can
10 tell, I took pretty good notes.

11 MS. OWEN: Yes, Your Honor.

12 THE COURT: And any time there was any mention of any
13 of the buzz words like penetration, I wrote it down. And
14 for that one, I did not.

15 MS. OWEN: Well, I -- from our notes, it just says,
16 He stopped pressing in so hard. And I think when you're
17 talking about pressing in so hard, I do think that meets
18 the statutory elements for any intrusion however slight.
19 I just would like to put that on the record.

20 THE COURT: All right. I'm going to -- I'll note
21 your -- your argument on that. But I'm going to maintain
22 my ruling on that one.

23 MS. OWEN: Thank you, Your Honor.

24 THE COURT: All right. Mr. Kornfeld, anything on the
25 verdict form, other than those?

1 MR. KORNFELD: No, Your Honor.

2 THE COURT: All right. The last two, what we did
3 there --

4 MS. OWEN: I'm sorry, Your Honor. What are we
5 referring to?

6 THE COURT: The last two on the verdict form, which
7 is number 52 and 53.

8 MS. OWEN: Yes, Your Honor.

9 THE COURT: Those are the disseminating charges. And
10 you see we did a little line there.

11 MS. OWEN: Yes, Your Honor.

12 THE COURT: Because neither one of those indictments
13 refer to a particular person. As you can see from the
14 verdict form, we divided it into the individual victims.
15 We got to the last two there. And because it did not
16 specify which victim --

17 MS. OWEN: Your Honor --

18 THE COURT: -- we just kind of did a line there.

19 MS. OWEN: Your Honor, my copy does specify the
20 victims.

21 THE COURT: Mine doesn't.

22 MR. KORNFELD: There -- you may have older ones. I
23 remember I objected in my first motion to quash. And I
24 think she may have modified those.

25 THE CLERK: I have the originals.

1 THE COURT: What?

2 THE CLERK: I have the originals.

3 MR. KORNFELD: I don't know. Maybe we need to look
4 at these different indictments when they were stamped.

5 THE COURT: And these were the only two that I didn't
6 specify.

7 MS. OWEN: Here is the other one that does, also,
8 specify.

9 THE COURT: We see the one you just handed up that
10 does have IF.

11 And, again, for the record, we're talking about the
12 disseminating obscene material to a minor, which is
13 indictment 2019-GS-23-08062 and, also, indictment
14 2019-GS-23-08061.

15 So the copies I had of the indictment did not have
16 them. My copies that have been handed up to me showing a
17 later date do show IF in indictment 8062, and then KF in
18 8061.

19 Is that your understanding as well, Mr. Kornfeld?

20 MR. KORNFELD: Well, I -- yes. But I beg the Court
21 for some clarification. Was it the same indictment that
22 somehow got indicted at two different sessions?

23 Now, I'm confused.

24 THE COURT: I have a -- the one that did not have the
25 initials was October 29th, 2019. The one that's just been

1 handed up to me is stamped December 13th, 2022.

2 MR. KORNFELD: Okay. That makes sense. Yeah, that's
3 what my understanding was.

4 THE COURT: Yeah. I was just given those.

5 MS. OWEN: Just make sure -- and I'm sure you'll need
6 a copy as well.

7 THE CLERK: Yes. Because somehow we don't have it.

8 THE COURT: Going back to adding the language on lewd
9 act, clarify for me what -- we're talking about numbers
10 21 -- is it 21, 22, 23, and 24?

11 MS. OWEN: Yes, Your Honor.

12 THE COURT: Okay. So tell me what -- clarify for me
13 what you're requesting.

14 MS. OWEN: Your Honor, I just wanted to put on the
15 record, I'm not requesting that you do this or don't do
16 this. Just when we had the motion hearing last March in
17 regards to the timeframe in the indictments and the
18 specificity, I had talked to Mr. Kornfeld about trying to
19 make them as specific as I possibly could. Normally, the
20 lewd act indictments just say a lewd and lascivious act.
21 I went farther in these to add a specific act.

22 So these indictments should say to-wit, and have,
23 like, for example, in regards to indictment number
24 2021-6837, IF touched the Defendant's penis with her
25 hands. I don't know that it has to be on the verdict

1 form. It's just something I noticed and I wanted to bring
2 to the Court's attention if you feel like that is
3 necessary to add. Otherwise, to leave it out is just
4 fine.

5 THE COURT: Yeah. I think the way I've got it is
6 fine. It's, certainly, something you can argue to the
7 jury and you put the evidence in there.

8 All right. Anything else on the verdict form from
9 either the State or the Defendant?

10 MS. OWEN: No, Your Honor.

11 MR. KORNFELD: No.

12 THE COURT: All right. We're finalizing the charges.
13 Let me just -- once I get a final copy -- because I went
14 through them last night and this morning. Once I get a
15 final copy, I'll give it to you and let you look through
16 it.

17 But I'm just letting you know just to give you a
18 general idea what I'm going to charge. I'll just say what
19 he's been indicted on. That, again, indictments are not
20 evidence. I will charge them on multiple charges, duties
21 of the jury and trial judge, presumption of innocence,
22 reasonable doubt, what is not evidence, direct and
23 circumstantial evidence, credibility of the witnesses, a
24 charge on expert witnesses.

25 Assuming the Defendant does testify, I will not

1 charge, of course, the right to remain silent. In the
2 event for some reason -- he has indicated to me that he is
3 testifying. But if for some reason he does not, I will
4 reinsert that back in.

5 I will charge on the intent required. And I will go
6 into the individual charges. I will charge first degree
7 criminal sexual conduct with a minor under 16-365(a)(1);
8 and then second degree criminal sexual conduct with a
9 minor, which is 16-655(b)(1); and third degree criminal
10 sexual conduct, 16-3-655(c); and voyeurism under
11 16-17-470; and disseminating obscene material to a minor,
12 16-15-355; lewd act on a minor, 16-15-140; contributing to
13 the delinquency of a minor, 16-17-490. I will give a
14 charge on sympathy, the duty to deliberate, and then my
15 final instruction to them on the verdict form.

16 So that is -- just, generally, I wanted to let you
17 know what I was doing before I gave you a copy of it. But
18 that is what I'm doing. And as soon as I get a copy -- a
19 final copy, I'll let you both take a look at it.

20 Are there any comments, at least, generally? I'm not
21 going to hold you to it right now until you get a copy to
22 look at.

23 MS. OWEN: Your Honor, we would ask that the normal
24 standard jury charge in regards to criminal sexual conduct
25 cases, time is not an essential element.

1 THE COURT: Say that again.

2 MS. OWEN: Time is not an essential element.

3 THE COURT: All right. Anything else?

4 And, again, when y'all take a look at it, I'll give
5 you an opportunity to make any objections to it.

6 Anything from the Defendant, Mr. Kornfeld?

7 MR. KORNFELD: No, Your Honor. I do want to look at
8 them, but, no.

9 THE COURT: Yeah. I'll give you all a copy to take a
10 look at it.

11 Are they here?

12 THE BAILIFF: Yes, sir.

13 THE COURT: Anything before we bring them in?
14 Anything from the State?

15 MS. OWEN: No, Your Honor.

16 THE COURT: Anything from the Defendant?

17 MR. KORNFELD: No, Your Honor.

18 THE COURT: Is Ms. Flower here?

19 MS. OWEN: She was outside earlier, Your Honor.

20 THE COURT: Tell her to come back in and resume the
21 stand.

22 (Pause.)

23 THE BAILIFF: Your Honor, do we need to swear her
24 in --

25 THE COURT: No. You're already sworn in.

1 We're ready to go.

2 (WHEREUPON, the jury came into open court at
3 approximately 9:19 a.m.)

4 THE COURT: All right. Good morning.

5 I hope y'all had a good night last night. We are
6 ready to proceed.

7 Let me kind of give you a little heads up. What I'm
8 going to do is order in some lunch for you. And so we
9 won't have the need to take the time for lunch and all.
10 So I'm going to bring it in to you whether you have the
11 case at that time or not, if we still have a little more
12 testimony to go. But it may be that we're in a position
13 close to getting the case for you to deliberate. But
14 either way, I'm going to bring in the lunch for you. So
15 that way, we can kind of keep moving.

16 But we're ready to proceed.

17 All right. Mr. Kornfeld.

18 MR. KORNFELD: Thank you, Your Honor.

19 CONTINUED DIRECT EXAMINATION

20 BY MR. KORNFELD:

21 Q Ms. Flower, since you've got off last night and since
22 you got on this morning, did you talk to anybody about the
23 case?

24 A No, sir.

25 Q And did your daughters stay with you last night?

1 A We're all in the same house, yes.

2 Q And did you ever have an occurrence to see any of
3 your daughters drinking alcohol?

4 A Yes.

5 Q And what did you see them drinking?

6 A Beer, margarita, leftovers of whatever Randy drinks.

7 Q Okay. And can you give the jury some clarification
8 as to when you saw the beer drinking, the margarita
9 drinking, and whatever was left over that Randy drank?

10 A When?

11 Q Yes. When did that happen?

12 A Times when he would cook and give them sips.

13 Q Okay. What would he give them sips of?

14 A His drinks.

15 Q And you -- did you not object to this?

16 A Of course, I did.

17 Q Okay. Did you drink wine with your husband when you
18 had dinner from time to time?

19 A No. I have an issue with my pancreas, so I don't
20 drink.

21 Q So your testimony is that you never drank wine?

22 A Very occasionally.

23 Q Okay. So you did drink wine?

24 A Occasionally.

25 Q All right. Did you ever give any of your children a

1 sip of wine at dinner?

2 A No.

3 Q Did you ever give them a sip of wine at any time?

4 A No.

5 Q And why would you allow your children to drink
6 alcohol?

7 A I didn't allow them to.

8 Q Okay. And is it fair to say that you didn't say
9 anything about this?

10 A No.

11 Q Okay. So you did say something about it?

12 A I did.

13 Q Who did you tell?

14 A Randy.

15 Q All right. Did you tell anybody else?

16 A No.

17 Q And, please, give the jury some timeline as to when
18 this occurred?

19 A From my memory, especially the last year he was home
20 after he completed his course work, which would have been
21 2012 to 2013.

22 Q Okay. And how often are you stating this occurred?

23 A From time to time.

24 Q All right. I think you previously testified that you
25 did not have health insurance?

1 A We did not.

2 Q Did you ever apply for medical assistance from the
3 government?

4 A Not to my memory.

5 Q Did your children ever get on Medicaid?

6 A I don't believe so.

7 Q All right. And you did go see a doctor from time to
8 time; correct?

9 A Yes.

10 Q All right.

11 A He always accompanied me.

12 Q I'm sorry. What?

13 A He always accompanied me.

14 Q Who is "he"?

15 A Randy.

16 Q Okay. And did you see a homeopathic doctor?

17 A Yes.

18 Q All right. Did that doctor, actually, have a medical
19 degree?

20 A I don't know. I don't believe so.

21 Q Was that doctor located in Florida?

22 A He was.

23 Q Did you demand that you saw that doctor?

24 A No.

25 MS. OWEN: Objection, Your Honor. Leading.

1 MR. KORNFELD: Okay.

2 BY MR. KORNFELD:

3 Q Was it your idea to see that doctor?

4 A We didn't have insurance. I wasn't able to go to the
5 medical doctor here --

6 Q Okay.

7 A -- to sort out those MS symptoms we talked about
8 yesterday.

9 Q Okay. I thought you stated that you did not have MS?

10 A I wasn't diagnosed with MS. I did not have MS. I
11 had MS-like symptoms. But I wasn't able to go to the
12 doctor here because we didn't have any insurance.

13 Q Was the doctor you saw in Florida free?

14 A No. He was very inexpensive.

15 Q Okay. And was that a medical doctor?

16 MS. OWEN: Asked and answered. Objection.

17 THE COURT: Overruled.

18 BY MR. KORNFELD:

19 Q Was that a medical doctor?

20 A I don't believe so. I don't know what his
21 credentials were.

22 Q Okay. How did you find him?

23 A Some piano lesson parents referred him to me.

24 Q Okay. And were you sick throughout the marriage?

25 A No, not throughout.

1 Q Okay.

2 A Off and on, I had some health struggles.

3 Q So is it true you had pancreatitis?

4 A I had a gallstone that was untreated. My ex-husband
5 did not allow me to go to the doctor over it, a medical
6 doctor.

7 Q Okay.

8 A And it went on for a month, six weeks until it turned
9 into pancreatitis.

10 Q Okay.

11 A And I begged him to go to the hospital. It was so
12 severe, the pain was so severe. And he said I'll be fine.
13 I've had this happen several times, the gallstone pain.
14 And he said, You'll push through it.

15 Q Okay. And --

16 A And I finally --

17 MS. OWEN: Objection, Your Honor. He needs to let
18 her finish answering.

19 THE COURT: Let her finish her answer.

20 MR. KORNFELD: Yes, Your Honor.

21 THE WITNESS: This particular time, it was extreme.
22 I knew it was different than the regular gallbladder pain
23 I had been experiencing. And I begged him to let me go to
24 the doctor.

25 And then I needed to go to the hospital. I told him

1 I could tell there was a difference. And I got to the ER
2 and the doctor told me he didn't know if I was going to
3 make it through the night. And I asked to call my mom.
4 And my mom flew down the next day. It had just been
5 untreated too long.

6 BY MR. KORNFELD:

7 Q Okay.

8 A So I knew the numbers were off. So they watched me
9 for two or three days before they were able to do the
10 gallbladder surgery. I was in the hospital a week.

11 Q I thought you had pancreatitis. So something
12 happened with your gallbladder, is that what I'm hearing?

13 A From what I understand from the doctor explaining it
14 to me, the gallbladder left untreated for that length of
15 time caused the pancreatitis.

16 Q Okay. And did you have your own vehicle when you
17 were married to Mr. Flower?

18 A We had two vehicles.

19 Q Okay. And during the marriage, did you and Randy
20 cook food for your family?

21 A We did.

22 Q Okay. Were your children well fed?

23 A No.

24 Q Okay. And did Randy do most of the cooking, or did
25 you do most of the cooking?

1 A I did.

2 Q Okay. And what did you normally cook?

3 A We had white rice. I did a lot of white rice,
4 potatoes, oatmeal.

5 Q Why --

6 A Some canned vegetables that was used with it, not a
7 lot of meat, not a lot of fresh vegetables or fruits,
8 just -- I did a lot of rice dishes.

9 Q Okay. And why -- why was -- the meals that y'all
10 had, why were they so inept? Why couldn't y'all have
11 better meals?

12 A After he quit working and my youngest was born, we
13 did not have money. He -- he didn't work a lot.

14 Q Would you agree that your husband had a job of some
15 sort the entire time you and he were married?

16 A They were part-time jobs, piano lessons. When he
17 started working those after [REDACTED] was born, he had eight
18 students the first year. It was a big deal when we went
19 into double digit students and got up to 12, 13 students.

20 Q Okay.

21 A And those were half-hour lessons.

22 Q Did your husband work at MCI from '95 to 2002?

23 A 2002, [REDACTED] was born. Yes, sir.

24 Q And from 2002 to 2005, did he teach piano?

25 A He taught piano lessons, yes, sir. He didn't have a

1 church job at that point.

2 Q In 2005, did he get a church job?

3 A Let me think of the year. I think it was about
4 2000 -- yeah, 2005 or 2006.

5 Q And then in 2008 or 2009, did he get a job at
6 Aldersgate Methodist Church?

7 A 2010, I believe.

8 Q Okay. Did he work there until 2015?

9 A Yes, sir.

10 Q All right. And did he continue to give piano lessons
11 from 2002 until 2013?

12 A He did.

13 Q All right. So help -- help me out with -- oh, did he
14 teach a Greenville Tech music appreciation class in -- in
15 2013?

16 A I believe so. He -- he left in April of 2013.

17 Q Okay.

18 A I think maybe that fall, he was teaching. I think he
19 taught there maybe 2012 and 2013.

20 Q Okay. Wasn't -- Randy, was he, also, in grad school
21 around 2009?

22 A Let me get my dates. We're jumping around.

23 Q That's okay. I'll withdraw that question.

24 Can you tell the jury where he had breaks in his
25 employment now that we've gone over it?

1 A When [REDACTED] was born in 2002. Before that, 1997, when
2 [REDACTED] was born, we went over to Reedy River
3 Presbyterian, which is in Duncan -- I'm sorry, Redeemer
4 Presbyterian is in Duncan. And he did the music there,
5 but it wasn't a paid position. And he did that for a year
6 or two.

7 And then we went to Reedy River Presbyterian, which
8 is in Conestee. And it was a very small church, maybe 20,
9 30 members. That was his first paid position. It was
10 nominal. He filled in there for a year while the pastor's
11 wife was expecting and delivering. We went to about five
12 different churches before we landed at Woodruff Road
13 Presbyterian. And he didn't have a church position there
14 at first --

15 Q Okay.

16 A We went there to just go to church --

17 Q Ms. Flower, did we not just --

18 MS. OWEN: Objection, Your Honor. He just asked her
19 a question and she's answering.

20 THE COURT: Let her finish.

21 Go ahead and finish.

22 THE WITNESS: After we had been there a couple of
23 years, the music director was retiring. And they had
24 Randy become the choir master at Woodruff Road
25 Presbyterian, which would have been 2004.

1 BY MR. KORNFELD:

2 Q Okay.

3 A So there were little gaps, small churches during 1997
4 to 2004. But then a couple years of gaps in between.
5 There were five churches in all.

6 Q So I'm going to try and understand what you're
7 saying. So when we went through Randy Flower's timeline,
8 you testified that he worked from 1995 to 2002 at MCI, and
9 then, piano from 2002 to 2005. And then from 2005 to
10 around 2008 and 2009, he worked at another church. And
11 then from 2009 until when he left in 2015, he worked. You
12 would agree with that; correct?

13 A He had a decent salary when he was at MCI World Com.
14 And then he let his vacation and extra days run out after
15 [REDACTED] was born. And he started teaching piano lessons.
16 And we started with six students up to nine students maybe
17 that first year, 30-minute lessons.

18 Q Okay. And you stated that "we started." Did you,
19 also, teach piano?

20 A No. But he told me that if I bring him the students,
21 he will teach them. He didn't do anything to initiate a
22 relationship with the students or the parents. I would go
23 to the schools --

24 Q Okay.

25 A -- and hand out fliers. And they would ask me if I

1 was the teacher. And I would say, no, my husband was.
2 And they would just say thank you very much and walk away.

3 Q And did you clean your house?

4 A I did.

5 Q Did you do the wash in your house?

6 A Yes, sir.

7 Q Okay. Did you, also, do the linens in your house?

8 A Yes, sir.

9 MS. OWEN: Objection. Leading, Your Honor.

10 MR. KORNFELD: She can say "yes" or "no."

11 THE COURT: I'll overrule.

12 BY MR. KORNFELD:

13 Q Did you wash your children's sheets?

14 A I did.

15 Q Did you wash your sheets?

16 A I did.

17 Q Did you ever notice anything unusual on any of the
18 sheets?

19 A I did not.

20 Q Okay. And did you ever notice any unusual bruising
21 on your children?

22 A Yes, sir.

23 Q Did you -- what was the unusual bruising from?

24 A I don't know.

25 Q Okay. And did you tell anybody about the unusual

1 bruising?

2 A I did.

3 Q Who did you tell?

4 A Dr. Brooklyn [phonetic].

5 Q Okay. Thank you.

6 And did you ever see Randy Flower watching
7 pornography movies with any of the children?

8 A I did not.

9 Q And did you ever see Randy walking around naked in
10 the common areas of the home while the children were
11 present?

12 A Yes, sir.

13 Q Okay. Did you say anything to him about that?

14 A Yes, sir.

15 Q What did you say to him at that time?

16 A That's not appropriate in front of the children.

17 THE COURT: Ma'am, could you, please, speak up?

18 THE WITNESS: Yes, sir.

19 THE COURT: Thank you.

20 BY MR. KORNFELD:

21 Q Okay. Did he have his underwear on?

22 A Sometimes, yes, sir.

23 Q Okay. And did you ever -- were you ever naked in
24 your bedroom when the children were around?

25 A No, sir.

1 Q All right. Were you ever naked in any other parts of
2 the home when the children were around?

3 A No, sir.

4 Q All right. Did you ever notice any bleeding from any
5 of your three girls, vaginal or otherwise?

6 A Yes, sir.

7 Q And when did you notice that?

8 A With one of my daughters when they were little.

9 Q Which one?

10 A [REDACTED].

11 Q How old was she?

12 A About seven or eight years old.

13 Q And how long did the bleeding last for?

14 A There was spotting in her panties bleeding when she
15 wiped.

16 Q For how long?

17 A That day.

18 Q Okay. And did you -- your house, what year was it
19 built?

20 A 1918.

21 Q Was it your idea to move into that house?

22 A It was our idea.

23 Q Did you want that house?

24 A We did.

25 Q Okay. And did that -- was that house a fixer upper?

1 A It was.

2 Q All right. And do you -- does that house have wooden
3 floors?

4 A It does.

5 Q Do those floors make creaking sounds?

6 A Yes, sometimes.

7 Q Did your children ever get up in the middle of the
8 night and get in bed with you and Randy?

9 A They did.

10 Q All right. Did your children ever get out of bed
11 after they -- they went to bed and it was their bedtime?

12 A Did they ever get out of bed?

13 Q Right. Did they ever get out of bed after their
14 bedtime?

15 A I'm sure, yes.

16 Q Did you tell Janet Flower in 2012 that if Randy
17 didn't start making more money that you would divorce him?

18 A I don't remember that.

19 Q Okay. Would it help to know that it --

20 MS. OWEN: Objection, Your Honor. I think she
21 already answered that.

22 MR. KORNFELD: She said she doesn't remember.

23 THE COURT: What's your objection?

24 MS. OWEN: I'm sorry, Your Honor.

25 THE COURT: Overruled.

1 BY MR. KORNFELD:

2 Q Do you remember seeing Janet Flower in December of 2012?

3 A That, I don't know.

4 Q Okay. Do you remember if you told Janet Flower
5 whether you were happy, or sad, or angry with Randy
6 Flower's income?

7 A That doesn't sound like me. Money is not a grounds
8 for divorce in my belief system.

9 Q Okay. And so what was the -- you got -- did you not
10 get divorced on the grounds of being separate and apart
11 for one year?

12 A We did.

13 Q Okay. So I guess I can assume that that does fall
14 into your belief system?

15 A Before my Heavenly Father, I got divorced on the
16 grounds of his adultery.

17 Q You did not get divorced on the grounds of adultery
18 in the South Carolina Family Court.

19 A I understand.

20 Q And since you brought that up, what evidence --

21 MS. OWEN: Objection. We've already -- I'm sorry,
22 Your Honor. I object to this line of questioning. We've
23 already discussed this at the bench.

24 THE COURT: He hasn't asked the question. Let me
25 hear what his question is.

1 BY MR. KORNFELD:

2 Q What evidence of adultery did you have that you're
3 alluding to that you got divorced before your Heavenly
4 Father today?

5 A I didn't have any evidence.

6 Q Okay.

7 A I just had -- the wife knows.

8 Q Okay. Were you a jealous wife?

9 A I don't believe so, sir.

10 Q Did you ever get jealous of Randy if he talked to any
11 other women?

12 MS. OWEN: Objection, Your Honor. I don't know what
13 the relevance of this line of questioning is.

14 THE COURT: I'll give him some leeway on cross.
15 Overruled.

16 MS. OWEN: Your Honor, this isn't cross.

17 THE COURT: True. I'll still give him some leeway on
18 this.

19 THE WITNESS: I don't believe so.

20 BY MR. KORNFELD:

21 Q Okay. When you say that a wife knows, is that -- is
22 that the only evidence you have is your intuition?

23 A Well, while he was down at USC getting his Master's
24 and Doctorate, which was a four-year stint, there was a
25 radical change in his behavior and his outward appearance.

1 He grew his hair long into a ponytail. He started
2 running. And during his Master's, he was coming home.
3 The last year, he stayed down at USC. He was
4 uncommunicative. Like, he had communicated before,
5 talked, you know, when he was headed home. Those little
6 kind of things changed the last year or two while he was
7 at USC. And he didn't come home hardly at all.

8 Q Did he stay at USC every day?

9 A He stayed down there during the week.

10 Q For the entire week?

11 A Sometimes, he'd come back. But most of the time,
12 he'd stay down there. I don't know where.

13 Q Okay. Now, do you remember during the interview with
14 Officer Woods on July 9th, 2019, in which -- did you tell
15 officer -- or did you whisper to [REDACTED] when
16 Officer Woods was out of the room to tell her extra
17 things, like, sister refused to go to his house any more
18 because he exposed himself to them? Did you tell the
19 officer that?

20 A I reminded her of some things they had told me.

21 Q All right. And the first time they told you this was
22 when? 2019? Is that what you stated before?

23 A About the sexual abuse?

24 Q Yes.

25 A [REDACTED] told me after Randy left the country, which

1 was 20 -- he left the country in 2015. So it was either
2 that year or early next year when she told me.

3 Q Okay. Well, let's talk about that then. So -- so in
4 2016 in February, is it true that you went through the
5 effort to hold him in contempt for failure to pay child
6 support and alimony?

7 MS. OWEN: Your Honor, I'm going to object to this.
8 We hashed this out yesterday.

9 THE COURT: Mr. Kornfeld, let's move on because we
10 did go through this extensively.

11 MR. KORNFELD: Yes, Your Honor.

12 BY MR. KORNFELD:

13 Q Did you at that time --

14 MR. KORNFELD: This is the first time I've heard of
15 the 2015, Your Honor.

16 THE COURT: I'm talking about the child support.
17 I'll sustain that objection.

18 MR. KORNFELD: Okay.

19 BY MR. KORNFELD:

20 Q Did you make a report with the police department then
21 concerning the allegations?

22 A I had to file something with the Family Court stating
23 that he didn't pay child support and alimony. And it
24 would have allowed me to take it to a higher court, but I
25 didn't take it to a higher court.

1 Q What -- take the child support and alimony to a
2 higher court?

3 A Yes. But I just had to -- I don't know why I had to
4 just establish that he wasn't paying.

5 Q Okay. But you didn't -- you didn't make a report --
6 did you make a report concerning any allegations of sexual
7 assault to the police at that time?

8 A I did not.

9 Q Okay. And --

10 A I was just trying to hang on to [REDACTED] at that
11 point. We were going through a lot of dark time with dark
12 Goth stuff, and just hanging on to her.

13 Q Okay.

14 A He was out of the country. She was safe.

15 Q You -- did you tell Officer Woods on that date that
16 you hate putting them through this?

17 A Yes. But that means I hate them having to go in
18 front of strange people and talk about it.

19 Q And you would agree -- well, did you take the
20 girls -- did you orchestrate the --

21 MS. OWEN: Objection. Leading, Your Honor.

22 THE COURT: Overruled. He hasn't gotten his question
23 out yet.

24 BY MR. KORNFELD:

25 Q Did you orchestrate -- or did you -- did you make the

1 initial call to the Fountain Inn Police Department?

2 A I did. [REDACTED] asked me to find out who she needed
3 to go talk to.

4 Q Okay. And are you a residential realtor?

5 A I am.

6 Q Okay. And is your daughter, [REDACTED], a residential
7 realtor?

8 A She is.

9 Q And does -- do y'all work together?

10 A We do.

11 Q All right. And do you help people sell and buy
12 residential homes in the Fountain Inn area?

13 A In the whole upstate, yes, sir.

14 Q Okay. And you own your home; correct?

15 A I was able to finance it into my name after a couple
16 of years after he left the country. And I got my income
17 up and my credit established.

18 Q Okay. And have you ever seen the movie Forest Gump?

19 A Yes, sir.

20 MS. OWEN: Objection. Relevance, Your Honor.

21 THE COURT: I'll -- let him finish the question.

22 BY MR. KORNFELD:

23 Q Did you ever -- did you ever think about moving from
24 that house?

25 A I had.

1 Q Why haven't you moved?

2 A I've tried to give my kids some sort of stability.

3 MR. KORNFELD: No further questions.

4 THE COURT: All right. Cross.

5 MS. OWEN: Yes, Your Honor.

6 CROSS-EXAMINATION

7 BY MS. OWEN:

8 Q I just want to start with one question for you,
9 Ms. Flower. Have you told anyone what to say in this
10 case?

11 A No, ma'am.

12 Q Have you ever told anybody what to say about any of
13 these allegations?

14 A No.

15 Q Do you recall having an interview -- you did not have
16 an interview. I'm sorry. Did your daughter, [REDACTED], go in
17 for an interview on July 9th of 2019, to talk with
18 Investigator Woods?

19 A She did.

20 Q Did you stop by the police station that day while she
21 was there?

22 A Yes.

23 Q And did you go talk to her?

24 A Yes, I did.

25 Q You, yesterday, heard a very low audio of what sort

1 of interaction you had with her for a brief period of
2 time, about 10 minutes maybe?

3 A Yes.

4 Q Okay. And in that timeframe, were you discussing
5 with [REDACTED] that you had just seen Randy Flower?

6 A No.

7 Q Had you seen Randy Flower at a hearing either that
8 day or the day before?

9 A Yes, yes. I think it was a Family Court hearing.

10 Q And you were telling her about that?

11 A Yes.

12 Q And yesterday, the audio that we listened to, there's
13 a small portion about burning in the eyes; is that right?

14 A Yes. I take my glasses off and it's just blurry
15 enough -- I can still see, but it's just blurry enough I
16 don't have to burn it into my brain.

17 Q And what was that in reference to?

18 A Seeing him and being afraid of him.

19 MS. OWEN: Okay. Your Honor, I'd like to play the
20 audio from yesterday. Because there's a few seconds on
21 the back end that were not put into evidence or the record
22 for context.

23 THE COURT: All right. Mr. Kornfeld.

24 MR. KORNFELD: No objection.

25 THE COURT: I'll allow you to do that.

1 (Pause.)

2 MS. OWEN: Is the audio up on yours, Mr. Barrow?

3 (WHEREUPON, there was no verbal response.)

4 MS. OWEN: Your Honor, I'm going to come back to that
5 while we get this set up, if that's okay.

6 THE COURT: Okay.

7 BY MS. OWEN:

8 Q Karen, did you have odd jobs outside the house?

9 A I did.

10 Q Did you do some interior design jobs?

11 A I did.

12 Q Did you do what we call pyramid schemes?

13 A I did.

14 Q Did you work?

15 A I did.

16 Q Did you run errands?

17 A I did.

18 Q Did you grocery shop?

19 A Yes.

20 Q Were you always home 24 hours a day, seven days a
21 week?

22 A No, ma'am.

23 Q In 2002, did Randy Flower quit his full-time job to
24 teach piano lessons at home?

25 A Yes.

1 Q Were those piano lessons all day every day from 8:00
2 a.m. to 7:00 p.m.?

3 A No. The first semester, he had five, six students.
4 We worked up to eight, nine students by the end of the
5 first year.

6 Q And those are approximately 30-minute lessons. And
7 you're saying eight or nine students. So they didn't come
8 every single day; right?

9 A No.

10 Q So if you had eight or nine students for one year,
11 they'd come maybe once a week?

12 A Yes.

13 Q For 30 minutes?

14 A Yes, ma'am.

15 Q Four hours?

16 A Yes.

17 Q Maybe five?

18 A Yes.

19 Q Of piano lessons a week?

20 A Yes.

21 Q And then I believe your testimony was he worked at a
22 church part-time on maybe Wednesdays and Sundays; is that
23 correct?

24 A Starting -- he had been. And then there was a gap
25 when [REDACTED] was born. He had been -- when [REDACTED] was

1 born, he worked for a year at Reedy River Presbyterian in
2 Conestee for one year, a small church, 30, 40 people. And
3 then there was a gap for a couple of years until a couple
4 years after [REDACTED] was born, then he got hired at Woodruff
5 Road Presbyterian.

6 Q And as being a piano or organ -- I'm not quite clear
7 on what the capacity was -- but he didn't work there five
8 days a week, a 40-hour week, did he?

9 A No, just Sundays and Wednesday nights.

10 Q So the majority of his day was spent at home because
11 he taught piano lessons there and he didn't work?

12 A Yes, ma'am.

13 Q So he was always home?

14 A Yes, ma'am.

15 Q Or the majority of the time -- let me rephrase.

16 And just a quick question on this. Your oldest
17 daughter, [REDACTED], does she currently own a home?

18 A Yes, ma'am.

19 Q Is she currently renovating that home?

20 A Yes, ma'am.

21 Q Is that why she's living with you right now?

22 A Yes.

23 Q And your other two girls are in college?

24 A Yes, ma'am.

25 Q And they stay at school, but they come home on breaks

1 occasionally like a normal college kid; correct?

2 A [REDACTED] has had a 12-month lease for the last three
3 years at Clemson. So she's -- and she goes year round.
4 She comes home maybe one weekend a month. [REDACTED] comes
5 home nearly every weekend, maybe two to three weekends a
6 month.

7 Q So no one really lives with you full-time, except for
8 [REDACTED] right now because she's renovating a home?

9 A Yes.

10 Q And there's been a lot of discussion about court
11 orders, and child support, and custody; right?

12 A Yes, ma'am.

13 Q Okay. Did Randy Flower ever take you to court to get
14 visitation of your children?

15 A No, ma'am.

16 Q Was there ever any discussion about him feeling like
17 he wasn't getting enough visitation?

18 A No, the opposite. He didn't care to see them.

19 Q And the only time y'all went back to court is because
20 he didn't want to pay an amount of money; is that right?

21 A Yes, ma'am.

22 Q Are you getting money for being here today?

23 A No, ma'am.

24 Q What's [REDACTED] birthday?

25 A August 31st, 2002.

1 Q How old is she?

2 A 20.

3 Q What is [REDACTED] birthday?

4 A May 5th, 2000.

5 Q How old is she?

6 A 21 -- 22. She had a birthday.

7 Q And what is [REDACTED] birthday?

8 A July 24th, 1997, 25.

9 Q They're all grown adults; correct?

10 A Yes, ma'am.

11 Q They make their own decisions?

12 A Yes, ma'am.

13 Q Did you see any of your children get sexually abused
14 by the Defendant?

15 A No, ma'am.

16 Q I will follow-up on this. I don't know that it's
17 necessary. But in the audio we don't hear the full clip
18 on, when you were talking about your vision and not being
19 burned in, can you, please, tell the jury what you were
20 describing you didn't want to have in your memory? I'm
21 using quotes because we didn't get the whole audio
22 yesterday.

23 A Seeing Randy again in court. He said in an e-mail
24 that he wrote me right after he left the country just to
25 let me know he was fine, that he left the country

1 permanently. We thought we were safe. We thought he was
2 gone forever and we would never see him again. And I
3 didn't want to see him again.

4 Q Just to be clear. You were not telling [REDACTED] what
5 to say, were you?

6 A No, ma'am.

7 Q Would you even know what to tell her to say?

8 A No. She's not ever told me details.

9 Q You would agree she's told you some things?

10 A She told me that she's been sexually abused. And I
11 told her, I understand. It's happened to me, too. We
12 didn't talk details.

13 Q But you did not sit there and tell your daughter what
14 to say, did you?

15 A No, ma'am.

16 Q Did you even sit in for the interview?

17 A No, not [REDACTED]. She was older.

18 Q You did go in for a few minutes?

19 A Yes, ma'am. They went back other days and even the
20 younger girls went in alone. And I was in Greenville
21 working. [REDACTED] and [REDACTED] went back for other
22 interviews and I didn't attend.

23 MS. OWEN: Your Honor, we have someone from our
24 office that does IT. Could you give us just a minute and
25 see if we can --

1 THE COURT: Yeah. We've got it set up here. It must
2 be somewhere down there.

3 (Pause.)

4 MS. OWEN: Your Honor, I don't want to waste the
5 Court's time.

6 BY MS. OWEN:

7 Q When you're referring to the burning vision on your
8 eyes, that was in reference to seeing Mr. Flower again?

9 A Yes, ma'am.

10 Q It had nothing to do with anything your daughter was
11 going to talk about with Investigator Woods?

12 A No, ma'am.

13 Q Again, Ms. Flower, have you told anybody what to say
14 in this case?

15 A No, ma'am.

16 MS. OWEN: Thank you.

17 THE COURT: All right. Recross -- or redirect.

18 REDIRECT EXAMINATION

19 BY MR. KORNFELD:

20 Q Ms. Flower, I can play this for you, if you need me
21 to. But would you like me to tell you what you stated to
22 the officer -- to your daughter on July 9th, 2019, when
23 you were in the interview room and Ms. Woods had left the
24 interview room and you were whispering to your daughter?

25 A Yes, ma'am [sic].

1 MS. OWEN: Your Honor, I'm just going to object. I'd
2 like to approach. Because I think it's unclear on the
3 audio. So I don't know that he --

4 MR. KORNFELD: If we can play this louder. I think
5 this is highly -- let's try to play it in the same thing
6 the State has.

7 MS. OWEN: Well, I'm asking for just a short portion
8 of the end of what he cut off yesterday.

9 MR. KORNFELD: I didn't cut off anything.

10 THE COURT: What are you taking about as far as being
11 cut off? Come up.

12 (WHEREUPON, a bench conference was held.)

13 MR. KORNFELD: Your Honor, can I have some
14 assistance?

15 THE COURT: Mr. Barrow will come down.
16 Unfortunately, I would not be able to assist you.

17 (Pause.)

18 MS. OWEN: I'm sorry. I don't think that's
19 appropriate to have on the screen.

20 MR. KORNFELD: Oh, sorry.

21 THE LAW CLERK: Are you ready?

22 MR. KORNFELD: I'm ready.

23 MS. OWEN: Can you, please, pause it and tell me
24 where you're starting from?

25 MR. KORNFELD: Starting from 38:25.

1 MS. OWEN: And going to 39:03?

2 MR. KORNFELD: Well -- okay. From 38:25 to 38:52.

3 MS. OWEN: Your Honor, that's what my concern is. I
4 think there is about 10 seconds after that that gives
5 context to what she is saying. I'm requesting that we
6 play until 39:03.

7 THE COURT: Mr. Kornfeld?

8 MR. KORNFELD: That's fine.

9 THE COURT: Okay. We'll do that.

10 MR. KORNFELD: Judge, are we ready?

11 THE COURT: Uh-huh.

12 MR. KORNFELD: Okay. It should play.

13 It's still not going through.

14 THE LAW CLERK: Plug it in.

15 MR. KORNFELD: Plug it back in. Okay.

16 It should work now. I missed two seconds on that.

17 38 -- we're at 38:27.

18 (WHEREUPON, an unmarked audio was played in open
19 court.)

20 BY MR. KORNFELD:

21 Q So -- so is that what you whispered to your daughter,
22 [REDACTED], what we just heard?

23 A Yes. [REDACTED] -- I told her I took my glasses off so
24 I didn't have to see him and burn it into my vision. He
25 was wearing jeans and handcuffs. And his dad and brother

1 were there.

2 Q So why did you, also, tell her, Then he must have
3 assumed you were sleeping together?

4 A I don't know.

5 Q Were you trying to tell [REDACTED] what to say?

6 A No, sir.

7 Q Okay. Why would you say that I would -- I'd say I
8 would hide under the bed?

9 A I was reminding her to tell the police what she had
10 told me.

11 Q Okay. So you -- you -- so then did you -- so if I
12 understand your testimony, you did tell her what to say?

13 A Those two things are related because of the high fear
14 factor.

15 Q Okay.

16 A I lived with [REDACTED], and the other two girls, and
17 Ian being afraid. He would sit across the street from our
18 house and watch our house late into the night. [REDACTED]
19 would watch out the window to see if his car was still
20 there. He would come into our house by climbing on the
21 roof.

22 Q Okay. I thought you just testified you were talking
23 about seeing Randy Flower in Family Court?

24 A In Family Court, being afraid of him. Taking my
25 glasses off so I didn't have to see his face and burn it

1 into my brain.

2 Q Right. I don't -- how does that relate to he must
3 have assumed you were sleeping together? I'd say when he
4 would come up the stairs. How are those related?

5 A I don't know that they are.

6 Q I don't either. In 2002, after you had a baby, were
7 you working?

8 A When?

9 Q In 2002.

10 A After I delivered, no.

11 Q Okay. And were you working at a mechanic's shop at
12 that time?

13 A I don't remember.

14 Q Okay. And in 2019, did all three of your daughters
15 live with you?

16 A Yes, sir.

17 Q And did your oldest son not live with you?

18 A I don't remember.

19 Q Okay. And --

20 A I don't remember what year he bought his house.

21 Q Okay. And is it true that -- has [REDACTED] moved into
22 another home yet?

23 A Part-time, yes.

24 Q Okay. And so from 2019, she was living with you.
25 Since that time, she moved somewhere part-time. Now,

1 she's living back with you; is that correct?

2 A No. You just missed that.

3 Q Okay. Please give the jury clarification on that.

4 A The house was purchased last December 22nd.

5 Q Okay.

6 A So from 2019 until last December, she was living at
7 home in our house.

8 Q Okay. And how long has she been renovating the home?

9 A December 22nd last year, which, I guess, is 2021.

10 MR. KORNFELD: Okay. I don't have any further
11 questions.

12 THE COURT: Any recross?

13 MS. OWEN: No, Your Honor.

14 THE COURT: Thank you.

15 MS. OWEN: May this witness be excused?

16 THE COURT: Ladies and gentlemen, I'm going to need
17 to take about five minutes for the restroom. We've been
18 out here since about 8:45, so this is going to be mine.
19 So this is just -- this is not going to be a regular
20 break. So it's not going to be a lengthy one, just five
21 minutes.

22 So I'm going to excuse you to the restroom. And
23 we'll come right back out.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 10:15 a.m.)

1 THE COURT: You may step down.

2 We need to take just a short break. If anybody needs
3 to go to the restroom before this next witness, that's
4 fine. I'm going to take a short break.

5 (WHEREUPON, a break was taken.)

6 THE COURT: Bring the jury in.

7 (WHEREUPON, the jury came into open court at
8 approximately 10:25 a.m.)

9 THE COURT: All right. Mr. Kornfeld, next witness.

10 MR. KORNFELD: Thank you, Your Honor.

11 I call Randy Flower to the stand.

12 THE COURT: Mr. Flower, if you'll come up.

13 THE CLERK: Please place your left hand on the Bible.
14 Raise your right hand.

15 WHEREUPON,

16 RANDY LEE FLOWER,

17 after first having been duly sworn, testified as follows:

18 THE CLERK: Thank you.

19 Please be seated.

20 Please state your name for the record.

21 THE WITNESS: My name is Randy Flower.

22 DIRECT EXAMINATION

23 BY MR. KORNFELD:

24 Q Hello, Randy.

25 How are you?

1 A Doing okay.

2 Q How old are you?

3 A 55.

4 Q Okay. And do you have any siblings?

5 A I have three siblings.

6 Q All right. And who are they, and what do they do?

7 A I'm the oldest. My brother Ed is the next oldest.
8 He's two and a half years younger. And he works in the IT
9 department at Bob Jones University.

10 Q Okay.

11 A My next brother is three years younger than me. And
12 he works for a fibro optic cable company in the
13 Spartanburg area. And my sister is a musician and
14 teacher. And she lives on the island of Guam in the
15 Pacific.

16 Q Are your parents still living?

17 A Yes, they are.

18 Q Do they live in Greenville?

19 A They live in Greenville -- Simpsonville.

20 Q What is your educational background?

21 A I have a music degree from Bob Jones University. And
22 a master's degree from USC, also, in music.

23 Q And where did you grow up?

24 A From the ages of five to 18, I lived in Spain. My
25 parents were missionaries. So I was a missionary kid.

1 Q Okay. Where were you born?

2 A I was born here in Greenville.

3 Q All right. And when did you -- let's talk about
4 your -- well, work history. Did you have any gaps in your
5 work history?

6 A No.

7 Q Okay. And were you ever fired from NCI?

8 A No.

9 Q Were you ever fired from any of the jobs you've had
10 since 1995?

11 A No.

12 Q Okay. When did you -- did you also -- did you teach
13 at Greenville Tech?

14 A Yes, I did.

15 Q All right.

16 A I taught there from 2013 to 2015.

17 Q All right. Approximately, how many hours did you
18 work -- we'll do it like this. How many hours were you
19 working from 1995 to 2002 when you worked for NCI World
20 Com?

21 A 45 to 50 hours a week sometimes.

22 Q Okay.

23 A Then I would be helping out in the church with the
24 music. And then I was doing major fixing upping in our
25 fixer upper.

1 Q Okay. And then with the piano lessons, how many
2 hours were those from 2002 to 2005?

3 A I -- I don't have my records from when we started.
4 So I don't know exactly how many we started with. But it
5 wasn't long before we had a studio of 20 people.

6 Q Okay.

7 A And once we got it built up, my studio was 35
8 students a week.

9 Q Okay. In 2005, where did you start working?

10 A In 2005, in addition to teaching piano, I was working
11 at Woodruff Road Presbyterian.

12 Q And with -- how long did you work there for?

13 A To 2009, when I went to Aldersgate.

14 Q Okay. And between the piano lessons and your other
15 work at Woodruff Road, how many hours a week were you
16 working?

17 A I didn't think of it, like, how many hours a week.
18 There was a lot of practicing involved. I was learning to
19 play the organ at that time. So I was getting two hours a
20 day on the organ.

21 And then there was piano practice, bookkeeping from
22 the piano lessons that I had, working on the house, being
23 a father and a husband.

24 Q Okay. And then when you worked at Aldersgate, how
25 many hours a week did you work when you were working with

1 Aldersgate and the piano lessons at that time?

2 A I'd say similar. When I first started at Aldersgate,
3 I was only going in two days a week, just on Sundays and
4 Wednesdays, for choir practice on Wednesdays and then the
5 services on Sundays. But then when I took over the music
6 director position, it was four days a week.

7 Q Okay. When did you first meet Karen Flower?

8 A I met her in the fall of 1989.

9 Q All right. And was she working at that time?

10 A No. She was a student.

11 Q Okay. And was she a student in college or --

12 A Yes. Converse College.

13 Q All right. And did you -- when did you and she
14 marry?

15 A In 1993.

16 Q Okay. And was there any -- how many -- you had four
17 children; correct?

18 A Correct.

19 Q All right. And did you know about anything
20 concerning her background at that time?

21 A I believe that I was told that she had been abused
22 by --

23 MS. OWEN: Objection, Your Honor.

24 THE COURT: Sustained.

25 MR. KORNFELD: Okay.

1 BY MR. KORNFELD:

2 Q When you -- did you and she -- let me ask you this,
3 when did she first move in -- when did y'all first move in
4 together?

5 A In 1991, I believe.

6 Q Okay. Did -- so after you had your first child, Ian,
7 what year was that?

8 A 1995.

9 Q All right. And did Karen work after you had
10 children?

11 A No.

12 Q Okay. Was Karen satisfied with your income?

13 A No.

14 Q All right. And was Karen -- what was her overall
15 demeanor towards you at that time in 1997?

16 A Very changeable. It depended on the day.

17 Q Okay. Was your wife jealous?

18 A Yes.

19 Q Tell us about that.

20 A Any little thing could set it off. You never knew
21 when it was going to happen. It could be --

22 MS. OWEN: Objection, Your Honor. I'm going to ask
23 about relevance here and character.

24 THE COURT: What was the second?

25 MS. OWEN: Relevance and character evidence, Your

1 Honor.

2 THE COURT: I'll overrule on relevance and overrule
3 on character right now. Overruled.

4 We'll see where it goes.

5 BY MR. KORNFELD:

6 Q All right. Go ahead.

7 A Repeat the question, please.

8 Q I was asking you to talk about your relationship with
9 Karen.

10 A So she was jealous. Something as simple as smiling
11 at a waitress in a restaurant to thank her for bringing me
12 a glass of water would set it off. She would blow up a
13 date over something as simple as that.

14 Q All right. Did you ever cheat on Karen?

15 A I did not. I've had -- I've been intimate with two
16 women in my life.

17 Q All right.

18 A My former wife and current one.

19 Q And you're -- so let's talk about that. Are you
20 married now?

21 A Yes.

22 Q All right. And where does your wife reside?

23 A She lives in Irun, Spain.

24 Q And let me ask you this, did Karen ever accuse you of
25 molesting your children while you were married?

1 A No.

2 Q Did Karen ever catch you in a bathroom, or a bedroom,
3 or your bedroom, or the master bathroom with any of your
4 children being inappropriate?

5 A No. In fact --

6 Q Go ahead.

7 A In fact, because of what I believed about my
8 ex-wife's background, I made every effort to be completely
9 above board with my children.

10 Q What -- what do you mean by that, you made every
11 effort? What did you do?

12 A I remember when I was working at MCI, I would come
13 home. It was the children's bath time. Karen might be
14 fried from having two to three kids all day. So I would
15 give the children a bath. I'd wash their hair, let them
16 sit in the little bathtub ring. And I'd just sit on the
17 toilet seat lid and read a book. And I kept the bathroom
18 door open just so that if Karen was walking by, she
19 wouldn't feel any concern over what was going on.

20 Q Why weren't there doors on many of the rooms in the
21 home?

22 A All right. So on the -- all the rooms downstairs had
23 doors. The master bathroom downstairs did not have a
24 door. It had a fancy curtain. And that was a design
25 decision I had nothing to do with.

1 Q Okay.

2 A Upstairs, the problem was that the way the ceiling
3 was configured -- because it had originally been an attic
4 that was converted into living space, there wasn't -- in
5 several cases anyway, there wasn't room to swing a door
6 because of the way the ceiling was, so.

7 Q Okay. Was your house -- why did y'all -- were you
8 fixing that house up?

9 A Yes.

10 Q Whose idea was it to buy that house?

11 A We both went and saw it. We both liked it. I was
12 intimidated because I knew it would be a lot of work. And
13 I don't consider myself a handy man. I subsequently
14 learned to do quite a bit. But Karen really liked it.
15 And she was sold on buying it. She liked the fact that it
16 was on Main Street in Fountain Inn.

17 Q Okay. And was your -- was the house -- was it all
18 hardwoods?

19 A Yes. The first floor was all hardwoods, except for
20 the bathrooms where we had tile.

21 Q Okay.

22 A And then upstairs, one of the -- one of my children
23 mentioned the fact that the floor was substandard
24 upstairs. And that was one of the first things we did was
25 replace that floor. And I did all that.

1 Q Could you hear -- when you were downstairs, could you
2 hear people walking upstairs?

3 A Yes.

4 Q And could you hear people in other parts of -- say,
5 you were in the TV room, could you hear people in the
6 piano room?

7 A No. There's surprisingly good insulation because of
8 the plaster walls, the old plaster walls.

9 Q Okay.

10 A But you could definitely hear steps when people were
11 walking around the house. You could hear that.

12 Q Okay. And you're -- the two dogs that your family
13 had, I'm assuming, they were just normal dogs?

14 A Yes, normal, small, yappy dogs.

15 Q And you -- is it true you separated around April
16 13th, 2013?

17 A Correct.

18 Q All right. And then on -- is it true that on
19 July 26th of that same year that Greenville County entered
20 a final order of separate support and maintenance between
21 you and Karen?

22 A I was under the understanding that it was a temporary
23 order. I did not realize it was a final order or I
24 wouldn't have signed it.

25 Q Okay. Why is that?

1 A Because under the terms of that agreement, I was
2 paying 80 percent, roughly, of what I was making in
3 alimony and child support.

4 Q All right. Did you -- did you have an attorney at
5 that time?

6 A No.

7 Q All right. Why didn't you have an attorney?

8 A Finances. My wife had gone to an attorney, who was a
9 family friend of both of us. He is -- he had eaten in our
10 house. We had eaten in his house. And I trusted him. I
11 didn't think he would do anything to harm me.

12 Q Okay. Were you ever restrained in any order from
13 seeing your children?

14 A No.

15 Q Was there ever any allegation that you molested any
16 of your children by Karen at either the separation or the
17 divorce?

18 A No.

19 Q Did your order give you joint decisionmaking power
20 concerning the childcare?

21 A Yes.

22 Q Did it give you joint decisionmaking power concerning
23 extracurricular activities?

24 A Yes.

25 Q And did it give you the ability to work amongst

1 yourselves concerning the holiday schedule?

2 A Yes.

3 Q All right. At the time you got divorced, what was
4 your income?

5 A The --

6 Q Sorry. At the time you got separated --

7 A Okay.

8 Q -- what was your income?

9 A \$55,000 a year.

10 Q Okay. And was that gross or net?

11 A That was gross.

12 Q All right. At that time, what was your child support
13 amount?

14 A I was paying \$350 every two weeks.

15 Q Okay. And how much were you paying in alimony?

16 A I was paying \$1,096 every two weeks.

17 Q All right. So how much is that a year? Do you know?

18 A 37,000 and change.

19 Q Okay. And how much money were you bringing home?

20 A 40 -- 47 or so.

21 Q Okay. How were you able to live on that?

22 A The only way I was able to live was because my
23 parents allowed me to live at the condo that they own here
24 in the states.

25 Q All right. And why in the world did you agree to pay

1 that amount of alimony?

2 A So I -- I was the one that left. I still felt
3 responsible for my family. I didn't want them to suffer
4 or to -- I wanted to insulate them from as much of the
5 harmful effects of the separation as possible. And, also,
6 I firmly believed it was temporary and it would be
7 adjusted significantly at the time of the divorce.

8 Q All right. And did you -- did you ever reach out to
9 Karen about modifying that alimony amount?

10 A Yes. In 2014, I tried several times to talk to her
11 about the fact that this was -- this was unsustainable. I
12 remember using the phrase, You're killing the goose that
13 lays the golden egg. Although in retrospect, it's
14 probably only a silver egg.

15 Q Yeah. So when did you first start talking to your
16 wife? How did you meet your wife?

17 A All right. So her name is -- she goes by Ketty. Her
18 name is Enriquetta. And, please, don't ever tell her that
19 I said that in open court. She doesn't like her name.

20 Q Okay.

21 A But I met her as a teenager in Spain. But we went to
22 a summer camp and met. We didn't see each other very
23 often, but wrote an awful lot of letters. We lost touch.
24 And I came back to the states for college. And then after
25 the separation, we reconnected on Facebook and spent a lot

1 of time talking to each other.

2 Q Okay. And do you know Spanish?

3 A Yes.

4 Q Okay. And I'm going to show you some Facebook
5 messages here between you and [REDACTED] from 2016, and ask
6 if you can identify these?

7 A Okay. Yes, these are them.

8 Q Okay. Is that a fair and accurate depiction of the
9 messages you had with [REDACTED]

10 A Yes.

11 MR. KORNFELD: Okay. Hold on a second.

12 Your Honor, at this time, I would ask to mark this as
13 Defendant's Exhibit No. 3, I believe, and move this into
14 evidence.

15 THE COURT: All right. Any objection from the State?

16 MS. OWEN: No, Your Honor.

17 THE COURT: All right. Defendant's Exhibit No. 3 is
18 admitted into evidence.

19 (WHEREUPON, Defendant's Exhibit No. 3 was marked for
20 identification and admitted into evidence.)

21 BY MR. KORNFELD:

22 Q Did you, also, in 2016 have Facebook communications
23 with your youngest daughter?

24 A Yes.

25 Q All right. I'd like you to review those and make

1 sure those are accurate.

2 A Yes.

3 Q Did your daughters reach out to you?

4 A Yes.

5 Q And how did that make you feel?

6 A That was my only regret about moving to Spain. And
7 the fact that they reached out to me just made me so
8 happy. I said in there to [REDACTED] I think it was, that the
9 fact that she texted me just made my whole month. It made
10 me happy.

11 Q And did -- how did it make you feel when your
12 daughter asked why you left. And I believe you told her
13 you couldn't afford the alimony and child support any
14 more. How did that make you feel?

15 A Inadequate.

16 Q All right. And so why didn't you try -- why didn't
17 you go to the court and modify your alimony?

18 A I didn't have money to hire an attorney.

19 Q Okay. And --

20 A At the time, I was working three jobs. I was working
21 at Aldersgate, I was working at Greenville Tech, and I
22 was, also, helping a friend, who was an organ tuner, too.
23 I would travel around with him to tune organs.

24 Q All right. Did you -- on August 10th of 2015, did
25 you notify Karen by e-mail that you had left the country?

1 A Yes.

2 Q And why did you notify her of that?

3 A Because my parents had contacted me to let me know
4 that the police were going to come and break down the door
5 of the condo to do some sort of wellness check. And they,
6 obviously, didn't want that to happen. So they asked me
7 to communicate with Karen and let her know I was still
8 alive.

9 Q Okay. And did you get served with -- let me ask you
10 this, did you stop paying child support and alimony at
11 that time?

12 A Yes.

13 Q And why did you completely stop paying child support
14 and alimony?

15 A Salaries are lower in Spain. And I still didn't have
16 the money to pay it.

17 Q Okay. And so were you served with a rule to show
18 cause?

19 A In 2016?

20 Q Yes.

21 A Yes.

22 Q And when was that?

23 A Spring of 2016. I'm not sure of the exact date.

24 Q All right. So did your wife have a lot of health
25 issues during your marriage?

1 A She did. Some of them, I wasn't sure if they were
2 real or not, or if they were just wanting attention.

3 Q Okay. And what were those -- let's talk about her
4 illnesses or sicknesses and which ones you think were real
5 and which ones you think weren't.

6 A I know she suffered from depression. She had been
7 suicidal a couple of times in her life. She definitely
8 had pancreatitis. That was no joke.

9 She went through a period where she said she believed
10 she had MS and said she had all the symptoms. And,
11 obviously, there's no cure for MS. So she's a big
12 believer in -- in alternative medicine, I guess you could
13 say. So that's how she found out about the --
14 Mr. Garby [phonetic] down in Florida.

15 Q Okay. And did you ever tell your children, any of
16 them, that their mom was dying?

17 A No.

18 Q Did you ever lead them to believe that their mom was
19 dying?

20 A No. I would never say that.

21 Q All right. Did your wife ever go to the hospital,
22 other than the time with pancreatitis, during the marriage
23 when the children were alive?

24 A I don't recall.

25 Q Okay.

1 A Ian broke his arm a couple of times. So, obviously,
2 we went for that, but it wasn't for Karen. It was for one
3 of the children.

4 Q Okay. Did your children have a pediatrician?

5 A Yes, they did.

6 Q Who was that?

7 A Dang, I just blanked. I can't come up with his name.

8 Q Well, if you remember.

9 A If I remember, I'll tell you.

10 Q And did you go to the pediatrician -- did the
11 children go to the pediatrician regularly?

12 A Larry Bergman was his name.

13 Q Okay.

14 A Yes, they did.

15 Q All right. And can you define for the jury what
16 regularly would be done?

17 A When they were really small, we were going once every
18 two to three months when they were really small and
19 getting their shots, and all that.

20 Q Okay.

21 A And then once they got a little bit bigger, we'd do a
22 yearly checkup.

23 Q All right. Did you ever walk around the house naked
24 when your children were in the home?

25 A No.

1 Q Did you ever intentionally expose yourself to your
2 children?

3 A No.

4 Q All right. Did you sometimes get massages from the
5 children?

6 A Yes. There's been an awful lot of talk of massages.
7 Just to let you know, a massage from a seven-year-old is
8 three squeezes and they're done. So it wasn't a long
9 prolonged thing.

10 Q Okay. Did Karen get massages as well?

11 A Yes.

12 Q All right. And can you describe the massage thing?

13 A Okay. It was a wand with a head on it that had two
14 large knobs.

15 Q Okay.

16 A It was designed for -- it even said in the
17 instructions, it was designed for large muscle groups,
18 like a thigh, or a shoulder, or back, or right here in the
19 back of the neck.

20 Q Okay.

21 A It's intentionally not designed to be used on soft
22 body parts.

23 Q All right. And let me ask you about the computer.
24 Did you ever show your children any pornography movies on
25 a computer, or otherwise?

1 A No. We, actually, didn't have a TV -- we had a TV,
2 but it wasn't hooked up to cable or an antenna. We had a
3 VCR, and then later a DVD player. And we would rent
4 movies. We lived right across from the library, so we'd
5 go to the library to rent movies. So we felt we could
6 control TV viewing a little more easily.

7 Q Did your computer have a password on it?

8 A Yes.

9 Q Did the children know what your password was?

10 A No. I did bookkeeping entry work for a friend of
11 mine on a -- on a casual basis. And so I didn't want
12 anything to happen to that data.

13 And then later on when I was going to USC, obviously,
14 I had all my schoolwork, and papers, and things I was
15 writing. And I didn't want anything to happen with that.
16 So I had my own account password protected. And there was
17 either a general family account or individual accounts for
18 other family members.

19 Q All right. And did you and Karen ever give your
20 daughters alcohol?

21 A We didn't let them walk around the house drinking
22 beer. I never gave my children bourbon or whiskey. On
23 very special occasions, like a birthday or Christmas,
24 after they were 10 or 11, we would allow them to have a
25 teaspoonful in a fancy glass just to make them feel like

1 they were celebrating, too.

2 The idea was that if -- as teenagers, if they were
3 ever presented with the opportunity to drink alcohol that
4 it wouldn't be, like, something that had been forbidden
5 and so it was something that they wanted to experience.

6 Q Okay.

7 A But it was very rare. It was at dinner on very
8 special occasions and very controlled.

9 Q Did you ever serve any of your children alcohol,
10 like, bourbon?

11 A No.

12 Q Did you ever serve them Grey Goose?

13 A No.

14 Q All right. Did your wife drink wine?

15 A She drank wine with me at dinner occasionally.

16 Q Okay.

17 A She, actually, has a very good palate. She can
18 distinguish different kinds of wine much better than I
19 can.

20 Q And what did you normally drink when you were married
21 to Karen? What was your normal drink of choice?

22 A Bourbon, if I was having a drink in the evening.

23 Q All right. And so was there a door on your master
24 bedroom shower?

25 A The glass door?

1 Q No. I mean a door to the actual bathroom.

2 A There was not a door. There was a curtain.

3 Q Okay. And at the time you lived there, did the
4 shower have a shower pane?

5 A Yes.

6 Q And what would happen to the shower pane when the
7 water got hot?

8 A It would steam up.

9 Q Would both panes steam up?

10 A Yes. They would steam up equally.

11 Q All right. And why were there no locks on the
12 bedroom doors?

13 A The master bedroom had a lock on it.

14 Q Okay.

15 A The main bathroom, not the master bathroom, but the
16 main bathroom had locks on those doors. The other rooms,
17 the doors weren't designed with locks. And I never
18 installed locks.

19 Q Okay.

20 A We were -- if I had to go into a child's bedroom, I
21 would knock before entering if the door was closed. And
22 if not, I would speak before I entered.

23 Q All right. Approximately, how tall are you, Randy?

24 A I am 6'4".

25 Q Okay. And you've been 6'4" since you were how old?

1 A 16, 17.

2 Q All right. And how much do you weigh?

3 A Between 230 and 240 pounds.

4 Q Is that about what you weighed when you were married
5 to Karen?

6 A Yes.

7 Q How -- do you have large hands?

8 A Fairly large.

9 Q All right. And did you ever wipe your children when
10 they were infants?

11 A Changing diapers, yes.

12 Q All right. And how do you properly wipe a child?

13 A You get a wet wipe and you have to clean them very
14 carefully because, otherwise, it can cause infections.

15 Q All right. Did you ever stick your fingers or a
16 finger in any one of your children's anus when you were
17 wiping them?

18 A No.

19 Q Did you ever stick your finger or fingers in any one
20 of the girls vaginal area or vagina when you were wiping
21 them?

22 A Absolutely not.

23 Q All right. And can you briefly describe Karen's work
24 history while you and she were married?

25 A Before children, she did work. After children, for

1 the first few years, she didn't do -- I think she maybe
2 had one or two small design jobs in the first 10 years of
3 having children.

4 Q Okay.

5 A And after the children grew up a little bit and were
6 a little more independent, then she started taking a few
7 more design jobs. The network marketing or pyramid
8 scheme, she devoted a lot of time and effort to those.
9 None of them ever paid off. I was -- I was pretty sick of
10 them.

11 Q All right. And when you were in the TV room watching
12 movies, did you watch movies as a family? Did you watch
13 them -- tell me about that.

14 A So there's one TV in the house, one functioning TV.
15 So there were usually people around. If we did a family
16 movie night, we'd all be in there on the couch and chairs
17 and would watch the movie. Sometimes, Karen and I would
18 go in after the children had gone to bed and watch a
19 movie, so.

20 Q All right. And did you ever require -- just explain,
21 were the children allowed to get up and go to the kitchen
22 at this time? Were they allowed to go upstairs? What
23 were the rules in your house concerning, you know,
24 watching a movie? Did you force them to watch any movies?

25 A Well, no. If they didn't -- if they would rather sit

1 in the living room and read a book or go to their bedroom
2 and play with toys, they were welcome to do so.

3 Q When you were giving piano lessons, could the
4 children be downstairs?

5 A Yes. They were downstairs and upstairs. The only
6 thing that I asked was that if they were passing through
7 the living room where the piano was that they, please, be
8 quiet when they were going up and down the stairs.

9 When I -- my piano studio had 35 to 40 students. So
10 that's 35 to 40 children or adults coming into the house
11 on a weekly basis.

12 Q And when did you have your piano lessons?

13 A Any time the student could come. Usually, most of
14 them were in the -- in the afternoons and evenings. I did
15 teach on Saturdays, depending on my student's schedule.

16 Q Okay.

17 A But sometimes, especially the younger students, their
18 parents pulled in the driveway and let the child out. So
19 you'd have this seven-year-old just open the back door and
20 come running into the house. And we'd turn around and
21 somebody would, you know, be there all of a sudden that we
22 hadn't noticed.

23 So there were -- and many times, if I had a student I
24 was teaching at the time, their sibling would be either in
25 the house or in the back yard playing with my children.

1 Q All right. Now, you -- you've heard these
2 allegations against you; right?

3 A They make me sick.

4 Q Did you do any of these allegations?

5 A I did not.

6 Q Let's talk about the -- did you ever go up the stairs
7 and go into [REDACTED], [REDACTED], and [REDACTED] room and
8 molest one of them?

9 A No.

10 Q Did you ever -- were your children heavy sleepers?

11 A Not particularly. They would wake up in the night.

12 Q When one of them woke up, would -- would the others
13 always stay asleep?

14 A No. If one woke up and started crying, that would
15 wake everybody up.

16 Q Okay. Did you ever -- I'm sorry to ask you, did you
17 ever lick [REDACTED] vagina?

18 A No.

19 Q Did you ever have her squat over your penis?

20 A No.

21 Q Did she ever perform oral sex on you?

22 A No.

23 Q Did she ever -- did you ever have her lick your
24 penis?

25 A No.

1 Q Did you ever have her lick your balls?

2 A No.

3 Q Did you ever force her to drink alcohol?

4 A No. The idea that there could have been a drunk
5 naked five-year-old laying on a couch in our house and
6 nobody notice is just ridiculous.

7 Q How do these things make you feel that these
8 allegations have been made against you?

9 A The last three and a half years have been very
10 difficult. But I wouldn't -- I wouldn't wish these last
11 three days of testimony on my worst enemy.

12 Q And let me ask you another question here. What
13 evidence do you have that these things -- and I know the
14 burden is not on you. But what evidence do you have that
15 these things didn't happen?

16 A I don't have any evidence that they didn't happen.

17 Q But you just told us that they didn't happen?

18 A Yes.

19 Q All right. Let's talk about your home. Is -- how
20 close to the road is your home -- was your home?

21 A It had a front yard, but it wasn't a very big yard.
22 It was wide, but the front steps are -- are fairly close
23 to the sidewalk that runs along Main Street.

24 Q And did you have neighbors?

25 A We had neighbors on both sides. We had big picture

1 windows in all the downstairs rooms. The neighbors had
2 big windows.

3 Q Did you have blinds on the windows?

4 A In the rear of the house, we had blinds. But in the
5 front of the house, in the living room, there were
6 curtains, but they didn't cover the windows.

7 Q How far away was your home from the police station?

8 A Less than a five-minute walk.

9 Q All right. And did your children come and go in the
10 house and play with other children during your marriage?

11 A Yes.

12 Q All right. Did they go on trips with other families
13 from time to time?

14 A Yes.

15 Q All right. Let's talk about your oldest daughter and
16 the cutting. Did your oldest daughter ever cut herself?

17 A That came to Karen and my attention. I'm not sure of
18 the exact dates. I would say 2011 or 2012, somewhere
19 around there. At the time, it didn't seem like it was
20 happening multiple times. It seemed like it had just
21 happened once.

22 Q Okay.

23 A So we were concerned, obviously. We tried to talk to
24 her about it. It seemed to be related to a boy at
25 Brashier Middle College where she was attending. And she

1 seemed to be all emotional about this boy. And so we
2 tried to talk to her about dating, relationships, and
3 they're difficult, and that sort of thing.

4 Q Did you and Karen, did y'all have fights in the
5 house?

6 A Yes.

7 Q Did y'all fight a lot?

8 A Sometimes, we'd go for periods of time where it
9 seemed like things were going well. And then sometimes,
10 there would be a lot of conflict.

11 Q Did it ever get physical?

12 A No.

13 Q Did you ever grab your wife's neck?

14 A No.

15 Q Did you ever threaten to leave the country if she
16 brought any of this up?

17 A No.

18 Q Did you and Karen spank your children?

19 A Yes.

20 Q And did you ever use a PVC pipe?

21 A No.

22 Q Tell me about that. How often did you spank your
23 children? And was Karen present for all of them, or was
24 she not? Tell us about that.

25 A So I don't recall my daughters being spanked much at

1 all. They -- it was occasional with them, but I would say
2 rare. My son had a pretty fierce temper when he was small
3 and required a little bit more attention.

4 But the testimony that I would lock the door and have
5 one child in there at a time and doing sick, twisted
6 things to them while I was spanking them is ridiculous.
7 If Karen -- if both of us were home, both were usually in
8 the room when the child was being spanked.

9 Q All right. And were your children ever black and
10 blue?

11 A No.

12 Q Did you ever notice -- did you ever notice any
13 bleeding, or infection, or any of those things in the
14 private areas of any of your children?

15 A No. There might have been, you know, the occasional
16 bladder infection, or something like that. But no.

17 Q All right. Did you ever go upstairs and ejaculate on
18 any of your children's bed?

19 A No.

20 Q Did you -- did you do anything to your daughters that
21 could be misconstrued to -- to come out as a different
22 type of testimony? Did you do anything wrong -- did you
23 abuse your daughters in another way?

24 A No.

25 Q So how -- was Karen at the house every day pretty

1 much?

2 A Yes. She was a stay-at-home mom. If she had a job,
3 like a design job, it was something where she would go
4 shop for supplies, contract with any laborer that needed
5 to be done, and then have an installation at the client's
6 house. So -- and then it would be over.

7 So she might have a period of a week where she might
8 be out more than usual, but then she would be back home
9 all the time.

10 Q All right. And explain your relationship with your
11 daughters up to 2013.

12 A I thought we had a good relationship. [REDACTED] was
13 starting to go through a Goth phase, so that was a little
14 bit worrying. I didn't know how much that had to do with
15 friends at school. But she in -- at Christmas of 2012,
16 I -- I had a recurring Christmas gig up in Minneapolis.
17 And, usually, we went as a family. And that particular
18 year, we couldn't all go.

19 So I went up there and [REDACTED] took the trip with
20 me. So I thought we had a -- a good relationship. And
21 with my other daughters as well.

22 Q All right. How did it make you feel when [REDACTED] named
23 you as a rejector in the 2016 Facebook messages?

24 A That was very painful. I tried to -- I had tried to
25 express to her that I wasn't rejecting her. It had

1 nothing to do with her and her siblings. It was strictly
2 between her mother and me. It had nothing to do with
3 them.

4 Q All right. Did your wife make up a lot of stuff
5 during your marriage?

6 A Yes.

7 Q Did she believe things that weren't true?

8 A Yes.

9 Q Did you -- at the time you were -- what are things
10 she didn't believe were true?

11 A For example, in 2000 -- that trip I just mentioned
12 was Christmas 2013. Sometime early in 2014, she told me
13 that she had gone to a doctor while I was in Minnesota.
14 And the doctor had told her she had six months to live.

15 Q Okay. Did you ever -- is that true?

16 A No.

17 Q Do you know if she ever told the children that she
18 only had six months to live?

19 A I don't know.

20 Q All right. Did you ever tell any of your children to
21 make any of the whimpering noises?

22 A No.

23 Q All right. Do you know why your children stopped
24 communicating with you in 2016 via Facebook?

25 A No. I was very happy and excited that we were

1 communicating.

2 Q Okay.

3 A My wife, Ketty, encouraged me to invite [REDACTED].
4 She was the older child, so she was 16 at the time. So
5 she encouraged me to invite her to come to Spain over the
6 summer for however long she wanted, if it was just a
7 couple of weeks or a month. She was taking Spanish at the
8 time. And it would have been a good cultural experience.

9 So I proffered that invitation. And then shortly
10 thereafter, I was blocked from her Facebook account.

11 Q Randy, why did your daughters make these false
12 allegations against you?

13 MS. OWEN: Objection. Speculation.

14 THE COURT: Sustained.

15 MR. KORNFELD: No further questions.

16 (WHEREUPON, a bench conference was held.)

17 THE COURT: All right. Ladies and gentlemen, we're
18 going to take a break before we go to cross-examination.
19 This will be just a regular break. And then what we're
20 going to do from there -- we are on track. So I believe
21 we are going to finish today. So I know that will be good
22 news to you.

23 And I understand our alternate --

24 So I'm going to work -- help you out there as well.

25 JUROR #12, JENNIFER BARLOW: Thank you.

1 THE COURT: So I think you're going to be okay.

2 So we'll take our morning break. And, again, please
3 don't discuss the case.

4 Thank you.

5 (WHEREUPON, the jury was excused from open court at
6 approximately 11:17 a.m.)

7 THE COURT: We'll be in recess.

8 Mr. Flower, you are still on the stand. So you are
9 not able to have any discussions about your testimony with
10 anyone. That includes your lawyer. You can talk about
11 anything but your testimony.

12 THE WITNESS: Okay. Thank you.

13 THE COURT: We'll be in recess.

14 (WHEREUPON, a break was taken.)

15 THE COURT: All right. Anything before we bring the
16 jury back?

17 Anything from the State?

18 MS. OWEN: No, Your Honor.

19 THE COURT: Anything from the Defense?

20 MR. KORNFELD: No, Your Honor.

21 THE COURT: All right. Let's bring them in.

22 (WHEREUPON, the jury came into open court at
23 approximately 12:04 p.m.)

24 THE COURT: All right. Cross.

25 MS. OWEN: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. OWEN:

Q Good afternoon, Mr. Flower.

How are you?

A Doing fine.

Q Good.

Are you close with your family?

A My wife and children -- my ex-wife and children?

Q No, your biological parents and siblings.

A Yes, very close.

Q You'd say you're close with your parents?

A Yes.

Q Do you fit in with your family?

A For the most part, yes.

Q Do you --

A I have -- I have a few different ideas from them.

But I love them very much and they love me very much.

Q And would you say that they've always considered that you fit in with them?

A I don't know. I never asked.

MR. KORNFELD: Objection to relevance, Your Honor.

THE COURT: Overruled.

MR. KORNFELD: Okay.

BY MS. OWEN:

Q Do you recognize this, Mr. Flower?

1 A This looks like the front page of a diary.

2 Q Who wrote it?

3 A It's my diary.

4 Q Okay. Could you, please, tell us what date this is?

5 A March 28th, 2012.

6 Q And could you, please, read this for us?

7 A Found out that my dad was using me as a sermon
8 illustration. Raised four kids and one went wrong.
9 Really pissed me off. Couldn't go to sleep from thinking
10 about it.

11 Q So you don't always fit in with your family; is that
12 right?

13 A I never said I fit in with my family. I said that I
14 love them and they love me.

15 Q How long have your parents lived in Greenville?

16 A They have -- they retired from the mission field two
17 years ago, a little bit more than two years ago. And they
18 had lived in Spain for 48 years before that.

19 Q Okay. So they didn't live in Greenville?

20 A Correct.

21 Q They just owned property here?

22 A Right.

23 Q Okay. And you stated that you taught piano lessons
24 at your home; is that correct?

25 A Correct.

1 Q And you, also, worked part-time at Woodruff Road
2 Presbyterian?

3 A Correct.

4 Q And then at Aldersgate Presbyterian?

5 A Correct.

6 Q And who is your current wife? What's her name?

7 A Ketty Sanchez.

8 Q Ketty; is that right?

9 A Yes.

10 Q And her last name is Sanchez?

11 A That's right.

12 Q And when did you marry Ms. Sanchez?

13 A In July of 2015.

14 Q And was it your testimony previously that you didn't
15 start speaking to her until after you got separated from
16 Karen Flower?

17 A We were -- we were Facebook friends. We talked. But
18 I don't know -- there was some interest there. But I
19 don't think it really got serious until -- until after I
20 separated.

21 Q But you would agree that you were talking to
22 Ms. Sanchez throughout your marriage?

23 A I wouldn't say throughout my marriage. I would say
24 the last -- maybe the last year.

25 Q Would you, please, read this date for us?

1 A Tuesday, December 6th, 2011.

2 Q And what does this say?

3 A Chatting with Ketty and Lisa.

4 Q And you got separated in 2013; correct?

5 A Correct.

6 Q That's two years before?

7 A Yes.

8 Q What do you do in Spain?

9 A I teach English.

10 Q Where?

11 A My wife owns a language academy, mainly for after
12 school, so afternoon and evenings. And then I, also,
13 teach English to business people -- in companies that need
14 language help.

15 Q So you have two jobs in Spain; is that correct?

16 A I'm an English teacher for all of them.

17 Q And I'm going to ask a few questions about your home
18 life with your actual biological children and wife. Okay.

19 A Okay.

20 Q Would you agree that the girls and Ian moved
21 bedrooms?

22 A They changed bedrooms fairly frequently.

23 Q And would you tell us, did you have two dogs named
24 Poppy and Roscoe?

25 A We did have two dogs named Poppy and Roscoe.

1 Q Did you like the dogs?

2 A I did not grow up with pets in the house. And I
3 didn't like the idea of pets in the house. My youngest
4 daughter really, really wanted pets in the house. So I
5 allowed her.

6 Q Did you like the dogs?

7 A Not particularly.

8 Q And you would say that you did the spankings in the
9 home; correct?

10 A No. I stated that my wife and I both did the
11 spankings in the home. Usually, when a child was being
12 spanked, we would both be in the room together.

13 Q Would you agree you did do spankings?

14 A Yes.

15 Q Would you, also, agree to the fact that you, also,
16 enjoy massages?

17 A Yes.

18 Q And you got them fairly regular?

19 A Yes.

20 Q You even got them from your children?

21 A Yes.

22 Q Okay. And would you, also, agree that you like to
23 drink?

24 A I -- sure.

25 Q Okay.

1 A Yeah.

2 Q Would you agree you've had too much to drink
3 previously?

4 A I would say that's a rare occasion.

5 Q Okay. But you have stayed out late or drank too much
6 drinking, would you agree with that?

7 A Again, very rarely. I don't like the feeling of
8 losing control.

9 Q You like to be in control, don't you, Mr. Flower?

10 A To be in control of myself. I don't necessarily
11 enjoy exerting control over other people.

12 Q Would you agree you like to stay up late?

13 A I am a night owl.

14 Q And would you agree that for this jury you painted
15 the picture of being a standup Christian parent?

16 A Yes. I believe I was.

17 Q And that you did give your kids alcohol occasionally;
18 is that correct?

19 A As I stated, we gave them tiny amounts on special
20 occasions as part of a birthday party, or Christmas
21 dinner, something like that once they had turned, say, 10
22 or 11.

23 Q And you knew one of your daughters was self-harming;
24 is that correct?

25 A This is before she was self-harming.

1 Q I know. But you did know while you were living with
2 them and raising this family --

3 A Oh --

4 Q -- that she was self-harming; is that right?

5 A Yes. I believe that was happening in 2011, 2012, I
6 think.

7 Q Okay. And those were the last couple of years you
8 lived at home; correct?

9 A Yes.

10 Q And how tall are you? I think Mr. Kornfeld asked
11 you.

12 A I'm almost 6'4".

13 Q So you would agree you're a pretty big, tall
14 person --

15 A Yes.

16 Q -- compared to your children?

17 A Yes.

18 Q And you've always been since 16 6'4"; correct?

19 A Yes.

20 Q And if you raised your hands above your head, you
21 would be very statuatorius [sic], wouldn't you agree?

22 A Yes.

23 Q Okay. And I want to go back to some of this context
24 of you leaving the home. Okay.

25 A Okay.

1 Q So there are these Facebook messages we have; is that
2 right?

3 A Yes.

4 Q Who initiated this contact?

5 A Who is that?

6 Q Either.

7 A Okay. I think in both cases, my daughter initiated
8 the contact.

9 Q Okay. I want to show you this. This is Defendant's
10 Exhibit No. 1.

11 A Okay.

12 Q And what are those?

13 A These are Facebook between me and [REDACTED], my
14 youngest.

15 Q Okay. Was your family close with your kids?

16 A My -- my parents?

17 Q Uh-huh.

18 A Actually, yes. They would usually come back to the
19 States every two years or so, sometimes more frequently
20 because their parents were elderly and -- so they would
21 come back. They came back for a funeral on one occasion.
22 And they would come back to see them. And, frequently,
23 they would stay in our house during the time that they
24 were here in the States.

25 Q Okay. And what did your kids call your parents?

1 A Maw and Paw.

2 Q Okay. Would you, please, read for the jury who is
3 asking this question? And read that question.

4 A So this is [REDACTED]; correct?

5 Q Yes.

6 A So [REDACTED] asked, Do you know if Maw and Paw are in
7 Greenville?

8 Q And what does [REDACTED] respond?

9 A Yeah. I saw them at Lowe's. And they ran out
10 because they didn't want to see me.

11 Q Okay. Thank you.

12 Mr. Flower, you have come in here and told this jury
13 that the hardest thing you did was leave your four
14 children; correct?

15 A Yes. That was one of the most difficult times in my
16 life.

17 Q When you separated, would you agree that Karen was
18 solely responsible, other than what y'all had agreed to in
19 paper, for taking care of the children on a day-to-day
20 basis?

21 A Yes.

22 Q Okay. And they lived in the home with her?

23 A Yes.

24 Q And she did work some, but not enough to pay all the
25 bills; correct?

1 A Correct. That's because I agreed that 80 percent of
2 my salary would go to them.

3 Q Because she needed help supporting them?

4 A Correct.

5 Q And you regret leaving them so much; correct?

6 A I do.

7 Q And wouldn't you agree that you didn't even tell them
8 goodbye?

9 A At the time I left, I hadn't spoken to them for
10 months.

11 Q And then --

12 A And that wasn't by my choice.

13 Q And then when you left -- I'm going to show you
14 State's [sic] Exhibit No. 3. This is discussions with
15 [REDACTED], I believe. She initiated that conversation with
16 you, didn't she?

17 A Yes.

18 Q You were in here yesterday -- or two days ago when
19 she testified; correct?

20 A I was.

21 Q And in your conversations with [REDACTED] in Defendant's
22 Exhibit No. 1, do you recall how long it had been since
23 you had talked to any of them?

24 A So that was the spring of 2016. Probably since I saw
25 them to exchange -- or to give them Christmas gifts

1 Christmas in 2014, I think, was the last time I saw them.

2 Q And other than these two messages or two pages of
3 messages that we have, you have had no contact with your
4 children?

5 A Yes. As I believe I mentioned before, I was blocked.
6 I was blocked from calling Ian's phone. I was blocked
7 from his Facebook. I was blocked from [REDACTED] phone
8 and her Facebook.

9 So when I got a message from [REDACTED], I was very
10 excited. And then soon after that, I was blocked from her
11 account and [REDACTED] as well.

12 Q What had you done while you were in Spain to help
13 these children that you love so much that you just
14 deserted?

15 A I hadn't -- I had quit paying child support.

16 Q You did nothing for them; correct?

17 A Correct.

18 Q You had no communication with them?

19 A Again, not by my choice.

20 Q You didn't send them anything?

21 A No.

22 Q You didn't try to help them pay for school?

23 A No.

24 Q Clothing?

25 A No.

1 Q Food?

2 A No.

3 Q Anything?

4 A Huh-uh.

5 Q And in 2019, you came back into the United States; is
6 that correct?

7 A Correct.

8 Q And you came for a wedding?

9 A Yes.

10 Q And you didn't bother to contact them then, did you?

11 A I didn't. I thought they had blocked me from social
12 media accounts. And when they were ready to talk to me,
13 and I hoped it would be soon, that they would contact me.

14 When my daughter contacted me on July 6th of 2019,
15 and told me that she wanted to bring Ian and his
16 girlfriend by the house, I thought that was just
17 wonderful. And so I told them the address of the house
18 where I was staying. And two hours later, five police
19 cars showed up.

20 Q And you hadn't had any contact with your kids since
21 2014, minus these two messages here; correct?

22 A Correct.

23 Q These kids you love so much?

24 A Yes.

25 Q That you would never harm?

1 A I never harmed my children.

2 MS. OWEN: Thanks, Mr. Flower.

3 THE COURT: All right. Any redirect?

4 MR. KORNFELD: Yes.

5 REDIRECT EXAMINATION

6 BY MR. KORNFELD:

7 Q The -- whose choice was it whether or not you saw
8 your children? Do you know?

9 A After the separation?

10 Q Yes. You stated that you didn't see -- that you
11 didn't get to see them after that and that wasn't by your
12 choice?

13 A I didn't get to see them as often as I would like.
14 Karen would frequently make things difficult
15 scheduling-wise.

16 Q Okay.

17 A I didn't know for sure, but I thought there was
18 negative things being said about me to make the children
19 resent me more.

20 Q All right. And you were blocked -- did you say you
21 were blocked in the spring of 2016?

22 A Yes.

23 Q And when were you served with the rule to show cause?

24 A Spring of 2016.

25 Q Okay. And let me show you these messages here. I

1 think the Solicitor said these were two messages.

2 These -- would you agree these are conversations?

3 A Yes.

4 Q Do they span over several days?

5 A Yes. With [REDACTED], it's several days. And with
6 [REDACTED], it's a couple of months, if I recall.

7 Q All right. She stated that you did nothing for your
8 children after you left and went to Spain; correct?

9 A Correct.

10 Q Did you feel trapped here in America?

11 A Extremely.

12 Q Why?

13 A The amount of money I was paying was unsustainable.
14 Any kind of small car repair -- I didn't have enough money
15 to buy clothes. I was living on less than a thousand
16 dollars a month, which isn't very much. I did that for
17 over two years. I didn't have enough money to hire an
18 attorney to change the terms of the -- of the agreement.
19 I, finally, scraped some money together and did hire one.
20 And she was not successful in changing the terms.

21 Q Okay. Did you have any change of circumstances to
22 change?

23 A No.

24 MR. KORNFELD: But -- were you making -- okay.

25 No further questions.

1 Thank you, Randy.

2 THE COURT: All right. Any recross?

3 RECROSS-EXAMINATION

4 BY MS. OWEN:

5 Q Mr. Flower, you did nothing for your children that
6 you loved so much; correct?

7 MR. KORNFELD: Objection. Asked and answered.

8 THE COURT: Overruled.

9 BY MS. OWEN:

10 Q From the time you last saw them in December of 2014
11 until now, you've done nothing for your children; is that
12 correct?

13 A I continued paying alimony and child support through
14 the summer of 2015.

15 Q I'm sorry. Until you fled to Spain?

16 A Yes.

17 Q You had done nothing?

18 A Correct.

19 MS. OWEN: Thank you.

20 THE COURT: Any redirect [sic]?

21 FURTHER EXAMINATION

22 BY MR. KORNFELD:

23 Q Mr. Flower, did you flee to Spain?

24 A I didn't flee. I got on a plane and flew.

25 Q Were you under arrest at that time?

1 A No.

2 Q Were you under investigation?

3 A No.

4 Q Had you lived in Spain before?

5 A Yes.

6 Q Did your wife live in Spain?

7 A Yes.

8 Q Could she come and live here?

9 A Yes.

10 Q And you decided to move there for what you've already
11 testified to; correct?

12 A Yes.

13 MR. KORNFELD: Thank you.

14 No further questions.

15 THE COURT: Re --

16 MS. OWEN: Just briefly.

17 FURTHER EXAMINATION

18 BY MS. OWEN:

19 Q Did you violate a court order?

20 A I quit paying child support. I've already said that
21 I did.

22 Q And -- and that was a violation of a court order;
23 correct?

24 A Yes.

25 Q And you had to be served overseas; correct?

1 A Correct.

2 MS. OWEN: All right.

3 THE COURT: Anything else?

4 MR. KORNFELD: No, Your Honor. Nothing else.

5 THE COURT: Thank you.

6 You may step down.

7 THE WITNESS: Thank you.

8 THE COURT: All right. Next witness.

9 MR. KORNFELD: Your Honor, that's our case. The
10 Defense rests.

11 THE COURT: Any rebuttal reply from the State?

12 MS. OWEN: No, Your Honor.

13 THE COURT: All right. Ladies and gentlemen, all the
14 evidence is in. The food is here, as y'all have probably
15 seen out there in the hallway.

16 So what we're going to do is take our lunch break.
17 And then we will -- you will get the arguments from the
18 lawyers. And then I will charge you the law and you'll
19 get the case today.

20 So let's go ahead and break for lunch, probably
21 around an hour or so. Since y'all are here, when we're
22 ready to go, I can check and see if you're ready to go.

23 So I'm going to excuse you for lunch. Have a good
24 lunch back there. And we'll bring you out in a little
25 bit.

1 (WHEREUPON, the jury was excused from open court at
2 approximately 12:27 p.m.)

3 THE COURT: All right. Any motions? Any motions
4 from the State?

5 MS. OWEN: No, Your Honor.

6 THE COURT: Any motions from the Defense?

7 MOTIONS

8 MR. KORNFELD: Your Honor, at this time, I would just
9 renew my motions for directed verdict, the ones that were
10 not granted, and renew all other motions that were denied,
11 Your Honor.

12 THE COURT: Your motions are noted. And per my
13 ruling at the first directed verdict motion stage, as you
14 know, the standard is, is there any direct or
15 circumstantial evidence. I find there is in this case.
16 And, therefore, those motions are denied. And I have
17 granted your motion on several of the indictments. So
18 we'll go forward with the remaining indictments.

19 All right. So we'll take a lunch break. How much
20 time would y'all like for argument? Is an hour good
21 enough, or is that okay, or do you need a little bit
22 longer than that?

23 MS. OWEN: I would say probably an hour to an hour
24 and a half, Your Honor, for them to eat lunch.

25 MR. KORNFELD: Can we come back a 2:00 --

1 THE COURT: Does 2:00 sound okay?

2 MR. KORNFELD: Yes.

3 THE COURT: All right. We'll start arguments at
4 2:00 -- or maybe if we can -- can we do 1:45? Arguments
5 and charge. So it's 12:28 right now. I want to try to
6 get it to them as quick as I can. 2:00, is that what
7 y'all want?

8 MR. KORNFELD: 1:45 is fine.

9 THE COURT: Look, I'm going to give you as much time
10 as you want. So I'm not going to make you come back in
11 here at 1:45.

12 MS. OWEN: 2:00 is fine.

13 MR. KORNFELD: And then, Your Honor, I didn't have
14 any objection to the charge.

15 THE COURT: Well, that was going to be my next thing.
16 As far as the charges, I've given y'all a copy of the
17 charges. I've told you generally on the record what I was
18 going to charge. And then I've given you a copy of the
19 charges.

20 Have y'all had an opportunity to look through them?

21 MS. OWEN: For the most part, Your Honor.

22 THE COURT: All right. Do you want some time over
23 lunch to look through those as well?

24 MS. OWEN: Well, I think I can probably address a
25 couple of them --

1 THE COURT: You don't have any objection, Mr. Kornfeld?

2 MR. KORNFIELD: I don't have any objection. I sent to
3 your clerk with her on there a condition concerning the
4 alcohol that I would like to be added in, that it is legal
5 to give your children in the home alcohol in rare
6 circumstances. And I didn't want them to be confused with
7 that. It's a statute. I didn't cite the statute. But I
8 am asking for that since there was testimony concerning
9 that.

10 THE COURT: All right. Any objection from the State
11 on that?

12 MS. OWEN: No.

13 THE COURT: You're --

14 MS. OWEN: I do have a couple of objections, Your
15 Honor, that I just want to talk about. I have never seen
16 a sympathy charge. I would object to having a sympathy
17 charge put in the jury charges. I don't think that's
18 relevant in any way, shape, or form.

19 I think that is some discussion on imposing on their
20 decision. And I don't -- I don't think it's relevant, nor
21 needs to be charged.

22 THE COURT: All right. What's your position on that,
23 Mr. Kornfeld?

24 MR. KORNFIELD: I didn't have an issue with the
25 sympathy charge. I need to -- just give me one second to

1 read it.

2 THE COURT: It's towards the end.

3 MR. KORNFELD: I think -- Okay. Thank you.

4 I think it's relevant as -- it has to be based on
5 evidence, evidentiary finding, whether that be through
6 testimony or other. It can't be based because they
7 cried -- we've had crying in this case -- or, otherwise,
8 that you feel sympathy for a particular witness. And so I
9 think it's proper.

10 THE COURT: I'm going to charge it. I'll be honest
11 with you, Ms. Owen, my entire career in trying cases, I've
12 had that charge in there as a lawyer, and as a judge as
13 well. I think it is a proper charge. Importantly, as to
14 emphasize to the jury that they are only to consider the
15 evidence before the Court. And sympathy is not to be
16 considered. And that goes both ways. That goes both to
17 the State in this case and to the Defendant.

18 So I do feel that is a proper charge. It's a charge
19 that I have always, again, as a lawyer and now as a judge
20 feel that it is appropriate. Because I want to make sure
21 the jury does not base their decision on anything but the
22 evidence. And that's why I use the charge.

23 MS. OWEN: Okay. I just want my objection noted for
24 the record.

25 THE COURT: Objection noted.

1 MS. OWEN: And, Your Honor, I'm going to go back
2 through at lunch, but I'm not sure if we have CSC third
3 degree or criminal sexual conduct third degree with a
4 minor as a charge anymore.

5 THE COURT: Is that one of those that either I
6 dismissed or you're not going forward on?

7 MS. OWEN: Yes, I believe so. So I would like to go
8 back through that. But I can do it over lunch.

9 THE COURT: That will be fine. I'll give you an
10 opportunity to do that.

11 All right. Anything else on the charges?

12 MS. OWEN: Yes. Would you, please, add that time is
13 not an element of the offense? I think there's adequate
14 case law to support that.

15 THE COURT: Mr. Barrow says it should be in there at
16 the end of the CSC charge -- charges, the last one. If
17 it's not, just let me know.

18 MS. OWEN: I've got first degree, second degree --
19 you know what, I think it was stuck to this. Time is not
20 an essential element.

21 Would you, also, mind adding -- I think there's some
22 case law to support this, but just for myself in regards
23 to that charge, specifically, that the specific date and
24 time is not an element of defense of first degree criminal
25 sexual conduct? Really, it would, I think, go with

1 any criminal sexual conduct.

2 THE COURT: If you would, speak up just a little bit.

3 MS. OWEN: Sure. I would just ask that as to the
4 specific language that it include that there's not a
5 specific date and time that need to be met for that to be
6 an essential element.

7 Does that make sense?

8 THE COURT: In addition -- so what you're saying is
9 my general charge on that, that time is not of the essence
10 in this case?

11 MS. OWEN: Yes.

12 THE COURT: To add more language, is that what you're
13 asking?

14 MS. OWEN: Just to add that time is not an element of
15 this case. So, essentially, there doesn't have to be a
16 specific date and time in the indictment.

17 MR. KORNFELD: There doesn't have to be a specific
18 date and time of -- she's correct that it doesn't have to
19 be a specific date, but the elements still must be found
20 within that indictment. So the jury still must have to
21 say within this year -- the alleged crime occurred within
22 this year. As long as that's clear, there's no issue.
23 You can't just say, well, it happened. We don't care if
24 it happened in 2007 or 2008, even though that's what the
25 indictment says.

1 THE COURT: I'll most likely keep it the way I've got
2 it. I think that is an appropriate charge. I can look at
3 it over lunch.

4 MS. OWEN: I can give you two cases, if you want to
5 look at them.

6 THE COURT: Yeah. If you've got any case law, one at
7 a time.

8 MS. OWEN: Sure. We've got State vs. Wingo. The
9 cite for that 304 SC 173. It's a Court of Appeals 1991
10 case. State vs. Thompson, 305 SC 496, also, a 1991 case.

11 THE COURT: Okay. Both of those came out about the
12 same -- I think they came out the same year, didn't they?

13 MS. OWEN: Yes.

14 THE COURT: All right. Anything -- yes, ma'am.

15 MS. OWEN: Also, just State vs. Wade if we need any
16 more language about the indictment is to look at all the
17 circumstances and find not just -- like, take the totality
18 of the circumstances, not, specifically, pointing to one
19 specific day or time.

20 THE COURT: All right. Anything else from the State?

21 MS. OWEN: No, Your Honor.

22 THE COURT: All right. Anything else from the
23 Defendant?

24 MR. KORNFELD: No, Your Honor.

25 THE COURT: All right. I will then see everyone back

1 here. We'll close -- do closings at 2:00.

2 (WHEREUPON, a lunch break was taken.)

3 THE COURT: One of the things, Ms. Owen, you
4 mentioned about, the CSC third is not in there.

5 MS. OWEN: Yes, Your Honor.

6 THE COURT: We looked at our -- both Mr. Barrow and I
7 looked at our notes. And both of us had the same thing
8 that -- we still had 2019-GSS-23-8050A --

9 MS. OWEN: Okay.

10 THE COURT: -- as still going forward.

11 MS. OWEN: Thank you, Your Honor.

12 THE COURT: Now, as to the alcohol statute, I put
13 that in there.

14 MR. KORNFELD: Thank you.

15 THE COURT: As to time being essential -- not being
16 an essential element, I'm leaving it the way it was. I
17 refreshed my memory on Wingo and Thompson, and both of
18 those cases -- I thought I had remembered, but I wasn't
19 sure. Both of those deal with the sufficiency of the
20 indictments and time issues regarding indictments. And
21 that was the narrow and specific issues that the Court
22 looked at as to the language in setting forth time on the
23 indictments.

24 So as far as a -- as far as a charge, I'm just going
25 to leave it the way it is. I will put in my charge and

1 instruct the jury about time not being an essential
2 element. So I'll leave it as is. I think that's it.

3 Is there anything before we bring them in?

4 MS. OWEN: Yes, Your Honor. I just sent an e-mail
5 while we were on break. And it was towards the end in
6 reviewing the verdict form one more time. I thought I was
7 going forward on 2022-GS-23-2845 for contributing as to
8 KF, and the years should be 2008, 2012. And I just wanted
9 to see if anybody else's records reflected that. Or is it
10 in there and I just missed it?

11 THE COURT: It's number -- well, it may be 33 on
12 yours.

13 MS. OWEN: Okay. I think I probably just overlooked
14 it.

15 THE COURT: And one thing, Mr. Kornfeld, you had sent
16 an e-mail about going under a prior statute.

17 MR. KORNFELD: That's correct. If my recollection is
18 correct, I had one of my colleagues look it up, but the
19 CSC minor first, that statute changed on July 1st, 2006,
20 just the penalty changed.

21 THE COURT: Yeah. It talked about the death penalty,
22 I think. Isn't that what that was?

23 MR. KORNFELD: Well, it went from 10 to 30 to 25 to
24 life.

25 THE COURT: Right.

1 MR. KORNFELD: So I just wanted to point that out.

2 And then in reviewing this verdict form, again, I
3 would just object to calling the alleged victims victims.
4 Either use their name as IF --

5 THE COURT: What we have done -- I meant to tell you
6 that. We have just -- we've revised the verdict form to
7 reflect -- for instance, the first one would be as to IF.
8 We're saying as to IF.

9 MR. KORNFELD: Thank you, Your Honor.

10 THE COURT: We have deleted victim.

11 MR. KORNFELD: Thank you, Your Honor.

12 THE COURT: Back on your 2006 statute. So what is
13 your -- are you -- what is your argument on that? What
14 are you requesting?

15 MR. KORNFELD: Well, I -- it's not really an
16 argument. I just wanted to alert on it that I believe
17 that if the CSC with a minor first under -- if it's
18 alleged before 7/1/2006, it's just under the old law.

19 THE COURT: From a sentencing standpoint?

20 MR. KORNFELD: Yes.

21 THE COURT: 10 to 30 as opposed to --

22 MR. KORNFELD: That's right.

23 THE COURT: -- 25 to life?

24 MR. KORNFELD: That's right.

25 THE COURT: Anything from the State on that? I mean,

1 that's sentencing. But still at this point --

2 MS. OWEN: I think it's moot at this point, but, yes.

3 MR. KORNFELD: Thank you, Your Honor.

4 MS. OWEN: And if we are -- you've got a final copy
5 of the verdict form. On mine, on number 11, it still has
6 involving oral sex. And I think it should say anal
7 penetration. It does have anal penetration underneath,
8 but it's got both acts. And I'm sure Mr. Barrow caught
9 that.

10 THE COURT: Yeah. We are putting that on the final
11 copy.

12 MS. OWEN: Thank you.

13 THE COURT: Anything else?

14 MS. OWEN: No, Your Honor.

15 MR. KORNFELD: No, Your Honor.

16 THE COURT: All right. Mr. Cofield, bring them on
17 in.

18 (Pause.)

19 THE COURT: Can you hold them for just a quick
20 second?

21 THE BAILIFF: Yes.

22 THE COURT: The alternate -- the lady that is an
23 alternate has vacation plans and was trying to leave at
24 about this time. Is there any objection to excusing her
25 now?

1 I mean, we've got another alternate. But, I mean,
2 even if they get into deliberating, we can't bring back an
3 alternate anyway.

4 MS. OWEN: I don't have an objection, Your Honor.

5 THE COURT: Is that okay?

6 MR. KORNFELD: Yeah. I don't have an objection
7 either.

8 I did have a question as far as procedure here. My
9 understanding is the State, me, and rebuttal. Is that
10 your understanding?

11 THE COURT: Yeah. The State gets rebuttal because
12 you put in evidence.

13 MR. KORNFELD: That's what I thought. Okay.

14 Thank you.

15 THE COURT: If you would, bring just the alternate
16 out, just the young lady.

17 THE BAILIFF: One? Both?

18 THE COURT: No, just the young lady.

19 (WHEREUPON, Juror #12, Jennifer Barlow, entered the
20 courtroom.)

21 THE COURT: All right. I understand you've got some
22 vacation plans and you're heading up. So I'm going to go
23 ahead and excuse you.

24 JUROR #12, JENNIFER BARLOW: Thank you.

25 THE COURT: And so I hope you enjoy your vacation.

1 I want to thank you for your service. You're -- even
2 though you're not able to deliberate with the rest of the
3 jurors, your service was invaluable because sometimes --
4 it, actually, happens often. One of the 12 -- one of the
5 regular jurors, something happens and we have to use an
6 alternate.

7 So your -- your service as an alternate is very
8 important. And I really do -- I -- obviously, I have to
9 look at y'all all day long. So I get a chance to look at
10 y'all and you paid attention the whole time. I really do
11 appreciate it. The parties appreciate it. And we all
12 appreciate your service.

13 So thank you very much. And have fun on your
14 vacation.

15 JUROR #12, JENNIFER BARLOW: Thank you so much.

16 (WHEREUPON, Juror #12, Jennifer Barlow, exited the
17 courtroom.)

18 THE COURT: All right. Bring them on in. They can
19 all come in now.

20 (WHEREUPON, the jury came into open court at
21 approximately 2:18 p.m.)

22 THE COURT: All right. Ladies and gentlemen, the
23 evidence is in. All we have left is closing arguments and
24 charge.

25 I recognize the State.

CLOSING ARGUMENTS

MS. OWEN: Thank you, Your Honor.

Ladies and gentlemen, thank you so much for your time this week. It's been a long week and I understand that. But both sides truly appreciate the attentiveness you've shown. We really appreciate it.

Ladies and gentlemen, Tuesday morning when I first spoke to you, I told you this case came down to one thing, child sex abuse. That hasn't changed. It's been a long week, a lot of testimony, but the allegations in this case are still the same.

There's [REDACTED], [REDACTED], and [REDACTED]. These three girls from Fountain Inn, they got up here and told you what happened to them as children. That is evidence. What they told you is evidence.

Unfortunately, in child sexual assault cases, like I told you on Tuesday, there is no ring camera for them to capture this on. Children don't keep diaries and say daddy touched me today at 2:00 p.m. I am four. We all process memories differently. And they were able to articulate to the best of their ability things that they have tried to suppress for years.

You were chosen for your life experience. You got to see every single person in this case on the witness stand. You got to see their emotion. You got to see how they

1 respond to questions. You got to hear their answers for
2 yourselves.

3 Ladies and gentlemen, I want to start with [REDACTED]
4 [REDACTED]. She is the oldest of her siblings, born in 1997.
5 Mr. Barrow.

6 When I say oldest sibling -- I apologize. She's the
7 oldest of her sisters, born in 1997.

8 There's a delay.

9 She talked to you about her childhood. She talked to
10 you about what things were like in their home. What she,
11 also, talked to you about was the sexual abuse that
12 occurred.

13 THE COURT: It's coming. It just takes a little
14 while.

15 MS. OWEN: Thank you.

16 She described what life was like for her.

17 UNIDENTIFIED JUROR: It's up.

18 MS. OWEN: Ladies and gentlemen, the definition of
19 sexual battery is on the screen for you to read. It's
20 sexual intercourse, cunnilingus, fellatio, anal
21 intercourse, or any intrusion however slight into the
22 genital opening of a child, however slight. This could
23 include digital penetration, vaginally or anally. This
24 includes oral sex. This includes penile sex. It's any
25 intrusion however slight.

1 Ladies and gentlemen, Your Honor is going to go over
2 with you at the end the indictments in this case. And he
3 will have a verdict form for you to take back. So we're
4 just going to briefly go over what the indictments are and
5 what the evidence is for them.

6 Mr. Flower has been charged with criminal sexual
7 conduct with a minor first degree against [REDACTED].
8 For us to meet those elements, she had to be less than
9 11 years old and that the Defendant did engage in a sexual
10 battery with her. I previously stated what sexual battery
11 is, any intrusion however slight.

12 I'm going to refer to my notes when giving you some
13 of the examples that we have used for sexual battery with
14 Ms. Flower. She got up on this witness stand and told you
15 that she remembers her third birthday. That may seem like
16 a young age. I, specifically, recall one memory from
17 being four.

18 It was a traumatic memory. Her third birthday was
19 traumatic. She told you about being in the bathroom
20 needing help potty training, really, wiping and that her
21 father inserted his finger into her anus. She recalls it
22 because it was her birthday, a very special day. And she
23 lost a head band. That is traumatic for a three-year-old.
24 That is something you remember. It's painful. It's
25 unusual. It's not normal potty training. That's why she

1 doesn't remember anything about her mom helping her.
2 Because no one else stuck their fingers in her anus when
3 she was three.

4 We then walked through different rooms of their home.
5 State's Exhibit No. 1 is the outside of their normal
6 looking home on Main Street in Fountain Inn. If you
7 walked by this house, you wouldn't have known what was
8 going on inside. It could be in your neighborhood. It
9 could be in any neighborhood where no one would know what
10 was happening.

11 State's Exhibit No. 22. This is the doorway to the
12 bathroom where this took place. A lot of doorways in this
13 home. And back then, they didn't have a lot of doors.

14 State's Exhibit No. 23. This is the downstairs
15 bedroom that [REDACTED] stayed in when she was three
16 and four years old.

17 She told you about sleeping in that room and her
18 father coming in in the middle of the night and sticking
19 his fingers inside of her. And she was so adamant about
20 this, he touched her vaginally and sometimes anally in the
21 middle of the night. He would come in with his hand down
22 his pants, touch her and caress her. She felt special at
23 the time and thought that it was normal. She doesn't know
24 better because she is a child.

25 Our one expert in this case, Ms. Shauna

1 Galloway-Williams, who knows nothing about the facts of
2 this case, didn't even know who these women are. She
3 talked to you about young children, how they don't have
4 words sometimes for what's going on, or how they think
5 this is normal. They are abused by someone they know,
6 they love, and they trust. Randy Flower was known. He's
7 the father. He's loved. He's the father. He's trusted.
8 He's the father.

9 And she, also, described how sometimes children's
10 bodies to them feel like they betray them. [REDACTED]

11 [REDACTED] told you it felt good. Then until later on in her
12 life, she didn't know that that was shameful. Because she
13 didn't know at three and four years old that this was
14 wrong.

15 She then talked about moving upstairs. She talks
16 about staying in this bedroom, which is State's Exhibit
17 No. 58, the doorway into that room. She tells you about
18 staying in this little alcove, State's Exhibit No. 63.
19 And they all moved, even Mr. Flower admits that. They
20 switched rooms all the time. But she can tell you that
21 things happened in those rooms because she knows what ages
22 she was there.

23 She talks about moving upstairs and her father coming
24 in. And this is where he teaches her about oral sex. She
25 says that she moved into that room upstairs around age six

1 or seven. And that he would come in mostly at night and
2 do the same things there that he did downstairs. And that
3 he taught her how to touch him. She said that he would
4 touch his penis to her vagina in this room. That he
5 taught her to perform oral sex. That it was training for
6 when she would be older.

7 All of these acts occurred when she was less than
8 11 years old. That means we have met the burden of proof
9 for CSC with a minor first degree as to [REDACTED].

10 She, also, talks about the middle room, which no
11 longer exists. But State's Exhibit No. 54 gives you a
12 partial glimpse that used to be a separate space with two
13 couches. She talks about oral sex happening there. She
14 goes on to describe how acts continued past age 10 to 11,
15 12, 13, 14. This was her whole childhood. This was
16 everything that happened to her for years.

17 The next slide you see is criminal sexual conduct
18 with a minor second degree. These have different ages,
19 but the sexual battery is still the same, 11 to 14.

20 [REDACTED] told you about what happened with her
21 father from ages 11 to 14 in their home. She talked about
22 having to continue to perform oral sex on him. That he
23 would come in and put his penis under her underwear and
24 rub it against her vagina. She said this would happen at
25 night or when no one else was home.

1 Ladies and gentlemen, sex abuse doesn't take a long
2 time. It can be minutes. There may be a lot of people in
3 a house. But it doesn't mean they're all around at the
4 same time in the same places. Some people are out grocery
5 shopping, some are out riding their bikes, some are at the
6 library, some are at a friend's house down the street,
7 some are downstairs in another room.

8 Mr. Flower's counsel made it clear that you -- the
9 floors are wood. You can hear people coming and going.
10 You would know if someone was coming. It would not be
11 hard to pull your pants back up and walk on like nothing
12 happened. These aren't hour-long things that take place.

13 And just because there are no doors doesn't mean
14 these things don't happen either. There are curtains.
15 Things happen in the middle of the night.

16 For those of you that have children, I'm sure you
17 know that you can pick up a child out of a car seat who is
18 sleeping and transfer them to a bed and they never wake
19 up. The next morning, they don't know how they got there.
20 But mommy and daddy helped them get from one place to the
21 other. And they slept through the entire thing.

22 So it's not hard to believe that there would be other
23 people in other rooms sleeping and not know what's going
24 on. It happens in every house. If you've ever had sex in
25 your house when -- or people have sex in the house when

1 people are in another room. Or you're having a private
2 conversation in one room and no one can hear you in the
3 next. Just because other people didn't see it or hear it
4 does not mean it didn't happen.

5 [REDACTED], also, says other than the oral sex that her
6 father anally penetrated her digitally from ages 11 to 14.
7 Would there be evidence of this if she had gone to a
8 doctor? Perhaps. But there's no testimony regarding
9 that. And she doesn't say she ever had to go to a doctor
10 for anything.

11 She does talk about having to watch explicit
12 pornography. She even gave you an example, the bouncy
13 ball that her father had showed her and she had to watch.

14 He gave her alcohol, again, in this TV room, State's
15 Exhibit No. 30. Everybody agreed there's some alcohol in
16 the home. Everybody agrees people get little sips here
17 and there.

18 Her testimony to you is that her father did provide
19 her alcohol sometimes. And sometimes, he gave her enough
20 to where she got dizzy. And he would touch her and have
21 her touch him. And that happened frequently over these
22 years. Just because somebody doesn't see it doesn't mean
23 it doesn't happen. And it wouldn't be unusual to see
24 alcohol because Mr. Flower drank.

25 She, also, talks about this back massager that

1 everyone, including Mr. Flower, agrees exists. The back
2 massager was always on his side of the bed in the main
3 bedroom, State's Exhibit No. 31. And that he taught her
4 how to use it on herself. Dads don't do that. And she
5 told you that she did this on her own because it felt
6 good. And she didn't know about the shame and guilt that
7 came with that until later.

8 And, ladies and gentlemen, [REDACTED] sat here and told
9 you about the worst moments of her life. Who wants to get
10 on this witness stand and get up here and tell a room full
11 of strangers about their father sexually abusing them?
12 What does she have to gain from this? There is no money.
13 There's no fame. There's no glory. It is traumatizing,
14 embarrassing.

15 You got to see how she responded to telling you about
16 these memories. She, also, told you about all of the
17 effects this has had on her. She even showed you her
18 arms. She has been cutting for years to deal with this.
19 She had an eating disorder, suicide attempts.

20 Ladies and gentlemen, what does she gain from this?
21 She told no one -- or, at least, law enforcement until
22 2019 when he came back here. While he was gone, she had
23 no need to go to law enforcement. He was thousands of
24 miles away across the ocean. She was never going to have
25 to face him again. He had told her mom he was leaving

1 permanently. He didn't even tell her goodbye.

2 After 14, he never saw her again. She had no reason
3 to come forward about this because she thought he was
4 gone. But now, the person that had perpetrated on her
5 entire life is back and not just in the United States, but
6 Greenville County. For her, that's scary. Is he coming
7 back for good? What happens now? To protect herself, she
8 went to law enforcement.

9 Ladies and gentlemen, this slide is voyeurism. The
10 statute requires that the Defendant willfully and
11 unlawfully viewed. It goes on to list some other things.
12 But for our purposes here today, we are talking about
13 viewed. And that he did so without her knowledge and
14 consent while she was in a place where she would have a
15 reasonable expectation of privacy. And he did so for the
16 purpose of arousing or gratifying the sexual desire in any
17 person.

18 Mr. Flower would come into his own bathroom and watch
19 his child until she was a teenager. That is voyeurism.
20 Unwanted. She looks over and there he is staring at her
21 through the mirror for years.

22 Where is mom? Mom was not always around. Mom, as
23 she stated, was in another room at one point and came
24 running in. These crimes are not committed in front of
25 other people. And they don't last long.

1 Lewd act upon a child. The Defendant willfully and
2 lewdly committed or attempted a lewd or lascivious act
3 upon or with the body of [REDACTED] with the intent of
4 arousing, appealing to, or gratifying the lust, passions,
5 or sexual desires of himself or such child.

6 She testified that between eight and 14 years old,
7 her father would touch her and have her touch him. That's
8 for a lewd and lascivious intent, ladies and gentlemen.
9 Again, specifically, that he would touch her vaginal area
10 and she would have to touch him.

11 And we have covered contributing to the delinquency
12 of a minor, ladies and gentlemen. Alcohol to the point of
13 intoxication. Teaching her to use a massager
14 inappropriately. Coming and looking at her in the shower.
15 All of these things contribute to willfully encouraging,
16 aiding, or causing her to be influenced in an act which
17 does endanger her morals or health.

18 [REDACTED] was the next sister to testify. [REDACTED] is
19 a student at Clemson. She's going to be an engineer.
20 She's doing co-op.

21 Ladies and gentlemen, she stated that between two and
22 four years old, three and five, that she, also, had her
23 father insert his fingers inside of her when she needed
24 help going to the bathroom. Again, not normal. Something
25 you would remember. It is traumatic. She, also, stated

1 that her father would come into her room late at night and
2 insert his fingers inside of her vagina when she was those
3 ages.

4 And, ladies and gentlemen, these don't happen on a
5 certain date. These indictments are for a time frame.
6 Because children, again, don't know what dates happen
7 unless you have an instance, like [REDACTED] where she knows
8 it was her birthday. But they can tell you approximately
9 what ages because they can recall things based around
10 those timeframes. So these indictments have date ranges
11 based on the years they recalled these things happening.

12 And [REDACTED] told you this is what happened to
13 her. What is she gaining? She's a Clemson student, who's
14 in a co-op, who wants to graduate and become an engineer.
15 From telling a courtroom full of people about these things
16 that she has tried for years to forget, she gains nothing.

17 She, also, testified about the voyeurism that
18 occurred in their home when she would shower and her
19 father would come in and grab something, linger, and
20 leave. She says these things started occurring around age
21 six or seven until he moved out in 2013.

22 And, ladies and gentlemen, can he go into his
23 bathroom as a father? Absolutely. But when he goes in
24 and he's got a teenage daughter or someone that is naked
25 and stays long and watches them in the shower, he has

1 crossed the line from normal to not.

2 She said she would even try to hide in the corner,
3 put her towel over the shower rail to try to protect the
4 view so he couldn't see in. He stood in there long enough
5 for her to try to do these things to avoid this kind of
6 viewing.

7 She, also, discussed giving her father massages when
8 he would have nothing on but a sheet, and him giving her
9 alcohol. She told you these things occurred between the
10 ages -- up to the age of 13. Ladies and gentlemen, this
11 is unlawful for him to do to her as it would encourage
12 some sort of moral danger.

13 You got to see her responses to these questions. You
14 got to see her emotions. She told you she just wanted a
15 normal dad. She has spent years trying to forget this
16 happened. Because no one wants to talk about this or
17 relive it.

18 And, ladies and gentlemen, [REDACTED]. She is the
19 youngest of the Flower daughters. She was born in 2002.
20 She is the baby of the family. You, also, got to see and
21 hear from her on the witness stand. They all discussed
22 how their home life was like. And she discussed some of
23 the factors that went on in the home and what made her
24 scared to be there.

25 But she, also, discussed not knowing that some of

1 these things weren't normal. This first slide is for CSC
2 first with a minor. She discussed the sexual battery that
3 came with this. Ladies and gentlemen, she described for
4 you some very specific instances and acts that occurred
5 between her and her father.

6 She, also, talks about the bathroom downstairs, that
7 she would need help wiping. Calling out, mommy, come wipe
8 me. Again, three years old may seem young. But she said
9 he stuck his fingers in my anus and would move his
10 fingers. It hurt. I didn't know why he did that.

11 She doesn't recall her mom coming to wipe her because
12 mommy didn't hurt her. And at age three, I don't know
13 that anyone has the language -- or not anyone, but kids
14 don't have the language to always describe what is
15 happening, nor do they know it's wrong.

16 And she talks about moving into the room upstairs
17 with her sister, [REDACTED], State's Exhibit No. 50, where
18 she had a little twin bed she described in the alcove of
19 this room. She says her father would come in. She would
20 wake up with him standing over her, his pants down, and
21 his fingers inside of her. And she told you how painful
22 that was.

23 Then sometimes, he would undo his pants and have her
24 perform oral sex on him. He told her it was training.
25 She stated that this would happen over the years until she

1 was age nine and her father left their home.

2 She discusses being in Ian's room and knowing that
3 she was three or four because she moved into that room
4 when she was five. And she says she was playing with Ian.
5 And the Defendant came in and told Ian to leave, to go mow
6 the grass.

7 That her dad sat down on her bed, called her over,
8 took down his pants, had her touch his penis until he got
9 hard. And then she had to lick his penis and touch under
10 his balls. And then he had her stand and rubbed her
11 vagina with his penis and pushed it in and it hurt. She
12 is an adult now and has words for this. But you got to
13 see her. You got to observe her telling you about these
14 events that occurred.

15 She then goes on to discuss things that happened in
16 the middle room with the two couches, the play area that
17 no longer exists. She was playing Polly Pockets. He came
18 in, sat on the red chair, pulled her pants down -- or
19 pulled his pants down, had her lick his penis and rub and
20 lick under his balls.

21 And then she goes on to describe age eight. Her
22 mother is sick. Everyone agrees at some point when she is
23 eight years old, her mother goes to the hospital with
24 pancreatitis and is gone for a few days. She said during
25 this time, her dad had her spend the night in his room.

1 He slept naked and she slept naked. That he had her start
2 to massage his back and sit on top of him, laid her on his
3 chest, touched her vagina, touched his penis to her vagina
4 and was making sex movements. And then hr put his fingers
5 in her vagina and put his mouth on her. She said she
6 started crying so he stopped pressing so hard. She told
7 you, I wanted to die.

8 She, also, described some other instances where the
9 Defendant vaginally penetrated her under age 10. And then
10 she goes on to describe getting alcohol in the TV room.
11 It wouldn't take much for a five-year-old to feel dizzy if
12 you're giving them a little bit of alcohol.

13 And she goes on to say that he would use the back
14 massager on her sometimes when he gave her alcohol. And
15 that it was so intense, she just wanted to scream. She,
16 also, says there were nights where she woke up the next
17 morning in her bed and had no idea how she got there.

18 She had a little dog named pop Poppy. Mr. Flower
19 told you that Poppy was [REDACTED] dog. And she said he
20 threatened Poppy. He would hurt Poppy if something
21 happened, if she told someone. He admittedly told you he
22 didn't like the dogs. A child is afraid for their dog,
23 something they love and care about.

24 She, also, talked about how he had her watch porn.
25 She said it started in the living room. This is State's

1 Exhibit No. 7. And there was a couch in this far space
2 past the front door, not near the piano. It's no longer
3 there, that had high sides and a high back. And she said
4 it would be pornography where a man and woman would be
5 with each other. And then he would pull down his pants
6 and have her perform oral sex on him.

7 She, also, said that happened in other rooms like the
8 TV room. And she, also, described for you being in the
9 shower and having the Defendant come in and stare at her
10 through the mirror, sometimes sit on the edge of the tub.

11 And, ladies and gentlemen, then she goes on to talk
12 about how this affected her. She had eating disorders.
13 She would take laxatives. She rebelled against authority.
14 This was so hard to say to anybody.

15 Ladies and gentlemen, for years, these children were
16 home schooled. The Defendant taught piano lessons in
17 their house full-time. He was home. He did have some
18 part-time jobs, I think we all agree, but those were for a
19 few hours a week. He didn't work a job at an office after
20 2002.

21 He did go back and forth to Columbia some in the
22 later years of their life. But, admittedly, he commuted
23 and was home most evenings until the last year where he
24 stayed in Columbia some.

25 The blind expert in this case talked to you about

1 delayed disclosure, why people delay, what disclosure is.
2 It's an ongoing process. They may not tell you the first
3 time, second time, third time, the fourth time. You may
4 never know the full story because they may never ever be
5 able to give you all the details. She, also, went on to
6 talk about how we don't all remember every single
7 encounter we ever had all the time or all the details
8 about it.

9 She, also, discussed grooming and what that is,
10 buying gifts, spending time, normalizing sexual behavior,
11 like walking around the house in your boxers and letting
12 people see you, or maybe walking around in your room naked
13 with the door open and your children can see you. Those
14 are normalizing sex behaviors.

15 She, also, described what trauma can look like. It
16 can result in eating disorders. It can result in cutting.
17 It can result in suicide attempts. She did say those
18 things could be unrelated to sex abuse.

19 But I believe these girls told you from the witness
20 stand that these outward signs were what had been going on
21 for years and this is how they were, finally, manifesting
22 over time. And they didn't have a lot of people to tell
23 in their life. They were home schooled. The neighbors
24 they were close with came in and they told you a little
25 bit about what they observed. That they appeared to be

1 normal until they weren't.

2 Ladies and gentlemen, I would ask you, what these
3 three now women have to gain? What did they get to come
4 in here and tell you and this entire courtroom that their
5 father sexually abused them? This is not about money.
6 They were doing just fine until their father came back in
7 2019. They didn't need his money.

8 Did he violate a court order and flee the country?
9 Yes. But if all this was to get money and go after their
10 dad because they were mad at him, wouldn't they have done
11 that during the divorce? Wouldn't they have done that
12 when they were trying to find him? Wouldn't that be a
13 better reason to go after him back then? They didn't do
14 that.

15 They were relieved that he was gone. They just
16 wanted him gone. He's still their father, as [REDACTED]
17 would say. She still wanted a normal dad. But they
18 gained nothing from this experience.

19 So, ladies and gentlemen, I'm going to ask you to
20 find Randy Lee Flower guilty on all counts. Sex abuse,
21 voyeurism, contributing to the delinquency of a minor.
22 Because he did those things to these children behind these
23 four walls at 404 North Main Street, Fountain Inn.

24 THE COURT: Mr. Kornfeld.

25 MR. KORNFELD: Thank you.

1 Ladies and gentlemen, thank you for being here this
2 week.

3 This has been quite a week. And at the beginning of
4 the week when you heard these allegations stated, you may
5 have had a pit in your stomach, a physical reaction to
6 these disgusting and heinous allegations.

7 There are few things that I can think of that are
8 more difficult than this. But defending an innocent man
9 of charges and allegations that are this heinous is a lot
10 to handle. And I told you at the beginning of this case
11 that just because somebody says something happened in this
12 particular case, specifically, doesn't make it true.

13 But I, also, told you that those words that you would
14 hear in this trial, I predicted, would help to show you
15 how there wasn't enough evidence beyond a reasonable doubt
16 to convict a man of the most egregious allegations
17 imaginable. And under our criminal system because the
18 penalties are so severe, it has to be beyond a reasonable
19 doubt.

20 This story doesn't make any logical sense. These
21 allegations don't make any logical sense. And I don't
22 know if these girls consciously or unconsciously -- or if
23 they lied or they, actually, believe and can now claim
24 vivid and specific recollections of abuse from the age of
25 two. But I can tell you that there isn't enough evidence

1 beyond a reasonable doubt from the age of two through all
2 the other allegations that were made. That allegation
3 alone should bring into question and should cause you some
4 pause and doubt about the remainder of the allegations.

5 Now, the timing of this is interesting in that the
6 parties were separated. He had several joint
7 decisionmaking abilities with the mother. There was no
8 allegations in the Family Court. That would have been the
9 time to bring it up.

10 Ms. Karen Flower allegedly caught Mr. Flower in the
11 back bathroom, or the shower, or whatever she says in
12 there. [REDACTED] -- [REDACTED] said that didn't happen.
13 That is a prong of reasonable doubt in that case.

14 The other issue about this wiping of a child. Wiping
15 of a child is not a pleasant thing, as I know you probably
16 know. But if Mr. Flower had done what they allege, there
17 would have been trauma. There would have been bleeding.
18 There would have been some evidence somewhere that it
19 happened. And there was none.

20 There was no medical records. There were no other
21 records, any sort of records at all. There was nobody
22 else that saw it. And they live in this house on Main
23 Street in a fairly -- I mean, Fountain Inn is a fairly
24 suburban area. It's open. There's lots of people coming
25 in the house the whole time. Four children, two dogs, old

1 house, smaller house. Where is everybody? Doesn't that
2 cause you some pause and concern to go, where were all
3 these people?

4 And then the stories align even more as though they
5 say Mr. Flower -- we saw an image in the doorway. We saw
6 an image in the doorway and then he would come to me and
7 he would molest me, but my sister would be asleep. Nobody
8 woke up. And then the other girl gets up and says there
9 would be an image in the doorway. And then he would come
10 and molest me. Nobody -- then she didn't wake up.

11 Ladies and gentlemen, from your own experience with
12 children, how likely is it that that is going to happen
13 multiple times and nobody ever wakes up in this house,
14 that nobody ever sees anything? There is never any
15 evidence of this occurring at all.

16 All they have are what they said -- all they have is
17 what they said. And the Prosecutor said there's no ring
18 camera. That doesn't change the burden of proof because
19 there's no ring camera. You still have to prove each and
20 every element if you're going to bring serious charges
21 like this against a man. You can't just come with a man's
22 worst nightmare and say, well, we don't have the ring
23 camera. We don't have these things.

24 If that wasn't enough reasonable doubt, what about
25 the fact that this investigation was compromised from the

1 beginning? Officer Woods allowed the mother to be in the
2 room while these girls were giving their statement.

3 You heard the expert from the Julie Valentine Center
4 say that they don't do that in forensic interviews. And I
5 think we can understand why they don't do that. It makes
6 good sense not to do that. And that's because when you do
7 that, you can compromise an investigation.

8 And in this case, when Ms. Karen Flower didn't think
9 anybody was listening, she whispered to her daughter, They
10 must have assumed you were sleeping together --

11 MS. OWEN: Objection, Your Honor.

12 THE COURT: What's the basis?

13 MS. OWEN: Your Honor, this is a transcript that
14 Mr. Kornfeld has created. This is not an actual
15 transcript of anything.

16 THE COURT: Well, just make sure you comment and
17 argue on what the evidence is.

18 MR. KORNFELD: She said, I'd say when he would come
19 up the stairs, I would hide under the bed. I didn't have
20 my glasses and so I have a little bit of blurry when it's
21 a distance. So I didn't have to burn it into my vision.
22 That's what she whispered to her daughter.

23 Why is Ms. Karen Flower having to tell her daughter
24 what happened when allegedly this was never disclosed
25 before July 6th, 2019? I'll tell you why, because it

1 didn't happen.

2 And I'll tell you the motive. Ms. Karen Flower was
3 jealous. She was upset that he left. She was mad that he
4 wasn't paying anymore alimony, which was about 80 percent,
5 which he dutifully paid for about two and a half years.
6 And she was upset that he moved on and he remarried. And
7 she was there. And she didn't have any of the money
8 anymore. And she was going to have to work.

9 She told Officer Woods, I didn't work all the years I
10 was -- we were married. I didn't work all the years we
11 were married. Then she said, well, that -- yeah, that
12 wasn't true. I'm under this guise. I don't know what
13 that's about. I don't know what kind of guise she's
14 under.

15 I don't know if she had MS, if she thought she had
16 MS, if she told her kids she had MS. But I know these
17 allegations are not true. And I know that under the law,
18 you have to have evidence to convict somebody beyond a
19 reasonable doubt.

20 These four kids, these two dogs, these piano lessons,
21 Main Street, .2 miles from the Fountain Inn Police
22 Station. These kids had lots of friends in the
23 neighborhood, the Clements. Nobody ever suspected
24 anybody, not even people in the home.

25 The alcohol makes no sense. A five-year-old drunk

1 walking around. A five-year-old naked. It makes no
2 sense. Nobody sees it. Nobody recognizes it. There's no
3 evidence of anything, other than the testimony. Nobody
4 throwing up. That doesn't make any sense. That doesn't
5 make any sense at all that you're drinking alcohol as a
6 young child and you don't throw up, and you don't have a
7 hangover, you don't have anything. And nobody notices
8 anything.

9 Nobody saw any of the pornography. Nobody else saw
10 anything that was going on like this. For this to happen,
11 it has to be so unbelievable. This man has to be such a
12 Houdini in a house that creaks and is old, and everything.
13 It makes no sense. And it has to make sense beyond a
14 reasonable doubt.

15 And then we get to the Facebook messages that start
16 in 2016 in which the one daughter asks, you know, why he
17 left. And he explains, specifically, because I could no
18 longer pay the alimony and child support. I couldn't do
19 it anymore. I couldn't make it here anymore. And she
20 just says, Well, it's just been so hard. It's been so
21 hard since you were gone. And -- and -- and they're
22 talking about it. And she -- and [REDACTED] even says on
23 the stand, she felt cheated. She felt cheated in this
24 case.

25 And then [REDACTED] names him rejector. That is not

1 something that someone does to somebody who has molested
2 them. They don't reach out to that person like this. It
3 doesn't make any sense at all.

4 And then all of a sudden after Karen Flower almost
5 immediately has him ruled in for contempt and served
6 across the Atlantic ocean and goes to all those great
7 lengths, they stop having communication. That doesn't
8 make any sense at all, unless you look at the factors of
9 what the experts say. And you have the expert from the
10 Julie Valentine Center.

11 And then you, also, have Cindy Stitchnoth who told
12 you about alienation and maltreatment and how that --
13 those factors. Many of those factors overlap. And the
14 purpose of that is to show you, yes, this -- this could be
15 because of sexual abuse. And it can, also, be because of
16 alienation or maltreatment. And if you look at these text
17 messages and you see that these girls are crying out to
18 see and talk to their father, it aligns more with
19 alienation than it does with sex abuse.

20 They testified that they went to the doctor. This
21 doctor never made any discovery, or anything. And if
22 there would have even been a hint of any of this, there
23 would have been a report.

24 Ladies and gentlemen, this is a case of extreme
25 overreach, complete overreach. And I believe they are

1 hoping the allegations will be so damning, which they are,
2 and so voluminous, which they are, that you will lose
3 sight of actual facts, of actual credible evidence.
4 Because there is none. There is no actual evidence. And
5 although you may feel sympathy for either party, sympathy
6 because you feel bad for someone crying or otherwise is
7 not evidence. It's not evidence at all.

8 Ladies and gentlemen, this man right here, Mr. Randy
9 Flower, has been living a nightmare since July 6th, 2019.
10 Let this nightmare end. Find this man not guilty. This
11 is the place you have to get to find him guilty beyond a
12 reasonable doubt. You can't think he is. You can't think
13 he might be. You can't suspect that perhaps, or any of
14 these. The burden is high. And they haven't met it,
15 ladies and gentlemen.

16 THE COURT: Ms. Owen.

17 MS. OWEN: Just briefly, Your Honor.

18 Beyond a reasonable doubt doesn't mean -- let me
19 rephrase that. Beyond a reasonable doubt means you leave
20 this courtroom firmly convinced that these things happened
21 to these girls, firmly convinced.

22 Ladies and gentlemen, Mr. Kornfeld said it would have
23 been the time to bring it up during the divorce. Well, no
24 one had been disclosing at that point. They were delaying
25 disclosing. They were avoiding detection. He's right.

1 It would have been the time to bring it up had somebody
2 known. But they hadn't told anybody yet. They were just
3 thankful to have him out of their house.

4 These Facebook messages go right in line with what
5 Ms. Galloway-Williams talked about. When you're abused by
6 someone you know, you love, and you trust, it is
7 confusing. You love this person, but you don't know why
8 they're doing what they're doing to you. These are
9 children. They are now adults. But when this is
10 happening, they are children. This was still their dad.
11 And that was confusing. They told you that, each of them
12 in their own form or fashion.

13 Ladies and gentlemen, if they were going to lie,
14 wouldn't they have all gotten their stories straight and
15 came up with all the same facts and said the exact same
16 thing happened every single time? Or wouldn't they have
17 given you, like, every year on my sixth birthday, my daddy
18 did this? They didn't do that.

19 They came in here and gave you specific things that
20 happened to them individually. [REDACTED] was playing Polly
21 Pockets. [REDACTED] being in her bed. [REDACTED] third
22 birthday. Those are all specific to them. They did not
23 collude together to come in here to just get back at their
24 father.

25 I'm sure Mr. Kornfeld would love it if a swath would

1 just drop in from the ceiling every time someone is being
2 sexually abused. It would make my job much easier. That
3 doesn't happen.

4 Sex abuse just takes a few moments, the amount of
5 time it takes someone to be cooking dinner, going to the
6 bathroom, taking a shower, running to the grocery store
7 with the other kids in the car, watching a TV show, doing
8 homework, talking to a neighbor outside, talking on the
9 phone to your mother. It just takes a few moments.

10 We all heard the recording for ourselves. You can't
11 really hear it. That is Mr. Kornfeld's contention of what
12 he thinks he heard. It was hard to hear. And we don't
13 even really know what was being said. And Ms. Flower told
14 you she came in and was asking [REDACTED] if she had stated
15 certain things to law enforcement that she had told her
16 previously. And then she's discussing seeing Mr. Flower
17 for the first time in years.

18 It is not these girls fault that law enforcement
19 allowed their mom to sit in on some of the interviews.
20 You cannot hold that against them. That is not their
21 fault.

22 They came in and told law enforcement some things
23 when their mom was there. [REDACTED] didn't even talk to
24 law enforcement when her mom was in there. And then
25 [REDACTED] and [REDACTED] came back and gave more disclosures,

1 more detailed disclosures without their mother. But it is
2 not their fault. Do not hold that against them.

3 Ladies and gentlemen, I have never personally given a
4 five-year-old alcohol so I don't know how they act, but I
5 can't imagine it would take much. You give them a little
6 bit of Motrin and they're out for the night. So I'm not
7 sure what just a little bit of alcohol would do to a
8 child.

9 And, finally, ladies and gentlemen, of course, they
10 felt cheated. Their father, the person that's supposed to
11 love them, and protect them, and be there for them,
12 sexually abused them their entire life. And then he ran
13 off to Spain and left them to deal with the damage that he
14 had inflicted upon them for years. And he told you
15 himself he never even checked back in on them. Of course,
16 these three girls feel cheated. Who wouldn't?

17 So I ask you today when you go back in that jury room
18 to deliberate that if you are firmly convinced that these
19 things happened to find this man guilty.

20 Thank you.

21 CHARGE ON THE LAW

22 THE COURT: All right. Ladies and gentlemen, we have
23 reached the second to the last part of the trial. The
24 last part being your deliberations. Part of this trial is
25 now my instruction of the law to you.

1 And first of all, I'll -- I have looked at y'all all
2 week and y'all, unfortunately, have had to look at me.
3 I've had an opportunity to observe you. Every one of you
4 have paid attention. You have observed every bit of the
5 evidence in this case. You followed my instructions very
6 well from Tuesday morning. And I want to thank you for
7 that. And I just ask that you give me a little bit more
8 of your attention on the instructions of the law. And
9 then I'll give you the case to deliberate.

10 Ladies and gentlemen, the indictments charge the
11 Defendant with several crimes, including criminal sexual
12 conduct with a minor first degree, criminal sexual conduct
13 with a minor second degree, criminal sexual conduct with a
14 minor third degree, voyeurism, disseminating obscene
15 material to a minor, lewd act upon a child, and
16 contributing to the delinquency of a minor.

17 I remind you, as I did at the beginning of this week,
18 that the fact that the Defendant was arrested, charged,
19 and indicted in this case is not evidence and cannot be
20 considered by you as evidence of his guilt in this case.
21 Nor does it create any presumption or inference of guilt.
22 This -- these documents are simply the formal written
23 instruments which contain the charges that are made
24 against the Defendant. They are the formal documents by
25 which the case is brought into court.

1 Now, there are several indictments in this case. And
2 each indictment charges a separate and distinct offense.
3 You must decide each indictment separately on the evidence
4 and the law applicable to each one of them uninfluenced by
5 your decision as to any other indictment.

6 The Defendant may be convicted or acquitted on any or
7 all of the offenses charged. You will be asked to write a
8 separate verdict of guilty or not guilty for each
9 indictment.

10 And I will go over the verdict form for you,
11 Mr. Foreman, and, ladies and gentlemen, at the end.

12 Now, I just want to remind you that during this
13 trial, you and I have had certain duties to perform. As
14 the trial judge, it has been my responsibility to preside
15 over the trial. And I've, also, had the duty to rule on
16 the admissibility of any evidence that's been offered
17 during the trial.

18 You are to consider only the competent evidence
19 before you. If there was any testimony that I ordered
20 stricken from the record, then you are to disregard that.
21 You must only consider the testimony which has been
22 presented from this witness stand and any exhibits that
23 have been made a part of the record in this case.

24 I have the additional duty to charge you the law
25 which is applicable to this case. As the presiding judge,

1 I am the sole judge of the law. And it is your duty, as
2 jurors, to accept it and apply it as I now state it to
3 you.

4 If you already have any idea as to what the law is or
5 what the law should be and it does not agree with what I
6 now tell you, then you must abandon that, disregard that.
7 Because you are only to accept the law exactly as I state
8 it to you.

9 In every case tried before a jury such as yourselves,
10 the jury becomes the sole and exclusive judge of the facts
11 of the case. A trial judge like myself cannot state,
12 comment, or make any statement whatsoever to you, the
13 jury, about the facts in this case. And I have -- I told
14 you that at the beginning, that I can't do that, nor would
15 I do that. And I haven't done that.

16 Since you, ladies and gentlemen, are the sole judges
17 of the facts in this case, you are not to infer anything
18 that I may have said, or that you may have perceived that
19 I have said during the progress of the case, or any
20 rulings on the admissibility of evidence, or otherwise, or
21 anything that I may say now that I have any opinion about
22 the facts in this case.

23 The law does not allow me to have any opinion on the
24 facts in the case. And I do not have any opinion on the
25 facts of the case. That is solely for you to determine

1 the effect, the value, and the weight of the evidence
2 that's been presented before you during this trial this
3 week.

4 Now, the Defendant has pled not guilty to these
5 indictments. And, consequently, that then puts the burden
6 of proof on the State. And a person charged with
7 committing a criminal offense in South Carolina is never
8 required to prove himself innocent.

9 I charge you that it is an important rule of the law
10 that the Defendant in a criminal trial, no matter what the
11 seriousness of the charge may be, will always be presumed
12 to be innocent of the crime for which the indictments are
13 issued, unless guilt has been proven by the evidence
14 satisfying each of you of his guilt beyond a reasonable
15 doubt.

16 This presumption of innocence does not end when you
17 begin your deliberations. But it accompanies the
18 Defendant throughout the trial and into your deliberations
19 until you reach a verdict of guilt, based on evidence
20 satisfying you of that guilt beyond a reasonable doubt.

21 The presumption of innocence is like a robe of
22 righteousness that's been placed on the shoulders of the
23 Defendant. And it remains with the Defendant until it has
24 been stripped from him by the evidence satisfying you of
25 his guilt beyond a reasonable doubt.

1 The presumption of innocence is not mere legal
2 theory. It is not just a legal phrase. It is a
3 substantial right to which every defendant is entitled,
4 unless you, the jury, are satisfied from the evidence of
5 the Defendant's guilt beyond a reasonable doubt.

6 Now, because they have the burden of proving the
7 Defendant guilty beyond a reasonable doubt, I want to
8 explain a little bit about what that is. Some of you may
9 have served as jurors in a civil case before. And in that
10 case, just in case you may have served on a civil jury,
11 it's not necessary to prove guilt beyond a reasonable
12 doubt. It's only necessary that you prove a fact in a
13 civil case that it is more likely true than not true, such
14 as the greater weight of the evidence or the preponderance
15 of the evidence.

16 But proof beyond a reasonable doubt is proof that
17 leaves you firmly convinced of the Defendant's guilt.
18 There are very few things in this world that we know with
19 absolute certainty. And in criminal cases, the law does
20 not require proof that overcomes every possible doubt.

21 If based on your consideration of the evidence, you
22 are firmly convinced that the Defendant is guilty of the
23 crimes charged, you must find the Defendant guilty. If,
24 on the other hand, you think there is a real possibility
25 that the Defendant is not guilty, you must give the

1 Defendant the benefit of the doubt and find him not
2 guilty.

3 The following things are not evidence and must not be
4 considered by you as evidence in your deliberations. They
5 include any statements and arguments of the lawyers, any
6 questions and objections of the lawyers, or any testimony
7 that I may have instructed you to disregard during the
8 trial.

9 Now, there are two types of evidence which are
10 generally presented during a trial. And that has happened
11 in this case. That's direct evidence and circumstantial
12 evidence. Now, direct evidence directly proves the
13 existence of a fact and does not require deduction.

14 Circumstantial evidence is proof of a chain of facts
15 and circumstances indicating the existence of a fact.
16 Claims may be proven by circumstantial evidence. The law
17 makes no distinction between the weight or the value to be
18 given to either direct or circumstantial evidence.

19 However, to the extent that the State relies on
20 circumstantial evidence, all of the circumstances must be
21 consistent with each other and when taken together point
22 conclusively to the guilt of the Defendant beyond a
23 reasonable doubt. If these circumstances merely portray
24 the Defendant's behavior as suspicious, the proof has
25 failed.

1 The State has the burden of proving the Defendant
2 guilty beyond a reasonable doubt. And it rests with the
3 State, regardless of whether the State relies on direct
4 evidence, circumstantial evidence, or a combination of the
5 two.

6 Now, I mentioned to you early on, on Tuesday when I
7 gave you my opening charges that as judges of the facts,
8 that involves determining the credibility of the
9 witnesses. So you must determine the credibility of the
10 witnesses who have testified in this case.

11 Credibility simply means believability. It becomes
12 your duty, as jurors, to analyze and to evaluate the
13 evidence. In determining the believability of witnesses
14 who have testified in this case, you may believe one
15 witness over several witnesses, or several witnesses over
16 one witness. You may believe a part of the testimony of a
17 witness and reject the remaining part of the testimony of
18 that same witness. You may believe the testimony of a
19 witness in its entirety, or reject the testimony of a
20 witness in its entirety. You may consider whether any
21 witness has exhibited to you any interest, bias,
22 prejudice, or other motive in this case. You may, also,
23 consider the appearance and manner of a witness on the
24 witness stand.

25 Now, as I told you when -- we had a couple of expert

1 witnesses testify, I just want to remind you about that.
2 The rules of evidence, as I told you yesterday and the day
3 before, ordinarily don't permit witnesses to testify as to
4 any opinions or conclusions. An exception to that rule
5 exists for witnesses who we call expert witnesses. You've
6 heard two of them in this case.

7 A witness who by education and experience has become
8 an expert in some art, science, profession, or calling,
9 they may state an opinion as to any relevant and material
10 matter in which the witness claims to be an expert. They
11 may give the opinion. And they may, also, state the
12 reasons for that opinion. You should consider any expert
13 opinion received as evidence in this case and, like any
14 other evidence, give it the weight you think it deserves.

15 If you decide that the opinion of an expert witness
16 is not based on sufficient education and experience, or if
17 you conclude that the reasons given in support of the
18 opinion are not sound, or that the opinion is outweighed
19 by other evidence, you may disregard the opinion entirely.
20 An expert witness is to be given no greater weight than
21 that of other witnesses simply because the witness is an
22 expert. Further, you are not required to accept an
23 expert's opinion even though it is not contradicted.

24 Now, in order to establish criminal liability,
25 criminal intent is required. For example, the mental

1 state required to be proven by the State for a particular
2 crime might be purpose, intent, knowledge, recklessness,
3 or criminal negligence. Criminal intent must be proven by
4 the State beyond a reasonable doubt.

5 Criminal intent is always a matter that must be
6 determined by the jury from the circumstances surrounding
7 the situation. There's no way to prove intent to a
8 mathematical certainty. There is no way medical science
9 can dissect a person's brain and determine what the person
10 had in mind.

11 So the law says that criminal intent may be inferred
12 from the circumstances shown to have existed. This is how
13 you make a determination of whether or not the element of
14 requiring intent was present. It is not necessary to
15 establish intent by direct and positive evidence. But
16 intent may be established by inference in the same way as
17 any other fact by taking into consideration the acts of
18 the parties and all the facts and circumstances of the
19 case.

20 Criminal intent, ladies and gentlemen, is a mental
21 state, a conscious wrongdoing. It is up to you to
22 determine what the Defendant intended to do, based on the
23 circumstances shown to have existed.

24 Criminal intent can arise from action or a failure to
25 act. It may arise from negligence, recklessness, or an

1 indifference to duty or consequences that is considered by
2 the law to be the equivalent of criminal intent.

3 Now, you have been told and the indictments have
4 been -- have been explained to you or, at least, provided
5 to you to give you note of what this case is about.

6 The Defendant is charged with first degree criminal
7 sexual conduct with a minor. And the State must prove
8 beyond a reasonable doubt that the Defendant engaged in a
9 sexual battery with the victim or victims. A sexual
10 battery is sexual intercourse, cunnilingus, fellatio, anal
11 sexual intercourse, or any intrusion, however slight, of
12 any part of a person's body or of any object into the
13 genital or anal openings of another person's body, except
14 when the intrusion is accomplished for medically
15 recognized treatment or diagnostic purposes.

16 The State must then prove beyond a reasonable doubt
17 that the victim was less than 11 years old at the time of
18 the sexual battery. Consent, willingness, indifference,
19 or ignorance on the part of the minor, if any, as to what
20 was taking place does not in any way affect the charge of
21 criminal sexual conduct with a minor.

22 The Defendant is charged with second degree criminal
23 sexual conduct with a minor. The State must prove beyond
24 a reasonable doubt that the Defendant engaged in a sexual
25 battery with the victim. A sexual battery, again, is

1 sexual intercourse, cunnilingus, fellatio, anal
2 intercourse, or any intrusion, however slight, of any part
3 of a person's body or of any object into the genital or
4 anal openings of another person's body, except when this
5 intrusion is accomplished for medically recognized
6 treatment or diagnostic purposes.

7 The State must prove beyond a reasonable doubt that
8 the victim was, at least, 11 years old, but not more than
9 14 years old at the time of the sexual battery. Consent,
10 willingness, indifference, or ignorance on the part of the
11 minor, if any, as to what was taking place does not in any
12 way affect the charge of criminal sexual conduct with a
13 minor in the second degree.

14 The Defendant is charged with third degree criminal
15 sexual conduct with a minor. A person is guilty of
16 criminal sexual conduct with a minor in the third degree
17 if the actor is over 14 years of age and the actor
18 willfully and lewdly commits or attempts to commit a lewd
19 or lascivious act upon or with the body or its parts of a
20 child under 16 years of age with the intent of arousing,
21 appealing to, or gratifying the lust, passions, or sexual
22 desires of the actor or the child.

23 Time is not an essential element of the crime of
24 criminal sexual conduct with a minor.

25 The Defendant has been charged with voyeurism. A

1 person commits the crime of voyeurism if, for the purpose
2 of arousing or gratifying the sexual desire of any person,
3 he knowingly views, photographs, audio records, video
4 records, produces or creates a digital electronic file, or
5 films another person without that person's knowledge and
6 consent while the person is in a place where he or she
7 would have a reasonable expectation of privacy.

8 The Defendant has been charged with disseminating
9 obscene material to a minor. A person commits the crime
10 of disseminating obscene material to a minor if he
11 knowingly disseminated to a minor 12 years of age or
12 younger material which he knew or should have known to be
13 obscene.

14 Material is considered obscene if, to the average
15 person applying contemporary community standards, the
16 material shows or describes sexual conduct in a patently
17 offensive way; or the average person applying contemporary
18 community standards relating to the showing or description
19 of sexual conduct would find that that material taken as a
20 whole appeals to the prurient interest in sex; or to a
21 reasonable person, the material taken as a whole lacks
22 serious literary, artistic, political or scientific value;
23 and the material used is not otherwise protected or
24 privileged under the Constitution of the United States.

25 Now, each of those, actually, should begin and

1 following each one, and. So all those elements are
2 considered obscene.

3 Many of the terms I have just used in describing
4 obscene material have special definitions for purposes of
5 this crime.

6 Sexual conduct means vaginal, anal, or oral
7 intercourse, actual or simulated, normal or perverted,
8 between human beings. Masturbation, excretory functions,
9 or lewd exhibition, actual or simulated, of the genitals,
10 pubic hair, anus, vulva, or female breast nipples,
11 including male or female genitals in a state of sexual
12 stimulation or arousal or covered male genitals in an
13 obviously swollen state of arousal.

14 An act or condition that depicts actual or stimulated
15 touching, caressing or fondling of, or other similar
16 physical contact with, the covered or exposed genitals,
17 pubic or anal regions, or female breast nipple, whether
18 alone or between humans of the same or opposite sex, in an
19 act of actual or apparent sexual stimulation or
20 gratification; or patently offensive means obviously and
21 clearly disagreeable, objectionable, repugnant,
22 displeasing, distasteful, or obnoxious to contemporary
23 standards of decency and propriety within the community.

24 Prurient interest means a shameful or morbid interest
25 in nudity, sex, or excretion. It shows an arousal of lewd

1 and lascivious desires and thoughts.

2 Nudity, in an of itself, is not obscene. Materials
3 showing or depicting nude men and/or women may be
4 provocative without being obscene. Also, the candid
5 display of male or female genitals is not, in and of
6 itself, obscene. In other words, sex and obscenity are
7 not synonymous. Contemporary community standards means
8 the current modern standards within Greenville County.

9 In deciding whether the materials in this case are
10 obscene, you are not to base your decision on your
11 personal tastes or personal standards as to what you think
12 is obscene. Instead, you must decide whether an ordinary
13 adult in this country would find the materials to be
14 obscene as I have defined that term to you.

15 The materials must be judged as a whole in their
16 context -- entire context. And you are not to consider
17 separate portions of the materials in reaching a
18 conclusion as to whether they are obscene.

19 The Defendant is charged with committing a lewd act
20 on a minor. A minor is a person under the age of 18. The
21 State must prove beyond a reasonable doubt that the
22 Defendant was over the age of 14.

23 Next, the State must prove that the Defendant
24 willfully and lewdly committed or attempted -- or
25 attempted a lewd or lascivious act on or with the body or

1 its parts of a child under the age of 16 years with the
2 intent to arouse, appeal to, or gratify the lust,
3 passions, or sexual desires of the Defendant or the child.

4 Willfully means voluntarily and intentionally with
5 the specific intent to do something the law forbids. Lewd
6 means obscene, lustful, indecent, or lecherous.

7 Lascivious means tending to incite lust, lewd, indecent,
8 or obscene -- I mean, indecent, obscene, or tending to
9 deprave the morals in respect to sexual relations.

10 The Defendant is charged with contributing to the
11 delinquency of a minor. A minor is a person who is less
12 than 18 years old. The State must prove beyond a
13 reasonable doubt that the Defendant was over 18 years of
14 age.

15 The State must then prove beyond a reasonable doubt
16 that the Defendant knowingly and willfully encouraged,
17 aided, or caused a minor to do any act which caused or
18 influenced the minor to behave in a way which would
19 willfully injure or endanger the minor's morals or health
20 or the morals or health of others.

21 Now, I charge you, under South Carolina law, it is
22 not unlawful for a parent over the age of 21 to give beer,
23 or wine, or alcoholic liquors to his children under the
24 age of 21 in his own home, or for a person to give beer,
25 or wine, or alcoholic liquors to another person under the

1 age of 21 in conjunction with a religious ceremony or
2 purpose that the beer, or wine, or alcoholic liquor was
3 lawfully purposed.

4 Now, ladies and gentlemen, a verdict in this case
5 cannot be based upon sympathy, passion, prejudice, or
6 emotion, or some other consideration that is not found in
7 the evidence. The evidence is the testimony that you have
8 heard from this witness stand and any exhibits that have
9 been entered into evidence. And that is what you are to
10 base your decision on, solely the evidence in this case.

11 Now, let me say something about your deliberations.
12 Deliberation is defined as the act of thinking about or
13 discussing something and deciding carefully. The genius
14 of our jury system, folks, is that it allows 12 good
15 people like yourselves, men and women from 12 different
16 backgrounds, life experiences, and life perspectives to
17 consider the evidence, to talk about the evidence, and,
18 ultimately, reach a verdict. We call them deliberations
19 for a reason. You are to consider the evidence in this
20 case carefully and deliberately and discuss it in a calm,
21 thorough, and courteous manner.

22 Remember, you are not partisans or advocates for
23 either side favoring one side over the other. You are
24 only the judges of the facts of this case. Listen to the
25 views of all of your fellow jurors, consider other

1 people's points and points of view, and talk through and
2 discuss the evidence.

3 And, remember, if you are doing something
4 deliberately, you're not in a big hurry. And you should
5 not be in a big hurry in this case. This case is very
6 important to both sides. And this is their only day in
7 court. When you retire to the jury room here in a minute,
8 you should discuss the case with your fellow jurors to
9 reach an agreement, if you can do so.

10 Your verdict must be unanimous. Each of you must
11 decide the case for yourself. But if you should do so --
12 but you should do so only after you have impartially
13 considered all the evidence, discussed it fully with the
14 other jurors, and listened to the views of your fellow
15 jurors. Do not be afraid to change your opinion if the
16 discussion persuades you that you should. But do not come
17 to a decision simply because other jurors think it is
18 right.

19 It is important that you attempt to reach a unanimous
20 verdict, but, of course, only if each of you can do so
21 after having made your own decision. Do not change an
22 honest belief about the weight and effect of the evidence
23 simply to reach a verdict. In other words, do not change
24 your opinion solely for the sake of reaching a unanimous
25 verdict.

1 Now, ladies and gentlemen, there are two possible
2 verdicts for each of the indictments that you may find in
3 this case, and that is guilty or not guilty.

4 Now, I will explain the jury form here in a little
5 bit. But the choices of guilty or not guilty are arranged
6 as guilty is the first one, not guilty is the second one.
7 That has no significance whatsoever. I have got to put
8 one in front of the other. And I always do it based on
9 alphabet, G comes before N. That is solely the reason for
10 that. Your verdict must be unanimous.

11 And, Mr. Foreman, when you do reach a verdict, you
12 will sign the verdict, place the mark guilty or not
13 guilty, sign it. Then inform the bailiff -- knock on the
14 door and inform the bailiff that you have reached a
15 verdict.

16 Now, it -- because of the number of indictments, this
17 is a fairly long jury verdict form. And you will see what
18 I have done is I have set out the verdicts. And you will
19 see when you get back there as to each individual
20 person -- as to IF -- the three people that have alleged
21 they were abused. IF, and the charges related to IF. And
22 then KF, and the charges related to KF. And then AF. And
23 then the last two -- the last one contributing to the
24 delinquency of a minor.

25 Now, once you -- again, as I said, once you have

1 completed everything, sign it and let the bailiff know.

2 Now, if you have any questions, if you would,
3 Mr. Foreman, please, write it down. You'll have a note
4 pad. Please write it down and let the bailiff know.

5 And then at that point, I'll take a look at the
6 question, let the lawyers know about the question. And
7 I'll do one of two things. I'll either let you know what
8 my answer is and my response and write it back to you on
9 the sheet, or I may bring you out to provide you an answer
10 out here.

11 If you have -- or if you want to hear any more
12 testimony -- or hear testimony that's been played for you
13 in the case -- if you want to hear some of that testimony
14 again, just let -- write it down and let the bailiff know.

15 I am going -- I've got to -- I'm going to excuse you
16 to go back to the jury room. Don't deliberate yet. I've
17 got to check with the lawyers and make sure I have done --
18 explained to you the law in the right way. They will tell
19 me one way or the other if I have not.

20 So if there's something I need to clarify -- I may
21 need to bring you back out just to clarify my charge. If
22 not, I will have the lawyers and clerk gather up the
23 evidence and give it to the bailiff. And Mr. Cofield or
24 whoever else is back there will give you the evidence, the
25 exhibits, and instruct that you start your deliberations.

1 So, again, if you do have any questions, write it
2 down. If you want to hear the testimony, write it down as
3 well.

4 So I'm going to excuse you and let you know --

5 And, Mr. Alternate, go on back. I'm going to bring
6 you out in a minute. Okay.

7 (WHEREUPON, the jury was excused from open court at
8 approximately 4:01 p.m.)

9 THE COURT: All right. Any exceptions to the charge
10 from the State?

11 MS. OWEN: No, Your Honor.

12 THE COURT: Any from the Defendant?

13 MR. KORNFELD: No, Your Honor.

14 THE COURT: All right. If you all would, please,
15 take a look at the exhibits. Make sure everything is
16 there. And then we will -- I'll give the instructions to
17 them to deliberate.

18 MS. OWEN: Your Honor, we may have one slight
19 objection to the jury charge. I've just been informed --
20 and I don't know the nuances of these laws. But I believe
21 based on what we were just talking about, the alcohol in
22 the home is for beer or wine, not liquor.

23 THE COURT: There's, also, a statute on liquor.

24 MS. OWEN: Okay.

25 THE COURT: Which was an interesting thing because

1 there's two different statutes. There's a statute on beer
2 and wine.

3 MS. OWEN: Okay.

4 THE COURT: And there's a statute on liquor.

5 MS. OWEN: I have not heard that come up, so I did
6 not do much research on it.

7 THE COURT: 61-6-47.

8 MS. OWEN: Thank you, Your Honor.

9 THE COURT: All right. Do you agree, Ms. Owen, and,
10 Mr. Kornfeld, on the exhibits?

11 MS. OWEN: Yes, Your Honor.

12 MR. KORNFELD: Yes, sir.

13 THE COURT: All right. Bring the alternate out.

14 (WHEREUPON, Juror #242, Robert Victor, entered the
15 courtroom.)

16 THE COURT: All right, sir. Fortunately or
17 unfortunately, you won't get a chance to deliberate. But
18 I want to thank you for your service. I really do
19 appreciate it.

20 We need alternates because a lot of times, what
21 happens is somebody will either get taken off the jury or
22 something happens, they get sick and we need alternates.
23 So you have provided a valuable service, whether you get
24 to deliberate or not. So had somebody dropped off, we
25 would have needed you to deliberate -- or stay on.

1 So I want to thank you. I really do appreciate it.

2 As I told all of you, all of you paid attention. And
3 I really do appreciate it.

4 Thank you for your service.

5 You are good for three years here in circuit court
6 and you will probably get a real big check for your
7 service. So we do appreciate it.

8 Now, you are free to talk to anyone. You can -- if
9 anybody asks you about the case and you want to talk to
10 them, you are certainly free to do so. You can stick
11 around here or you can go home.

12 Now, if somebody does want to talk to you and you
13 don't want to talk to them and they keep bothering you,
14 let the Court know and I'll take care of them. But,
15 again, you're free to talk to them, if you want to. But
16 if you don't want to and somebody is bothering you about
17 it, you let us know. And I will take care of it real
18 quick.

19 JUROR #242, ROBERT VICTOR: Thank you, sir.

20 THE COURT: Thank you for your service.

21 Have a good weekend.

22 JUROR #242, ROBERT VICTOR: Thank you, too.

23 (WHEREUPON, Juror #242, Robert Victor, exited the
24 courtroom.)

25 THE COURT: All right. We'll be in recess until a

1 verdict.

2 MS. OWEN: Thank you, Your Honor.

3 And good job. I want to thank both of you --

4 Ms. Owen.

5 MS. OWEN: Yes, Your Honor.

6 THE COURT: Both of you did an outstanding job. I
7 want to thank you both for your efforts, your preparation,
8 your civility in handling the trial. And both of your
9 clients can be satisfied they got good representation in
10 this case.

11 Good job, both of you.

12 MR. KORNFELD: Thank you, Your Honor.

13 (WHEREUPON, the proceedings were recessed at
14 approximately 4:08 p.m.)

15 QUESTIONS FROM THE JURY

16 THE COURT: All right. We've got a question.

17 All right. "We respectfully request a written
18 transcript of the testimony of the three Flower girls,
19 more specifically, IF, AF, and KF."

20 So, obviously, we cannot provide a written
21 transcript. And so I know what I'm going to tell them,
22 but I'll hear from you first.

23 What's your response from the State?

24 MS. OWEN: No, Your Honor. Really, the only way I
25 know how to give them anything is either to play testimony

1 back or for them to rely on what they heard.

2 THE COURT: Mr. Kornfeld, anything?

3 MR. KORNFELD: I don't have any comment.

4 THE COURT: Yeah. I think the only thing I can do is
5 tell them that we do not have the capability of providing
6 a written transcript. The option would be to play back
7 the testimony for them, if they want that. I think that's
8 our only response back to them. So all right.

9 Mr. Cofield, bring them in.

10 (WHEREUPON, Court's Exhibit No. 1 was marked for
11 identification and admitted into evidence.)

12 (WHEREUPON, the jury came into open court at
13 approximately 8:58 p.m.)

14 THE COURT: All right. Mr. Foreman, I understand you
15 do have a question. And it reads, "We respectfully
16 request a written transcript of the testimony of the three
17 Flower girls, more specifically, IF, AF, and KF."

18 Is that correct?

19 JUROR #226, DOUGLAS SPEAR: That's correct, Your
20 Honor.

21 THE COURT: All right. Here is the -- the news on
22 that. We don't have the capability or the ability to
23 produce an immediate paper transcript.

24 So the option if you wanted to do so would be to play
25 back the testimony and listen to it that way. So that's

1 really the only option we have. Without the option of an
2 immediate paper transcript, that leaves us with that
3 option.

4 So what I'll do is I'll just have you go back, talk
5 about it, and see what you want to do. But I wanted to
6 bring you out and just let you know that that's --
7 unfortunately, we don't have that capability.

8 So if y'all would just return and let me know what
9 you would like to do. And then I will -- if you want to
10 have some testimony read back, we'll be glad to do that.

11 JUROR #226, DOUGLAS SPEAR: As a point of
12 clarification, Your Honor, would that be us returning and
13 watching the testimony on these monitors or would that
14 take place in our deliberation room?

15 THE COURT: It would be all verbal -- I mean, audio.

16 JUROR #226, DOUGLAS SPEAR: Oh, I see.

17 THE COURT: Yeah. There's nothing televised. So it
18 would be all audio. We would have it played back through
19 the system.

20 JUROR #226, DOUGLAS SPEAR: Thank you.

21 THE COURT: Does that answer your question?

22 JUROR #226, DOUGLAS SPEAR: Yes, sir.

23 THE COURT: If you all would go back and let me know
24 what you would like to do.

25 Thank you, sir.

1 (WHEREUPON, the jury was excused from open court at
2 approximately 9:00 p.m.)

3 THE COURT: All right. I guess we'll just kind of
4 wait and see what they -- if we get an immediate response.
5 Anything from the State or the Defendant?

6 MS. OWEN: I'm just curious if Hollie could tell us
7 about approximately how long that testimony is.

8 MR. KORNFELD: One girl testified, I believe, a whole
9 day.

10 THE COURT: I would guess if you added all three,
11 it's probably two days worth.

12 (Pause.)

13 THE COURT: It would be about 11 hours.

14 All right. I'm sure they are aware that it would be
15 lengthy as well. Let's just see what -- if we get any
16 response here for a little bit. So we'll just sort of
17 stand at ease and recess.

18 (Pause.)

19 THE COURT: All right. Mr. Cofield has gone in
20 there. And the response from them is that they would like
21 to hear it, not necessarily the whole thing, but parts --
22 up to parts of where they may want to hear it and then
23 stop and they deliberate.

24 So one option that we can do is Hollie can -- we can
25 bring them in here, clear the courtroom, including myself,

1 and it really would be just the court reporter and the
2 jury. And she would play whatever testimony they want.
3 And when they get to a place where they want it stopped,
4 Hollie will stop it. And then at that point, I would have
5 them go -- they would go and deliberate, talk about it,
6 and if they need to come back out, come back out and --
7 and hear more testimony.

8 So I'll hear anything from the State or Defendant in
9 response or any other suggestions or recommendations. But
10 that's what I'm thinking about doing.

11 MS. OWEN: No objection from the State, Your Honor.

12 THE COURT: Mr. Kornfeld.

13 MR. KORNFIELD: I -- I object just because of the
14 sheer amount of testimony that there would be and the
15 possibility of discrepancies about what they are trying to
16 hear and what they're not --

17 THE COURT: So what part do you object to?

18 MR. KORNFIELD: I --

19 THE COURT: Do you mean them listening to it, period?

20 I mean, they're entitled to listen -- if they want to
21 hear some testimony, they're entitled to have the Court
22 play back what testimony they'd like to hear.

23 MR. KORNFIELD: I'm just concerned about relying on
24 recordings without video so they don't see. And then
25 their memory could be skewed from what they brought into

1 the jury room.

2 THE COURT: Are you talking about as far as the audio
3 itself?

4 MR. KORNFELD: Yes.

5 THE COURT: I've had tons of trials through the years
6 where juries wanted to come back -- I mean, wanted to come
7 in and hear testimony played, and testimony was played by
8 the court reporter.

9 MR. KORNFELD: All right.

10 THE COURT: So I'll note your objection. But I just
11 want to make sure the record is clear, your objection
12 would be not to play back any because of -- because of the
13 fact they should be relying on their recollection from the
14 trial. I just want to make sure I'm clear.

15 MR. KORNFELD: Yeah. That's right. And it's just
16 because there's -- it seems like it was -- it's a lot.

17 THE COURT: Oh, it's 11 hours.

18 MR. KORNFELD: Yeah. So it's just kind of a question
19 that I haven't had with -- with this much. That's all.

20 THE COURT: All right. And so I'll -- I note your
21 objection to that. Now, notwithstanding the objection, I
22 do intend to play back whatever testimony they want to
23 hear.

24 Do you have any objection to the method that I have
25 suggested, that the courtroom is cleared with the

1 exception of the court reporter, who will then play
2 testimony. And they will not be deliberating, of
3 course --

4 MR. KORNFELD: Sure.

5 THE COURT: -- in her presence. But she -- the court
6 reporter will be able to play back what they want to hear,
7 stop, pause.

8 MR. KORNFELD: No objection to that, Your Honor.

9 THE COURT: All right. So that's what we'll do.

10 Mr. Cofield, let's do this. If you would --

11 Does anybody have any objection to Mr. Cofield going
12 back and telling them that we will make whatever testimony
13 available for them to hear. And they can come out here
14 and listen to it. And the court reporter will play it.

15 Any objection to Mr. Cofield going back?

16 MS. OWEN: No.

17 MR. KORNFELD: No objection, Judge.

18 THE COURT: All right. So, Mr. Cofield, if you would
19 go back and tell them that we would make available for
20 them any testimony they want to hear.

21 And what we will do is we will have them come out
22 here in the courtroom. The courtroom will be clear of
23 everyone, including me. And the only person here will be
24 the court reporter and she will be able to play whatever
25 they want to hear.

1 And if it gets to any part in -- that they want to
2 have -- want to stop it and talk about it, then they will
3 go back into the jury room. If you will alert me and I
4 will instruct -- or have them sent back to the jury room
5 to deliberate. Then if they want to hear some more, flip
6 the light and let us know.

7 Does that make sense?

8 THE BAILIFF: Yes, sir. If they're in agreement and
9 that's what they want to do, should I bring them back in
10 now?

11 THE COURT: Yeah. If that's what they want to do,
12 just come on back in here and let me know and then we'll
13 clear it. If that is something that they want to do, let
14 you know who it is they would like to hear first.

15 THE BAILIFF: Okay. I'll do that.

16 THE COURT: Let me see y'all.

17 (WHEREUPON, a bench conference was held.)

18 THE COURT: What we will do as to the first question,
19 we will clear the courtroom and we'll play again the
20 testimony of [REDACTED]. And -- and it will only be
21 Ms. Atkins [sic] and the jury. And that way, she can
22 pause, stop, go forward.

23 And then if they want to deliberate, we'll instruct
24 them to go back in the jury room and deliberate. And then
25 if they want to come out and hear some more, we can do

1 that.

2 Now, in the meantime, we have received a second
3 question. And that's two questions on this. The first
4 question, "Are the charges referenced as number 13 and
5 number 14 on Page 3 of the verdict form representative of
6 multiple counts? They are identical in regard to the
7 charge description and range of dates."

8 The second question on this same questionnaire [sic],
9 "Are the charges referenced as number 15 and number 16 on
10 Page 4 of the verdict form representative of multiple
11 counts? They are identical in regard to the charge
12 description and range of dates."

13 At a bench conference with counsel, we agreed that we
14 would simply write "Yes" to each of those questions and
15 return it back to the jury.

16 Is that correct, Ms. Owen?

17 MS. OWEN: Yes, Your Honor.

18 THE COURT: And you're in agreement, also,
19 Mr. Kornfeld?

20 MR. KORNFELD: Yes.

21 THE COURT: And I believe we are all -- or y'all are,
22 also, in agreement to having the jury come in and the
23 courtroom will be cleared.

24 Is that, also, your agreement?

25 MS. OWEN: Yes, Your Honor.

1 MR. KORNFELD: Yes, cleared, but for the court
2 reporter.

3 THE COURT: But for the court reporter, that's
4 correct.

5 MR. KORNFELD: Yeah.

6 THE COURT: Okay. Go ahead and mark that, I guess.

7 (WHEREUPON, Court's Exhibit No. 2 was marked for
8 identification and admitted into evidence.)

9 THE COURT: I have, written, "Yes," and circled yes.
10 So at this time then, we will -- I'll have Mr. Cofield
11 take this note back. And he will bring the jury out. And
12 we'll go ahead and escort the Defendant back before the
13 jury gets out.

14 THE COURTROOM DEPUTY: Yes, Your Honor.

15 THE COURT: All right. I'm having him escorted so
16 they don't see him being -- so the jury doesn't come out
17 here and see.

18 MR. KORNFELD: Well, I don't want them to see him out
19 here either.

20 THE COURT: The courtroom is going to be clear.

21 MR. KORNFELD: Yeah.

22 THE COURT: And I don't want the jury to see him
23 being escorted into the holding cell.

24 MR. KORNFELD: Okay.

25 THE COURT: So we'll go ahead and have him now --

1 All right. Yeah. The courtroom will be clear.

2 (WHEREUPON, the jury came into open court at
3 approximately 9:38 p.m.)

4 (WHEREUPON, the requested testimony was played in
5 open court with the courtroom cleared, except for the
6 court reporter and one bailiff.)

7 (WHEREUPON, the jury exited the courtroom at
8 approximately 10:05 p.m.)

9 THE COURT: All right. The jury did come in here and
10 hear some of the testimony. They did not listen to all of
11 the testimony, as I understand. So they listened to some
12 of it and then went back and deliberated.

13 I have a new question. "Can you, please, provide a
14 specific definition of the following charges, lewd act
15 upon a child, contributing to the delinquency of a minor?"

16 So the hour is late at this time. And my inclination
17 is to go ahead and recess for the night. I don't -- I
18 don't know. I don't have any idea, but I don't believe
19 they're anywhere close to getting a verdict. I just
20 don't. And I may be totally wrong.

21 But my -- my thought is to adjourn -- recess tonight,
22 because it is five after 11:00 until Tuesday morning, and
23 start at 8:30 when the courthouse opens Tuesday morning.

24 Now, if I let the jury know that's my game plan on
25 what we're going to do and if they indicate for some

1 reason that, well, we may be close to a verdict, then that
2 would then -- I would be inclined to stay a little while,
3 if that is the case. But I just don't anticipate that
4 they are anywhere close at this point. And so, as I said,
5 my intention is to adjourn for the night and resume
6 Tuesday morning at 8:30.

7 But I will hear from either one of you.

8 MS. OWEN: Your Honor, I think I would just ask since
9 we are all here and they've been here all week. If
10 Mr. Cofield could find out from them if they have any idea
11 if they're close or not, and then maybe go from there.

12 MR. KORNFELD: I don't have a position. That's fine.

13 THE COURT: Do you have any -- any problem with
14 Mr. Cofield asking would they rather stay here and
15 continue or start back Tuesday morning?

16 MR. KORNFELD: No, Your Honor.

17 THE COURT: And that way, he can get an idea of --

18 MR. KORNFELD: Sure.

19 THE COURT: -- where they are. Because, again, it's
20 almost 10 after 11:00.

21 And so as far as the question, I can -- assuming
22 that's the case and they want to just come back Tuesday
23 morning, I can -- what I was going to do is recharge on
24 each of those two.

25 Any objection to that?

1 MS. OWEN: No, Your Honor.

2 MR. KORNFELD: No, Your Honor.

3 THE COURT: Okay. Mr. Cofield, or, Mr. Cleary,
4 whoever wants to do it, if you would get an idea of what
5 they would like to do. See if they'd like to stay if
6 they're close. Obviously, we don't want to know anything
7 about their deliberations as far as what they're doing.
8 But just see if their preference is to stay or come back
9 Tuesday morning.

10 (WHEREUPON, Court's Exhibit No. 3 was marked for
11 identification and admitted into evidence.)

12 (Pause.)

13 THE BAILIFF: Your Honor, they stated if they could
14 get an answer to those questions they sent you, they'd
15 prefer to carry on. And with that information, they felt
16 sure they could finish by 12:00.

17 THE COURT: Okay. Any objection from the State in
18 proceeding with that?

19 MS. OWEN: No, Your Honor.

20 THE COURT: From the Defense?

21 MR. KORNFELD: No, Your Honor.

22 THE COURT: All right. So with that question, which
23 is Court's Exhibit No. 3, my interpretation was to
24 recharge them on those two areas.

25 Is that -- any objection from the State or the

1 Defense?

2 MS. OWEN: No, Your Honor.

3 MR. KORNFELD: No, Your Honor.

4 THE COURT: All right. Let's bring them in.

5 (WHEREUPON, the jury came into open court at
6 approximately 11:15 p.m.)

7 THE COURT: All right. Mr. Foreman, I have received
8 a question. And that question reads, "Can you, please,
9 provide a specific definition of the following charges,
10 lewd act upon a child and contributing to the delinquency
11 of a minor?"

12 Is that correct?

13 JUROR #226, DOUGLAS SPEAR: That's correct, Your
14 Honor.

15 THE COURT: All right. What I am going to do,
16 Mr. Foreman, and, ladies and gentlemen, I am going to do
17 that. And I am going to read the charges on lewd act upon
18 a child and contributing to the delinquency of a minor.

19 FURTHER CHARGE ON THE LAW

20 THE COURT: All right. As to the lewd act on a
21 minor, the Defendant is charged with committing a lewd act
22 on a minor. A minor is a person under the age of 18. The
23 State must prove beyond a reasonable doubt that the
24 Defendant was over the age of 14.

25 Next, the State must prove that the Defendant

1 willfully and lewdly committed or attempted a lewd or
2 lascivious act on or with the body or its parts of a child
3 under the age of 16 years with the intent to arouse,
4 appeal to, or gratify the lust, passions, or sexual
5 desires of the Defendant or the child.

6 Willfully means voluntarily and intentionally with
7 the specific intent to do something the law forbids. Lewd
8 means obscene, lustful, indecent, or lecherous.

9 Lascivious means tending to incite lust, lewd, indecent,
10 obscene, or tending to deprave the morals in respect to
11 sexual relations.

12 So that is the definition of -- under the statute --
13 that is right out of the statute of a lewd act on a minor.
14 That is the definition pursuant to the statute.

15 All right. Now, the statute and the charge of the
16 law of contributing to the delinquency of a minor reads as
17 follows. The Defendant is charged with contributing to
18 the delinquency of a minor. A minor is a person who is
19 less than 18 years old.

20 The State must prove beyond a reasonable doubt that
21 the Defendant was over 18 years of age. The State must
22 prove beyond a reasonable doubt that the Defendant
23 knowingly and willfully encouraged, aided, or caused a
24 minor to do any act which caused or influenced the minor
25 to behave in a way which would willfully injure or

1 endanger the minor's morals or health or the morals or
2 health of others.

3 So those are the definitions of lewd act on a minor
4 and contributing to the delinquency of a minor.

5 Mr. Foreman, is this -- are those the two areas the
6 jury wanted to hear?

7 JUROR #226, DOUGLAS SPEAR: Yes, Your Honor.

8 Thank you.

9 THE COURT: So I, also, understand that you want to
10 continue deliberating up to 12:00; is that correct?

11 JUROR #226, DOUGLAS SPEAR: That's correct, Your
12 Honor.

13 THE COURT: All right. Well, I will then excuse you
14 back to the jury room to resume deliberations.

15 (WHEREUPON, the jury was excused from open court at
16 approximately 11:19 p.m.)

17 THE COURT: All right. Anything from the State? Any
18 exception to that from the State?

19 MS. OWEN: No, Your Honor.

20 All right. Anything from the Defendant?

21 MR. KORNFELD: No, Your Honor.

22 THE COURT: All right. We'll be in recess.

23 (WHEREUPON, the proceedings were recessed at
24 approximately 11:19 p.m.)

25 THE COURT: I understand we have a verdict; is that

1 correct?

2 THE BAILIFF: Yes, sir.

3 THE COURT: Bring them in.

4 (WHEREUPON, the jury came into open court at
5 approximately 11:57 p.m.)

6 THE COURT: All right. Mr. Foreman, I understand you
7 have reached a verdict; is that correct?

8 JUROR #226, DOUGLAS SPEAR: Yes, sir.

9 THE COURT: All right. If you'll hand it to
10 Mr. Cofield right there.

11 All right. Madam Clerk, please publish the verdict.

12 VERDICT

13 THE CLERK: Your Honor, this is the State of South
14 Carolina vs. Randy Lee Flower. As to IF, case number
15 2022-GS-23-2826A, as to the charge of criminal sexual
16 conduct with a minor first degree between July 24th, 2000,
17 and July 23, 2001, involving anal penetration, we, the
18 jury, find the Defendant not guilty.

19 Case number 2022-GS-23-2835A, as to the charge of
20 criminal sexual conduct with a minor first degree between
21 July 24th, 2000, and July 23rd, 2001, involving digital
22 vaginal penetration, we, the jury, find the Defendant not
23 guilty.

24 Case number 2022-GS-23-2833A, as to the charge of
25 criminal sexual conduct with a minor first degree between

1 July 24, 2001, and July 23, 2002 involving digital vaginal
2 penetration, we, the jury, find the Defendant not guilty.

3 Case number 2022-GS-23-2817A, as to the charge of
4 criminal sexual conduct with a minor first degree between
5 July 24, 2001, and July 23, 2002, involving anal
6 penetration, we, the jury, find the Defendant not guilty.

7 Case number 2022-GS-23-2823A, as to the charge of
8 criminal sexual conduct with a minor first degree between
9 July 24, 2003, and July 23, 2004, involving digital
10 vaginal penetration, we, the jury, find the Defendant not
11 guilty.

12 As to -- sorry. Case number 2022-GS-23-2815A, as to
13 the charge of criminal sexual conduct with a minor first
14 degree between July 24, 2003, and July 23, 2004, involving
15 anal penetration, we, the jury, find the Defendant not
16 guilty.

17 Case number 2022-GS-23-2822A, as to the charge of
18 criminal sexual conduct with a minor first degree between
19 July 24, 2004, and July 23, 2005, involving digital
20 vaginal penetration, we, the jury, find the Defendant
21 guilty.

22 Case number 2021-GS-23-8049A, as to the charge of
23 criminal sexual conduct with a minor first degree between
24 July 24, 2005, and July 23, 2008, involving oral sex, we,
25 the jury, find the Defendant guilty.

1 Case number 2022-GS-23-2827A, as to the charge of
2 criminal sexual conduct with a minor first degree between
3 July 24, 2007, and July 23, 2008, involving digital
4 vaginal penetration, we, the jury, find the Defendant
5 guilty.

6 Case number 2019-GS-23-8053, as to the charge of
7 criminal sexual conduct with a minor second degree between
8 July 24, 2008, and July 23, 2012, involving oral sex, we,
9 the jury, find the Defendant guilty.

10 Case number 2021-GS-23-7843A, as to the charge of
11 criminal sexual conduct with a minor second degree between
12 July 24, 2008, and July 23, 2012, involving anal
13 penetration, we, the jury, find the Defendant guilty.

14 Case number 2019-GS-23-8052, as to the charge of
15 voyeurism between July 24, 2008, and July 24, 2010, we,
16 the jury, find the Defendant guilty.

17 Case number 2021-GS-23-6839A, as to the charge of
18 lewd act upon a child between July 24, 2005, and June 17,
19 2010, we, the jury, find the Defendant guilty.

20 Case number 2019-GS-23-8048A, as to the charge of
21 lewd act upon a child between July 24, 2005, and June 17,
22 2010, we, the jury, find the Defendant guilty.

23 Case number 2021-GS-23-6837A, as to the charge of
24 lewd act upon a child between June 18, 2010, and June 17,
25 2012, we, the jury, find the Defendant guilty.

1 Case number 2019-GS-23-8047A, as to the charge of
2 lewd act upon a child between June 18, 2010, and June 17,
3 2012, we, the jury, find the Defendant guilty.

4 Case number 2022-GS-23-2805A, as to the charge of
5 contributing to the delinquency of a minor between
6 July 24, 2005, and July 23, 2006, we, the jury, find the
7 Defendant guilty.

8 Case number 2022-GS-23-2800A, as to the charge of
9 contributing to the delinquency of a minor between
10 July 24, 2008, and July 23, 2009, we, the jury, find the
11 Defendant guilty.

12 Case number 2022-GS-23-2801A, as to the charge of
13 contributing to the delinquency of a minor between
14 July 24, 2009, and July 23, 2010, we, the jury, find the
15 Defendant guilty.

16 Case number 2022-GS-23-2802A, as to the charge of
17 contributing to the delinquency of a minor between
18 July 24, 2010, and July 23, 2011, we, the jury, find the
19 Defendant guilty.

20 As to KF, case number 2022-GS-23-2830A, as to the
21 charge of criminal sexual conduct with a minor first
22 degree between August 31st, 2005, and August 30, 2006,
23 involving oral sex, we, the jury, find the Defendant not
24 guilty.

25 Case number 2022-GS-23-2836A, as to the charge of

1 criminal sexual conduct with a minor first degree between
2 August 31, 2005, and August 30, 2006, involving digital
3 vaginal penetration, we, the jury, find the Defendant not
4 guilty.

5 Case number 2022-GS-23-2796A, as to the charge of
6 criminal sexual conduct with a minor first degree between
7 August 31, 2005, and August 30, 2006, involving anal
8 penetration, we, the jury, find the Defendant not guilty.

9 Case number 2022-GS-23-2814A, as to the charge of
10 criminal sexual conduct with a minor first degree between
11 August 31, 2006, and August 30, 2007, involving digital
12 vaginal penetration, we, the jury, find the Defendant
13 guilty.

14 Case number 2022-GS-23-2809A, as to the charge of
15 criminal sexual conduct with a minor first degree between
16 August 31, 2006, and August 30, 2007, involving oral sex,
17 we, the jury, find the Defendant guilty.

18 Case number 2022-GS-23-2810A, as to the charge of
19 criminal sexual conduct with a minor first degree between
20 August 31, 2007, and August 30, 2008, involving oral sex,
21 we, the jury, find the Defendant guilty.

22 Case number 2022-GS-23-2808A, as to the charge of
23 criminal sexual conduct with a minor first degree between
24 August 31, 2008, and August 30, 2009, involving penile
25 vaginal penetration, we, the jury, find the Defendant

1 guilty.

2 Case number 2022-GS-23-2837A, as to the charge of
3 criminal sexual conduct with a minor first degree between
4 August 31, 2010, and August 30, 2011, involving digital
5 vaginal penetration, we, the jury, find the Defendant
6 guilty.

7 Case number 2019-GS-23-8050A, as to the charge of
8 criminal sexual conduct with a minor third degree between
9 June 18, 2012, and August 31, 2013, we, the jury, find the
10 Defendant not guilty.

11 Case number 2019-GS-23-8046A, as to the charge of
12 lewd act upon a child between August 31, 2005, and
13 June 17, 2010, we, the jury, find the Defendant guilty.

14 Case number 2021-GS-23-7846A, as to the charge of
15 lewd act upon a child between June 18, 2010, and
16 August 31, 2011, we, the jury, find the Defendant guilty.

17 Case number 2019-GS-23-8045A, as to the charge of
18 lewd act upon a child between June 18th, 2010, and
19 August 31st, 2011, we, the jury, find the Defendant
20 guilty.

21 Case number 2022-GS-23-2845A, as to the charge of
22 contributing to the delinquency of a minor between August
23 31, 2008, and August 31, 2012, we, the jury, find the
24 Defendant guilty.

25 Case 2019-GS-23-8061, as to the charge of

1 disseminating obscene material to a minor between
2 August 31, 2008, and April 30, 2013, we, the jury, find
3 the Defendant guilty.

4 As to AF, case number 2021-GS-23-7850A, as to the
5 charge of criminal sexual conduct with a minor first
6 degree between May 5, 2003, and May 5, 2005, involving
7 digital penetration, we, the jury, find the Defendant not
8 guilty.

9 Case number 2019-GS-23-8044A, as to the charge of
10 voyeurism between May 5, 2008, and May 5, 2013, we, the
11 jury, find the Defendant guilty.

12 Case number 2019-GS-23-8064A, as to the charge of
13 contributing to the delinquency of a minor between May 5,
14 2008, and May 5, 2013 we, the jury, find the Defendant not
15 guilty, signed by our Foreperson.

16 Ladies and gentlemen, if this is the verdict you
17 reached in the deliberation room and this is still your
18 verdict now, please, raise your right hand.

19 (WHEREUPON, all jurors raised their right hand.)

20 THE CLERK: Thank you.

21 THE COURT: All right. Any requests for polling of
22 the jury?

23 MS. OWEN: No, Your Honor.

24 THE COURT: Any from the Defendant?

25 MR. KORNFELD: No, Your Honor.

1 THE COURT: Anything before we dismiss the jury?
2 Anything from the State?

3 MS. OWEN: Nothing, Your Honor.

4 THE COURT: Anything from the Defendant?

5 MR. KORNFELD: No, Your Honor.

6 THE COURT: Ladies and gentlemen, that wraps up your
7 service.

8 I want to thank you on the record.

9 I'm going to step in informally and thank you when I
10 dismiss you. But I want to thank you all for your work
11 and your effort in this case. It's been a long trial, a
12 very difficult trial. But every one of you paid attention
13 to it. You observed it the whole time. You followed my
14 instructions. And I want to thank you for your effort,
15 your work, and everything you did in this case.

16 I am going to excuse you. And I want you to step
17 back. And I just want to speak with you very briefly
18 before I let you go tonight.

19 Thank you very much.

20 (WHEREUPON, the jury was excused from open court at
21 approximately 12:10 a.m.)

22 THE COURT: All right. Due to the lateness of the
23 hour -- it is after midnight here Friday night, I am going
24 to not go forward with sentencing tonight. And I will --
25 we'll have sentencing on Tuesday morning at 9:00 a.m. I

1 don't know if it will be this courtroom. But we'll --
2 unless --

3 I don't know, Donna, it may be eight where I am?

4 THE CLERK: Probably.

5 THE COURT: But it will probably be in courtroom
6 number eight where I'll be holding court next week.

7 So we'll adjourn until Tuesday morning at 9:00 a.m.

8 Thank you.

9 *****END OF TRANSCRIPT OF RECORD*****
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 9th, 10th, 11th, 12th, and 13th days of January, 2023.

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

August 25, 2023

Hollie M. Jenkins, Court Reporter

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

STATE OF SOUTH CAROLINA

v.

RANDY LEE FLOWER

) IN THE COURT OF GENERAL SESSIONS
)
) IN THE THIRTEENTH JUDICIAL CIRCUIT

)
) **Warrants Concerning I.F.**

) 2021-GS-23-007843
) 2021-GS-23-006838
) 2019-GS-23-008048A
) 2019-GS-23-008055
) 2019-GS-23-008047A
) 2019-GS-23-008052
) 2019-GS-23-008071A
) 2021-GS-23-006839A
) 2021-GS-23-006837A
) 2021-GS-23-006836A
) 2021-GS-23-006835A
) 2019-GS-23-008049A
) 2019-GS-23-008053
)

) **Warrants Concerning K.F.**

) 2021-GS-23-007846
) 2021-GS-23-007845
) 2021-GS-23-007851
) 2021-GS-23-007844
) 2021-GS-23-007842
) 2019-GS-23-008046A
) 2019-GS-23-008045A
) 2019-GS-23-008063
) 2019-GS-23-008050
) 2019-GS-23-008046
) 2019-GS-23-008051
)

) **Warrants Concerning A.F.**

) 2019-GS-23-008044
) 2021-GS-23-007847
) 2021-GS-23-007848
) 2021-GS-23-007849
) 2021-GS-23-007850
)

) **Warrant that does not specify alleged
) victim:**

) 2019-GS-23-008062
) 2019-GS-23-008061

EDWIN C. LUCIFER
THIRTEENTH CIRCUIT

2022 MAR -1 PM 1:35

22 MAR 1 54:27
2022 MAR 1 54:27
2022 MAR 1 54:27

**RANDY LEE FLOWER'S NOTICE OF MOTION
AND MOTION FOR SEVERANCE AND TO
EXCLUDE EVIDENCE; AND MOTION TO
PROVIDE ADDITIONAL CLARITY AS TO ALL
CHARGES**

COMES NOW, Defendant RANDY LEE FLOWER ("Defendant"), by and through Undersigned Counsel, and gives notice that Defendant will move, at such time and place and manner as the Court may direct and/or prior to trial, to sever the Counts and exclude evidence so Defendant may be tried concerning the allegations of each alleged victim as opposed to allowing all the indictments to be tried together. Defendant also seeks additional clarity regarding the charges against him.

These indictments did not arise from the same chain of circumstances, nor could they be proved by the same evidence. Trying these indictments in one trial would **substantially and unduly prejudice** Mr. Flower as well as violate his substantive rights.

Severance and exclusion is warranted under the law.

Defendant wed Karen Flower ("Spouse") May 2, 1991 and they separated on or about April 13, 2013. During the marriage, they have four children. More than six years after this separation, Spouse brought three of the children to the police station and sat in with them while they provided the statements that form the basis of the charges against Defendant. Spouse would "remind" or correct the testimony during the course of the police interview. Prior to this interview, Spouse sought relief from the family court not for the abuse of the children but rather for unpaid support funds. Defendant has been incarcerated for over two and a half years on these charges.

In a review of the indictments the Court will see that the allegations alleged do not require the same proof and allowing the State to try them together is unduly prejudicial. Some allege digital penetration, others involve just touching, others involve providing alcohol to a minor, while others involve voyeurism. These are all separate and distinct instances. They do not involve the same witnesses. In fact, the victims allege there were no witnesses nor did the alleged instances happen at the same time. Allowing such evidence is improper under *State v. Lyle*, 125 S.C. 406 (1923). They are not similar and are not essential. Further, the evidence is far too prejudicial to Defendant.

A motion to sever is addressed to the sound discretion of the trial court. *State v. Simmons*, 352 S.C. 342, 350 (2002). In *State v. Harris*, 321 S.C. 273 (1996) the Court ruled, “offenses which are of the same nature but which do not arise out of a single chain of circumstances and are not provable by the same evidence may not be properly tried together. Offenses which are of the same nature, but which do not arise out of a single chain of circumstances and are not provable by the same evidence may not properly be tried together.” *State v. Rice*, 368 S.C. 610, 629 S.E. 2d 393 (Ct. App. 2006); *See State v. Simmons*, 352 S.C. at 350, 573 S.E.2d at 860; *State v. Jones*, 325 S.C. at 315, 479 S.E.2d at 519; *see also State v. Middleton*, 288 S.C. 21, 339 S.E.2d 692 (1986) (holding although prison escapee committed two murders within a few miles of each other and attempted an armed robbery, the trial judge erred in consolidating the charges for one trial where the crimes did not arise out of a single chain of circumstances and they required different evidence). Case law demonstrates similarity is not alone sufficient. Under the law, trying Defendant on all thirty-one charges simultaneously is not proper because they do not arise out of a single chain of circumstances

nor are they of the same general nature. Moreover, as set forth below, Defendant's rights are impaired by the lack of clarity in the allegations.

ADDITIONALLY, Defendant is entitled and hereby seeks and moves to know the specifics of the allegations against him with greater clarity. This is necessary (1) to address the *Lyle* arguments and severance arguments; (2) to claim a defense of double jeopardy; and (3) refute or address the charges. By way of an example, we have no idea when the alleged crimes occurred; nor the time of day; nor other fundamental matters. The State cannot simply vaguely allege improper acts occurred – more much be provided to support these charges and enable Defendant to address them intelligently.

In *State v. Perry*, 430 S.C. 24 (2020), the South Carolina Supreme Court expressly overruled jurisprudence easily allowing another victim to provide testimony to corroborate charges that a defendant committed CSC with a minor. *Perry* was a course correction. The *Perry* court noted that the Courts had drifted away from the “restrictive” jurisprudence excluding evidence of similarity in the context of child sexual offense cases. *Perry* at 36. *Perry* made clear that the “narrow” exception (*Perry* at 34) and “rigid scrutiny we held was necessary to control the dangerous tendency and misleading probative force of this class [other crimes] of evidence” (*Perry* at 33 (brackets added by counsel for clarity)) would apply to cases involving criminal sexual conduct with a minor as well.

In the present case, the State cannot meet its burden for two separate and independent reasons. First, there is no logical connection; second, even if such could be shown, the probative force of any such evidence is substantially outweighed by the danger of unfair prejudice from the inherent tendency of the evidence to show Defendant's propensity to commit similar crimes. As noted above, the lack of evidence impairs Defendant's rights.

CONCLUSION

Defendant seeks and is entitled to more information, specificity, and clarity about the all charges and crimes for which he has been charged; a severing and therefore three trials each solely with their own evidence; and an order excluding from evidence testimony from any other purported victims. Specifically, the indictments should be severed as follows:

1. The 13 charges concerning I.F. are as follows:

2021-GS-23-007843
2021-GS-23-006838
2019-GS-23-008048A
2019-GS-23-008055
2019-GS-23-008047A
2019-GS-23-008052
2019-GS-23-008071A
2021-GS-23-006839A
2021-GS-23-006837
2021-GS-23-006836A
2021-GS-23-006835A
2019-GS-23-008049A
2019-GS-23-008053

2. The 11 charges concerning K.F. are

2021-GS-23-007846
2021-GS-23-007845
2021-GS-23-007851
2021-GS-23-007844
2021-GS-23-007842
2019-GS-23-008046A
2019-GS-23-008045A
2019-GS-23-008063
2019-GS-23-008050
2019-GS-23-008046
2019-GS-23-008051

3. The 5 charges concerning A.F are

2019-GS-23-008044
2021-GS-23-007847
2021-GS-23-007848

2021-GS-23-007849

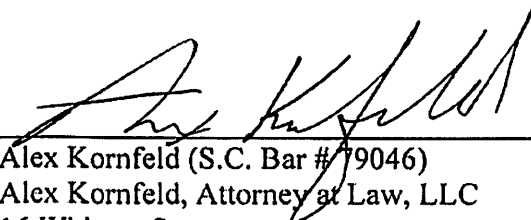
2021-GS-23-007850

4. Indictment 2019-GS-23-008062 and 2019-GS-23-008061 does not identify the alleged victim by name or initial.

This should be specified in the indictment so that this charged can be properly heard.

Respectfully submitted,

February 28, 2022
Greenville, South Carolina



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STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

STATE OF SOUTH CAROLINA

VS.

Randy Lee Flower,
Defendant.

) In the Court of General Sessions
)
) 2019-GS-23-8045A-8050A; 8051-8055
) 2019-GS-23-8061-8062; 8063A-8064A
) 8071A; 2021-GS-23- 6835A-3839A;
) 2021-GS-23-7842A-7851A
) **RESPONSE TO DEFENDANT'S**
) **SEVERANCE MOTION AND**
) **CLARITY OF CHARGES**

122 MAR 4 PM 2:55
Paul Wickensmer CJC GUL SC

Now comes the State with notice to the defendant, by and through defense counsel for defendant, Alex Kornfeld, Esquire, that the State of South Carolina moves the Court to grant the joinder of all pending cases against, defendant Randy Flower.

Charges can be joined in the same indictment and tried together where they:

1) Arise out of a single chain of circumstances, 2) are proven by the same evidence, 3) are of the same general nature and 4) no real right of the defendant has been prejudiced.

State v. Tucker, 324 S.C. 155, 478 S.E.2d 260 (1996). In determining joinder, the trial judge need not find clear and convincing evidence of the charges, as required for the admissibility of prior bad act evidence under Lyle. State v. Cutro, 365 S.C. 366, 618 S.E.2d 890 (2005). Prior bad act evidence must be proved by clear and convincing evidence, but for joinder, procedural safeguards are already in place such as law enforcement investigation, preliminary hearing and indictments so that the State need not prove each charge prior to trial.

The defense in this case is resting its argument solely on Lyle evidence in State v. Perry, 430 S.C. 24 (2020) as prior bad act evidence. That argument is without merit. The case at hand is much more similar to State v. Beekman, 415 S.C. 362 (2016), State v.

Tallent, 430 S.C. 438 (2020) and State v. McGaha, 404 S.C. 289 (2013) and even State v. Perry, 430 S.C. 24 (2020) as to the two victims who the defendant in that case was indicted for sexually assaulting.

In State v. Beekman, 415 S.C. 632, a stepdaughter and a stepson were molested by their stepfather, in the home they lived in but at different times while watching tv. The State requested joinder of the charges to move forward on indictments for Lewd Act as to the stepdaughter and Lewd Act and Criminal Sexual Conduct with a Minor First Degree against stepson. The court held that the “two charges against Beekman arose from, in substance, a single course of conduct or connected transactions.” (415 S.C. 632, 336) The court found that “in other cases, even though the charges did not arise out of a single, isolated incident, this Court and the court of appeals have allowed joinder when the crimes “involved connected transactions closely related in kind, place, and character.” See State v. Cutro, 365 S.C. 366, 374 (citing Tucker, McGaha and City of Greenville v. Chapman) The court in Beekman noted “there can be no dispute that Beekman’s molestation of his two stepchildren “involved connected transactions closely related in kind, place, and character.” (415 S.C. 632, 636) “Specifically, Beekman’s victims were siblings and the molestation occurred (1) at the same place – the victim’s home; (2) over the same period of time – the eight month period between November 2007 and July 2008; and (3) with the same modus operandi – Beekman taking advantage of the children’s habit of watching television with him.” (415 S.C. 632, 636) The defense in that case also argues these were distinct crimes. The court clearly states “Of course they are distinct crimes, but that in no manner diminishes the glaring similarities in Beekman molesting both his step children in the same place, over the same time period and in a similar

manner.” (415 S.C. 632, 636, Cf. Cutro, 365 S.C. at 369-75) “The fact that the State did not present the exact same testimony to prove the molestation of each stepchild is not dispositive in considering whether joinder was proper. Beekman advocates for a rule that strictly requires all charges be proved by completely identical evidence, a requirement nowhere to be found in our precedents requiring that the crimes be “proved by the same evidence.” (415 S.C. 632, 638; See e.g., Tucker, 324 S.C. at 164) As such, the Court affirmed the decision by the trial court for the joinder of the charges.

Further, in State v. Tallent, 430 S.C. 438 (2020), the step daughter of the defendant delayed disclosing abuse by her stepfather until she was twenty six. She alleged that between ages five to fourteen her stepfather abused her until she moved out of their home. She also stated that her brothers were given drugs and alcohol and when investigated, the brothers confirmed he had given them alcohol. At trial the State moved to try the Criminal Sexual Conduct with a minor charge, the Lewd Act and the Contributing to the Delinquency of Minor charges together. The court granted the motion and allowed the sister to testify regarding the sexual abuse by stepfather, along with evidence regarding his drug use and allowing the minors in the home to have drugs. The brothers were allowed to testify regarding the stepfather giving them alcohol and drugs and seeing him acting inappropriately towards their sister. The court affirmed the trial court’s decision in Tallent noting the test from Tucker, mentioned in paragraph two, is the appropriate standard to review joinder under. As to the single chain of circumstances, the court found that “one can sensibly say that these charges arose out of a single chain of circumstances, were proved by the same evidence, and were of the same general nature and Tallent was not unfairly prejudiced.” (430 S.C. 438, 445 See Tucker, 324 S.C. at

164) The court highlighted that the abuse of the stepdaughter covered the period of years that she lived with her stepfather and that he gave her and her brothers drugs and alcohol. They also noted that the stepfather taught the brothers how to make cocaine. The court specifically notes “although the charges did not arise out of a single isolated incident, the CSC, lewd act, and contributing to the delinquency of a minor charges “arose from, in substance a single course of conduct or connected transactions.” (430 S.C. 438, See Beekman, 415 S.C. at 636-637) “In short there was evidence that this improper conduct was continuous and spanned several years.” (Id.)

The court next found, that the charges “were proved by common evidence. All four charges were proven by the same witnesses – stepdaughter and her brothers.” (430 S.C. 438, See Beekman, 415 S.C. at 638) As to the third element under Tucker, the court found all the charges were of the same general nature. (430 S.C. 438, See Rice, 368 S.C. at 614, 629) The court found the State presented evidence that the defendant abused his stepdaughter in the same locations and during the same periods of time he gave she and her brother alcohol and drugs. The court specifically noted that the charges of sexual abuse and contributing did differ, that they were “more broadly of the same general nature and could be fairly characterized as involving abusive conduct toward minors. (430 S.C. 438)

As to the final element in Tucker, the court in Tallent stated, “Fourth and critically, it is hard to say the joinder of these charges caused unfair prejudice.” (430 S.C. 438) The defendant’s argument that he was prejudiced by the drug evidence because it wasn’t relevant to the CSC and lewd act charges did not sway the court, as they noted, the test is not so “narrow and precedent says there may be evidence that is relevant to one

or more, but not all, of the charges.” (Id., See Beekman 415, S.C at 638.) The court went on to discuss State v. Davis, 422 S.C. 472 and the nexus between Tallent and Davis. The court found that in Davis, the same chain of circumstances was proved by the same witnesses and the defendant suffered no prejudice. The court found the evidence was harmful but not unfairly harmful as the law requires.

Similarly, in State v. McGaha 404 S.C. 289 (2013), the court allowed two victims, who were sisters, to testify regarding being sexually abused by the defendant, a man living in their home. He would come get them out of bed at night, bring them into his room and sexually abuse them; this occurred over a year period that he lived in the home. In McGaha, the Court affirmed the trial court’s decision to try the cases together because “the molestation of each child during the same time period and in the same location, accomplished through the same access to them, established a sufficiently connected chain of circumstances to satisfy this element.” (404 S.C. 289, 295) As to the next element, the court stated “a substantial portion of the testimony the State presented at trial to prove the crimes against one child was the same evidence it would have used to prove the crimes against the other. Even though some of the evidence related to only one child, we find the evidence described above supports the trial court’s determination that the separate charges would be proven the same evidence.” (404 S.C. 289, 297) See State v. Caldwell, 378 S.C. 268 (Ct. App. 2008) In McGaha the court noted as to the third element, “charges for criminal sexual conduct with a minor in the first degree and lewd act upon a child are of the same general nature.” (Id. See State v. Grace, 350 S.C. 19, 23-24 (Ct. app. 2002) As to the element of prejudice, the Court looked to whether evidence of one or more charges would be admissible in a trial involving the other charge and they concluded that

under Rule 404 (b) the evidence as to the abuse of each child would likely be used in the trial for the other.

As to the State's current case against Randy Flower, the State is requesting a joinder of all the indictments pending against the defendant. As to the first element under Tucker, based on the cases cited above and a review of the facts, these charges arose out of a single chain of circumstances or as the courts noted above, all charges arose from, in substance, a single course of conduct or connected transactions. I.F. is the oldest daughter of Randy Flower, A.F. is the middle daughter and K.F. is the youngest daughter. All three daughters, their brother and mother lived with their biological father, Randy Flower, in their childhood home in Fountain Inn, South Carolina for the entirety of their lives. In 2013 the defendant and his wife separated and the defendant moved out of the house and into a newer residence. In 2015 the defendant fled the country. When the daughters learned that their father had returned to the country, specifically to Greenville County in July of 2019, the three daughters went to the Fountain Inn Police Department to report inappropriate conduct and sexual abuse by their father. All three daughters allege some type of sexual abuse of their father, voyeurism and conduct relevant to contributing to the delinquency of a minor. He was investigated by law enforcement and indicted by the Greenville County Grand Jury on numerous charges alleging sexual abuse and misconduct. The girls disclosed abuse by their father from the time they all started potty training (ages 2-4) until he moved out of their home in 2013. All of these charges arose from the time all three girls were ages 2-4 until their father left, The abuse for all three girls occurred in the same time span, same location of their childhood home, the acts were similar in nature, and the acts overlapped in conduct, for example, digital

penetration during potty training, digital penetration while sleeping at night, providing them with alcohol as children leaving pornography on the computer or watching pornography with them, walking in on them while they were showering and other acts of sexual abuse.

These charges are also proved by the same evidence. All of the same witnesses would be called to testify regarding the events the defendant has been charged with in regards to each daughter's case. These charges are interconnected and interwoven just as in Beekman, Tallent and McGaha. Therefore, these cases should be referenced to for guidance in this case and the factually dissimilar cases referenced by the defense. As to the third element, the charges are of the same general nature. The State would present evidence that the defendant abused his daughters in the same location, during the same time periods and using the same techniques on all three victims by supplying them with alcohol, his voyeurism and showing them porn or leaving porn for them to see. All of these charges are more broadly of the same general nature and can be fairly characterized as the court in Tallent found "abusive conduct toward minors."

The fourth and final element, is also met in this case. No right of the defendant would be prejudiced by the State trying the indicted charges of all three daughters together. The Court in Beekman specifically held joinder did not prejudice any of Beekman's substantial rights, citing Tucker. In Tallent the Court also found there was no unfair prejudice to the defendant. As in this case, various charges arising from the same time frame, in the same home, and abuse to children, was used as evidence in the State's case. The Court in Tallent correctly noted that the "test is not so narrow, and precedent says there may be evidence that is relevant to one or more, but not all, of the charges."

(citing Beekman, 415 S.C. at 638) The court found the evidence to be harmful but not unfairly harmful as the standard requests. The same rule would also apply in this case as to testimony being presented by three sisters who suffered abuse and misconduct by their father, during the same years of their childhood, in the same home, in the same fashion. All three daughters also go to the police station to report on the same day, at the same time, the abuse of their father and would, perceivably, be called upon to testify in separate trials if required. However, in this case, the defendant has been properly charged and indicted as to all three victims regarding the same time frame, same location, similar types of abuse and joinder is appropriate in the current case. The Defendant has failed to show joinder would be unfairly harmful, and based upon precedent the State is of the position joinder would not cause any unfair harm.

As to the defendant's next contention for clarity in the allegations, the Defendant specifically states he has no idea when the crimes occurred, the time of day or the fundamental matters. The State provided discovery to the defendant in 2019 when these allegations were brought and investigated. The State has subsequently provided discovery as it has become available including in 2021. Indictments were done by the original prosecutor in 2019 and subsequently, other indictments were prepared in 2021 and provided to defense counsel in 2021 after going to the Grand Jury. The indictments state the statute under which the defendant is indicted, the specific statutory language for the charge, the initials pertaining to each victim and the time frame for the conduct that is being alleged.

According to the precedent of State v. Wade, 306 S.C.79 (1991) and State v. Tumbleston 376 S.C. 90 (2007), indictments over a period of years, in criminal sexual

conduct cases is permissible. The defense previously relies upon State v. Baker, 411 S.C. 583 (2015), which was a plurality decision. The State in that case expanded the time frame of the indictments two weeks before trial from the summers of 2002, 2003 and 2004 to a six year time period. The Defendant in that case was the uncle to both victims and those cases were tried together, with indictments amended two weeks before trial going from the time the girls alleged to have seen their uncle in the summer months to a six year time frame. In a plurality decision, the Court noted, that the defendant in that case could not adequately prepare a defense. Although he had not put the solicitor on notice of an alibi, he was trying to obtain records for the previous periods of time in the summer and then two weeks prior to trial was hampered by the six year time frame. The Court found that the defendant was prejudiced by the defects in the indictments.

This case, along with Wade and Tumbleston are different from the factual scenario in Baker and therefore Baker should not be relied upon for guidance. In Wade, the Court found a two year time frame in an indictment where there was a one time incident between the victim and her uncle who did not live in the same city was not unconstitutionally overbroad. In that case, the defendant presented a defense of denial and factual impossibility but the jury rejected those arguments. The Court found the State had narrowed the indictment time span as much as possible based on the circumstances. The Court specifically looked at the surrounding circumstances that existed pre-trial to determine whether the indictments were overly broad and based on the circumstances determined they were not. The Court specifically noted “the true test of the sufficiency of an indictment is not whether it could have been more definite and certain but whether it contains the necessary elements of the offense intended to be charged and sufficiently

apprises the defendant of what he must be prepared to meet.” (306 S.C. 79, 81 citing State v. Ham, 259 S.C. 118 (1972)). The Court further clarified, “the sufficiency of the indictment must be judged from a practical standpoint, with all of the circumstances of the particular case in mind.” (Id. citing State v. Adams, 277 S.C. 118 (1981)). The Court specifically rejected the defendant’s argument he was unable to prepare a defense as he proceeded with a defense of denial and presented evidence of factual impossibility, as appears to be the potential argument in the present case of the defendant Flower. The Court correctly noted that prejudice means taken by surprise and unable to combat the charges against him if the surrounding circumstances pretrial do not put the defendant on notice of what is being alleged. Here, the defendant has had discovery and ongoing discovery since 2019. Indictments have been prepared and given to the defendant in 2019 and in October and November of 2021. There is no element of surprise for a March 2022 trial date, nor has the Defendant alleged any surprise.

As to a request for a specific date and time, prior precedent states that time is not a material element of a criminal sexual conduct offense. In State v. Tumbleston, 376 S.C. 90 (2007) the court specifically notes “the indictments did not need to have to specify the precise time of each offense charged because (1) time was not an elements of either offense; and (2) the three-year time period covered by the indictments occurred prior to the return of the indictments by the grand jury. The victim’s date of birth substantiated that she was under eleven years of age when the offense occurred. The indictments contained the necessary elements of the offenses charged and sufficiently apprised defendant that he had to be prepared to address his conduct towards victim between 2001 and June 2004.”

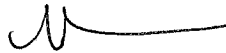
The Court in Tumbleston notes the two prong test used for determining sufficiency of an indictment: (1) whether time is a material element of the offense and (2) whether the time period covered by the indictment occurred prior to the return of the indictment by the grand jury. The Court notes the cases from our state that address that time is not a material element of criminal sexual conduct charges and also notes that the State is not required to denote the precise day, or even year, of the accused conduct in an indictment charging criminal sexual conduct. See State v. Thompson 305 S.C. 496 at 501. The Court specifically puts the indictments into the body of the case in Tumbleston to show the indictments clearly identify the elements of each offense charged, the statutory language, the sexual battery defined and the date of birth to substantiate the time frame used. The Court also notes that the conduct occurred before the grand jury indictments.

Also noted in this case is that the “stealth and repetitive nature of the alleged conduct compels identification of the broader time period. The victim is a young child whom one cannot reasonably expect to recall the exact dates of the abuse, the victim verified when the abuse began and she ensured the end of the abuse when she disclosed to her mother.” (376 S.C. 90, 102) In the case before the Court, all three daughters of the Defendant were sexually abused and subject to misconduct by the defendant in their childhood home repeatedly over the years of their childhood until the defendant moved out of the home in 2013. They victims did not come forward to law enforcement until 2019 when the defendant returned to the country after fleeing the country in 2015. They all delayed disclosing and could not be reasonably expected to remember certain dates and times from age 3-14 that abuse or misconduct was occurring. The abuse was repetitive, continuous and consistent over the years the defendant in the lived in home.

Even as an adult, no one can be expected to recall specific dates and times of abuse or misconduct when it is occurring on a weekly to monthly basis over a period of years which is why time is not an element of an offense for these types of charges.

In conclusion, the State is requesting the joinder of the charges for trial as it relates to all three victims in this case and that the indictments set forth the necessary language as stated by the above Courts.

Respectfully Submitted,



Megan Owen
Assistant Solicitor
Thirteenth Circuit Solicitor's Office

Date: 3/4/22
Greenville, South Carolina

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Sep 12 2024

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Appellate Case No. 2023-000126

The Honorable G.D. Morgan Jr., Circuit Court Judge

The State of South Carolina.....Respondent,

v.

Randy Lee Flower Appellant.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the three volumes for the Record on Appeal comply with Rule 211 (b), SCACR, and 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."

September 12, 2024

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