

VOLUME I OF II

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Allendale County

Honorable Roger M. Young, Circuit Court Judge

RECEIVED

Dec 23 2024

S.C. SUPREME COURT

BOBBY JONES, SR.,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2024-000633

APPENDIX

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1 In the Court of General Sessions for the
2 State of South Carolina, County of Allendale

3

4 Case No.: 2013GS0300039

5 State of South Carolina,

6 Plaintiff,

7 vs.

Transcript of Record

8 Bobby Jones, Sr.,

9 Defendant.

10

11

12 TRIAL TRANSCRIPT

13

14

15 July 9-12, 2018

16 Allendale, South Carolina

17

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20

21 BEFORE:

22 The Honorable Brooks Goldsmith

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1 7-9-2018 PROCEEDINGS

2 THE COURT: It's my understanding the
3 first matter concerns the State vs. Jones.
4 There's a motion that the Court needs to hear?

5 MS. LUTTRELL: Yes, Your Honor.

6 THE COURT: Whose motion?

7 MR. WALTERS: My motion, Your Honor.

8 THE COURT: All right.

9 MR. WALTERS: May it please the Court,
10 Your Honor, again, my name is Glenn Walters,
11 along with Michael Culler, we represent Mr.
12 Bobby Jones.

13 May it please the Court. Your Honor,
14 under the circumstances we were asking for a
15 continuance. There was an email that was
16 forwarded to my office on July 6th, and that
17 was, of course, last Friday. The information
18 that I received on this particular case was
19 from the Solicitor, Ms. Staggs. What was
20 forwarded to our office was 333 pages of
21 information with regards to this case.

22 So, number one, the grounds that we are
23 asserting this motion on, first of all, is that
24 the information was sent that particular Friday
25 for a case that was scheduled for this

PRE-TRIAL MOTIONS

1 particular Monday. The 333 pages are relevant
2 to this case with regards to the defense,
3 itself, and of course, these matters need to be
4 explored. And of course, we're asking you as
5 the gatekeeper in this particular case under
6 our due processes rights.

7 The Rule 5 has been pending for five years
8 in another two months, Your Honor. They've had
9 this particular information for over a
10 five-year period. And of course, the original
11 charge was made in the year of 2013. And under
12 the circumstances, they have chosen at the last
13 minute, on July 6th, to release 333 pages and
14 within 60 days, we will be closing in on five
15 years.

16 In addition to that, Your Honor, in this
17 particular case, we received information 30
18 days ago, a little over 30 days that they were
19 possibly going to seek another indictment. And
20 of course, in seeking another indictment, that
21 would change the substance of the defense
22 itself, the actual case that was going to be
23 argued before the jury. And again, we're
24 closing in on five years and the Solicitor's
25 office has decided that somehow they're going

PRE-TRIAL MOTIONS

1 to seek another indictment. They sent
2 information, we're possibly going to do this.
3 An indictment was returned, Your Honor, on July
4 5th. Of course, the day after the holiday and
5 of course, the case was scheduled for trial on
6 July 9th, today.

7 So, again, under the circumstances -- and,
8 certainly, these are not the first lawyers
9 that worked on this case, but under the
10 circumstances, the Solicitor's office as a
11 whole totality of what they've done in that
12 office and we're within 60 days closing in on
13 five years, they've chosen at the last minute
14 to provide 333 pages on Friday when the case
15 was scheduled for Monday. And they've returned
16 an indictment -- or taken it before the grand
17 jury on July 5th and received an indictment and
18 then informed my office in a trial that's
19 scheduled for July 9th.

20 We would ask, with all due respect, as the
21 gate keeper to make sure that my client
22 receives his due process rights, to make sure
23 that he receives what he's supposed to under
24 the Rule 5. And as a side note, Your Honor,
25 the solicitor just this morning handed me this

PRE-TRIAL MOTIONS

1 packet. And I was informed, I want to give you
2 a hard copy of what was sent with regards to
3 the email. Of course, I haven't had an
4 opportunity to go through this and compare it
5 to the email, but this was handed to me less
6 than 15 minutes ago.

7 So, under the circumstances, Your Honor,
8 our position and we're asking you as the
9 gatekeeper of protecting a Defendant's rights
10 under the circumstances that he be given an
11 opportunity to explore the information that has
12 been provided on this Friday, and now has been
13 provided 10 to 15 minutes before this motion.

14 In addition to that, the new charge, that
15 the indictment came down on July 5th and then,
16 we were informed, I believe, on July 6th. and
17 when I approached counsel with regard to this
18 issue, and I've been practicing 29 years, and I
19 simply said, I don't understand. Their
20 position is well, we're not going to use the
21 information. Well, in the analysis that's
22 before the Court, it's not a matter of whether
23 they're going to use the information.

24 In addition to that, they also stated to
25 me that, well, we don't believe that it's

PRE-TRIAL MOTIONS

1 relevance. Under the circumstances, under
2 Brady and under Rule 5 and under the due
3 process clause, it's not a question of whether
4 they're going to use the information. It's not
5 a question of whether it's relevant under the
6 circumstances. What's before this Court is, is
7 that my client be given a full opportunity to
8 receive notice, to prepare, to have his lawyer
9 prepare.

10 And under the circumstances, I think the
11 Solicitor's office, closing in on five years,
12 has failed miserably to meet the requirements
13 of the due process clause. They failed to meet
14 the requirements of Rule 5. And in this
15 particular case, I believe they've impaneled
16 grand juries within close to a five-year period
17 numerous times, over and over again. They
18 decided to do it on July 5th and then present
19 me with the information on the 5th and the 6th.
20 Their position is, is that we let you know 30
21 days in advance we were possibly going to do
22 this. The charge came into its fruition on
23 July 5th, and then, of course, the trial is
24 scheduled for July 9th.

25 Under the circumstances, we have done

PRE-TRIAL MOTIONS

1 nothing to prohibit this trial from proceeding
2 forward, we were prepared. We are prepared.
3 The problem we have in this particular case is
4 we were unprepared for the 333 documents that
5 were received on Friday. We were not prepared
6 for an indictment that was going to be issued
7 on July 5th.

8 So, under the circumstances, Your Honor, I
9 believe my client, in terms of justice, due
10 process, Rule 5, Brady, he should be given an
11 opportunity for a continuance to have his case
12 prepared properly. And of course, in this new
13 indictment, the nature of the charge itself has
14 changed. And under the circumstances, I should
15 not be required to try a case where you hand me
16 the packet 10 to 15 minutes before this motion
17 is supposed to be filed -- be argued before
18 Your Honor.

19 So, under those circumstances, Your Honor,
20 I believe we are entitled to a continuance.

21 THE COURT: Thank you.

22 Solicitor?

23 MS. LUTTRELL: I'll address the packet of
24 documents that we handed the defense first,
25 Your Honor. What those documents are is it is

PRE-TRIAL MOTIONS

1 a file from DSS that related to this case. The
2 DSS worker, who is a witness in this case, no
3 longer works for DSS anymore. After I met with
4 her to prepare for trial, she asked if it would
5 be possible for us to get a copy of her
6 notebook from DSS to review to prepare for
7 trial. We worked on getting that document from
8 DSS. We eventually got that document on late
9 Thursday and then my co-counsel, Ms. Staggs,
10 immediately copied and scanned that and
11 forwarded it to defense on Friday morning.
12 What we handed him this morning was an
13 additional courtesy copy of whatever we
14 e-mailed him so he would also have a hard copy.

15 That document, we've reviewed it. It took
16 us about an hour and a half to review it. The
17 bulk of it contains the exact same notes that
18 Ms. Carter, the DSS worker, typed up and gave
19 to law enforcement as a statement for this
20 case. There have been no new statements by
21 Ms. Carter in that document that are different
22 from what the statement she had previously
23 provided law enforcement, which defense was
24 given in discovery years ago.

25 The only additional documents in that

PRE-TRIAL MOTIONS

1 packet is a divorce decree between the victim's
2 mother and her ex-husband, which is not
3 relevant in this case, the Defendant's medical
4 records, and then a couple of other court --
5 Family Court filings that, again, we would not
6 be able to admit or use in this trial.

7 So, that is the only information in that
8 and none of it is new to this case that had not
9 been previously provided in a different format
10 to defense.

11 THE COURT: Help me understand something,
12 did you say that what you delivered this
13 morning was a hard copy of the same thing that
14 previously had been delivered Friday?

15 MS. LUTTRELL: Yes, Your Honor. My
16 co-counsel e-mailed him a copy of that in four
17 parts because of the amount of pages. She also
18 printed a copy of it and we hand delivered that
19 this morning to him. Just so he would have the
20 electronic version from Friday and the hard
21 copy today. It's the exact same. And again,
22 there's no new information in there that was
23 not already provided in discovery years ago as
24 part of Mary Carter's written statement that
25 she handed to law enforcement.

PRE-TRIAL MOTIONS

1 THE COURT: Let me make sure that I
2 understand. What was previously provided a
3 long time ago was a statement that you say is,
4 in essence, the same thing of the 333 pages?

5 MS. LUTTRELL: Yes, Your Honor. Mary
6 Carter, when she was working for DSS, her notes
7 are much more spaced out in the DSS case file.
8 The system that they use, they're very short
9 snippets with dates, so it takes up a lot more
10 space. When she was providing a statement to
11 our SLED officer, investigator, she looked at
12 those notes that she had in her DSS file and
13 then she typed a separate statement that I
14 believe is about 10 pages, 10 or 15 pages long.
15 That 15-page statement that she typed up while
16 referencing her notes was given to the defense
17 back in 2013 when discovery was provided. It's
18 much more voluminous now because of the
19 formatting and then there is the divorce
20 decree, which takes up a little bit of space,
21 the medical records, which takes up some space,
22 background checks on some of the people the
23 victim and brother were staying with or
24 spending time with. So, the background checks,
25 the Family Court documents, the divorce decree,

PRE-TRIAL MOTIONS

1 none of that is relevant to this case. The
2 medical records, I do not believe will be
3 relevant. But again, those are his client's
4 medical records, so he and his client had
5 access to those. And then the rest of the
6 notes from DSS were all included in her
7 statement.

8 THE COURT: Whose medical records?

9 MS. LUTTRELL: His client's medical
10 records.

11 THE COURT: I want to make sure I
12 understand. With the exception of the divorce
13 decree and medical records of the Defendant,
14 the remaining documents that you're referring
15 to comes from the DSS file?

16 MS. LUTTRELL: Yes, Your Honor. It's all
17 part of the DSS file.

18 THE COURT: A summary of that was provided
19 previously?

20 MS. LUTTRELL: Yes, Your Honor.

21 Ms. Carter, when we met with her for trial
22 preparation, she hasn't worked for DSS for
23 about two years, this case is five years old.
24 She was not positive what the DSS file
25 included, so out of an abundance of caution on

PRE-TRIAL MOTIONS

1 her behalf, she asked if we could get a copy
2 just so she could review it.

3 She's never testified in a jury trial
4 before. When she used to testify in Family
5 Court hearing, she always had her case file in
6 front of her. So she asked us if we could ask
7 DSS to provide a copy of it, which we did.
8 When we were finally able to obtain a copy of
9 that from DSS, we obtained it last Thursday
10 afternoon, and then Ms. Staggs copied it and
11 forwarded it first thing Friday morning. But
12 after reviewing it, there's nothing different
13 from what her statement already said.

14 So, she really just -- she had her DSS
15 file open and then she typed up a separate,
16 more -- I guess, just a different formatting of
17 the statement. Because her DSS file is all
18 broken up with very short sentences, with
19 dates, date and time stamps. And so, instead
20 of using that to provide to law enforcement,
21 she typed up a statement from those notes.

22 MR. WALTERS: May it please the Court,
23 Your Honor, this is a voluntary statement of
24 Mary Carter. What counsel is arguing is that
25 this is the same as this. This document

PRE-TRIAL MOTIONS

1 contains pertinent information with regards to
2 my client's defense. Not just his medical
3 records, information with regards to the
4 challenge of all this case, the testimony of
5 Ms. Carter, the notes Ms. Carter made. There's
6 nothing that's been condensed in this
7 statement. This statement is 16 pages. This
8 is 333 pages. They've had this documentation
9 for close to five years.

10 In addition to that, Your Honor, what
11 counsel is telling the Court is we just decided
12 to sit down and talk to Mary Carter this week
13 and we decided that we would send you this
14 information when we're closing in on five
15 years.

16 From the browsing of this document and
17 seeing what's here, I haven't compared it to
18 what was in the email, and this document is
19 different from this document. They've had this
20 information for close to a five-year period.
21 Nobody has gotten up and said simply scan and
22 email it to the lawyer and make sure he has
23 enough time to review it. In this particular
24 case, they want to argue before the Court that
25 this document is 16 pages is the same as 333

PRE-TRIAL MOTIONS

1 pages.

2 So under the circumstances, Your Honor had
3 it handed to me 15 minutes before this motion
4 was supposed to be argued. What's egregious
5 here is, is that they sat down and now, they
6 want to try the case. They want to tell the
7 Court, this is not relevant. I don't believe
8 this issue should be brought up. This is a
9 small, and I'll use the words of counsel, a
10 snippet or brief abbreviation of what was said.

11 I take issue with that, Your Honor. I
12 should be allowed to try my client's case based
13 on the information that's been provided to me.
14 There's no delay on our part. We were prepared
15 and ready to go. What the Solicitor's office
16 is telling me is we decided to talk to a
17 pertinent witness last week, Your Honor, and we
18 dropped the ball. And then we sent this
19 paperwork to Glenn Walters and guess what we
20 want to tell the Court now, it's really not
21 that important. There's nothing in there.
22 This 16 pages is what's really here in 333
23 pages.

24 They refer to the divorce decree and the
25 Family Court proceeding that occurred. There

PRE-TRIAL MOTIONS

1 was a Family Court proceeding, where the victim
2 in this particular case testified it never
3 happened under oath. That's why they've
4 dragged for five years. That's why they
5 haven't produced anything in five years.
6 That's why they met with the victim in this
7 particular case last week and they simply
8 asked, you know, are you going to do this, are
9 you going to do what we asked you to do? She
10 was 14 years old. The victim now is 20 years
11 old.

12 And under the circumstances, this and this
13 are totally two different documents. It may
14 contain information about Ms. Carter, but the
15 bottom line is, it's a great injustice when my
16 client has come to roll call for close to five
17 years. And simply -- you know, every time, he
18 appeared, never broke to the law. He prepared
19 for this case and prepared to be here. And
20 I've got to pull these documents out. We
21 received them on Friday. I contacted him and
22 said, Look, you need to read this and you need
23 look through it. And they're before this Court
24 dispensing justice and their position is well,
25 we decided that it may not be important, so,

PRE-TRIAL MOTIONS

1 really you don't have a position before the
2 Court.

3 Your Honor, this case begs for justice and
4 as the gatekeeper for this particular process,
5 we're simply asking for a level playing field.
6 We're not taking advantage of these people. We
7 did what we were supposed to. We went them
8 Rule 5. We sent Brady. We then turned around
9 and they contacted all of us and said it's
10 scheduled for July 9th. There was no objection
11 from my office. But then, they walk in from
12 the back door and say this is 333 pages. And
13 then you hand it to me 10 minutes before and
14 said -- well, why give it to me in the first
15 place.

16 The problem we have here is that it's a
17 five-year-old case. And if it's the same
18 information that you gave me long ago, then why
19 are you making such an effort to shoot it to me
20 on Friday? Because you never gave it to me.
21 And then you're walking in here this morning 10
22 minutes before this motion was supposed to be
23 heard and you're saying oh, it's the same
24 information I gave you on Friday. We don't
25 allow trials by ambush here. We simply provide

PRE-TRIAL MOTIONS

1 all the information and everyone is allowed to
2 argue the case.

3 In this particular case, they've known all
4 along that a DSS social worker was no longer
5 employed there. It's just nobody in that
6 office ever picked up the file and said we've
7 got to go talk to her and do we need to go the
8 DSS file since she left employment, she can't
9 take the file with her. But they decided to do
10 it the week before. And now, they're before
11 Your Honor saying give us a pass. It
12 doesn't -- if we're denying his constitutional
13 rights, it doesn't matter if we're denying his
14 due process rights, Brady doesn't matter, just
15 go ahead and let us do this, Judge. 16 pages
16 equals 333 pages.

17 They stated it took a half an hour to
18 review. My client's facing 20 years in jail.
19 I received this paperwork right after the
20 holiday on that Friday, on July the 6th, and
21 we're preparing for this case. I had to stop
22 my defense, actually go back through this
23 paperwork and attempt to try to go through it.
24 And then, they also sent me a new indictment, a
25 completely new charge. That changed the

PRE-TRIAL MOTIONS

1 substance of the case, the defense of the case
2 and they returned that indictment on July 5th.
3 And they're before this Court and what are they
4 telling Your Honor, it doesn't matter, he
5 doesn't have any rights. We told you we might
6 do this a month ago. Well, what you might do
7 and what you possibly could do, I have to base
8 my defense on the charges that are before me.
9 And I found out on July 6th that you impaneled
10 a grand jury.

11 The big question here is, why didn't you
12 impanel a grand jury the year 2013? Why didn't
13 you impanel a grand jury '14, '15, 16, '17?
14 This is just irresponsible on their part. As
15 lawyers, we should not say these things to each
16 other, we should not talk harsh to each other,
17 but I'm fighting for my client's rights here.
18 It's 2018 and they still don't have their act
19 together. And they're telling the Court now,
20 just go ahead and let us try the case. They've
21 got a victim here that is adamantly opposed to
22 this and has testified under oath that it
23 never, ever happened.

24 THE COURT: Let me hear from the State.

25 MS. LUTTRELL: Yes, Your Honor. So, about

PRE-TRIAL MOTIONS

1 a month ago, I did email Mr. Walters. I
2 actually emailed him about four or five times
3 and never received a response from him to my
4 emails. And I did call him a few times, I
5 finally got him on the phone once out of about
6 three or four calls as well over the last two
7 months since I've been preparing for trial.

8 When I emailed him about a month ago, I
9 introduced myself again for a second or third
10 time. I told him that we were sending two
11 indictments to the grand jury. One was an
12 amended indictment to the original indictment
13 that was indicted and true billed on August
14 1st, 2013. The changes were more of
15 scrivener's errors for that indictment. It did
16 not change any of the substance of the charge.
17 And that was the charge of criminal sexual
18 conduct with a minor, second degree.

19 The second indictment we sent to the grand
20 jury was an indictment for first degree sexual
21 exploitation of a minor. That does not change
22 the nature of these offenses. It is still a
23 sexual criminal conduct by the Defendant for
24 the very same incident that occurred on the
25 same date as the indictment for the criminal

PRE-TRIAL MOTIONS

1 sexual conduct with a minor second degree.

2 We also nolle prossed two charges. He
3 also had a second count of criminal sexual
4 conduct with a minor, second degree and a
5 criminal sexual conduct with a minor, third
6 degree. Those were true bill indicted back in
7 2016. I nolle prossed those on June 29th. But
8 I had told him I was going to nolle pros those
9 counts when I sent him the email month ago.

10 In that email, I told him about the
11 amended indictment. I said that we are sending
12 a new indictment. I did not say that there was
13 a possibility. I said we are sending another
14 indictment for first degree sexual exploitation
15 of a minor and I included a copy of that
16 indictment on that email. And then I also told
17 him that I was dismissing the two true billed
18 indictments from 2016. Again, I didn't receive
19 any response to those, so I called him. I
20 talked to him on the phone about those. He did
21 not mention any objections when I talked to him
22 on the phone about a month ago about these
23 indictments.

24 And then, they were sent to the very next
25 grand jury that was being held in Allendale,

PRE-TRIAL MOTIONS

1 which, just, unfortunately, was July 5th. And
2 my co-counsel then forwarded the true billed
3 indictments in an email to him on July 6th when
4 we had them.

5 THE COURT: Criminal sexual conduct with a
6 minor, second degree has been pending for
7 years?

8 MS. LUTTRELL: Since 2013, Your Honor.

9 THE COURT: The exploitation charge is
10 brand new?

11 MS. LUTTRELL: Yes, Your Honor.

12 THE COURT: You dismissed what?

13 MS. LUTTRELL: We dismissed a second
14 charge of criminal sexual conduct, second
15 degree with a minor and we dismissed criminal
16 sexual conduct with a minor, third degree as
17 well. Those were both true bill indicted in
18 2016. And I believe back in 2016, this case
19 was set to go to trial and the defense asked
20 for a continuance at that point and he was
21 granted a continuance. And it's been two years
22 since we could get this case back on the trial
23 docket.

24 MR. WALTERS: May it please the Court.
25 Your Honor, I'd simply state this, the

PRE-TRIAL MOTIONS

1 solicitor paints a picture that says I emailed
2 him. There's no objection that any defense
3 lawyer could put forward to prevent a solicitor
4 from presenting a case before the grand jury.
5 So this picture's being painted that I called
6 and I called and he didn't object to me going
7 to the grand jury.

8 Bottom line is, we can't stop them from
9 going to the grand jury. If you write me an
10 email and you tell me we're going to present
11 sexual exploitation of a minor to the grand
12 jury, well, guess what, I have to live with it.
13 But until I receive that charge and a forward a
14 Rule 5 with regards to the new charge and ask
15 for any evidence that you have to prepare the
16 case, you simply can't return an indictment on
17 July 5th and then try the case on July 9th.
18 Their position, again, is we want to try your
19 case.

20 This charge changes the complexity of the
21 case. It broadens the net. It makes the jury
22 think there's a lesser included charge here.
23 And of course, the elements for sexual
24 exploitation of a minor are totally different
25 in terms of what you have to define. They put

PRE-TRIAL MOTIONS

1 forward a new charge on July 5th and their
2 position is well, you didn't call back, like as
3 if I could object. You didn't raise an
4 objection to it, as if I could stop it.

5 The only thing I could do and my
6 obligation as a defense lawyer is once you
7 inform me that you're going back to the grand
8 jury is to simply sit and wait. And of course,
9 if they return a true bill, I have to take that
10 charge, serve a new Rule 5 and ask the State to
11 produce their evidence that somehow is
12 pertinent to that case and then I prepare a
13 defense.

14 What's being done here is a lot of smoke
15 and mirrors and red herrings. I sent an email,
16 I called on the phone, I finally got him on the
17 phone. The bottom line is, is this Solicitor's
18 office have dragged on this particular case.
19 It's close to five years. And what they're
20 telling the people in this community is we just
21 got our act together last week and we're asking
22 you to buy into the smoke and mirrors. We
23 returned an indictment on July 5th and we want
24 to try the case on July 9th.

25 In addition, we sent them 333 sheets of

PRE-TRIAL MOTIONS

1 paper on Friday and we want to prepare the case
2 on this particular Monday, but Judge, we handed
3 it to him so he can compare. Why give me a
4 second copy when you're already sent me the
5 first copy? Now, they've walked in here and
6 said, this is complete. It's supposed to cover
7 everything. I haven't been given an
8 opportunity to review what they handed me 10
9 minutes before this hearing and what was sent
10 in the email.

11 The bottom line is, what's going on here
12 is rotten to the core. It is rotten to the
13 core. And my client deserves a defense that is
14 pertinent, that is real. And when I walk in
15 and hand him 333 documents on a Saturday and a
16 Sunday and the solicitor walks in here and
17 says, well, they're not really relevant, they
18 don't matter.

19 You're the gatekeeper of justice. He has
20 due process rights. He has rights under Rule
21 5. He has rights under Brady. What's
22 happening here is that they want to come
23 through the back door and they want to try to
24 incarcerate this man. And I'm simply asking
25 for one thing, Judge --

PRE-TRIAL MOTIONS

1 And I want to address another issue they
2 brought up. They said well, he asked for a
3 continuance. We did ask for a continuance, and
4 we were prepared today to try this case. We're
5 not here because of sexual exploitation of a
6 minor. They brought this charge out of
7 nowhere, and they brought it up a week before
8 the trial. They switched lawyers over and over
9 again with regards to this case.

10 Your Honor, what I'm simply asking for is
11 justice and fairness under the circumstances
12 and you as the gatekeeper, you hold them to
13 their burden of what they're supposed to do.
14 Because right now, right now, my client's
15 constitutional rights are being violated. He's
16 walking in here today and he's not sure exactly
17 what's going on. And their position is don'
18 worry about it. It's not relevant. It's not
19 important. It's a divorce decree. Well, Your
20 Honor, there's more than a divorce decree here.
21 There's plenty of information. There's also
22 information from the Internet with regards to
23 an exchange that also involves the victim in
24 this particular case. There's information from
25 DSS. There's information from the Department

PRE-TRIAL MOTIONS

1 of Mental Health.

2 There's also statements, Your Honor, not
3 just the statements of Mary Carter -- let's
4 make sure we're clear about what's here. You
5 have Officer Holmes, you have Pamela Kinard.
6 In addition to that, we also have Ms. Caroline
7 chess. We also have information with regards
8 to the actual investigation itself. So, this
9 picture that's being painted that oh, it's just
10 Mary Carter's information, you can simply go
11 through each one of the voluntary statements,
12 Tanaysia Myers, also, Samuel Holmes, also,
13 statements from the victim in this particular
14 case, not one statement, but three different
15 statements from the victim in this particular
16 case.

17 THE COURT: This is new information to
18 you?

19 MR. WALTERS: Your Honor, the information
20 that I have here that's been handed to me, I
21 have not had an opportunity to go through it.
22 They're saying it's the same thing as what they
23 gave me on Friday. I am speaking from a
24 position of ignorance because I don't know
25 what's there. And I can't turn around and tell

PRE-TRIAL MOTIONS

1 my client it's okay, you're all right. I can
2 handle it. I can flip through it in a couple
3 of hours and figure it out. It takes them an
4 hour and a half to go through it and say this
5 is what you deserve.

6 They've really had five years to prepare
7 this, five years. And they're before the Court
8 right now and guess what they're telling you --
9 I don't know whether it's a personnel problem
10 or what exactly is going on in that office.
11 Hold my feet to the fire, but I'm asking for a
12 fair trial under the circumstances. And what
13 they're telling you is, is that we didn't get
14 it together. The 4th went by, and after the
15 4th went by, we realized we had a trial on the
16 9th and guess what? We got, at least, six
17 emails here, all compiled, messages are being
18 sent. And all they're saying is, is if I talk
19 to you on the phone, everything is okay. And
20 what I'm saying to them is, whether you call me
21 or you don't, you have to meet your obligation
22 that's imposed on you by the rules of criminal
23 procedure, by due process is what the law
24 requires. You don't walk in and hand me
25 documents 10 minutes before a hearing and then

PRE-TRIAL MOTIONS

1 turn around and say, you could attest to the
2 fact what's in this packet. No, I can't.

3 Here's the big question, why do you have
4 to give me the documents 10 minutes before the
5 motion is being heard if you've already sent me
6 the documents?

7 THE COURT: Let me ask you, Solicitor, a
8 question, do you agree with Mr. Walters, what
9 he said, I believe he said, is that the new
10 charge is not a lesser included charge?

11 MS. LUTTRELL: It is not a lesser included
12 charge, Your Honor, but it is based on all of
13 the same evidence as previously provided and
14 that we will use to prove the criminal sexual
15 conduct with a minor, second degree. There is
16 no new evidence for that charge.

17 THE COURT: There's no what, I'm sorry?

18 MS. LUTTRELL: There's no new evidence for
19 that charge.

20 MR. WALTERS: Your Honor, I'm going to
21 object, there is new evidence with regards to
22 that charge. And I should be allowed to
23 explore it. I should be allowed to have my
24 investigator pursue it. I should be allowed to
25 have my client sit down and meet with witnesses

PRE-TRIAL MOTIONS

1 that may be brought before this Court so I can
2 litigate that matter. What they're saying is,
3 stop his defense because it's nothing new. I'm
4 saying that this information is new and I have
5 a right to pursue a defense for my client. And
6 what they're saying is, no, you just don't get
7 that because we gave it to you on Friday.

8 MS. LUTTRELL: Your Honor, if I could
9 clarify about the statements that he was
10 pointing out as part of that DSS packet. That
11 is the criminal file from the SLED
12 investigator, the exact same statements. DSS
13 just took copies of those and attached them to
14 her file. Again, that was all part of the SLED
15 investigative report that was provided back in
16 2013 to the defense.

17 THE COURT: Anything else from the
18 Solicitor?

19 MS. LUTTRELL: No, Your Honor.

20 And, Your Honor, if I may, actually, just
21 one more thing.

22 THE COURT: Certainly.

23 MS. LUTTRELL: If Your Honor is inclined
24 to continue this case because of this new
25 indictment, the State is still prepared to just

PRE-TRIAL MOTIONS

1 go forward on the criminal sexual conduct with
2 a minor, second degree today for trial. And we
3 will not go forward on the first degree sexual
4 exploitation of a minor.

5 We believe that the defense was given
6 proper notice for that charge. We believe the
7 nature of that charge is the same as or similar
8 to the criminal sexual conduct with a minor,
9 second degree. Again, it's based on all of the
10 same evidence. But we are prepared and we do
11 not want to delay this case, so we would be
12 prepared to only go forward on the criminal
13 sexual conduct with a minor, second degree if
14 that is how Your Honor rules.

15 MR. WALTERS: May it please the Court?

16 THE COURT: Yes, sir.

17 MR. WALTERS: It doesn't change the fact
18 that they gave me 333 documents on Friday. It
19 doesn't change the fact that you walk in here
20 10 minutes before this motion was supposed to
21 be heard and hand me a stack of documents and
22 say, oh, it's the same thing as what I sent in
23 an email to you.

24 What's going on here, Your Honor, again, I
25 say it over and over again, it is rotten to the

PRE-TRIAL MOTIONS

1 core. And in this particular case, Rule 5,
2 Brady, all of these issues are being violated
3 under the circumstances. A Solicitor's office
4 should conduct itself in a proper manner and
5 honorable manner instead of walking in 10
6 minutes before a hearing saying, this really
7 doesn't matter, it's not relevant, or we
8 thought we'd just hand it to you.

9 The bottom line is -- and now, they're in
10 retreat mode, they want to retreat. I want to
11 drop the indictment because I may be wrong.
12 But in addition to that, Your Honor, I want to
13 proceed forward on one charge, despite the fact
14 that I gave them the paperwork 10 minutes
15 before the hearing.

16 This is wrong. It smells of injustice and
17 they know it. And they're sitting here trying
18 to come up with some fabricated reason as to
19 why they've got it right. The bottom is it's
20 rotten to the core. This apple and this whole
21 entire processes smells. They simply could
22 have done the right thing, but they refused to
23 do so. If you win your trial, you win it on
24 the merits and you try your case and you win.
25 But you can't win a case when you walk in and

PRE-TRIAL MOTIONS

1 hand somebody 10 minutes before the hearing and
2 simply say it's not important to your case.
3 And they think I'm going to acquiesce to that
4 and agree that it's not important to my case.
5 I have to be an advocate for my client and I'm
6 not going to compromise on this issue.

7 I will respect Your Honor's ruling, but
8 the bottom line is, the solicitors are wrong.
9 They're five years late and now, they want to
10 throw the case together and have everybody come
11 in here and say let's try the case and see what
12 happens.

13 THE COURT: As to the Defendant's motion,
14 I'm going to grant it as to the first degree
15 sexual exploitation of a minor. As to that
16 charge, I'll grant a continuance as to that
17 charge. As to the criminal sexual conduct with
18 a minor, second degree, deny the Defendant's
19 motion for a continuance as to that indictment.
20 I do so for the following reasons and would
21 like to make statements concerning that.

22 First of all, the solicitor, as an officer
23 of the court, says the documents provided
24 Friday are the same as the documents handed
25 over today. I take that at face value. If

PRE-TRIAL MOTIONS

1 defense counsel determines between now and 2:30
2 today that there is something new in the
3 hand-delivered documents, something different
4 than provided electronically on Friday and
5 brings it to my attention, we will reconsider
6 that. If defense counsel can give me any
7 specific information about information provided
8 on Friday which he believes specifically
9 prejudices the Defendant, let me know and I
10 will reconsider. If you need more time to the
11 address that second part, I'll give you to 2:30
12 to see is there anything specific in there that
13 you believe prejudices your client, new
14 information from what was given to you on
15 Friday. So far, I understand your arguments,
16 due process arguments, I understand that. But
17 the absence of any specific allegation of
18 prejudice, I'm going to deny your motion. Once
19 again, if you bring it to my attention,
20 something that would cause me to change my
21 mind, I would be glad to reconsider.

22 Now, what else do we need to do on this
23 case today before the jury comes in?

24 MS. LUTTRELL: Your Honor, we do have
25 pretrial motions after jury selection. We have

PRE-TRIAL MOTIONS

1 a Jackson V. Denno motion, but that is the only
2 other pretrial. The State plans to call two
3 expert witnesses, but we plan to qualify them
4 just prior to their testimony. They were not
5 available to come out to Allendale multiple
6 times to do their expert qualifications ahead
7 of time.

8 MR. CULLER: Your Honor, we -- Michael
9 Culler. We would have a motion to certainly
10 exclude and restrict, if allowed, testimony of
11 the experts, which I assume we can do upon
12 their arrival. I understand they're not here.
13 The Cromer factors and things of that nature,
14 Your Honor, which I'm sure the solicitor is
15 familiar with. But we'll have to wait until
16 they're here to do it, obviously. I just
17 wanted to let the Court know.

18 THE COURT: Anything else?

19 MS. LUTTRELL: No, Your Honor.

20 THE COURT: All right.

21 (Recess.)

22 THE COURT: Solicitor, are you ready to
23 call the case?

24 MS. LUTTRELL: Yes, Your Honor. The State
25 calls State of South Carolina vs. Bobby Jones,

CALLING OF THE CASE

1 indictment 2013-GS-03-00039.

2 THE COURT: Ladies and gentlemen, as you
3 heard, we are about to begin the selection of a
4 jury in the case of the State of South Carolina
5 vs. Bobby Jones, Sr. charged with criminal
6 sexual conduct with a minor in the second
7 degree. The indictment alleges that on or
8 about January 21st of 2013, the Defendant,
9 Bobby Jones, Sr. did engage in sexual battery
10 with one [REDACTED], who, at that time was
11 14 years of age or less, but was, at least, 11
12 years of age at the time of the sexual battery,
13 all in violation of the laws of this state.

14 In just a few minutes, I'm going to begin
15 asking you some questions about your
16 relationship to a lot of people, a lot of
17 organizations, but before I do that, I'm going
18 to ask that the attorneys involved in the case,
19 if they will stand and identify themselves to
20 you and give you the names of potential
21 witnesses that may be called in the case. And
22 after all that's done, I want you to think
23 about what they've said, particularly the names
24 of the witnesses, because I'm going to ask you
25 about your relationship with the attorneys,

CALLING OF THE CASE

1 with the victim, with the Defendant, and with
2 these witnesses who are going to be identified
3 in just a moment to you.

4 We'll begin with the solicitor.

5 MS. STAGGS: Thank you, Judge. Good
6 afternoon, my name is Leigh Staggs, I'm an
7 assistant solicitor with the 14th Circuit
8 Solicitor's Office.

9 MS. LUTTRELL: My name Rebekah Luttrell,
10 I'm also an assistant solicitor with the 14th
11 Circuit Solicitor's Office. This is Bruce
12 Davis, he's an investigator in our office and
13 Richard Johnson, the lead investigator in this
14 case.

15 Would you like me to do the witnesses now,
16 Your Honor?

17 The State's witnesses in this case are
18 Sheriff Tom Carter with the Allendale Sheriff's
19 Office, Samuel Holmes with the Allendale
20 Sheriff's Office, [REDACTED], Brenda Jones,
21 Levi Jones, Tanaysia Myers, Nicole Smith,
22 Kenneth Tyler, Carolyn Chess, Pamela Kinard,
23 Kimberly Solomon, Mary Carter, Shawna Bowers
24 with DSS, Kristin Dalton, Sitha Patel and April
25 Winston.

CALLING OF THE CASE

1 THE COURT: And for the Defense?

2 MR. WALTERS: May it please the Court.

3 Ladies and gentlemen of the jury, my name
4 is Glenn Walters, I practice here in Allendale
5 and I also have an office in Orangeburg. And I
6 represent in this particular case, along with
7 Attorney Michael Culler, who's also from
8 Orangeburg, and, of course, Mr. Bobby Jones.

9 As far as witnesses that we're going to
10 call in this particular case, we have Ms. [REDACTED]
11 [REDACTED], and we also have the wife of
12 Reverend Jones, Ms. Brenda Jones is present
13 before the Court here today.

14 Your Honor, I believe that's all that we
15 have here at this time. Thank you.

16 THE COURT: Thank you, Mr. Walters.

17 As I said a minute ago, ladies and
18 gentlemen, I'm going to begin asking you some
19 questions. And as we did earlier, if you need
20 to respond, please stand, give us your juror
21 number if you know it and then I really need
22 for you to speak loudly and distinctly into
23 that microphone. I had a really hard time
24 understanding you earlier. You're going to
25 have to take a deep breath and talk loud,

JURY SELECTION

1 otherwise I won't be able to hear you. I won't
2 be able to understand you.

3 The first question, ladies and gentlemen,
4 I have for you is this, any member of the jury
5 panel related by blood, related by marriage to
6 any of the attorneys involved in this case or
7 to the victim or to the Defendant? If so,
8 please stand.

9 And give us your name and juror number and
10 really, really take a deep breath and tell me
11 why you stood.

12 The lady in the white top, please, ma'am.

13 POTENTIAL JUROR: My name is Mary Devoe.
14 I don't know my juror number.

15 THE COURT: Sixty-one, I thought.

16 POTENTIAL JUROR: I'm related to
17 Mr. Jones' wife, distant cousin.

18 THE COURT: What kind of cousin?

19 POTENTIAL JUROR: Way -- I don't know. I
20 mean, I think she's like a fourth cousin to my
21 father.

22 THE COURT: All right. How often would
23 you see each other in a given year, let's just
24 say?

25 POTENTIAL JUROR: Only in passing, maybe

JURY SELECTION

1 at the store, gas station, no functions.

2 THE COURT: Would that relationship
3 interfere with your ability to be a fair and
4 impartial juror in this case?

5 POTENTIAL JUROR: No, sir.

6 THE COURT: You think you could be fair
7 both to the State and to the Defendant?

8 POTENTIAL JUROR: Yes, sir.

9 THE COURT: Thank you, ma'am. Pass that
10 microphone.

11 That lady is going to speak just as loud
12 as you did.

13 POTENTIAL JUROR: My name is Lisa Gadson.
14 I'm also related to Ms. Jones.

15 THE COURT: And?

16 POTENTIAL JUROR: I'm her second cousin.

17 THE COURT: Second?

18 POTENTIAL JUROR: Uh-huh. (Indicating
19 affirmatively.)

20 THE COURT: Similar question, how often do
21 you see each other?

22 POTENTIAL JUROR: Whenever passing in the
23 store or in the street.

24 THE COURT: How long has it been since
25 y'all were in the same home with each other?

JURY SELECTION

1 POTENTIAL JUROR: Two weeks ago.

2 THE COURT: Two weeks ago.

3 POTENTIAL JUROR: Uh-huh. (Indicating
4 affirmatively.)

5 THE COURT: So you see each other other
6 than just passing?

7 POTENTIAL JUROR: Right. She comes in the
8 store, yes.

9 THE COURT: Well, would that relationship
10 that you just described interfere with your
11 ability to be a fair and impartial juror?

12 POTENTIAL JUROR: I could be fair, but I
13 don't want to. I don't want to serve.

14 THE COURT: But there are probably a lot
15 of people that don't want to be here at all,
16 but if you were selected and took the oath of a
17 juror, could you be fair?

18 POTENTIAL JUROR: Yes, sir.

19 THE COURT: You might not want to be
20 there. You might not want to have the job; is
21 that right?

22 POTENTIAL JUROR: Yes.

23 THE COURT: But you could be fair?

24 POTENTIAL JUROR: Yes, sir.

25 THE COURT: I'm sorry, your number?

JURY SELECTION

1 POTENTIAL JUROR: Eighty-six.

2 THE COURT: Juror No. 86. Thank you,
3 ma'am. Would you pass that microphone back to
4 your left.

5 This gentleman is going to speak as loud
6 as you did, I know he is.

7 POTENTIAL JUROR: Richard Morell, Juror 1.

8 THE COURT: Juror No. 1?

9 POTENTIAL JUROR: Yes, sir.

10 THE COURT: Yes, sir.

11 POTENTIAL JUROR: I'm related to
12 Mr. Jones, I'm his brother-in-law.

13 THE CLERK: 167.

14 MR. WALTERS: I'm sorry, what number is
15 he?

16 THE CLERK: 167.

17 MR. WALTERS: 167. And I apologize, Your
18 Honor, I didn't hear him. He's an
19 ex-brother-in-law or what is the relationship?

20 THE COURT: I'll ask him again. You say
21 that he is your brother-in-law?

22 POTENTIAL JUROR: Yes, sir.

23 THE COURT: Currently your brother-in-law?

24 POTENTIAL JUROR: Sir?

25 THE COURT: He's presently your

JURY SELECTION

1 brother-in-law?

2 POTENTIAL JUROR: My brother-in-law. He's
3 married to my sister, yes, sir.

4 THE COURT: I'm going to ask you a similar
5 question to the question that I asked you a
6 minute ago -- or I've asked the others. How
7 often do you see him?

8 POTENTIAL JUROR: Very often, sir. I see
9 him often.

10 THE COURT: Would that relationship
11 interfere with your ability to be a fair and
12 impartial juror?

13 POTENTIAL JUROR: No, sir.

14 THE COURT: You think that you could be
15 fair to both sides?

16 POTENTIAL JUROR: Yes, sir, I can be
17 honest on both sides, yes, sir.

18 THE COURT: You could listen to the
19 evidence and be fair to the State and to the
20 Defense?

21 POTENTIAL JUROR: I can't hear you, sir.

22 THE COURT: My microphone is not working.

23 You think you could hear the evidence, sit
24 on the jury -- do you think you could listen to
25 the evidence and be fair to the State as well

JURY SELECTION

1 as to the Defendant?

2 POTENTIAL JUROR: Yes, sir.

3 THE COURT: All right. Thank you, sir.

4 You can have a seat.

5 Has any member of the jury panel or member
6 of your immediate family ever been represented
7 by any of the attorneys involved in this case?
8 If so, please stand.

9 (No response.)

10 THE COURT: Has any member of the jury
11 panel ever had a close personal or social
12 relationship with any of the attorneys involved
13 in this case, any of the witnesses that have
14 been identified to you, with the victim, or
15 with the Defendant? If you have ever had a
16 close personal, social relationship with any of
17 those individuals, please stand.

18 And when you get the microphone, I ask you
19 to speak just as loud as you can.

20 POTENTIAL JUROR: Renea Jackson, I forgot
21 my number.

22 THE COURT: She's going to tell me in just
23 one minute, Ms. Jackson.

24 THE CLERK: 126.

25 THE COURT: 126. Yes?

JURY SELECTION

1 POTENTIAL JUROR: Mr. Bobby Jones
2 personally is my pastor.

3 THE COURT: Currently?

4 POTENTIAL JUROR: Yes.

5 THE COURT: The last time that you were in
6 his building, we'll call it his building, would
7 have been how long ago?

8 POTENTIAL JUROR: It's been about, I'd say
9 a year.

10 THE COURT: Last time you had a
11 conversation?

12 POTENTIAL JUROR: That's when my mom got
13 ordained as a pastor at our church in Estill,
14 South Carolina, that seems like three months
15 ago.

16 THE COURT: Would that fact interfere with
17 your ability to be a fair and impartial juror
18 in this case?

19 POTENTIAL JUROR: No, sir, but I would not
20 like to take part of it.

21 THE COURT: I do understand that.

22 POTENTIAL JUROR: Yes.

23 THE COURT: But if you were selected, do
24 you believe you could be fair?

25 POTENTIAL JUROR: Yes, sir.

JURY SELECTION

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

2 POTENTIAL JUROR: Eloise Manor, 144.

3 THE COURT: We're going to double check.

4 POTENTIAL JUROR: Okay.

5 THE CLERK: 145.

6 THE COURT: 145.

7 POTENTIAL JUROR: Okay. Yes, Mr. Bobby
8 Jones is my pastor.

9 THE COURT: Last time you would have been
10 in his church?

11 POTENTIAL JUROR: It's been a while, but
12 we -- but he is my pastor. But it wouldn't
13 interfere, I would be able to serve. I don't
14 mind being impartial.

15 THE COURT: How long has he been your
16 pastor?

17 POTENTIAL JUROR: About three or four
18 years.

19 THE COURT: Last time you had a
20 conversation with him would have been how long
21 ago?

22 POTENTIAL JUROR: It's been a while since
23 I actually had a conversation with him.

24 THE COURT: Do you think that the fact
25 that he's your pastor would not interfere with

JURY SELECTION

1 your ability to be fair to both sides in this
2 case?

3 POTENTIAL JUROR: No, sir.

4 THE COURT: Thank you, ma'am.

5 Does any member of the jury or member of
6 your immediate family attend the New Life House
7 of Love church? If so, please stand.

8 (No response.)

9 THE COURT: Similar question, has any
10 member of the jury panel ever visited the New
11 Life House of Love church? If so, please
12 stand.

13 And yes, sir, let the gentleman on the
14 front row speak first.

15 POTENTIAL JUROR: Stanley Bolden. I'm not
16 quite sure what juror number.

17 THE CLERK: Fourteen.

18 THE COURT: Yes, sir?

19 POTENTIAL JUROR: I have visited New Life
20 a couple of times.

21 THE COURT: A couple of times?

22 POTENTIAL JUROR: Uh-huh. (Indicating
23 affirmatively.)

24 THE COURT: And the last time has been
25 approximately how long ago?

JURY SELECTION

1 POTENTIAL JUROR: It might be a year ago,
2 I believe it is.

3 THE COURT: Would that fact interfere with
4 your ability to serve on the jury in this case?

5 POTENTIAL JUROR: No, it would not, Your
6 Honor.

7 THE COURT: Thank you, sir.

8 Yes, ma'am?

9 POTENTIAL JUROR: My name is Rossella
10 Smoaks, Juror 217.

11 THE COURT: 217.

12 POTENTIAL JUROR: I have attended New Life
13 House church several times. The last time I
14 was there probably about, yeah, about a year
15 ago.

16 THE COURT: Would that interfere with your
17 ability to serve as a fair and impartial juror
18 in this case?

19 POTENTIAL JUROR: No, sir, it won't.

20 THE COURT: Thank you, ma'am.

21 POTENTIAL JUROR: You're welcome.

22 THE COURT: Yes, ma'am? I forgot your
23 number.

24 POTENTIAL JUROR: I don't know it.

25 THE COURT: Give us your name.

JURY SELECTION

1 POTENTIAL JUROR: My name is Tiana
2 Priester. And I have visited his church a
3 couple of times.

4 THE COURT: Last time?

5 POTENTIAL JUROR: Probably about a year.

6 THE COURT: Tell me your name again.

7 POTENTIAL JUROR: Tiana Priester.

8 THE COURT: We'll be right with you, hang
9 on.

10 (Pause.)

11 THE COURT: The last time you visited
12 would have been how long ago? I'm sorry.

13 POTENTIAL JUROR: About a year ago.

14 THE COURT: About a year ago?

15 POTENTIAL JUROR: Yes, sir.

16 THE COURT: Would that fact interfere with
17 your ability to be a fair and impartial juror?

18 POTENTIAL JUROR: No, sir.

19 THE COURT: Thank you, ma'am.

20 MS. LUTTRELL: Your Honor, may we have her
21 juror number, please?

22 THE COURT: You have to step over here and
23 get that from the clerk.

24 (Off-the-record discussion held.)

25 THE COURT: Has any member of the jury

JURY SELECTION

1 panel ever donated money to the New Life House
2 of Love church? If so, please stand.

3 (No response.)

4 THE COURT: Has any member of the jury
5 panel or your immediate family ever
6 participated in the SCDJJ team after-school
7 program at the New Life House of Love or with
8 the Defendant, Bobby Jones, Sr.? If so, please
9 stand.

10 (No response.)

11 THE COURT: Is any member of the jury
12 panel related to any other member of the jury
13 panel? If so, please stand.

14 POTENTIAL JUROR: Hi, I'm Renea Jackson
15 again, and Eloise J. Maner is my mother.

16 POTENTIAL JUROR: I'm her mother.

17 THE COURT: I kind of gathered that.

18 All right. Thank you, ma'am.

19 All right. Let me ask you -- sorry, you
20 got somebody else related?

21 POTENTIAL JUROR: Yes, sir. My name is
22 Mary Devoe. Rosa Devoe is my sister-in-law.

23 THE COURT: All right.

24 POTENTIAL JUROR: My name is Lisa Gadson
25 and Anthony Hoover is my first cousin.

JURY SELECTION

1 THE COURT: First cousin?

2 POTENTIAL JUROR: Yes, sir.

3 THE COURT: Thank you, ma'am.

4 POTENTIAL JUROR: My name is Lakeisha

5 Priester and Tiana Priester is my first cousin.

6 THE COURT: Thank you, ma'am.

7 POTENTIAL JUROR: I'm Juror 113 and Bonnie

8 Meyer is my first cousin.

9 POTENTIAL JUROR: My name is Marsha

10 Williams. I don't know my juror number, but

11 Rakeem Dingle is my nephew.

12 THE COURT: It looks like he's proud of
13 it, too.

14 Now, ladies and gentlemen, let me ask you
15 another question. I have more than one, but
16 this next question, I want you to think about.
17 Other than inside the courtroom here, has any
18 member of the jury panel heard anything about
19 this case? In other words, outside of the
20 courthouse or outside of the courtroom, have
21 you heard anybody discussing the case? If so,
22 please stand.

23 POTENTIAL JUROR: My name is Marsha

24 Williams, and yes, I've heard about this case.

25 THE COURT: You've heard about the case?

JURY SELECTION

1 POTENTIAL JUROR: Yes, sir.

2 THE COURT: Where?

3 POTENTIAL JUROR: I'm in the school
4 system.

5 THE COURT: I'm sorry?

6 POTENTIAL JUROR: I'm in the school
7 system.

8 THE COURT: Oh, okay. So you heard about
9 it at school?

10 POTENTIAL JUROR: Yes, sir. It was like
11 my colleagues at work were talking about it.

12 THE COURT: How long ago did you first
13 hear about it?

14 POTENTIAL JUROR: This was in about 2013
15 when it first happened.

16 THE COURT: When was the last time you
17 heard about it?

18 POTENTIAL JUROR: I haven't heard anything
19 about it, no, after 2013.

20 THE COURT: So you heard about it years
21 ago?

22 POTENTIAL JUROR: Yes, sir.

23 THE COURT: Would what you heard years ago
24 interfere with your ability to be a fair and
25 impartial juror in this case?

JURY SELECTION

1 POTENTIAL JUROR: Yes, it would.

2 THE COURT: It would?

3 POTENTIAL JUROR: Yes, it would.

4 THE COURT: I have to get your name. Your
5 name again.

6 POTENTIAL JUROR: Marsha Williams.

7 THE CLERK: 240.

8 THE COURT: You don't think that you could
9 be on the jury, listen to the testimony, listen
10 to the attorneys, listen to me and be fair to
11 both the State and to the Defendant?

12 POTENTIAL JUROR: Well, what I know about
13 children and stuff like that, no, sir, I could
14 not.

15 THE COURT: Thank you ma'am.
16 Somebody behind you.

17 POTENTIAL JUROR: Juror No. 145. I can
18 say, it's a small town. Everybody is kin, so
19 everybody done heard about it. Honestly, I
20 thought it was over.

21 THE COURT: The last time you heard
22 anything about it is how long ago?

23 POTENTIAL JUROR: Whenever it first
24 happened. Years ago, whenever it first took
25 place, yes.

JURY SELECTION

1 THE COURT: Now, would the fact that you
2 heard something about this case years ago
3 interfere with your --

4 POTENTIAL JUROR: No, sir.

5 THE COURT: -- ability to be fair and
6 impartial?

7 POTENTIAL JUROR: I can be.

8 THE COURT: I know you've already told me
9 that once, I'm going to ask to make sure again.

10 POTENTIAL JUROR: Yes, sir.

11 THE COURT: All right. Thank you, ma'am.
12 Got one lady --

13 I'm sorry, I didn't see your microphone.
14 Yes, ma'am, your name and number?

15 POTENTIAL JUROR: Hi, I'm Pamela
16 Singleton, Juror 211. I want to say just two
17 or three days ago, someone -- me and another
18 young lady had a conversation about this case
19 because I told her that I was called for jury
20 duty and she told me it was Bobby's case and I
21 said I did not want to do that. I was just
22 being honest. And I been knowing this man
23 since I was knee high to a duck.

24 So, to answer your question, could I be
25 fair and impartial, Your Honor, I'm not going

JURY SELECTION

1 to tell you no lie, I don't think I could. I
2 really don't think that I could.

3 THE COURT: Now, was that the first time
4 that you heard anything?

5 POTENTIAL JUROR: No, sir, I heard about
6 it when it first happened in 2013, 2014, when
7 it broke the news, when it hit the newspaper.
8 I'm a news -- I love current events, so I'm
9 going to read things going on.

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

11 POTENTIAL JUROR: You're welcome.

12 THE COURT: Has any juror or close family
13 friend -- or close relative, excuse me, ever
14 worked at the Department of Social Services?
15 You or a member of your immediate family ever
16 worked with the Department of Social Services?
17 If so, please stand.

18 (No response.)

19 THE COURT: Now, any juror or member of
20 your immediate family ever been the victim of a
21 serious violent crime, including sexual abuse?
22 You or a member of your immediate family ever
23 been the victim of such? If so, please stand.

24 (No response.)

25 THE COURT: Has any member of the jury

JURY SELECTION

1 panel or member of your immediate family ever
2 made a report of abuse to any child protective
3 agency, such as the Department of Social
4 Services, police department, Sheriff's
5 Department or anyone involved in a child --
6 about an incident involving a child? If so,
7 please stand.

8 (No response.)

9 THE COURT: Has any member of the jury
10 panel or member of your immediate family ever
11 been a member of law enforcement?

12 Oh, I'm sorry, skipped over you.

13 POTENTIAL JUROR: My sister --

14 THE COURT: Hold on a minute, got to get a
15 name and number.

16 POTENTIAL JUROR: Kelyne Buxton, Juror 39.

17 THE COURT: 139?

18 POTENTIAL JUROR: 39.

19 THE COURT: I'm sorry, go ahead.

20 POTENTIAL JUROR: My sister, she reported
21 a case of abuse in Hampton County.

22 THE COURT: How long ago?

23 POTENTIAL JUROR: Like two years ago.

24 THE COURT: Thank you, ma'am.

25 Has any member of the jury or member of

JURY SELECTION

1 your immediate family ever been a member of law
2 enforcement or worked for a law enforcement
3 agency? If so, please stand.

4 POTENTIAL JUROR: Jerlesa Harney, I'm not
5 sure of my juror number.

6 THE COURT: 110, yes, ma'am.

7 POTENTIAL JUROR: My husband works for law
8 enforcement.

9 THE COURT: Where?

10 POTENTIAL JUROR: Gifford.

11 THE COURT: Thank you, ma'am.

12 POTENTIAL JUROR: Larry Davis, Juror 58.
13 Your Honor, would DOT be a department of law
14 enforcement. My nephew, Spencer Davis, he's
15 been on law enforcement a couple of times and
16 now he's on DOT.

17 THE COURT: Okay, all right. Thank you.
18 Yes, ma'am.

19 POTENTIAL JUROR: Hi, once again, Pamela
20 Singleton, Juror 211. I have two brothers in
21 law enforcement and they're in the courtroom
22 today.

23 THE COURT: They are where today?

24 POTENTIAL JUROR: Right here today in the
25 courtroom, Deputy Guillard and Deputy Hall.

JURY SELECTION

1 THE COURT: How are they related to you?

2 POTENTIAL JUROR: Deputy Guillard is my
3 first cousin and Deputy Hall, I want to say,
4 maybe, third or fourth, distant down the road.
5 But that's my first cousin.

6 THE COURT: Thank you, ma'am.

7 POTENTIAL JUROR: You're welcome.

8 THE COURT: Ladies and gentlemen, you've
9 heard me ask several questions about this case.
10 And by now, you all are familiar with the
11 allegations, the generalities of this case.
12 Does any member of the jury panel have any
13 personal knowledge about any of these
14 allegations? Personal knowledge, not rumor,
15 not hearsay, not what someone told you, does
16 anybody have any personal knowledge about the
17 allegations in this case? If so, please stand.

18 (No response.)

19 THE COURT: Does any member of the jury
20 panel or member of your immediate family ever
21 had any involvement with organizations known as
22 Polly Best Haven or Hope Haven or Hope Horizon?
23 If so, please stand.

24 (No response.)

25 THE COURT: Has any member of the jury

JURY SELECTION

1 panel ever received any special training,
2 special education on the subject of sexual
3 offenses, whether those sexual offenses involve
4 minors or adults? Have you ever received any
5 special training or education about those
6 subjects? If so, please stand.

7 (No response.)

8 THE COURT: Has any member of the jury
9 panel attended any events or any meetings in
10 relation to sexual assault or criminal domestic
11 violent? If you've ever attended any events or
12 any meetings related to sexual assault or
13 criminal domestic violence? If so, please
14 stand.

15 (No response.)

16 THE COURT: Some of you, a few of you have
17 already told me that they could not be fair.
18 Other than those individuals, has any member of
19 the jury panel formed or expressed an opinion
20 about any issue or any matter involved in this
21 case? If so, please stand.

22 (No response.)

23 THE COURT: Is any member of the jury
24 panel aware of any bias or prejudice that they
25 may have for either the State or the Defendant

JURY SELECTION

1 in this case? If so, please stand.

2 (No response.)

3 THE COURT: Is there any member of the
4 jury panel who is a member of or contributor to
5 any group who has as its primary concern or
6 promotion of law enforcement or victim's
7 rights? And these groups may include, but not
8 limited to MADD, SADD, CAVE or such similar
9 organizations? If so, please stand.

10 (No response.)

11 THE COURT: As I said a minute ago,
12 several of you already told me that you could
13 not be fair, other than those individuals, does
14 any member of the jury panel know of any reason
15 whatsoever why he or she should not serve as a
16 juror in this case with particular emphasize
17 being placed on your ability to be fair and
18 impartial to both the State and to the
19 Defendant? If so, please stand.

20 (No response.)

21 THE COURT: Additional questions from the
22 State not already requested?

23 MS. LUTTRELL: No, Your Honor.

24 THE COURT: From the Defense?

25 MR. WALTERS: No, sir, Your Honor.

JURY SELECTION

1 THE COURT: State ready to select a jury?

2 MS. LUTTRELL: Yes, Your Honor.

3 THE COURT: Defense ready?

4 MR. WALTERS: Yes, sir, Your Honor.

5 THE COURT: If you would, please, give us
6 a jury.

7 Ladies and gentlemen, in just a moment,
8 the Clerk will call certain names to come
9 forward. The attorneys have the opportunity to
10 use a certain number of strikes, each side has
11 a certain number of strikes. They use those to
12 decide who they prefer not to sit on the jury.
13 So the attorneys don't have to select who sits
14 on the jury, they select who doesn't sit on the
15 jury. They don't have to give us any reasons.
16 They don't have to tell us why. It could be
17 any reason, including where you work, what you
18 wore in court today, what your spouse does, all
19 kind of reasons. And in just a moment, we're
20 going to do that.

21 THE CLERK: Juror No. 206, Deborah Sabb.

22 (Juror No. 206, a black female, came
23 forward.)

24 THE CLERK: What says the State?

25 MS. LUTTRELL: Please present this juror.

JURY SELECTION

1 THE CLERK: What says the Defense?

2 MR. WALTERS: Please seat the juror, Your
3 Honor.

4 THE CLERK: Juror 83, Anisha Frederick.

5 (Juror No. 83, a black female, came
6 forward.)

7 THE CLERK: What says the State?

8 MS. LUTTRELL: Please present this juror.

9 THE CLERK: What says the Defense?

10 MR. WALTERS: Seat the juror.

11 THE CLERK: Juror No. 120, Anthony Hoover.

12 (Juror No. 120, a black male, came
13 forward.)

14 THE CLERK: What says the State?

15 MS. LUTTRELL: Please present this juror.

16 THE CLERK: What says the Defense?

17 MR. WALTERS: Please seat Mr. Hoover.

18 THE CLERK: Juror No. 108, Gregory Harley.

19 (Juror no. 108, a black male, came
20 forward.)

21 THE CLERK: What says the State?

22 MS. LUTTRELL: Please present this juror.

23 THE CLERK: What says the Defense?

24 MR. WALTERS: Please seat Mr. Harley.

25 THE CLERK: Juror No. 12, Evon Berry.

JURY SELECTION

1 (Juror No. 12, a black male, came
2 forward.)

3 THE CLERK: What says the State?

4 MS. LUTTRELL: Please strike this juror.

5 THE CLERK: Juror No. 14, Stanley Bolden.

6 (Juror No. 14, a black male, came
7 forward.)

8 THE CLERK: What says the State?

9 MS. LUTTRELL: Please present the juror.

10 THE CLERK: What says the defense.

11 MR. WALTERS: Please seat the juror.

12 THE CLERK: Juror No. 215, Priscilla
13 Smith.

14 (Juror No. 215, a black female, came
15 forward.)

16 THE COURT: What says the State?

17 MS. LUTTRELL: Please present the juror.

18 THE CLERK: What says the Defense?

19 MR. WALTERS: Please seat Ms. Smith.

20 THE CLERK: Juror 145, Eloise Maner.

21 (Juror No. 145, a black female, came
22 forward.)

23 MS. LUTTRELL: May I have a moment, Your
24 Honor?

25 (Pause.)

JURY SELECTION

1 MS. LUTTRELL: Please strike this juror.

2 THE CLERK: Juror No. 114, James Hicks.

3 (Juror No. 114, a black male, came

4 forward.)

5 THE CLERK: What says the State?

6 MS. LUTTRELL: May I have a moment, Your

7 Honor?

8 (Pause.)

9 MS. LUTTRELL: Please seat this juror.

10 THE CLERK: What says the State?

11 MR. WALTERS: Please seat Mr. Hicks.

12 THE CLERK: Juror No. 86, Lisa Gadson.

13 (Juror No. 86, a black female, came

14 forward.)

15 THE CLERK: What says the State?

16 MS. LUTTRELL: Please strike this juror.

17 THE CLERK: Juror No. 1, Aaliyah Adams.

18 (Juror No. 1, a black female, came

19 forward.)

20 THE CLERK: What says the State?

21 MS. LUTTRELL: Your Honor, may we

22 approach?

23 THE COURT: Sure.

24 (Off-the-record discussion held.)

25 THE CLERK: You may have a seat.

JURY SELECTION

1 Juror 126, Renea Jackson.

2 (Juror No. 126, a black female, came
3 forward.)

4 THE CLERK: What says the State?

5 MS. LUTTRELL: Please strike this juror.

6 THE CLERK: Juror No. 170, Jamarl Orr.

7 (Juror No. 170, a black male, came
8 forward.)

9 THE CLERK: What says the State?

10 MS. LUTTRELL: Please seat the juror.

11 THE CLERK: What says the Defense?

12 MR. WALTERS: Please seat Mr. Orr.

13 THE CLERK: Juror No. 159, Tyderria
14 Mikell.

15 (Juror No. 159, a black female, came
16 forward.)

17 THE CLERK: What says the State?

18 MS. LUTTRELL: Please present the juror.

19 THE CLERK: What says the Defense?

20 MR. WALTERS: Please seat Ms. Mikell.

21 THE CLERK: Juror No. 168, Ronald O'Neal.

22 (Juror No. 168, a black male, came
23 forward.)

24 THE CLERK: What says the State?

25 MS. LUTTRELL: Please present this juror.

JURY SELECTION

1 THE CLERK: What says the Defense?

2 MR. WALTERS: Please seat Mr. O'Neal.

3 THE CLERK: Juror No. 39, Kelyne Buxton.

4 (Juror No. 39, a white female, came
5 forward.)

6 THE CLERK: What says the State?

7 MS. LUTTRELL: Please present the juror.

8 THE CLERK: What says the Defense?

9 MR. WALTERS: Please excuse this juror.

10 THE CLERK: Juror No. 58, Larry Davis.

11 MS. LUTTRELL: Your Honor, may we
12 approach?

13 THE COURT: All right.

14 (Off-the-record discussion held.)

15 THE COURT: Excuse this juror.

16 THE CLERK: Please have a seat.

17 Juror No. 166, Nakia Moore.

18 (Juror No. 166, a black female, came
19 forward.)

20 THE CLERK: What says the State?

21 MS. LUTTRELL: Please present the juror.

22 THE CLERK: What says the Defense?

23 MR. WALTERS: Please excuse Ms. Moore.

24 THE CLERK: Juror No. 98, Coderia Grant.

25 (Juror No. 98, a black female, came

JURY SELECTION

1 forward.)

2 THE CLERK: What says the State?

3 MS. LUTTRELL: Madam Clerk, what number
4 was this?

5 THE CLERK: Ninety-eight.

6 MS. LUTTRELL: Ninety-eight?

7 THE CLERK: Uh-huh. (Indicating
8 affirmatively.)

9 MS. LUTTRELL: Please present this juror.

10 THE CLERK: What says the Defense?

11 MR. WALTERS: Please excuse Ms. Grant.

12 THE CLERK: Juror No. 151, Shawania
13 Marshall.

14 (Juror No. 151, a black female, came
15 forward.)

16 THE CLERK: What says the State?

17 MS. LUTTRELL: Please present this juror.

18 THE CLERK: What says the Defense?

19 MR. WALTERS: Please seat Ms. Marshall.

20 THE CLERK: Juror No. 113, Juanita Hiatt.

21 (Juror No. 113, a white female, came
22 forward.)

23 THE CLERK: What says the State?

24 MS. LUTTRELL: Please present this juror.

25 THE CLERK: What says the Defense?

JURY SELECTION

1 MR. WALTERS: Please excuse Ms. Hiatt.

2 THE CLERK: Juror No. 158, Bonnie Meyer.

3 (Juror No. 158, a white female, came

4 forward.)

5 THE CLERK: What says the State?

6 MS. LUTTRELL: Please present this juror.

7 THE CLERK: What says the Defense?

8 MR. WALTERS: Please excuse this juror.

9 THE CLERK: Juror No. 61, Mary Devoe.

10 (Juror No. 61, a black female, came

11 forward.)

12 THE CLERK: What says the State?

13 MS. LUTTRELL: Please strike this juror.

14 THE CLERK: Juror No. 167, Richard Morell.

15 (Juror No. 167, a black male, came

16 forward.)

17 THE CLERK: What says the State?

18 MS. LUTTRELL: Your Honor, may we

19 approach?

20 THE COURT: All right.

21 (Off-the-record discussion held.)

22 THE CLERK: Mr. Morell, you may have a

23 seat.

24 Juror No. 115, Claudia Hiers.

25 (Juror No. 115, a black female, came

JURY SELECTION

1 forward.)

2 THE CLERK: What says the State?

3 MS. LUTTRELL: Please present this juror.

4 THE CLERK: What says the Defense?

5 MR. WALTERS: Your Honor, please seat

6 Ms. Hiers.

7 THE COURT: Alternates, one and two.

8 THE CLERK: Juror No. 110, Jerlesa Harney.

9 (Juror No. 110, a black female, came

10 forward.)

11 THE CLERK: What says the State?

12 MS. LUTTRELL: Please present the juror.

13 THE CLERK: What says the Defense?

14 MR. WALTERS: Please excuse Ms. Harney.

15 THE CLERK: Juror No. 67, Hattie Dunbar.

16 (Juror No. 67, a black female, came

17 forward.)

18 THE CLERK: What says the State?

19 MS. LUTTRELL: Please excuse this juror.

20 THE CLERK: Juror No. 20, Lydia Boynton.

21 (Juror No. 20, a black female, came

22 forward.)

23 THE CLERK: What says the State?

24 MS. LUTTRELL: Your Honor, may we

25 approach?

JURY SELECTION

1 (Off-the-record discussion held.)

2 THE CLERK: Juror No. 216, Rossella
3 Smoaks.

4 (Juror No. 216, a black female, came
5 forward.)

6 THE CLERK: What says the State?

7 MS. LUTTRELL: Please seat this juror.

8 THE CLERK: What says the Defense?

9 MR. WALTERS: Please seat Ms. Smoaks.

10 THE CLERK: Alternate number one is
11 Ms. Smoaks.

12 THE CLERK: Juror No. 197, Daijoneva
13 Riley.

14 (Juror No. 197, a black female, came
15 forward.)

16 THE CLERK: What says the State?

17 MS. LUTTRELL: Please present this juror.

18 THE CLERK: What says the Defense?

19 MR. WALTERS: Please seat Juror 197,
20 Ms. Riley.

21 THE CLERK: Okay, that is alternate number
22 two.

23 You two are the alternates. Will you have
24 a seat in the exterior chairs right there for
25 me, please? Thank you.

JURY SELECTION

1 THE COURT: Any matters the Court needs to
2 consider concerning the composition or
3 selection of the jury from the State?

4 MS. STAGGS: Your Honor, we do have a
5 matter of law outside the presence of the jury.

6 THE COURT: Ladies and gentlemen of the
7 jury, I'm going to ask you to please step into
8 the jury room. The bailiff will show you the
9 way. Hope to be back with you shortly.

10 (WHEREUPON, the jury exits the courtroom
11 at 4:49 p.m.)

12 THE COURT: I will ask the other jurors,
13 if you would be so kind to step out in the
14 hallway. We need to take up some matters
15 outside of your presence. We hope to be back
16 with you shortly.

17 (WHEREUPON, the remaining jury panel exits
18 the courtroom at 4:50 p.m.)

19 THE COURT: I haven't done one of these in
20 a long time.

21 What says the State?

22 MS. STAGGS: Judge, at this time, we would
23 like to make a Batson challenge given that the
24 Defense exercised six of their strikes. Of
25 those six, five were female, three of those

JURY SELECTION

1 were white ladies and they were the only
2 Caucasian jurors called to be put on the jury.

3 THE CLERK: What says the Defense?

4 MR. WALTERS: May it please the Court,
5 let's go through each one of the strikes. In
6 this particular case, No. 39, that young lady
7 was employed at the Hampton school district,
8 but she also stood up and stated that her
9 sister had reported some type of sexual abuse.
10 That was our first strike.

11 THE COURT: Hang on a minute, let me find
12 out where we are. No. 39, okay.

13 MR. WALTERS: That was our first strike.

14 THE COURT: No. 39.

15 MR. WALTERS: Next strike --

16 THE COURT: So, tell me again. Say it one
17 more time.

18 MR. WALTERS: I apologize, Your Honor, let
19 me slow down. She stood up before the jury and
20 she stated that her sister had reported some
21 form of sexual abuse or an allegation of sexual
22 abuse. And I think that was within the last
23 year.

24 THE COURT: Okay.

25 MR. WALTERS: The next juror was No. 166,

JURY SELECTION

1 that was a black female. And, of course, we
2 had the name down as someone that possible knew
3 someone that served on the grand jury that
4 indicted Mr. Jones. I think the indictment --
5 there was a discussion with regards to that
6 matter.

7 THE COURT: She knew someone?

8 MR. WALTERS: Right. No. 98, that
9 particular person in this case was Coderia
10 Grant. Of course, that was the person that was
11 employed in Allendale County school systems as
12 a teacher.

13 In addition to that, we have No. 113, and
14 No. 113 is Juanita Hiatt. In this particular
15 case, I believe there's a Nurse Solomon that is
16 going to be called as a witness. Initially,
17 when the report was made, it was made to
18 Ms. Carolyn Chess. And she reported to Officer
19 Samuels, Officer Samuels then contacted Nurse
20 Solomon. And Nurse Solomon is one of the
21 individuals that was there when the interview
22 was done. Of course, in this particular case,
23 we struck all nurses.

24 THE COURT: I missed something with 113.
25 Is she a nurse?

JURY SELECTION

1 MR. WALTERS: Yes, at Allendale County
2 Hospital.

3 THE COURT: That's what I missed.

4 MR. WALTERS: And I believe that 158 was
5 the only housewife. The other housewife was
6 with the alternates that were being picked.
7 But out of that entire jury pool, there was
8 only one woman that stood up and said, I'm a
9 housewife. The other housewife was struck
10 during the selection of the double alternates.

11 Other than that, 158, which is the
12 housewife. 113, which is the nurse. 98, which
13 is the teacher in this particular case at
14 Allendale County school system. And, of
15 course, the individual that filed an incident
16 report with regards to sexual allegations,
17 Juror No. 39. Of course, the information we
18 got on 166, she was associated with someone on
19 the grand jury. She was a black female.

20 But other than that, if we go into the
21 double alternates that were struck in this
22 case -- I believe the objections were with
23 regard to the jury pool, but those would be the
24 race neutral issues with regard to the
25 selection. It was based upon employment in

JURY SELECTION

1 this particular case, associated with someone
2 that reported wrongdoing, and, of course, other
3 employment associated with -- association of
4 somebody else, and we have the teacher at
5 Allendale, nurse at the hospital and a nurse
6 will be testifying, just like we eliminate any
7 police officer. And, of course, the last juror
8 was associated with someone.

9 THE COURT: The only one I didn't
10 understand the rational behind -- it was the
11 housewife?

12 MR. WALTERS: Yes, our position was that,
13 we would strike all housewives. And the only
14 housewife that's on the jury -- that could
15 potentially be on the jury was the lady that
16 stood up and, of course, the double alternates,
17 there was one housewife that stood up there.
18 The selection was with regard to the selection
19 of jurors, and she was 158. There was no other
20 housewife that served in the capacity.

21 And, of course, we look at the professions
22 of what people hold. We struck the nurse, we
23 struck the housewives, we struck the teacher.
24 We struck the teacher that was associated with
25 an individual that reported sexual abuse and we

JURY SELECTION

1 struck the individual that was associated with
2 someone who served on the grand jury. There
3 was a dispute whether they served on this grand
4 jury, and that was a black individual.

5 THE COURT: Solicitor.

6 MS. STAGGS: Judge, my only reply to the
7 Defense's argument is that I still fail to
8 understand, you know, how striking all
9 housewives is relevant to this, you know, how
10 that -- I mean, there's a wide variety of a
11 different caregivers and women that stay home
12 and choose to work or don't choose to work or
13 some are unemployed or what their nature is. I
14 just don't believe that that's a sufficient
15 race neutral explanation for striking that
16 lady.

17 The other explanations, I can get on board
18 with, they make sense to me. But I feel like
19 that explanation by the Defense is simply
20 insufficient.

21 THE COURT: Mr. Walters, help me out on
22 that, I'm leaning in that direction myself.

23 MR. WALTERS: Your Honor, the housewife in
24 this particular case is someone that operates a
25 household. And of course, in this particular

JURY SELECTION

1 case, her husband is a worker at Collum's
2 Lumber. A housewife's approach for a case such
3 as this is totally different from someone who's
4 sitting at home as a caretaker or someone who's
5 sitting at home because they're unemployed. If
6 you're a housewife sitting at home, not to be
7 disparaging, but your needs are taken care of.
8 You manage the household. As far as your
9 exposure, it might be the children and the
10 management of the household and your husband.

11 And of course, in this particular case, we
12 only had one person that served in that
13 capacity out of this crowd. There was no other
14 woman who got up and said, I'm a housewife and
15 I manage a household. It is insulting to stand
16 before this Court and say I don't really know
17 what a housewife is, I don't know what she
18 does. A housewife employees a system of
19 management and skills that keep a home running
20 properly. My wife is a housewife, and she'll
21 tell you it is a job. It's not simply someone
22 sitting around that is a caretaker. And of
23 course, their approach to life and view of
24 issues is totally different from someone else
25 that's home that's unemployed or someone that's

JURY SELECTION

1 a caretaker.

2 What they're saying is that the issue of
3 being a housewife is just the same thing as
4 being a caretaker and walking around the house
5 and taking care of the kids. I strongly
6 disagree. A housewife is someone who's
7 employed, who manages the household, who
8 manages the budget, sees to the affairs of the
9 family itself and may even end up being the
10 leader of the family.

11 So, under the circumstances Your Honor,
12 I'm not going to belittle what a housewife
13 does. My wife has done it for 29 years, and
14 she's been very successful at it. But she'll
15 certainly tell you I'm not a caretaker and I'm
16 not someone sitting around the house that's
17 unemployed. I have a schedule, I have things
18 to do. And without my contribution, without my
19 work -- that's why we go inside the courts, in
20 Family Court when you say what does your wife
21 do? And the husband says, Well, she don't
22 work. That's just not true. They build a
23 household. They manage the household and they
24 are compensated for it in our divorce courts.

25 THE COURT: I'm still confused. I

JURY SELECTION

1 understand the argument being made by the
2 Defense as to each of the other strikes, sure.
3 I don't yet grasp why a housewife, the category
4 of a housewife is someone who should be struck
5 in this case. I understand the others -- I
6 understand the argument as to the others, I
7 just don't understand the housewife.

8 MR. WALTERS: Well, Your Honor, I think
9 Batson says it needs to be a race neutral
10 reason. As far as the substance of that reason
11 itself, as long as its race neutral, it meets
12 the requirements.

13 THE COURT: It has to be a reason.

14 MR. WALTERS: Right. In this particular
15 case, the skill set requirement of being a
16 housewife, we do not believe would be in the
17 best interest of our case. This is someone who
18 makes decisive decisions, manages money,
19 manages a household. Maybe that's someone we
20 don't want in our jury.

21 Of course, in this particular case, we
22 struck that particular person. And in striking
23 that particular person, we did not exercise
24 that based upon race. We simply did it based
25 upon the skill set that is required to be

JURY SELECTION

1 functional within the rubric of being a
2 housewife. If we had some other reason other
3 than that, suppose it was race, then we're
4 wrong, but under Batson, we meet that
5 requirement.

6 They're simply saying, I don't know the
7 difference between a housewife and someone who
8 is unemployed. I don't know the difference
9 between a housewife and someone who's a
10 caregiver. There's a significant difference.
11 A housewife may not be listed under the
12 dictionary of occupational titles, but
13 certainly, we know exactly what they're
14 required to do in order to manage a household.
15 And of course, what I'm arguing does not bring
16 in issues of race.

17 THE COURT: I'm still not sure exactly
18 what it is you're arguing.

19 MS. STAGGS: And Judge, I'm happy to
20 respond, if I may?

21 THE COURT: Please.

22 MS. STAGGS: While I agree that, you know,
23 certainly -- especially as a woman, it was not
24 my intention to suggest to the Court that that
25 is not a valuable occupation. You know, there

JURY SELECTION

1 are a number of us that work as attorneys that
2 have stayed home for a brief period of time for
3 our children and have called ourselves
4 housewives at that time.

5 However, Judge, though, the Defense does
6 have to offer a race neutral reason, a
7 generalization has been held -- a
8 generalization about an entire group has been
9 held to be an insufficient reason for a strike.
10 That's what the Defense is doing, they're
11 generalizing this term household. They're
12 applying it, first of all, housewives --
13 they're applying it specifically to women, but
14 there's no mention made of potentially men that
15 might have the same occupation. And that's
16 making a generalization about this entire
17 group, that they are women, and that they all
18 have the same household duties, that they all
19 occupy the same function as a housewife, within
20 each different home that that is the role that
21 they serve. And again, Judge, I would say
22 that's an insufficient reason for a strike
23 because they're generalizing a category.

24 In Payton V. Kearsse, I'm happy to print
25 the case for you, Judge, but --

JURY SELECTION

1 THE COURT: You have to face this
2 direction.

3 MS. STAGGS: Oh, I'm sorry, Judge. Payton
4 V. Kearse, this is the case the Supreme Court
5 held that a generalization is insufficient --
6 is an insufficient reason and that's what the
7 Defense is doing. They're generalizing based
8 on the term housewife.

9 MR. WALTERS: May it please the Court,
10 Your Honor, a man or a woman could serve in the
11 capacity as being a housewife. And the same
12 decisions are required in order to manage a
13 household. Certainly, under these
14 circumstances, they understood when they filled
15 out the juror card and stated I'm a housewife.
16 That's a title she was proud of and that's what
17 she's named her position to be with regard to
18 her service on the jury. They said what do you
19 do and that's the title that she employed.

20 So, under the circumstances, I'm not here
21 to create a title for her or create a
22 generalization with regards to her and her
23 position. It's not a generalization. It's how
24 she defined herself. She said, I am a
25 housewife. And this is what a housewife does.

JURY SELECTION

1 So, under the circumstances, I believe
2 that we've met the requirements. The
3 generalization they're referring to is -- the
4 case refers to generalizations that are made
5 with regards to people and race. And please
6 correct me if I'm wrong, you can't make
7 generalizations with regards to people's race
8 or -- I believe the testimony was that someone
9 walked up slow and things of that nature. So,
10 in other words, you associate certain
11 characteristics with people and you make
12 generalizations. You walk too slow, you don't
13 show up on time. He was unkept and I drew a
14 generalization on that. It does not address
15 any issue of someone being a housewife, a
16 generalization being drawn. A generalization
17 such as housewife, it defines an occupation, it
18 defines a role, it defines a specific job and
19 things you're supposed to do.

20 If you're a lawyer that stays at home and
21 takes care of your children, if you define your
22 position as a housewife, it's real simple. I
23 cook, I clean, I manage the budget, I make sure
24 everyone is fed and get up on time. I make
25 sure that everything runs just as a train

JURY SELECTION

1 station runs. That's not a generalization,
2 that's a job.

3 Many of the cases that we have before this
4 court system, people do not know how to define
5 what a housewife should do, but we certainly
6 use it in the courts when we litigate cases
7 about what their role is within the family.
8 Everyone has a role. Just as man may step
9 forth and say I'm the head of the family and I
10 provide. There's certain implications that
11 come along with that. You pay the bills, you
12 show up on time, you come home at night. You
13 may even have to discipline children. But we
14 have defined roles for people and that's not a
15 generalization. A generalization is that he
16 was black, he was walking slow, and I assumed
17 all of those people are lazy.

18 In this particular case, we're saying you
19 have a profession, you have a job. It should
20 be honored and no man or woman should be
21 degraded as a housewife, because it holds
22 value. And that's why we award alimony.
23 That's why we award -- we award all types of
24 relief in the Family Court because being a
25 housewife is not something that can be trivial.

JURY SELECTION

1 It is important and it means something.

2 The generalization they're referring to,
3 he showed up with dreadlocks, I assumed that he
4 never combed his hair and he was lazy. That's
5 what that case is fighting against. Don't make
6 generalizations about people just because of
7 the way they look or, perhaps, what they allege
8 they do for a living. In this case, we define
9 the profession that being a housewife is an
10 honorable profession. Although, today, certain
11 people of certain political parties somehow
12 degrade people staying at home taking care of
13 their children, that it holds no value, that
14 you didn't really accomplish anything in life.
15 I believe if you take care of your children and
16 honor your responsibilities, that is a job and
17 it should be held in high esteem.

18 THE COURT: The Court agrees with the
19 argument made by the State and grants the
20 motion. And I take it there's also a motion to
21 quash the jury?

22 MS. STAGGS: Yes, Judge.

23 THE COURT: Come back in the morning and
24 start all over again.

25 MS. STAGGS: Thank you, Your Honor.

JURY SELECTION

1 THE COURT: Bring the jury back in and
2 bring our jury panel back in. Come back at
3 9:30 in the morning.

4 (WHEREUPON, the jury and jury panel
5 returns to the courtroom.)

6 THE COURT: Welcome back, ladies and
7 gentlemen. I have some good news and bad, bad,
8 bad, bad news. I have quashed the selection of
9 the jury in this case. We've have to come back
10 in the morning and do it again. Sorry. We all
11 have to come back in the morning and start from
12 scratch.

13 JUROR: Is this a joke?

14 THE COURT: We all have to come back.

15 Now, between now and 9:30 in the morning,
16 don't try to get back on the Internet to find
17 out what was said all those years ago about
18 this case, don't talk to your friends about
19 this case, don't let anybody tell you what they
20 think about this case. We're going to start
21 all over in the morning at 9:30. And I know
22 that doesn't suit. It doesn't suit me. It
23 doesn't suit -- I don't know that it suits
24 anybody in this courtroom. But that's what
25 we're doing, ladies and gentlemen. I'll see

JURY SELECTION

1 you in the morning at 9:30. The Court is
2 adjourned.

3 (Whereupon, the Court adjourned for the
4 day.)

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JURY SELECTION

1 7-10-2018 PROCEEDINGS

2 THE COURT: Good morning, ladies and
3 gentlemen.

4 THE JURY: Good morning.

5 THE COURT: Thank you for your patience
6 and understanding. Thank you for returning
7 today.

8 Does the State have any additional
9 questions for the voir dire?

10 MS. LUTTRELL: Yes, Your Honor. May I
11 approach? It's been shown to the defense.

12 MR. CULLER: We have no objection, Your
13 Honor.

14 THE COURT: One of the questions I failed
15 to ask yesterday, ladies and gentlemen -- well,
16 let me ask this question before I even ask that
17 question. Can the people on the back row of
18 the courtroom hear me now the way I'm talking?
19 Any problems at all?

20 THE JURY: No.

21 THE COURT: We at the front of the
22 courtroom had some trouble understanding you
23 folks from time to time. If you do have any
24 trouble understanding what I say, or later on
25 if you're picked for the jury and you have

SECOND JURY SELECTION

1 trouble understanding what the attorneys say or
2 what a witness may say, please do something to
3 get my attention and let me know. Just raising
4 your hand will do fine. Get the attention of
5 one of the bailiffs or somebody to let us know
6 that you can't hear. So, I'm going to assume
7 that I don't need this. I'm going to talk the
8 way I'm talking now, but if you need me to
9 speak up and use the microphone, just let me
10 know.

11 I had one more question to ask before we
12 begin, I believe, the selection process of the
13 jury. And that is, does any member of the jury
14 panel have any connection to Bobby Jones, Sr.,
15 the Defendant, or [REDACTED], the alleged
16 victim, by way of social media, such as
17 Facebook friends, Instagram followers, Twitter
18 followers, Snapchat friends and such similar
19 social media? If so, please stand.

20 Yes, sir, your name and number?

21 POTENTIAL JUROR: Jamarl Orr, Your Honor.
22 My number is 170.

23 THE COURT: 170. Yes, sir.

24 POTENTIAL JUROR: Yes, she my Facebook
25 friend. That's one of my classmates.

SECOND JURY SELECTION

1 THE COURT: And you have Facebook?

2 POTENTIAL JUROR: Yes, sir.

3 THE COURT: Which of those two

4 individuals?

5 POTENTIAL JUROR: Sir?

6 THE COURT: With who?

7 POTENTIAL JUROR: I can't hear you. What
8 you said?

9 THE COURT: You have are Facebook friends
10 with?

11 POTENTIAL JUROR: With Miss [REDACTED].

12 THE COURT: How long have you been
13 Facebook friends?

14 POTENTIAL JUROR: A long time.

15 THE COURT: Somebody had to show me how to
16 turn it on.

17 And how long have the two of you known
18 each other?

19 POTENTIAL JUROR: Since we was in about
20 middle school.

21 THE COURT: Is that several years?

22 POTENTIAL JUROR: Yes, sir.

23 THE COURT: The last time you had any
24 person-to-person conversation with her would
25 have been how long ago?

SECOND JURY SELECTION

1 POTENTIAL JUROR: A couple months back.

2 THE COURT: Now, would that fact interfere
3 with your ability to be a fair and impartial
4 juror in this case?

5 POTENTIAL JUROR: Yeah.

6 THE COURT: You think it would cause you a ,
7 problem in sitting on the jury and listening to
8 the evidence?

9 POTENTIAL JUROR: Yes, sir.

10 THE COURT: And being fair to both sides?

11 POTENTIAL JUROR: Yes, sir.

12 THE COURT: All right. Thank you, sir.
13 Is there anyone else?

14 (There was no response.)

15 THE COURT: All right. Any other
16 questions before we begin selection of the jury
17 from the State?

18 MS. LUTTRELL: No, Your Honor.

19 MR. CULLER: None, Your Honor.

20 THE COURT: Okay. Madam Clerk.

21 THE CLERK: Juror No. 104, Stevie Grubbs.

22 (Juror No. 104, a white male, came
23 forward.)

24 THE CLERK: What says the State?

25 MS. LUTTRELL: Please present the juror.

SECOND JURY SELECTION

1 THE CLERK: What says the defense?

2 MR. WALTERS: Seat Mr. Grubbs.

3 THE CLERK: Juror No. 67, Hattie Dunbar.

4 (Juror No. 67, a black female, came
5 forward.)

6 THE CLERK: What says the State?

7 MS. LUTTRELL: Please present the juror.

8 THE CLERK: What says the defense?

9 MR. WALTERS: Please seat Ms. Dunbar.

10 THE CLERK: Juror No. 14, Stanley Bolden.

11 (Juror No. 14, a black male, came
12 forward.)

13 THE CLERK: What says the State?

14 MS. LUTTRELL: Please present the juror.

15 THE CLERK: What says the defense?

16 MR. WALTERS: Seat Mr. Bolden, please.

17 THE CLERK: Juror No. 243, Marcus Wilson.

18 (Juror No. 243, a white male, came
19 forward.)

20 THE CLERK: What says the State?

21 MS. LUTTRELL: May I have a moment, Your
22 Honor?

23 (Pause.)

24 MS. LUTTRELL: Please present the juror.

25 THE CLERK: What says the defense?

SECOND JURY SELECTION

1 MR. WALTERS: Please seat this juror.

2 THE CLERK: Juror No. 120, Anthony Hoover.

3 (Juror No. 120, a black male, came

4 forward.)

5 THE CLERK: What says the State?

6 MS. LUTTRELL: Your Honor, may we

7 approach?

8 THE COURT: Certainly.

9 (Off-the-record discussion held.)

10 THE CLERK: You may have a seat.

11 Juror No. 187, Lakeisha Priester.

12 (Juror No. 187, a black female, came

13 forward.)

14 THE CLERK: What says the State?

15 MS. LUTTRELL: Please present the juror.

16 THE CLERK: What says the defense?

17 MR. WALTERS: Please excuse Ms. Priester.

18 THE CLERK: Juror No. 170, Jamarl Orr.

19 (Juror No. 170, a black male, came

20 forward.)

21 THE COURT: For cause?

22 MS. LUTTRELL: Yes, Your Honor.

23 THE COURT: Grant the motion for cause.

24 THE CLERK: You're excused.

25 Juror No. 61, Mary Devoe.

SECOND JURY SELECTION

1 (Juror No. 61, a black female, came
2 forward.)

3 THE CLERK: What says the State?

4 MS. LUTTRELL: Please excuse this juror.

5 THE CLERK: Juror No. 83, Anisha
6 Frederick.

7 (Juror No. 83, a black female, came
8 forward.)

9 THE CLERK: What says the State?

10 MS. LUTTRELL: Please present the juror.

11 THE CLERK: What says the defense?

12 MR. WALTERS: Please present
13 Ms. Frederick.

14 THE CLERK: Juror No. 168, Ronald O'Neal.

15 (Juror No. 168, a black male, came
16 forward.)

17 THE CLERK: What says the State?

18 MS. LUTTRELL: Please present the juror.

19 THE CLERK: What says the defense?

20 MR. CULLER: Please seat Mr. O'Neal.

21 THE CLERK: Juror No. 158, Bonnie Meyer.

22 (Juror No. 158, a white female, came
23 forward.)

24 THE CLERK: What says the State?

25 MS. LUTTRELL: Please present the juror.

SECOND JURY SELECTION

1 THE CLERK: What says the defense.

2 MR. CULLER: Please seat Ms. Meyerr.

3 THE CLERK: Juror No. 86, Lisa Gadson.

4 (Juror No. 86, a black female, came
5 forward.)

6 THE CLERK: What says the State?

7 MS. LUTTRELL: Please excuse the juror.

8 THE CLERK: Juror No. 193, Markese Rhodes.

9 (Juror No. 193, a black male, came
10 forward.)

11 THE CLERK: What says the State?

12 MS. LUTTRELL: Please present the juror.

13 THE CLERK: What says the defense?

14 MR. WALTERS: Please seat the juror.

15 THE CLERK: Juror No. 159, Tyderria
16 Mikell.

17 (Juror No. 159, a black female, came
18 forward.)

19 THE CLERK: What says the State?

20 MS. LUTTRELL: Please present the juror.

21 THE CLERK: What says the defense?

22 MR. WALTERS: Please seat the juror.

23 THE CLERK: Juror No. 42, Sheila Carter.

24 (Juror No. 42, a black female, came
25 forward.)

SECOND JURY SELECTION

1 THE CLERK: What says the State?

2 MS. LUTTRELL: Please present the juror.

3 THE CLERK: What says the defense?

4 MR. WALTERS: Please seat the juror.

5 THE CLERK: Juror No. 39, Kelyne Buxton.

6 (Juror No. 39, a white female, came
7 foward.)

8 THE CLERK: What says the State?

9 MS. LUTTRELL: Please seat the juror.

10 THE CLERK: What says the defense?

11 MR. CULLER: Please excuse this juror.

12 THE CLERK: Juror No. 126, Renea Jackson.

13 (Juror No. 126, a black female, came
14 forward.)

15 THE CLERK: What says the State?

16 MS. LUTTRELL: Please excuse the juror

17 THE CLERK: Juror No. 115, Claudia Hiers.

18 (Juror No. 115, a black female, came
19 forward.)

20 THE CLERK: What says the State?

21 MS. LUTTRELL: Please present the juror.

22 THE CLERK: What says the defense?

23 MR. WALTERS: Please seat Ms. Hiers.

24 THE CLERK: Juror No. 151, Shawania
25 Marshall.

SECOND JURY SELECTION

1 (Juror No. 151, a black female, came
2 forward.)

3 THE CLERK: What says the State?

4 MS. LUTTRELL: Please present the juror.

5 THE CLERK: What says the defense?

6 MR. CULLER: What number?

7 THE CLERK: 151.

8 MR. CULLER: Please seat the juror.

9 THE CLERK: Alternate one. Juror No. 113,
10 Juanita Hiatt.

11 (Juror No. 113, a white female, came
12 forward.)

13 THE CLERK: What says the State?

14 MS. LUTTRELL: Please present the juror.

15 THE CLERK: What says the defense?

16 MR. CULLER: Please excuse Ms. Hiatt.

17 THE CLERK: Juror No. 20, Lydia Boynton.

18 (Juror No. 20, a black female, came
19 forward.)

20 THE CLERK: What says the State?

21 MS. LUTTRELL: Your Honor, may we
22 approach?

23 THE COURT: You may.

24 (Off-the-record discussion held.)

25 THE CLERK: What says the State?

SECOND JURY SELECTION

1 MS. LUTTRELL: Please present the juror.

2 THE CLERK: What says the defense?

3 MR. WALTERS: Please seat the juror.

4 THE CLERK: Juror No. 215, Priscilla
5 Smith.

6 (Juror No. 215, a black female, came
7 forward.)

8 THE CLERK: What says the State?

9 MS. LUTTRELL: Please present the juror.

10 THE CLERK: What says the defense?

11 MR. WALTERS: Please seat this juror.

12 THE COURT: Anything that the Court needs
13 to consider concerning the composition of the
14 jury?

15 MS. LUTTRELL: No, Your Honor.

16 THE COURT: From the defense?

17 MR. WALTERS: No, Your Honor.

18 THE COURT: Do we need them to report
19 again or call back?

20 MS. LUTTRELL: I do not believe so, Your
21 Honor.

22 THE COURT: Today, it's good news. All of
23 you sitting out here who have not been selected
24 to sit on that jury may be excused, but you
25 don't have to go, you can stay.

SECOND JURY SELECTION

1 (WHEREUPON, the remaining jury panel was
2 excused.)

3 (WHEREUPON, the jury was sworn.)

4 THE CLERK: Thank you.

5 THE COURT: Ladies and gentlemen, a few
6 words before we actually begin the trial of
7 the case. The Defendant has been charged by
8 way of indictment of criminal sexual conduct
9 with a minor in the second degree. The
10 elements of this offense will be explained to
11 you at a later time. But what I want to tell
12 you is that the indictment is simply the
13 vehicle that brings the charge into the court.
14 The indictment is not in any sense evidence of
15 any of the allegations contained in the
16 indictment.

17 The Defendant has pled not guilty to this
18 indictment. The State, therefore, has the
19 burden of proving each of the elements of this
20 indictment to your satisfaction beyond a
21 reasonable doubt. It will be your duty, ladies
22 and gentlemen, to decide whether the State has
23 met that burden.

24 Your purpose as jurors is to determine the
25 facts of this case. You're the sole judges of

OPENING COMMENTS BY THE COURT

1 the facts of this case. If at any time, I make
2 a comment regarding the facts of this case, you
3 must disregard it. You are to determine the
4 facts of this case and the testimony that you
5 hear, normally from the witnesses that take the
6 witness stand, and any other evidence produced
7 during these proceedings. It's up to you to
8 determine the inferences which you feel may be
9 properly drawn from the evidence.

10 It's important that you perform your duty
11 seriously, diligently. Because ordinarily,
12 there's no way to correct an erroneous
13 determination of the facts by a jury. And on
14 the other hand, with equal emphasize, the same
15 law that makes you the judges of the facts of
16 this case makes me the judge of the law. The
17 law as given by the court is the only law that
18 you may consider. You must accept the law and
19 follow the law even if you disagree with the
20 law. I cannot tell you what the facts are, you
21 cannot disagree with me about what the law is
22 or what the law should be.

23 It is your job to take the law as I tell
24 you it is and apply it to the facts as you find
25 them to be from the testimony of the witnesses

OPENING COMMENTS BY THE COURT

1 and any other evidence that is produced. After
2 doing this, you will renew your verdict, true
3 and just verdict under the solemn oath that you
4 have just taken as jurors.

5 Until you begin your deliberations in this
6 case, you may not discuss this case with
7 anyone, including your fellow jurors, friends,
8 family members, or anyone else involved in this
9 case. After the case is submitted to you, you
10 must discuss the case only in the jury room
11 with your fellow jurors.

12 The attorneys and the parties in this case
13 have been advised that they are not to talk to
14 you at all. So if you see someone, the
15 attorneys or persons involved in this case at
16 lunch, for instance, or out on the street and
17 they don't greet you or say hello to you like
18 they might normally do, don't hold that against
19 them, they are just following my instructions.
20 It won't look proper if some of the people
21 involved in this case are speaking to you on
22 the street or in a restaurant. If some other
23 third party saw it, they might think that
24 something is inappropriate. So you can't do
25 that.

OPENING COMMENTS BY THE COURT

1 And during this trial, you should not read
2 or listen to or watch any news reports about
3 this case. I don't have any idea that there
4 would be any, but you also can't seek
5 information about this case or the people
6 involved in this case through the Internet.
7 You can't discuss this case with anyone else,
8 you can't do any research on your own. The
9 evidence that you are to consider is the
10 evidence that will be presented here in the
11 courtroom from the witness stand and any
12 exhibits that might be introduced. It is
13 important that you keep an open mind and not
14 decide any issue in this case until all of the
15 evidence has been presented and the parties
16 have made have their closing arguments and I
17 have told you about the law that applies in
18 this case. It's your solemn responsibility to
19 determine the guilt or innocence of the
20 defendant and your verdict must be based solely
21 on the evidence as is presented during this
22 trial and on the law as I instruct it to you at
23 the close of the trial.

24 At the beginning, the solicitor will make
25 what's called an opening statement to you where

OPENING COMMENTS BY THE COURT

1 the solicitor will explain to you the issues of
2 the case, or, at least, what the solicitor
3 thinks the issues are in this case. The
4 attorneys for the defendant may make also an
5 opening statement, although, they are not
6 required to do this.

7 What the attorneys tell up during their
8 opening statements is not evidence. It's only
9 their contention as to what the issues are,
10 what the evidence may be or the evidence might
11 not be. The evidence will be presented to you
12 through the testimony of sworn witnesses from
13 the witness stand and exhibits that may be
14 produced.

15 From time to time during the trial, you
16 may hear one of the attorneys say something
17 like, Your Honor, I believe that we have a
18 question of law or we need to discuss something
19 with you, Judge, or we need -- may we approach
20 the bench or such things as that. Sometimes, I
21 might even find it necessary to ask you to step
22 out of the courtroom like we did yesterday.
23 The reason for this is because you are the sole
24 judges of the facts in this case and sometimes,
25 when I'm discussing matters of law with the

OPENING COMMENTS BY THE COURT

1 attorneys, it may be necessary for me to make
2 some comment on the facts.

3 As I told you earlier, I am not supposed
4 to tell you what I think the facts are, you are
5 the sole judges of the facts in this case. In
6 determining what the facts are, you must decide
7 whether or not the testimony of the witnesses
8 are believable. It'll be my responsibility of
9 approve as a matter of law whether certain
10 evidence is admissible, but once it's
11 admitted, you determine whether it is
12 believable.

13 In deciding whether to believe a witness,
14 you have the right to consider the interest of
15 any witness, the bias of any witness, the
16 prejudice of any witness, and the opportunity
17 that any witness may have had to have seen the
18 matter, the things about which the witness may
19 testify. It is your duty, ladies and
20 gentlemen, to consider all of the the evidence
21 submitted and determine what evidence convinces
22 you it is true.

23 Now, having said all of that, ladies and
24 gentlemen, I'm going to excuse you until 12:30.
25 We have some matters that we have to take up

OPENING COMMENTS BY THE COURT

1 outside of your presence. When we come back at
2 12:30, we hope to be in a position to begin
3 presenting opening statements of the attorneys
4 and following that, witnesses will be called
5 and testimony will be admitted. But I'll
6 remind you, during the lunch break, between now
7 and the time when you come back, do not let
8 anybody talk to you about the case and you
9 don't talk to anyone else about the case.

10 Anyone have any problem being back at
11 12:30?

12 (There was no response.)

13 THE COURT: Ladies and gentlemen, you're
14 excused until 12:30.

15 (WHEREUPON, the jury exits the courtroom
16 at 10:38 a.m.)

17 MS. STAGGS: Judge, I believe that we are
18 ready.

19 THE COURT: Defense ready?

20 MR. WALTERS: Yes, Your Honor.

21 THE COURT: Call your first witness.

22 MS. STAGGS: Thank you, Judge. At this
23 time the State calls Sheriff Carter.

24 Thereupon,

25 TOM CARTER

PRETRIAL-DIRECT EXAMINATION OF TOM CARTER BY MS.
STAGGS

1 was called as a witness, having been first duly sworn,
2 was examined and testified as follows:

3 DIRECT EXAMINATION

4 BY MS. STAGGS:

5 Q Good morning, Sheriff Carter.

6 A Good morning.

7 Q Where do you work?

8 A Allendale County.

9 Q And what is your job there?

10 A I'm the sheriff of Allendale County.

11 Q Okay. And would you describe your job
12 duties as sheriff, please?

13 A Doing investigations, handling civil
14 court, medical cases, anything in that arena.

15 Q Were you working as sheriff on March the
16 4th, 2013?

17 A I was.

18 Q Did you meet with the Defendant, Bobby
19 Jones, that day?

20 A I did.

21 Q Do you see him in the courtroom today?

22 A Yes, he's over there sitting with his
23 attorney.

24 Q Will you point him out for me?

25 A The gentleman on the end.

PRETRIAL-DIRECT EXAMINATION OF TOM CARTER BY MS.
STAGGS

1 MS. STAGGS: Judge, let the record reflect
2 that the witness has identified the Defendant.

3 THE COURT: So noted.

4 MS. STAGGS: Thank you, Judge.

5 BY MS. STAGGS:

6 Q Why did you meet with Bobby Jones on March
7 the 4th, 2013?

8 A I got a call from the school around 12:00
9 that day asking me to come to the school, they had
10 an issue. When I got there, I met with my resource
11 officer, Officer Sammy Holmes, and Ron Youmans, who
12 was the principal, and some other staff members from
13 the school.

14 Q Why did you end up making contact with
15 Mr. Jones?

16 A Okay, the situation that I had going on
17 that his stepdaughter, Ms. [REDACTED], had came
18 to school that day and made a statement about him
19 and her was having sexual intercourse and that's why
20 they called me. And after we looked into it, they
21 determined that Ms. [REDACTED] could not go back home
22 with him. He was usually the one that picks her up
23 everyday. And they also have a younger son and he
24 could not go home that day either.

25 So, about this time, it was getting

PRETRIAL-DIRECT EXAMINATION OF TOM CARTER BY MS.
STAGGS

1 close to time for school to end and somebody had to
2 let Bobby know that the daughter -- he couldn't pick
3 the daughter up. And so, I told them. I said,
4 Well, I know Bishop Jones, I said, I'll talk to him.

5 Q Where did you meet with him?

6 A Outside in the parking lot, initially.
7 And I asked him to come inside, I needed to talk to
8 him.

9 Q And you say, inside, you mean the school?

10 A In the school, yes.

11 Q So, where inside the school did y'all
12 talk?

13 A One of the officers right up front, right
14 off of the receptionist area, there's an office to
15 the left over there, we met there.

16 Q Did he come to talk to you voluntarily?

17 A Yes.

18 Q Do you remember about what time of day
19 that was?

20 A It was time for school to close, so it had
21 to be around 2:30, 3 o'clock.

22 Q Was anybody else in the room with you when
23 you met with him?

24 A Just the two of us.

25 Q Okay. Was he free to leave during that

PRETRIAL-DIRECT EXAMINATION OF TOM CARTER BY MS.
STAGGS

1 meeting?

2 A Oh, yes.

3 Q Did you advise him of his Miranda rights?

4 A No, I did not.

5 Q Why not?

6 A Because I wasn't -- at that point in time,
7 I was just really trying to figure out what was
8 going on, to see if what she said -- if they were
9 having any problems or anything that caused her to
10 say what she said. And I really -- it wasn't an
11 investigation, we were just talking and trying to
12 determine whether or not this was true. So I didn't
13 feel I needed to do Miranda warning.

14 Q At that time when you met with him, did he
15 appear to be under the influence of any alcohol or
16 drugs?

17 A No.

18 Q Did he have any physical or mental
19 impairments that would affect his ability to
20 understand what was being said or asked?

21 A No.

22 Q And about how long did your interview
23 last?

24 A Maybe twenty minutes at the most.

25 Q Was it recorded in any way?

PRETRIAL-DIRECT EXAMINATION OF TOM CARTER BY MS.
STAGGS

1 A No, ma'am.

2 Q At any time, was he denied access to the
3 bathroom or food or water?

4 A No.

5 Q And did you make any threats or promises
6 to him?

7 A No.

8 Q And would you please tell the Court what
9 the Defendant told you when you met with him?

10 A Well, when we got in the room initially,
11 he asked, Sheriff, what's going on? And I turned --
12 because I was in front of him. And I turned and I
13 looked at him and I said, Bobby, it's not good. And
14 I said, Your stepdaughter came to school this
15 morning and said that y'all having sex. And at
16 first, he didn't say anything. He just kind of had
17 a blank stare.

18 And I said, Are y'all having any
19 problems or arguing about anything? And he said,
20 No, and he said, well, me and my wife was talking to
21 her about boys and sex. And he said that we found
22 that she was using a marker, like a magic marker and
23 so we decided to get her a vibrator. And I was
24 using the vibrator to teach her how to have sex.
25 And at that point, I didn't know what to say.

PRETRIAL-DIRECT EXAMINATION OF TOM CARTER BY MS.
STAGGS

1 And so we continued talking a few
2 more minutes. And then we got up and I said, Okay,
3 Bobby, I tell you what you need to do, I said, go
4 home and think about it today and tonight and get
5 back with me tomorrow and we'll see how we going to
6 work it out. That's the last thing we said to each
7 other as we walking out of the school into the
8 parking lot.

9 Q Why didn't you arrest him at that point?

10 A Well, I didn't feel that I had probable
11 cause at that point.

12 Q To the best of your knowledge, Sheriff,
13 was that statement that he made to you given freely
14 and voluntarily?

15 A Yes.

16 MS. STAGGS: I beg the Court's indulgence.

17 (Pause.)

18 BY MS. STAGGS:

19 Q I just want to follow-up for a minute,
20 Sheriff. Would you explain to us why you said you
21 would go and talk to him that day? Some
22 relationship potentially that the two of you may
23 have had?

24 A Yes. Bobby and I went to school together.
25 We played football, ran track. We knew each other

PRETRIAL-DIRECT EXAMINATION OF TOM CARTER BY MS.
STAGGS

1 all the way through school, both of us in school.
2 And we had kind of a friendly relationship on the
3 outside, too, still. And that's why -- the school
4 was kind of reluctant at who was going to talk to
5 him and that's why I told them, I said, Well, I
6 know, Bishop Jones, I'll talk to him. I'll wait
7 until he gets here and I'll talk to him.

8 Q But again, it was a notification was the
9 intention of your meeting?

10 A Right, to let him know that he wouldn't be
11 able to pick [REDACTED] up that day and why he would not
12 be able to pick her up.

13 Q Okay.

14 MS. STAGGS: Thank you, Sheriff, I have no
15 further questions for you. If you will answer
16 questions that the defense may have.

17 MR. WALTERS: We have no questions, Your
18 Honor.

19 THE COURT: Thank you. You may step down.

20 MS. STAGGS: Judge, at this time, we would
21 ask the Court to rule that the Defendant's
22 statement was given freely and voluntarily.

23 THE COURT: Anything from the defense?

24 MR. WALTERS: Yes, we would leave it in
25 the discretion of the Court. But we would

PRE-TRIAL MOTIONS

1 bring to the Court's attention, number one, we
2 believe that when you take someone in a room
3 and you start the questioning processes,
4 Miranda should be invoked at that time. In
5 this particular case, there was a decision made
6 that there was an issue that concerned a child,
7 number one. Number two, the parent had to be
8 informed that you can't pick the child up. And
9 then number two, there was going to be an
10 interrogation with regards to an issue that was
11 very, very important. And of course, Sheriff
12 Carter in this particular case, he had an
13 obligation to inquire into that matter.

14 What happened here was, we believe the
15 testimony is that he was placed inside a room.
16 He was not under the influence of drugs and
17 alcohol; however, there was an interrogation
18 that occurred. There was a question and answer
19 session that goes on. And the sheriff was very
20 honest in his position, I did not Mirandize
21 him.

22 Now, what we can draw from his testimony
23 as far as the failure to Mirandize this
24 particular Defendant is because under the
25 circumstances, as he said, we played ball

PRE-TRIAL MOTIONS

1 together, we went to school together. But that
2 does not change your obligations under the U.
3 S. Constitution. And in this particular case,
4 it was a custodial interrogation that occurred,
5 there was no reading of the Miranda rights with
6 regards to this particular process. It's
7 obvious that he had to talk to the sheriff. He
8 wasn't going to be able to leave. So under the
9 circumstances, we believe that's grounds of
10 presence of improper meeting.

11 THE COURT: Anything else?

12 MS. STAGGS: Judge, if I may respond?

13 THE COURT: Yes.

14 MS. STAGGS: Again, the State must simply
15 show that the statement was given voluntarily
16 by a preponderance of the evidence, Judge, and
17 I think we have done that. If you look at the
18 totality of the circumstances here, the
19 Defendant was not in custody. He was very much
20 free to leave. And in fact, he did leave the
21 school that night -- or that afternoon, excuse
22 me.

23 The Sheriff's testimony is that he was not
24 conducting an interrogation, that was not his
25 intent. His intent was to notify the Defendant

PRE-TRIAL MOTIONS

1 that he could not take his stepdaughter home,
2 as was his usual practice. And second, it was
3 to try to determine what was going on. Again,
4 you know, the sheriff did not have a full
5 understanding of the situation at that time and
6 it was not an interrogation. The Sheriff's
7 testimony is that he asked him one question,
8 you know, what's going on, is there any reason
9 she should be mad at you? In no way does that
10 constitute an interrogation by law enforcement.
11 He was free to leave. It was, potentially, you
12 know, a 20-minute, approximately, meeting. He
13 knew he could leave. And again, he was not
14 threatened, no promises made. He was not under
15 the influence of any drugs or alcohol. He
16 didn't have any physical or mental impairment
17 to prevent him from understanding what was
18 going on at the time, and he chose to speak
19 with Sheriff Carter. And there could be no
20 misunderstanding that he was free to leave at
21 that time.

22 THE COURT: All right. The Court agrees
23 with the argument and position set forth by the
24 State and finds that the State has proven this
25 by a preponderance of the evidence -- has

PRE-TRIAL MOTIONS

1 proven it was a voluntary statement by the
2 preponderance of the evidence and will find it
3 admissible.

4 MS. STAGGS: Thank you, Judge.

5 Judge, I think the second issue that we
6 wanted to bring to the Court's attention is a
7 statement that the Defendant made to the social
8 worker in this case, Mary Carter, he made a
9 similar admission to her. She is not present
10 today. We do not intend to call her until
11 tomorrow, but she also -- there would be no
12 custodial question in that matter as far as the
13 State's concerned, because she's not law
14 enforcement. One of the statements the
15 Defendant made to her was made within the walls
16 of his own home. So, I just wanted to put that
17 on the record and, you know, make sure the
18 defense understood our position.

19 MR. WALTERS: Your Honor, I want to make
20 sure they understand our position. We don't
21 know what's going to be said. We don't have an
22 opportunity to object to what's being said.
23 It's my understanding that this would be
24 hearsay anyway, but counsel is trying to put me
25 on notice of something that she has not

PRE-TRIAL MOTIONS

1 revealed, that I'm not aware of. And of
2 course, they're saying at this time that we're
3 giving you notice of something that's coming
4 down the line.

5 It's inappropriate at this time to address
6 that until that witness gets on the stand and
7 is put before the Court and then we're allowed
8 to argue with regards to that issue. So, as
9 far as me being put on notice of something,
10 I've been put on notice of nothing.

11 MS. STAGGS: Judge, we were just
12 clarifying in advance. And of course --

13 THE COURT: You will have her here
14 tomorrow?

15 MS. STAGGS: Right. Ms. Carter intends to
16 testify about what's in the written statement
17 that we have provided to the defense. And it
18 would be the State's position, under Rule 801
19 that an admission by a party opponent is simply
20 not hearsay. But it was just to clarify in
21 advance why we were not --

22 THE COURT: We will do that tomorrow.
23 What else?

24 MS. STAGGS: Judge, and at this time, we
25 would that Your Honor sequester the witnesses

PRE-TRIAL MOTIONS

1 in this case. And I think that's all of our
2 pretrial.

3 THE COURT: Which witnesses, your
4 witnesses?

5 MS. STAGGS: All witnesses, yes, Judge,
6 State and defense witnesses.

7 MR. WALTERS: May it please the Court,
8 Your Honor, I believe the victim in this
9 particular case as alleged, she has the right
10 to be inside this courtroom.

11 MS. STAGGS: Absolutely agree, Judge. No
12 issues with the victim being present.

13 THE COURT: So, who are we going to
14 sequester?

15 MS. STAGGS: Well, and I would like to
16 bring to the Court's attention, the case
17 officer, Richard Johnson, the SLED agent who
18 investigated this case, we would ask that he be
19 allowed to remain in the courtroom. And the
20 remainder of the witness on the State's and
21 defense's witness list be sequestered.

22 THE COURT: I can't who the defense had.

23 MS. STAGGS: It would be Ms. Jones and any
24 of our witnesses, which we will, of course,
25 make sure that they are sequestered.

PRE-TRIAL MOTIONS

1 THE COURT: So, the only witnesses we're
2 really talking about as a practical matter are
3 yours?

4 MS. STAGGS: Yes, Judge. And the defense
5 did intend to call Ms. Jones as well. They
6 have listed her on their list, so we would ask
7 that she be sequestered.

8 MR. CULLER: Well, she's covered either
9 way because she's one of your witnesses, too.

10 MS. STAGGS: Right, she was on both sides.

11 THE COURT: She was what, I'm sorry?

12 MS. STAGGS: She was on both lists, Judge,
13 Ms. Jones.

14 THE COURT: Anything special you want done
15 other than they be ordered not to appear in the
16 courtroom?

17 MS. STAGGS: Nothing else from the State,
18 Judge.

19 MR. CULLER: Nor from us, Your Honor.

20 MS. STAGGS: Well, and I think this
21 probably goes without saying, but I should
22 probably say it. And we would ask that they be
23 instructed not to discuss the case. That
24 Ms. Jones be instructed not to discuss the case
25 with anyone else that she meets outside the

PRE-TRIAL MOTIONS

1 courtroom until after her testimony and
2 conclusion of the trial.

3 THE COURT: Any objection to that by the
4 defense?

5 MR. CULLER: No, Your Honor.

6 THE COURT: You will see that that's done?

7 MR. CULLER: Yes, Your Honor.

8 THE COURT: All right. You're responsible
9 then for taking care of your witnesses and
10 explaining to them since they are here.

11 MS. STAGGS: Absolutely, Judge, of course.

12 THE COURT: Okay. What else can we do?

13 MS. STAGGS: I don't think -- the State
14 doesn't have anything further at this time,
15 Judge.

16 MR. WALTERS: Nothing further, Your Honor.

17 THE COURT: All right. We'll be in recess
18 until 12:30.

19 MS. STAGGS: Thank you, Judge.

20 (Lunch recess.)

21 (WHEREUPON, the jury enters the courtroom at 12:30
22 p.m.)

23 THE COURT: Welcome back, ladies and
24 gentlemen. I believe we are ready to begin the
25 trial of the case.

THE AFTERNOON PROCEEDINGS OF 7-10-2018

1 Opening statement, Solicitor.

2 OPENING STATEMENT BY THE STATE

3 MS. STAGGS: Thank you, Your Honor, may it
4 please the Court.

5 Good afternoon, ladies and gentlemen.
6 Bobby Jones, Sr. is the Defendant in this case.
7 He's charged with criminal sexual conduct with
8 a minor in the second degree. He's a local
9 pastor here in Allendale and I'm sure, based
10 upon what we talked about during jury
11 selection, that a lot of you know who he is,
12 might have seen him around town. And you might
13 hear on the witness stand him called Bishop or
14 Rev by some of the witnesses. Those are some
15 of the names that I think he goes by. But
16 Bobby Jones isn't just a pastor, he's a
17 stepfather to [REDACTED]. And she's the
18 victim in this case. Bobby Jones is her
19 stepfather, he's her abuser and he's her
20 rapist. Bobby Jones raped [REDACTED].

21 On January 21st of 2013, more than five
22 years ago, when [REDACTED] was just 14 years old,
23 the Defendant bought her a vibrator. He bought
24 it, he gave it to her and he showed her how to
25 use it. He went into her room at night with

OPENING STATEMENT BY THE STATE

1 the lights off. He had sex with her and he put
2 that vibrator inside of her. As soon as it
3 happened, [REDACTED] started trying to tell people
4 what happened. She knew it was wrong and she
5 wanted it to stop.

6 The night that Bobby Jones raped her,
7 [REDACTED] texted her friend. The next day, she
8 told her mom about what happened. Her mom
9 didn't report it to the police. And then the
10 day after that, she told Kenneth Tyler, a
11 school teacher at Allendale-Fairfax High School
12 that her stepdad came into her room and told
13 her that he was going to show her what boys
14 want from her. She tried to tell people what
15 happened.

16 Over a month later, she went to a
17 substitute teacher, Ms. Carolyn Chess. She
18 told her about what happened. She even wrote a
19 note to her that said we did it, or something
20 along those lines. Ms. Chess threw that note
21 away, she put it in the trash can. She thought
22 about it for a few days and after letting it
23 roll around in her brain, she decided she
24 better report it to the principal. So she did,
25 she reported it to the principal. And after it

OPENING STATEMENT BY THE STATE

1 was reported to the principal, this case kind
2 of started moving.

3 That day it was reported, [REDACTED] told the
4 school resource officer what happened. She
5 told the sheriff what happened to her. She
6 told the school guidance counselor. She told
7 the school nurse. She told a lady from DSS.
8 Every time she told them, she said they had sex
9 and that he used that vibrator on her. She
10 told them that because that's what happened.
11 That's what the Defendant did to his
12 14-year-old stepdaughter. And he admitted it,
13 part of it anyway.

14 He told Sheriff Carter and the lady from
15 DSS that he bought [REDACTED] a vibrator and
16 he showed her how to use it. He said they were
17 in her bedroom and her pants were off and her
18 underwear were off and the lights were off.
19 And he admitted that alone in a dark room with
20 his 14-year-old stepdaughter, he put a vibrator
21 inside of her. Ladies and gentlemen, that is
22 criminal sexual conduct in the second degree.
23 That's what the Defendant is charged with and
24 that's what he's guilty of.

25 Later on, and you're going to hear about

OPENING STATEMENT BY THE STATE

1 this, [REDACTED]'s version of events started to
2 change. Eventually, she denied that the
3 Defendant had sex with her. She said he only
4 used that vibrator. She told that to Mary
5 Carter a second time, a lady from DSS. She
6 told it to Kristin Dalton, the nurse who
7 examined her, and she told it to Richard
8 Johnson, the SLED agent who investigated this
9 case. Almost everybody she told, she also told
10 them how, by and large, her life had gotten
11 better since her mama married the Defendant,
12 her life had changed. After their marriage,
13 she got to go on vacation, she lived in a much
14 nicer house, he bought her things.

15 I'll tell y'all, I do not know what [REDACTED]
16 is going to say when she gets on that witness
17 stand, I do not. I think she might deny it,
18 she might say she doesn't remember, but I do
19 know that she doesn't want anything bad to
20 happen to her family. I know that her mama is
21 still married to Bobby Jones. I know that he
22 still supports her family financially. I
23 happen to know that he even pays for her cell
24 phone.

25 So I don't know what she's going to say

OPENING STATEMENT BY THE STATE

1 when she testifies to you, but what I do know
2 is what she said when it happened, when she
3 needed help and when she wanted the abuse to
4 stop. And all of those people that she told
5 are going to come in here and they're going to
6 testify. In fact, the evidence in this case is
7 almost entirely going to be witness testimony,
8 people coming up here and talking to you from
9 the witness stand. And that witness testimony
10 is evidence. It's the State's job, my job,
11 Ms. Luttrell's job to prove to you beyond a
12 reasonable doubt that the Defendant is guilty.

13 And the judge will tell you about the law.
14 He's going to define criminal sexual conduct
15 with a minor, second degree. He's going to
16 define beyond a reasonable doubt and explain to
17 you in detail exactly what all of that means,
18 so I'm not going to get into it. But I will
19 tell you that beyond a reasonable doubt is a
20 heavy burden that the State bears. But ladies
21 and gentlemen, we're prepared to meet that
22 burden. And at the end of the testimony
23 presented, you're going to go back in that jury
24 room and you're going to deliberate, and I ask
25 that you consider all of this witness testimony

OPENING STATEMENT BY THE STATE

1 very carefully. And after you've done that,
2 I'm certain that you will come to the only
3 conclusion, that by his own admission, the
4 Defendant put a vibrator inside the victim,
5 [REDACTED] And that makes him guilty of
6 criminal sexual conduct with a minor in the
7 second degree. Thank you.

8 THE COURT: Thank you, Solicitor.
9 Defense?

10 OPENING STATEMENT BY THE DEFENSE

11 MR. WALTERS: May it please the Court,
12 Your Honor.
13 Solicitor.

14 As stated before during voir dire, my name
15 is Glenn Walters and I represent, along with
16 Michael Culler, the Defendant in this case,
17 Bobby Jones, Sr. I want you to clearly
18 understand the facts and I want you to listen
19 to the story of what happened to Mr. Jones and
20 what this Solicitor's office did.

21 In this particular case, Mr. Jones is
22 charged with criminal sexual conduct in the
23 second degree. He was charged four years and
24 ten months ago. In this particular case, he
25 was charged and he has appeared for roll call

OPENING STATEMENT BY THE DEFENSE

1 each and every time for the last four years and
2 ten months.

3 The Solicitor's office required that he be
4 removed from his family and live in another
5 home. He lives in Barnwell and he takes care
6 of a home here in Allendale. The evidence will
7 show that he's lost his license to sell
8 insurance, his church has also been destroyed
9 because of the allegations that have been made,
10 the false allegations that have been made, and
11 most importantly, the evidence will show that
12 in this particular case, that the State is
13 unable to meet their burden to prove their case
14 beyond a reasonable doubt.

15 Let's go through the facts and the
16 evidence of what it will show in this
17 particular case. The evidence will show [REDACTED]
18 who is sitting over there with her
19 stepfather -- she couldn't come across the bar,
20 she had to sit there. The evidence will show,
21 and this is a very touchy issue, that within
22 her home, there were problems. And Bishop
23 Jones, Bobby Jones and his wife had to address
24 certain issues with a 14-year-old child.

25 The first issue was that they were

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1 receiving pictures of penises over the social
2 media that were being sent to the child. In
3 addition to that, they also were aware of the
4 fact that she was actively soliciting boys by
5 having sex and having --

6 MS. STAGGS: Objection. Judge, may we
7 approach?

8 THE COURT: All right.

9 (Off-the-record discussion held.)

10 MR. WALTERS: Your Honor, may I continue?

11 THE COURT: You may continue.

12 MR. WALTERS: In this particular case,
13 when the parents found out about what was going
14 on with this particular child, at the church,
15 they had an organization come there. It was
16 called Lowcountry Health Connections. And that
17 organization, when they appeared at the church,
18 they advised the children with regards to
19 sexually transmitted diseases. They advised
20 the children with regards to condoms and how to
21 use them. They also advised the children with
22 regards to vibrators and how they're used.

23 And in this particular case, they also
24 came in and they provided film. They wanted
25 the children to know, number one, you need to

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1 be protected from STDs. Number two, in
2 addition to that, these are other alternatives
3 that are available, along with birth control
4 pills that can be used in order to somehow make
5 it through high school and have a productive
6 life. But most importantly, you have to be
7 responsible when you're active and you're doing
8 things.

9 Under the circumstances here, because
10 Mr. Jones and his wife were aware of the
11 activity and they were aware of things that
12 were being said in their home, they sat down
13 and they made a decision, the two of them.
14 That's what the evidence will show.

15 The evidence will also show in this
16 particular case that there was activity that
17 [REDACTED] will testify to that she was involved in.
18 As a result, the family came to a decision.
19 The decision was we'll buy you a vibrator.
20 We'll buy you a vibrator and you can have it
21 here at home. But we certainly don't want you
22 to end up in a situation where you have
23 responsibilities at 14 that you can't handle.

24 Now, in this particular case, what the
25 State has said is that somehow Bobby Jones went

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1 out and purchased a vibrator. The evidence
2 will show and the testimony will be that her
3 mother, her biological mother, along with Jones
4 made a decision, we'll give you that, but
5 you've got to straighten up your activity.

6 In addition to that, after they made this
7 decision, they went ahead and purchased the
8 vibrator for her. And she'll testify to that.
9 She's sitting here in the courtroom. And it's
10 a very, very cold conversation that we're
11 having with regards to a little girl.

12 And what happened in that particular case
13 was, there was a purchase of a vibrator that
14 was made. And, of course, she was excited
15 about it. There was a conversation that she
16 had with a little girl named [REDACTED]. Now,
17 what's interesting about [REDACTED] or this person
18 that they say that she talked to -- and this
19 was four years and ten months ago, she advised
20 her, you need to talk to your parents and,
21 perhaps, they can buy you a vibrator, also.
22 This was four years and ten months also, and
23 the Solicitor's office just today, yesterday,
24 just obtained a statement from [REDACTED] so they
25 can prepare for this hearing to you.

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1 They went on in this particular case and
2 they talked about the fact the police became
3 involved. And what happened was that [REDACTED]
4 also told people at school that there's a
5 possibility that you can get a vibrator, you
6 can get something similar to what [REDACTED] has in
7 this particular case. This was something that
8 was approved of by her mother and also her
9 stepfather.

10 And [REDACTED] advised people about it. And,
11 of course, you know when something is spread,
12 what happened was, it went among the teachers
13 and the next thing you know, Ms. Chess comes
14 into play and she approached [REDACTED] and said,
15 What is this I hear about you and certain
16 activities? And, of course, they alluded to
17 the fact that there were statements taken in
18 that particular case.

19 Now, understand what happened when they
20 cornered [REDACTED]. They brought her in at 9:30 in
21 the morning over at the school. The police
22 officer was not present in the room. They
23 started at 9:30. They then obtained a
24 statement at 11 o'clock. They then went back
25 and attempted to obtain another statement from

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1 a 14-year-old child at 12:30.

2 The entire time that they were
3 interrogating her, her parents were never
4 contacted, her biological mother was never
5 called, her biological father was never called.
6 And this interrogation was going on with three
7 people in the room, a substitute teacher named
8 Ms. Chess, in addition to that, the school
9 nurse, Ms. Solomon, and Ms. Pamela Kinard, who
10 also holds a position at the school.

11 They obtained two statements, one at 11
12 o'clock, one at 12:30. They did not allow her
13 to go to lunch. The interrogation continued
14 throughout the day. In fact, [REDACTED]'s testimony
15 will be, I was not released until it was time
16 for the children to go home. And under the
17 circumstances, [REDACTED] did the best she could
18 because she simply -- her testimony will be, I
19 did what they told me to do, I told the truth.
20 There was a purchase of a vibrator and my
21 parents will explain why they got it for me.
22 But what's interesting about this case is that
23 this went on until 2:30 or 3 o'clock in the
24 evening, and then, by then, they contacted the
25 police and they contacted various individuals.

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1 Now, what's interesting about this case,
2 and I'll go further into the facts, is that
3 during the year 2013, [REDACTED] was required to
4 appear in this court. They don't want you to
5 know that. They didn't bring that subject up.
6 But [REDACTED] was required to be here before His
7 Honor, Judge Smoak. [REDACTED] was required --

8 MS. STAGGS: Objection. Judge, may we
9 approach?

10 (Off-the-record discussion held.)

11 MR. WALTERS: May I continue, Your Honor?

12 THE COURT: You may.

13 MR. WALTERS: The Solicitor's office
14 that's sitting here today, they don't want you
15 to know that in this courtroom, there was a
16 legal proceeding with a judge, Judge Smoak,
17 who's been here for over 25, 30 years, in
18 Allendale County. And there was a hearing held
19 with regards to [REDACTED] [REDACTED] There
20 was a hearing held with regards to statements
21 and testimony that is being given in this
22 particular case. [REDACTED] was placed on that
23 stand and placed under oath. She was required
24 to tell the truth, the whole truth and nothing
25 but the truth. And this occurred during the

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1 year 2013. Please keep this in mind, 2014,
2 2015, 2016, 2017 and now, they're wasting your
3 time bringing you here in 2018.

4 But during the year of the 2013, she was
5 required to appear before this court. And
6 she's going to testify to that. When she
7 appeared before this court, she had to get on
8 that stand. And the same statements that
9 they're alluding to now, that they claim
10 everyone said something happened that went on,
11 [REDACTED] was required to testify. What they don't
12 want you to know is what [REDACTED] said. She said
13 it never happened. In fact, she went on to
14 state, The reason I did it was because I was
15 angry.

16 Now, the Solicitor, in her statement, she
17 said, I don't know what [REDACTED] is going to say.
18 This is a preview of what the evidence is
19 supposed to disclose. They've got over five
20 statements from [REDACTED]. This is what the
21 evidence is going to show. I just kept a
22 little lie going on and it became a big lie.
23 All of the statements are lies. All of the
24 rumors are lies. What I told Ms. Chess are
25 lies. That's what we believe the evidence will

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1 show. And the evidence will show that they've
2 had these statements for four years and ten
3 months and they're now before you saying this
4 is all new, this is all fresh. This is to
5 refresh you on what's going on.

6 And the evidence will show in this
7 particular case that they're frightened by what
8 [REDACTED] is going to say. She's already testified
9 one time under oath and stated that it didn't
10 happen. I was mad with my parents. I was mad
11 with them. The testimony will be, I couldn't
12 have a boyfriend. I couldn't engage in social
13 media. I couldn't do the things I wanted to do
14 as a 14-year-old. And because of that, a small
15 lie became a big lie and I kept perpetuating it
16 over and over again. They're aware of that
17 testimony. They're aware of what [REDACTED] said.

18 And, of course, in this particular case,
19 the question is, why are they wasting your time
20 coming back today? The evidence will show in
21 this particular case, the Solicitor's office,
22 after four years and ten months, they decide,
23 well, we will get something else together.
24 This is round number two. We're going to go
25 out and we're going to hire what's called a

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1 recantation expert. We're going to bring some
2 people in that are going to testify that what
3 she said, she didn't really mean it and she
4 changed her mind. And as a result of changing
5 her mind, you should believe what she first
6 said instead of what she said later. This is
7 four years and ten months later.

8 Bobby Jones has shown up for roll call
9 each and every time. He has lost his license
10 to sell insurance. He has lost his church.
11 How many people would attend church with these
12 kind of allegations? He's lost everything. He
13 can't live with his family. He can't live in
14 their home. He's paying for two different
15 homes. He's struggled on his hands and his
16 knees. He's like Job, he's lost everything.
17 And they're back today four years and ten
18 months later, knowing that there's a transcript
19 with a circuit court judge sitting on the bench
20 where she stated, This did not happen. It's a
21 small lie that became a big lie. And as a
22 result of that, I have hurt people.

23 Well, let's go further on in this opening
24 statement and what the evidence is supposed to
25 show. You see, Lowcountry Health Start, when

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1 they come in and they come to the schools or
2 they come to the church, they often ask, do you
3 want us to show boys how to put condoms on.
4 And they pull out a dildo and put the condom on
5 it. We show girls how to use vibrators. We
6 talk about sexually transmitted diseases. We
7 talk the possibility of getting into
8 relationships where you can get hurt. We also
9 show films. We live in a different time and
10 parents pursue different options in order to
11 raise kids.

12 You see, the Solicitor's position is,
13 well, if that occurred, well, who bought the
14 dildo, who bought the vibrator? Who went and
15 got it? We believe Jones went and got it. His
16 wife's testimony will be, and the evidence will
17 show that she made it clear, yes, we agreed to
18 buy the vibrator, but she also made it clear,
19 I'm not going to buy it. You going to have to
20 go down there and buy it.

21 The evidence will show in this particular
22 case, the Solicitor's office, they said, Well,
23 did you tell your wife when you were going to
24 go and get the vibrator? His response was, No,
25 my wife told me to go get and I said I was

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1 going to go get it. It's no different than a
2 wife saying, you know, you need to buy me a
3 fifth of the gin, but I'm not going in that
4 liquor store. Now, whenever you get it done,
5 get it done, and get it back here.

6 The evidence will show in this particular
7 case that Lowcountry Health Start provides
8 these services. And it's alarming to know that
9 vibrators are available. It's alarming to know
10 that condoms are available. It's alarming to
11 know that dildos are available. But we live in
12 a time where we can lose our children because
13 of certain activities.

14 The Solicitor's office doesn't want you to
15 know that [REDACTED], this friend that she talked
16 to, they allege, that told everything, the
17 great law enforcement we have here that was
18 conducting this investigation, the evidence
19 will show that they never took a statement from
20 her. Four years and ten months ago. Ask
21 yourself this when you see the evidence. Do
22 you want to know when they took a statement
23 from her? While you were sitting in here being
24 qualified as jurors. Four years and ten months
25 later, they're going to ask a kid about

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1 something that happened almost five years ago
2 and say, let's type up something and put it
3 together.

4 What the evidence will show in this
5 particular case is, is this is rigged from the
6 beginning. If you're charged in Allendale
7 County and you happen to show up for roll call,
8 they're going to resolve your case, six months,
9 maybe a year, but four years and ten months
10 later?

11 What else does the evidence show in this
12 particular case? And this is a preview of what
13 we expect it to show. As a result of what
14 happened to [REDACTED], they then made a decision,
15 we're going to send you to Hope Haven. Hope
16 Haven is an organization that interviews
17 children for sexual abuse and things of that
18 nature. What does the empirical data show?
19 You can talk about condoms, you can talk about
20 vibrators, you can talk about penises going in
21 people, what does the empirical data show? The
22 hymen is not injured. But they claim
23 everything is being rammed up her. This was
24 right after the allegations was made, four
25 years and ten months ago.

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1 What else does the evidence show? They
2 set down and they created a film and said,
3 let's talk about it. But they can't escape
4 this one little sheet of paper, it was all a
5 lie, a little lie that became a big lie. Four
6 years and ten months later, they now want you
7 to believe this. They want you to turn around
8 and say it's okay.

9 Draw upon your own life experiences during
10 this opening. Listen carefully, and don't ever
11 forget the fear when I brought up the issue
12 with regards to what happened in the previous
13 court. Objection, objection, objection. You
14 heard it. You're aware of it. You know about
15 it. She's already testified. And you know
16 what, they claim they're here protecting [REDACTED]
17 but she's sitting with her family. She's
18 prepared to testify again.

19 I've never heard a case where a solicitor
20 says I don't know what the victim is going to
21 say, I just don't know. I'm not exactly sure.
22 I don't know what's going to be said. We've
23 got a copy of the transcript and we know
24 exactly what was said in that courtroom. And
25 they knew about it and they were aware and they

OPENING STATEMENT BY THE DEFENSE

1 weren't going to tell you.

2 This is a case about exposing everyone for
3 who and what they are. In life, and I'll end
4 by saying this, you reap what you sow. If
5 you're up to no good, and in this particular
6 case, this case is rotten to the core. They
7 make it seem as if a mom and dad that made a
8 decision to get child a vibrator committed a
9 crime. What's going on here is so rotten to
10 the core, and then they object when you find
11 out this child has already testified and said
12 it never happened. And then they claim they
13 don't know what she'll say when she wrote it in
14 black and white. It was a small lie and became
15 a big lie. And they expect you to buy into it
16 and be bamboozled just like everyone else that
17 bought into it. And it happened right here in
18 this courtroom.

19 And you're back here again in this
20 courtroom and guess what, they're hoping you
21 don't find out. They're hoping you don't
22 believe -- they're hoping you don't believe the
23 facts. They're just hoping you'll watch a film
24 and some people come in and say hey, I think
25 she changed her mind. I think she changed her

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1 mind. That's your decision as a jury. Do you
2 really need a recantation expert to tell you
3 you need to determine if this person is telling
4 the truth or they're lying? Do we ever have to
5 bring someone to court and say watch their
6 eyes, watch how they move?

7 She's 20 years old now, the testimony will
8 be. The testimony will be that she's living at
9 home with her mom, waiting for her dad to come
10 home. The testimony will be that she's now
11 raising her own son, four years and ten months
12 down to the road. I ask that after you hear
13 all of the evidence and the testimony given in
14 this particular case that you reach only one
15 conclusion, that this Solicitor's office is
16 rotten to the core and they never should have
17 been allowed to waste your time by coming in
18 this room.

19 THE COURT: Thank you. Call your first
20 witness.

21 MS. STAGGS: Thank you, Your Honor. The
22 State calls Samuel Holmes.

23 Thereupon,

24 SAMUEL HOLMES

25 was called as a witness, having been first duly sworn,

DIRECT EXAMINATION OF SAMUEL HOLMES BY MS. STAGGS

1 was examined and testified as follows:

2 DIRECT EXAMINATION

3 BY MS. STAGGS:

4 Q Sergeant Holmes, good afternoon.

5 A Good afternoon.

6 Q Where are you employed?

7 A Allendale County Sheriff's Department.

8 Q What do you do for the Sheriff's
9 Department?

10 A I am school resource officer at Allendale
11 High School.

12 Q How long have you been in that job?

13 A Ten years now.

14 Q What are your job duties as a school
15 resource officer?

16 A To ensure the safety and welfare of the
17 students and administrative staff at Allendale High
18 School.

19 Q So you were working that job during the
20 2012-2013 school year?

21 A Yes, I did.

22 Q Do you remember an incident in early 2013
23 involving [REDACTED]?

24 A Yes, I do.

25 Q What happened? Without telling what she

DIRECT EXAMINATION OF SAMUEL HOLMES BY MS. STAGGS

1 told you, what happened?

2 A On this particular morning, I was informed
3 by the principal, Mr. Ron Youmans, that a student
4 came to him stating that she was --

5 MR. CULLER: Object, Your Honor.

6 THE COURT: Sustained.

7 MS. STAGGS: Thank you, Your Honor, I'll
8 be happy to rephrase.

9 BY MS. STAGGS:

10 Q Without telling me what was said, a report
11 was made?

12 A Yes.

13 Q That you needed to investigate?

14 A Yes.

15 MR. CULLER: I object, Your Honor, I still
16 think it's hearsay.

17 THE COURT: What was your next question?

18 MS. STAGGS: I'm sorry, Judge, I haven't
19 even gotten my thought process back. If you'll
20 give me one moment, I'll be happy to redirect
21 my line of questioning.

22 THE COURT: Okay.

23 BY MS. STAGGS:

24 Q Do you recall the date that this report
25 was made?

DIRECT EXAMINATION OF SAMUEL HOLMES BY MS. STAGGS

1 A Yes.

2 Q What was that day?

3 A March 4th.

4 Q And do you recall when the alleged
5 incident took place?

6 A In January.

7 Q Okay. Do you recall where it was that
8 that incident took place?

9 A I don't know the physical address, but I
10 know it's on Terry Road in the County of Allendale.

11 Q On Terry Road?

12 A Terry Road.

13 Q Thank you, sir.

14 MS. STAGGS: Beg the Court's indulgence
15 one moment.

16 (Pause.)

17 BY MS. STAGGS:

18 Q So, again, sir, without telling me what
19 anyone told you, what did you do?

20 MR. CULLER: Your Honor, I have a matter
21 of law. I beg your pardon. I would
22 anticipate -- we can approach, if we might.

23 (Off-the-record discussion held.)

24 THE COURT: You may continue.

25 MS. STAGGS: Thank you, Your Honor.

DIRECT EXAMINATION OF SAMUEL HOLMES BY MS. STAGGS

1 BY MS. STAGGS:

2 Q Let me just rewind for a second. Sergeant
3 Holmes, you said January -- I'm sorry, did you tell
4 me what year?

5 A 2013.

6 Q Thank you. And after this report was
7 made, what did you do, without telling me what
8 anyone told you?

9 A From that point, I got the individuals and
10 got them to do a thorough statement, a detailed
11 statement on what took place and what happened.

12 Q So you learned, as you investigated this
13 incident, that there might be other people that had
14 information?

15 A Yes.

16 Q Do you know who those people were?

17 A Yes.

18 Q Who were they?

19 A Ms. Carolyn Chess, Mr. Ron Youmans. Those
20 are the individuals.

21 Q Okay. Did you write a statement in the
22 regards to this?

23 A Yes, I did.

24 Q Would it help refresh your memory if you
25 could look at that statement?

DIRECT EXAMINATION OF SAMUEL HOLMES BY MS. STAGGS

1 A Yes.

2 MR. WALTERS: Objection, Your Honor. He
3 hasn't testified that he can't remember
4 something. He's answering questions.

5 MS. STAGGS: I'll ask again.

6 BY MS. STAGGS:

7 Q Was there anyone else involved in this
8 investigation that you interviewed and took
9 statements from, Sergeant Holmes?

10 A Yes.

11 Q Who were those people?

12 A Ms. Carolyn Chess, Ms. Pamela Kinard,
13 Ms. Pamela Kinard, and Ms. Solomon, Ms. Nurse
14 Solomon.

15 MS. STAGGS: Beg the Court's indulgence.

16 (Pause.)

17 BY MS. STAGGS:

18 Q So you got those statements. And then at
19 any point, did you contact anyone else?

20 A Yes, I did.

21 Q Who did you contact?

22 A Sheriff's Office, Tom Carter.

23 Q So you -- he's your superior, obviously,
24 the sheriff?

25 A Yes.

DIRECT EXAMINATION OF SAMUEL HOLMES BY MS. STAGGS

1 Q Is he usually the person you report to?

2 A No, not normally, but that particular time
3 since it was an individual (inaudible), I made
4 contact with the Sheriff's Office.

5 MS. STAGGS: Okay. Sergeant Holmes, I
6 don't have any questions. Please answer any
7 questions the defense may have.

8 THE COURT: Cross-examination?

9 MR. CULLER: No, Your Honor.

10 THE COURT: All right. Thank you, may
11 step down.

12 You may call your next witness.

13 MS. LUTTRELL: Thank you, Your Honor. The
14 State calls Richard Johnson.

15 Thereupon,

16 RICHARD JOHNSON

17 was called as a witness, having been first duly sworn,
18 was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MS. LUTTRELL:

21 Q Good morning, Special Agent Johnson.

22 A Good morning.

23 Q Would you please introduce yourself to the
24 jury?

25 A My name is Richard Johnson. I'm a state

DIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 agent with the South Carolina Law Enforcement
2 Division, often referred to as SLED.

3 Q How long have you worked for SLED?

4 A Approximately 14, 15 years, 29 altogether.

5 Q What did you do prior to working with
6 SLED?

7 A I worked for internal affairs for the
8 South Carolina Department of Corrections and spent
9 about 10 years with South Carolina State University
10 Police Department.

11 Q If I could ask you just to speak into that
12 microphone a little bit. If I'm having trouble
13 hearing some of your words, I bet that these folks
14 are, too.

15 A Okay.

16 Q What is your position with SLED?

17 A I'm a special agent.

18 Q What are the job duties of a special
19 agent?

20 A We conduct investigations on various crime
21 types. And the unit that I'm assigned to, I pretty
22 much conduct an investigation on every crime except
23 drug investigation.

24 Q Now, are you located here in Allendale?

25 A Allendale is one of the counties that I'm

DIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 assigned to. We have a total of 12 counties that we
2 work out of and we're subject to work cases in all
3 12 counties.

4 Q Back in the 2013, did you get involved in
5 the case involving Bobby Jones, Sr.?

6 A Yes, I did.

7 Q Tell the jury, how did you get involved in
8 this case?

9 A Well, as normal procedure, when a crime
10 takes place in a county or a municipality, that
11 sheriff normally contacts SLED if they want our
12 assistance. And in this case, we received
13 information from Sheriff Carter to look into this
14 matter.

15 Q What are some of the reasons you might
16 offer existence to some of these other counties?

17 A One thing, local department lacks the
18 resource to conduct investigations or if it may be
19 something political issue to it, the sheriff may
20 think that it's best served by them essentially
21 removing themselves from the investigation so that
22 it would be a fair and impartial investigation
23 conducted.

24 Q So like a conflict of interest?

25 A Yes, ma'am.

DIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 Q Once this case was assigned to you, what
2 did you do?

3 A I recall meeting with Sheriff Carter just
4 to get a brief of what transpired, which is normal
5 procedure. Whoever made the request, we try to meet
6 with that individual in order to get an overview of
7 what we're dealing with, and from there, we commence
8 with the investigation.

9 Q Do you remember the date that you became
10 involved or about when you became involved?

11 A Not exactly, but I think it was March. If
12 I can look at my file, I can look at the date that I
13 responded. March 7th of 2013 is when we received
14 the notice to get involved. And I think I may have
15 responded the next day. It was started in the
16 afternoon.

17 Q Now, prior to your involvement in this
18 case, had you ever heard of or were you familiar
19 with a person named [REDACTED]?

20 A No, ma'am.

21 Q And prior to this case, were you familiar
22 with Bobby Jones, Sr.?

23 A No, ma'am.

24 Q Once you spoke with the sheriff and got a
25 background of what was going on, how did you proceed

DIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 from there?

2 A Once I got that information, I just
3 started without any chronological order of trying to
4 interview individuals, simply looked at who was more
5 or less available to me and just started talking to
6 different people and different names that came up.
7 Primarily, with the teachers and officials at the
8 school board since they were -- not school board,
9 high school, since they were pretty much readily
10 available.

11 Q Now, I know it's been five years or so
12 since you did this investigation, but do you
13 remember how many people you interviewed as part of
14 this case?

15 A Not offhand, but if I can look through my
16 file and just get a quick count. It's been a good
17 bit of them.

18 Q Okay. If you could look at your file and
19 refresh your testimony?

20 A Yes, ma'am, give me a moment.
21 Approximately 26.

22 Q Twenty-six people?

23 A Approximately, yes, ma'am.

24 Q Now, when you interview witnesses, do you
25 have every one of them write a witness statement?

DIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 A I try to. Sometime they won't write a
2 statement and we have to do what's called a
3 memorandum of interview.

4 Q And what is that?

5 A It's just we summarize what the individual
6 has told us and -- in a form, we just put it in
7 different words. Not necessarily different words,
8 but in proper context.

9 Q When you do those memorandum of
10 interviews, do you typically type those up?

11 A Yes, ma'am.

12 Q Do you type them up almost immediately
13 after you do the interviews?

14 A Well, I try to get mine typed up, at
15 least, within five days so I can get it in the file
16 while it's still fresh on my mind. Get it as quick
17 as I can so I can have it secured.

18 Q Are those usually dated with when the
19 interview took place?

20 A Yes, ma'am.

21 Q Some of the people that you interviewed,
22 I'm just going to -- I know there's 26 people.
23 Let's talk about the ones that we talked about on
24 our witness list for this case. Did you interview
25 someone named Tanaysia Myers?

DIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 A Yes, yes, I did.

2 Q When did you interview her?

3 A Give me one moment and let me look through
4 here. Her statement is not in order as I conducted
5 the interview.

6 Q If I could direct your attention to Page 3
7 of 18 of your investigative report?

8 A Yes, March 13, 2013.

9 Q Okay. And did you ever interview someone
10 named Nicole Smith?

11 A Yes, I did.

12 Q When did you interview her?

13 A She -- I think that's in code, which is
14 Monty Smith. April 8th, 2013.

15 Q So, you interviewed [REDACTED] back in
16 2013?

17 A Yes, ma'am.

18 Q Do you know if she wrote a witness
19 statement?

20 A No, she did not.

21 Q Do you know why?

22 A She didn't wish to write one.

23 MR. CULLER: Objection, speculation.

24 THE COURT: Overruled.

25

DIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 BY MS. LUTTRELL:

2 Q She didn't wish to write one?

3 A Yeah, she didn't wish to write a
4 statement.

5 Q But did you do a memorandum of statement
6 for her?

7 A I did a memorandum of interview.

8 Q What about Kenneth Tyler, did you
9 interview him?

10 A Yes, I did.

11 Q What date?

12 A March 12th, 2013.

13 Q What about Carolyn Chess, did you
14 interview her?

15 A Yes, I did.

16 Q What date?

17 A March 12th, 2013.

18 Q And Kimberly Solomon, did you interview
19 her?

20 A Yes, I did.

21 Q What date?

22 A March 12th, 2013.

23 Q What about Pamela Kinard? I think that's
24 how she pronounces it.

25 A Kinard. Kinard, March 12th, 2013.

DIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 Q And we just heard from Deputy Holmes, did
2 you actually talk to him?

3 A Yes, I did.

4 Q What date did you talk to him?

5 A March 12th, 2013.

6 Q Now, did you ever talk to [REDACTED]
7 for this case?

8 A Yes, I did.

9 Q When did you interview her?

10 A I interviewed her a couple of times, one
11 was on April 30th, 2013. And bear with me, it's in
12 here.

13 Q I believe if you look at Page 11 of your
14 report?

15 A March 26th of 2013.

16 Q Okay. So, you interviewed [REDACTED] twice for
17 this case?

18 A Twice, yes, ma'am.

19 Q On March 26th of 2013, where did you
20 interview her?

21 A At the Barnwell High School.

22 Q Was that where she was attending high
23 school at that time?

24 A That's correct.

25 Q And when you interviewed her, was anyone

DIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 else with you?

2 A Detective Brenda O'Berry with the Barnwell
3 County Sheriff's Office.

4 Q When you interviewed her that day, what
5 was her demeanor?

6 A She was, I guess, typical child at the
7 time. So, stand off and didn't want to be -- didn't
8 really want to talk any more about it. Just wanted
9 to stay away from it.

10 Q Okay. Did she -- without telling me what
11 she said, did she tell you about something that had
12 happened?

13 A I'm sorry, say that again.

14 Q Did she tell you about something that had
15 happened to her?

16 A About what happened to her? The first
17 interview, yes, she gave some indication of what
18 took place.

19 Q Okay. Did she say where it took place?

20 A At her home. I think that was on Terry
21 Road.

22 Q Now, as part of this investigation, did
23 you go to her home on Terry Road?

24 A Yes, I did.

25 Q Did you ever talk to her mother, Brenda

DIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 Jones?

2 A I tried.

3 Q And what do you mean by you tried?

4 A While myself and Lieutenant Steven
5 Robinson was at her home, she contacted her
6 attorney, Grover Johnson, who aggressively requested
7 that we vacate the home.

8 Q So, Brenda Johnson did not give you a
9 statement?

10 A No.

11 Q What about [REDACTED], [REDACTED]'s brother,
12 did you ever talk to him?

13 A No, I didn't talk to [REDACTED].

14 Q Why is that?

15 A Attorney Johnson said, Don't interview
16 nobody in that house, get out.

17 Q Okay. So, when you went to that house on
18 Terry Road, did you actually go inside?

19 A Yes, we did.

20 Q Did you -- I guess, when you typically go
21 to something that would be deemed a crime scene or
22 where a crime occurred, do you typically take
23 photographs as part of your investigation?

24 A If we have that the opportunity. After
25 being instructed by her attorney to leave, we didn't

DIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 want to risk violating her rights or anything, so,
2 we left.

3 Q Okay. So, there are no photos of the
4 house in this case?

5 A None.

6 Q Okay. Is there any evidence that we --
7 typically in court, we say forensic evidence, like
8 DNA, is there anything like that in this case?

9 A No.

10 Q And why is that?

11 A Well, the allegations allegedly took place
12 several weeks prior to our notification. There was
13 no DNA, no preservation of any DNA by the victim or
14 anyone that we could have obtained or gotten. It
15 just was not available to us.

16 Q Okay. So, did you collect any physical
17 evidence, like sheets, for instance?

18 A No.

19 Q And why is that?

20 A Well, again, because of the time that all
21 of this allegedly took place, I think, back in
22 January, we are just getting involved in it in
23 March, there was just nothing there that was
24 available to us.

25 Q Were you even allowed in the bedroom?

DIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 A We were ordered to get out of the house.

2 Q Okay. So, what about a vibrator, did you
3 ever collect a vibrator?

4 A No, we never did locate the alleged
5 vibrator.

6 Q After interviewing all of the witnesses,
7 26 witnesses in this case, what did you do?

8 A Once I completed the interview, the ones
9 that was available, I discussed the case with the
10 local solicitor at the time. I don't recall his or
11 her name. But from that point forward, it was
12 determined that Bishop Jones was in violation of
13 criminal sexual conduct with a minor, second degree.
14 So, we arrested him.

15 Q Okay, so you took out an arrest warrant?

16 A Yes.

17 Q And you personally arrested Bishop Jones?

18 A Yes.

19 Q Do you see him in the courtroom today?

20 A Yes, ma'am.

21 Q Could you point him out?

22 A That's Bishop Jones sitting next to his
23 attorney.

24 MS. LUTTRELL: Your Honor, please let the
25 record reflect that the witness has identified

DIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 the Defendant.

2 THE COURT: So noted.

3 MS. LUTTRELL: No further questions at
4 this time.

5 MR. WALTERS: May it please the Court.

6 CROSS EXAMINATION

7 BY MR. WALTERS:

8 Q Officer Johnson, could you pull out that
9 memorandum of the 26 people you were looking at?
10 Where is that document?

11 A It's not a memorandum of the 26, it's the
12 same file.

13 Q Let me see your file. Where are you
14 reading from? Let me look at this. You said there
15 was 26 people --

16 A I said approximately 26 people.

17 Q Is it 26 or it's not 26?

18 A Approximately 26 people.

19 Q All right. That's what you told us. How
20 long have you had this document, sir? Let me refer
21 to what I'm talking about. This refers to
22 investigative file, it's case number 31130022. On
23 the first page, you have a cover sheet and here, you
24 have your memorandums. I believe you dictate these
25 things, didn't you?

CROSS EXAMINATION OF RICHARD JOHNSON BY MR. WALTERS

1 A Yes, I -- as I'm interviewing individuals,
2 I make notes.

3 Q That's exactly right. And then you said
4 you have them typed up that week?

5 A No, I said I try to type them up within a
6 week.

7 Q Okay. And this memorandum, did you
8 provide it to the Solicitor's office?

9 A They have copies of all of that.

10 Q Okay. So, they have a copy of this
11 particular document?

12 A Yes.

13 Q How do you know they have a copy of it?

14 A We provided it to them.

15 Q You understand, you've handled plenty of
16 criminal cases, we also serve a Rule 5 that says we
17 should get a copy; is that right?

18 A That's correct.

19 MR. WALTERS: Your Honor, I have a matter
20 to take up outside the presence of the jury.

21 THE COURT: Okay, ladies and gentlemen,
22 I'm going to ask you to please step in the jury
23 room. We'll have you back in shortly. And
24 I'll remind you that it's too early to begin
25 discussing the case.

CROSS EXAMINATION OF RICHARD JOHNSON BY MR. WALTERS

1 (WHEREUPON, the jury exits the courtroom.)

2 MR. WALTERS: May it please the Court.

3 Your Honor, we've never received this
4 investigative report. The Solicitor's office
5 has had it since this officer has provided it.
6 We have not seen it. We cannot adequately
7 prepare and cross-examine this witness. In
8 fact, the documents they provided, 333
9 documents, that document is not in there.

10 MS. LUTTRELL: Your Honor, may we have a
11 moment?

12 THE COURT: Yes. I gathered that's what
13 you were doing, looking through your file.

14 MS. STAGGS: We changed computer systems,
15 Judge, so we have to...

16 MS. LUTTRELL: Your Honor, may we have a
17 moment to step out and call the solicitor who
18 had this case prior to us taking over?

19 THE COURT: You may.

20 MS. LUTTRELL: Thank you, Your Honor.

21 (Whereupon, a brief recess was taken.)

22 MS. LUTTRELL: Your Honor, we're ready to
23 address the issue as best we can.

24 THE COURT: All right. Back on the
25 record.

ARGUMENT BY COUNSEL

1 MS. LUTTRELL: We have contacted several
2 people in the office. We -- our first
3 solicitor, assistant solicitor, looked up our
4 old system, which was called Amicus. And in
5 the old system that we took notes in, it says
6 that we mailed a -- the SLED CD, which contains
7 the SLED report on 6/17/2013. As part of those
8 notes, it also says that we mailed a Hope Haven
9 CD 5/31/2013. Defense is telling me, they
10 previously received the Hope Haven CD, I guess,
11 back in 2013. They have witness statements,
12 which are part of the investigative report from
13 SLED, those were not separate or separately
14 sent. So, they are saying that they are
15 missing pieces, but we're not sure how that
16 would happen. All we did was send a CD ROM
17 with everything on it and they have some of
18 those documents, but not all of them.

19 MR. WALTERS: May it please the Court.
20 Your Honor, in order to adequately be equipped
21 to cross-examine the witness, of course, we
22 need all of his reports and any information
23 that he had. In this particular case, he made
24 it clear he turned that information over to the
25 Solicitor's office.

ARGUMENT BY COUNSEL

1 Now, what we have here is -- I'm not here
2 to accuse anyone, but all you have to do is
3 look at someone's past and say it's indicative
4 of what happens in the future. This Friday, I
5 received 333 documents out of nowhere on a case
6 that's four years and ten months old. And
7 then, of course, there was a statement that was
8 obtained this morning. So, what we've got is
9 piecemeal information coming to us. In this
10 particular case, we can't adequately
11 cross-examine this particular witness without
12 that information.

13 So it would be our position, that any
14 testimony given be stricken because we can't
15 come in and cross-examine him. And, of course,
16 we're being -- we find this out in the middle
17 of the trial. Not the Friday before the trial,
18 we find it out after this jury has been sworn
19 in.

20 THE COURT: Maybe I'm missing something.
21 What is it that you don't have?

22 MR. WALTERS: Your Honor, I asked him for
23 a copy. He referred to 26 people he talked to.
24 My first question was, where are these 26
25 people? And, of course, he went down the line

ARGUMENT BY COUNSEL

1 and testified about the 26. He also testified
2 about memorandums he put together with regard
3 to the 26. I simply said give me a copy. Let
4 me see exactly what you're talking about. I
5 got it from him, but then when I looked at it,
6 I said, well, we've have to take the matter up
7 out of in front of the jury because they don't
8 even have proof that they sent these documents.

9 MS. LUTTRELL: I believe he's saying he
10 does not have the police report for this case,
11 Your Honor.

12 MR. WALTERS: The investigative report for
13 SLED is the bedrock in this case. He's the
14 leading office on it and he talked to 26
15 people. Some of those people, they're going to
16 be called as witnesses to testify. We need to
17 know all 26. We should have been allowed an
18 opportunity to investigate all 26. That was
19 not done. And we're not blaming the SLED
20 agent, we're saying we didn't receive it. My
21 client is fighting and facing 20 years.

22 THE COURT: You're saying you haven't seen
23 anything?

24 MR. WALTERS: No, sir, I saw the other
25 half of those statements. I saw some of those

ARGUMENT BY COUNSEL

1 statements. I'm not going to sit here and tell
2 you I didn't see those statements. What I'm
3 referring to is he referred to 26 people he
4 interviewed and 26 people he took memorandums
5 from with regards to this case. Not all 26,
6 but he had written memorandums.

7 THE COURT: You don't have his notes, is
8 that what you're saying?

9 MR. WALTERS: No, sir, he wrote a report.
10 He's got it right here with him in front of
11 him.

12 MS. LUTTRELL: He's saying that he has the
13 witness statements that were attached to the
14 report and not the actual report. Our
15 confusion is our record shows we mailed the
16 entire CD. We did not print things off and
17 mail them piece meal. It shows that we mailed
18 the entire CD with the entire report. So, we
19 are confused how he got some of the report and
20 not all of it.

21 MR. WALTERS: I believe that was a CD with
22 regards to the interview of the child at Hope
23 Haven; is that correct?

24 MS. LUTTRELL: And there is a CD with the
25 SLED report. My question is, how did you get

ARGUMENT BY COUNSEL

1 the witness statements that you have?

2 MR. WALTERS: And that's my question.

3 Yesterday, I was handed 333 documents.

4 MS. LUTTRELL: And Your Honor, I ask of
5 co-counsel if they previously had the witness
6 statements prior to Friday because those
7 statements were included in the documents on
8 Friday. Actually, it might be the entire
9 investigative report was included on Friday as
10 well, but the witness statements -- I asked if
11 he had those prior to Friday and co-counsel
12 said yes, they previously had those witness
13 statements. So if they could tell us how they
14 got those, it might make it a little bit more
15 clear how he got everything piece meal, if
16 that's what he's saying.

17 MR. WALTERS: We don't have 26 statements
18 here.

19 MS. LUTTRELL: And there are not 26
20 written statements, Your Honor.

21 MR. WALTERS: And we need that report so
22 we can figure out how many written statements
23 were taken and memorandums that he drafted,
24 each witness that he interviewed. Some
25 individuals, he testified, [REDACTED], he

ARGUMENT BY COUNSEL

1 never took a statement from her, but he wrote a
2 memorandum with regards to that particular
3 witness.

4 THE COURT: What the State is asking about
5 it is, you admit you have some of this?

6 MR. WALTERS: Yes, sir.

7 THE COURT: How did you acquire it?

8 MR. WALTERS: The information was sent to
9 our office, just like the information with
10 regard to the Hope Haven.

11 MS. LUTTRELL: On a CD.

12 MR. WALTERS: On a CD.

13 THE COURT: How many CDs have you
14 received?

15 MR. WALTERS: We've got one -- well, we
16 have one CD with regards to the interview of
17 the child. I'm not sure what facility it was,
18 Polly Best --

19 MS. LUTTRELL: Hope Haven.

20 MR. WALTERS: -- or Hope Haven, that's
21 what we have. And, of course, my question is
22 --

23 THE COURT: Wait a minute. I thought you
24 said you also had a CD with witness statements
25 on it?

ARGUMENT BY COUNSEL

1 MR. WALTERS: No, this is the CD they're
2 referring to. They're saying they sent us two
3 CDs.

4 Is that right?

5 MS. LUTTRELL: Yes.

6 THE COURT: And you're saying --

7 MR. WALTERS: I need instruction from the
8 Court. If I'm going to cross-examine this
9 witness, I need a copy of those pages or the
10 documents that he has.

11 THE COURT: The State said they've have
12 already sent it to you. What I'm trying to do
13 is figure out how you didn't get it or did get
14 it. That's what I'm trying to figure out.

15 MR. WALTERS: Well, Your Honor, I can't
16 figure out how I got 333 pages Friday.

17 THE COURT: They gave it to you Friday.
18 What I'm saying is, they're saying they sent
19 you two CDs. Did you get two CDs?

20 MR. WALTERS: No, sir. I can't
21 definitively say that as an officer of the
22 Court. What I do know from talking to
23 co-counsel, I said, Have you seen the SLED
24 investigative report? And both of us came to
25 the conclusion we haven't seen it. And I said,

ARGUMENT BY COUNSEL

1 Well, let me inquire about where it is. Even
2 if the Court gives us an opportunity to read
3 it, we haven't seen it.

4 MS. LUTTRELL: We will make a copy of --
5 my copy is now disbursed throughout my trial
6 binder, Your Honor. I believe I can make a
7 copy of what he has in his file, I'm more than
8 happy to do that. I'm still a little bit
9 confused how he has the witness statements,
10 which are part of the CD, and does not have the
11 rest of it. But I am more than happy to make a
12 copy of that.

13 MR. WALTERS: The same documents were used
14 in the Family Court proceeding. I can provide
15 a copy of the Family Court proceeding. Mary
16 Carter was cross-examined on those statements.
17 And that was obtained from Dan Lugenbill, who
18 was the prosecutor from DSS.

19 THE COURT: So you didn't get any
20 statements from the Solicitor's office?

21 MR. WALTERS: Your Honor, what I'm saying
22 is that I have statements in my file. I had
23 those statements back on June 3rd, 2013, when I
24 cross-examined witnesses in the Family Court
25 proceeding. What I'm saying today is that

ARGUMENT BY COUNSEL

1 there are memorandums that were written by this
2 officer, and I'm saying I need a copy. I
3 haven't seen them.

4 THE COURT: The State said they've already
5 sent them to you. That's what we're trying to
6 figure out.

7 MR. WALTERS: And I'm saying I don't have
8 those documents. I simply asked, I said, Can
9 we have them? Can I get a copy of them? Can I
10 see them? Is their position not to give it to
11 me because they believe they sent it to me
12 before?

13 THE COURT: No, I don't think they're
14 saying that. I think they said they'd make a
15 copy.

16 MS. LUTTRELL: Happy to, Your Honor.

17 MR. WALTERS: Your Honor, I'd be happy to
18 receive a copy so I could review it so I can
19 adequately cross-examine Agent Johnson.

20 THE COURT: How many pages are there?

21 MS. LUTTRELL: It's a pretty thick packet,
22 Your Honor.

23 MS. STAGGS: Judge, may I approach?

24 THE COURT: You can, but I'm trying to
25 figure out -- it sounds like to me Mr. Walters

ARGUMENT BY COUNSEL

1 already has some of this, right?

2 MR. WALTERS: We have the statements.

3 And --

4 THE COURT: So you don't need a copy of
5 the whole file?

6 MR. WALTERS: That is correct, Your Honor.
7 We need the memorandums that he had drafted up
8 based on his notes.

9 MS. LUTTRELL: Which is 18 pages.

10 THE COURT: That's all you need?

11 MR. WALTERS: Yes, sir.

12 MS. LUTTRELL: But in an abundance of
13 caution, Your Honor, I would like for him to
14 look through that and make sure he has
15 everything else. I want to get through quite a
16 few witnesses today, Your Honor, and I want to
17 get it moving, but I don't want this to happen
18 again.

19 THE COURT: Well, let's give it a try.
20 Let's look at the file.

21 MS. LUTTRELL: Thank you, Your Honor.

22 MR. WALTERS: Your Honor, I think they
23 said they are going to make a copy and give it
24 to me.

25 THE COURT: I think they want you to look

ARGUMENT BY COUNSEL

1 at the file and make sure there's nothing else
2 you want.

3 (Pause.)

4 THE COURT: We'll take a five-minute break
5 so when the jury comes back in, we won't have
6 to take another break.

7 MR. WALTERS: Yes, sir.

8 THE COURT: We'll recess for five minutes.

9 (WHEREUPON, a short break was taken.)

10 MS. LUTTRELL: Your Honor, if I may,
11 before the jury comes back out, I just want to
12 address an issue because I just foresee it
13 potentially happening. When we get back up
14 with Richard Johnson on the stand, I guess I
15 would like the Court to make a ruling on -- I
16 just don't want the defense to get up to
17 Richard Johnson and say to him well, Richard
18 Johnson, we just received your investigative
19 report after five years. The solicitor has
20 been hiding it from us and they didn't give it
21 to us. And make this case now about the
22 solicitor being sneaky, which in full
23 candidness to the Court, we believe that it was
24 sent back in July -- or back in the June 2013
25 on that CD.

ARGUMENT BY COUNSEL

1 THE COURT: All right. Mr. Walters.

2 MR. WALTERS: Your Honor, I intend to do
3 something honorable under the circumstances.
4 I'm certainly not going to say anything
5 inappropriate. I'm not going to attempt to
6 belittle the Solicitor's office. I'm not going
7 to bring up the issue with regards to when I
8 received it. I'm simply going to try my
9 client's case. I would not do anything to
10 dishonor this court and disrespect Your Honor.
11 So that will not be done.

12 THE COURT: Motion granted.

13 MS. LUTTRELL: Thank you, Your Honor.

14 THE COURT: Do we have the copies?

15 MS. LUTTRELL: The defense does have a
16 copy and he has his copy back for his file.

17 We're ready to proceed, Your Honor.

18 THE COURT: Is the defense ready?

19 MR. WALTERS: We are, Your Honor.

20 THE COURT: Bring the jury back.

21 (WHEREUPON, the jury enters the
22 courtroom.)

23 THE COURT: Welcome back, ladies and
24 gentlemen. I believe we're ready to resume
25 with cross-examination of the witness.

ARGUMENT BY COUNSEL

1 MR. WALTERS: Your Honor, we have no
2 further questions.

3 THE COURT: Any redirect?

4 MS. LUTTRELL: No, Your Honor.

5 THE COURT: You may step down.

6 Call your next witness.

7 MS. LUTTRELL: Your Honor, the State calls

8 [REDACTED].

9 Thereupon,

10 [REDACTED]

11 was called as a witness, having been first duly sworn,
12 was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MS. LUTTRELL:

15 Q Good afternoon.

16 A Good afternoon.

17 Q Would you please introduce yourself to the
18 jury, tell them your name?

19 A Hi, my name is [REDACTED].

20 Q And [REDACTED] how old are you?

21 A Twenty.

22 Q When's your birthday?

23 A [REDACTED].

24 Q What year?

25 A 1998.

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

- 1 Q Are you from Allendale?
- 2 A No.
- 3 Q Where are you from?
- 4 A Barnwell.
- 5 Q Where do you live currently?
- 6 A Currently, I live with my grandma, but I
- 7 go back and forth to my mom.
- 8 Q What city does your grandma live in?
- 9 A Kline, South Carolina.
- 10 Q And what about your mom?
- 11 A Fairfax, South Carolina.
- 12 Q Back in 2013, how old were you?
- 13 A Fourteen.
- 14 Q And then you turned 15 in March of that
- 15 year?
- 16 A Yes.
- 17 Q And what grade were you in?
- 18 A Ninth.
- 19 Q Where were you going to school?
- 20 A Allendale-Fairfax High School.
- 21 Q At some point, did you switch schools?
- 22 A Yes.
- 23 Q When did that happen?
- 24 A Like a couple of weeks.
- 25 Q Like mid-year?

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

- 1 A Yeah, like in the middle of the year.
- 2 Q What school did you transfer to?
- 3 A Barnwell High.
- 4 Q When you were a student at
- 5 Allendale-Fairfax, were you involved in any type of
- 6 extracurricular, athletics, anything like that?
- 7 A No.
- 8 Q What about at Barnwell?
- 9 A No. Well, yeah, track.
- 10 Q Track?
- 11 A Uh-huh. (Indicating affirmatively.)
- 12 Q Did you ever play basketball?
- 13 A That was in middle school when I was in
- 14 Allendale.
- 15 Q Okay. And who did you live with at the
- 16 time when you were going to Allendale-Fairfax High
- 17 School?
- 18 A My mom and my stepdad.
- 19 Q Who's your stepdad?
- 20 A Bishop.
- 21 Q Bishop Bobby Jones?
- 22 A Yes.
- 23 Q Did you live with anyone else?
- 24 A No.
- 25 Q Do you have a little brother?

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

- 1 A Yes.
- 2 Q Did he live with you guys?
- 3 A Yes.
- 4 Q What's his name?
- 5 A [REDACTED].
- 6 Q Are y'all close?
- 7 A Yes.
- 8 Q How long has your mom and Bobby Jones, Sr.
- 9 been married?
- 10 A I don't know about that.
- 11 Q Long time?
- 12 A Yes.
- 13 Q How long have you known Bobby Jones?
- 14 A Since him and my mom have been married.
- 15 Q Did you ever attend his church?
- 16 A Yes.
- 17 Q What's the name of his church?
- 18 A New Life House of Love.
- 19 Q When you attended his church, did you
- 20 participate in any of those activities?
- 21 A Praise dance, yes.
- 22 Q Praise dance?
- 23 A Yes.
- 24 Q What does that involve?
- 25 A Praise dance, you dance for the

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 congregation.

2 Q Okay. So, you put on shows in front of
3 the congregation?

4 A Yes.

5 Q And did you have friends in praise dance
6 with you?

7 A Yes, I did.

8 Q What about school, did you have friends in
9 school?

10 A Yes.

11 Q When you were at Allendale-Fairfax High
12 School, were you involved in the JROTC program?

13 A Yes.

14 Q Tell the jury, what is that?

15 A JROTC is, basically, it prepares you for
16 like the military if you want to go in.

17 Q You were interested in that back then?

18 A No, I wasn't. It's just something that
19 you have to participate in in high school for
20 credit.

21 Q Okay. Are you and your stepdad, are you
22 guys close?

23 A Yes.

24 Q You guys talk a lot?

25 A Yes, we did.

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 Q You did?

2 A Uh-huh. (Indicating affirmatively.)

3 Q Back in 2013, you said that you were
4 living with your mom and your stepdad, right?

5 A Yes.

6 Q And where was that house?

7 A In Fairfax, South Carolina.

8 Q Is that the one on Terry Road?

9 A Yes.

10 Q Is that in Allendale County?

11 A Yes.

12 Q At some point, did you move out of that
13 house?

14 A Yes, I did.

15 Q When did you move out of that house?

16 A I don't remember.

17 Q Who did you move in with?

18 A My grandparents.

19 Q Your grandparents?

20 A Yes.

21 Q Is that your mom's mom and dad?

22 A Yes.

23 Q And they live local?

24 A What you mean local?

25 Q They live in this area?

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 A No, they stay in Kline, South Carolina.

2 Q Okay. How long did you live with your
3 grandma?

4 A I don't recall.

5 Q Do you live with her this whole time ever
6 since you moved out in 2013?

7 A Yes.

8 Q Did [REDACTED] have to move out of that house?

9 A Yes, both of us did.

10 Q So you and your brother moved in with your
11 grandma?

12 A Uh-huh. (Indicating affirmatively.)

13 Q Why did you have to move out of your
14 house, away from your mom and stepdad?

15 A Because of what happened at school.

16 Q And what happened at school?

17 A Rumors.

18 Q Rumors?

19 A Yes.

20 Q Do you remember when that was?

21 A Yes, back in 2013.

22 Q Early 2013?

23 A I don't remember if it was early or late,
24 all I remember is it was 2013.

25 Q Do you remember back in -- let me ask you

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 this, do you have a friend named [REDACTED]?

2 A Yes.

3 Q How did you know her?

4 A From school.

5 Q From high school?

6 A Yeah.

7 Q Middle school. Did y'all ever text?

8 A Yeah.

9 Q Did y'all ever message, use messaging
10 apps?

11 A No.

12 Q I don't know what apps were used back
13 then, Instagram or anything like that?

14 A I don't recall Instagram.

15 Q Okay. Back in January of 2013, do you
16 remember texting with [REDACTED] early in the
17 morning?

18 A No, I don't.

19 Q Do you remember texting [REDACTED] that you
20 would text her later because something was about to
21 happen?

22 A No, I don't.

23 Q Do you remember texting her after a few
24 hours that your stepdaddy had sex with you and was
25 on top of you the whole time?

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 A No, I don't.

2 Q Do you remember texting [REDACTED] that you
3 told him to stop, but he wouldn't?

4 A No, I don't.

5 Q January 22nd through 23rd of that year,
6 did you have a teacher named Kenneth Tyler?

7 A Yes.

8 Q He was a teacher in part of your JROTC
9 program?

10 A Yes.

11 Q Do you remember talking to Kenneth Tyler
12 at school with one of your classmates?

13 A No, I don't recall.

14 Q Do you remember talking to Kenneth Tyler
15 with Carl Howard, Major Carl Howard?

16 A No, I don't recall.

17 Q Do you remember telling him on
18 January 22nd about your parents fighting at home?

19 A No, I don't recall.

20 Q Do you remember telling him that your
21 stepdad was demonstrating for you how boys and girls
22 have sex?

23 A No, I don't recall.

24 Q Do you remember telling him that your
25 stepdad climbed into your bed with you?

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 A No, I don't recall.

2 Q Do you remember telling Mr. Tyler that
3 your mom -- or that you told your mom what your
4 stepdad did?

5 A No, I don't recall.

6 Q Do you remember telling Mr. Tyler that
7 your mom confronted your dad, your stepdad?

8 A No, I don't recall.

9 Q Do you remember telling Mr. Tyler that
10 your stepdad got a gun?

11 A No, I don't recall.

12 Q Do you remember telling Mr. Tyler that
13 your stepdad pointed the gun at his head before
14 leaving the house with the gun?

15 A No, I don't recall.

16 Q Back in 2013 at church, were you friends
17 with a girl named [REDACTED]?

18 A Yes.

19 Q Was she on the praise dance team with you?

20 A Yes.

21 Q She was a couple of years younger than
22 you, right?

23 A Yes.

24 Q And you knew her at church for a while?

25 A Yes.

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 Q Her dad and stepmom attended the church,
2 too?

3 A Yes.

4 Q Do you remember back in February 2013
5 being at church with [REDACTED] and y'all were sitting
6 in a room that had computers -- did the church have
7 a room with computers?

8 A Yes.

9 Q Do you remember being there with [REDACTED]?

10 A Yes, I do.

11 Q Do you remember typing on the computer, he
12 touched me?

13 A No.

14 Q Do you remember telling [REDACTED] that
15 he was your stepdad?

16 A No.

17 Q Do you remember having a teacher named
18 Carolyn Chess at the school?

19 A Uh-huh. (Indicating affirmatively.)

20 Q She was a substitute teacher?

21 A Yes.

22 Q And she's actually related to Bobby Jones,
23 Sr.?

24 A I guess, I don't know.

25 Q Do you remember talking to her at the end

DIRECT EXAMINATION OF EMILY FLOWERS BY MS. LUTTRELL

1 of February with your friend, [REDACTED]?

2 A I don't have a friend named [REDACTED]

3 [REDACTED]

4 Q Okay. Do you remember going to Carolyn
5 Chess at the end of class one day and you asked her
6 for a dollar to go get something from the vending
7 machine?

8 A No.

9 Q Do you remember telling Carolyn Chess that
10 you and your stepdad did it?

11 A No. I mean, I remember writing. I didn't
12 tell her, I wrote it. And it was all rumors going
13 on at school.

14 Q So you remember writing something down?
15 Do you remember writing on a piece of paper, we did
16 it?

17 A No, I don't.

18 Q Do you remember Ms. Chess throwing it
19 away?

20 A No, I don't.

21 Q At Allendale-Fairfax High School, you had
22 a guidance counselor named Pamela Kinard?

23 A I don't recall.

24 Q Do you remember ever talking to a guidance
25 counselor at Allendale-Fairfax High?

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 A No.

2 Q Do you remember talking to a guidance
3 counselor on March 4th, 2013 in the front office?

4 A No.

5 Q Do you remember telling Ms. Kinard that
6 your stepdad was coming into your room at night and
7 getting in the bed with you?

8 A No, I don't recall.

9 Q Do you remember telling Ms. Kinard that
10 you felt bad and you felt guilty because it felt
11 good?

12 A No, I don't recall.

13 Q Do you remember having to write a
14 statement in the front office back in March of 2013?

15 A I remember writing a statement, but I
16 don't remember what it said.

17 Q Okay. Do you remember being in the front
18 office and a writing statement on March 4th, 2013?

19 A I don't -- I don't remember the date, but
20 I know I did it.

21 Q Do you remember writing that your stepdad
22 was touching you in places and you did it?

23 A No, I don't recall.

24 Q Do you remember writing, I told my mom,
25 she acted mad and wanted to talk to him and he

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 almost killed himself?

2 A No, I don't recall.

3 Q Do you remember writing, Sometimes I think
4 that it will happen again and sometimes I don't when
5 I'm around my mom?

6 A No, I don't recall.

7 Q Do you remember writing multiple
8 statements that day?

9 A I remember writing some.

10 Q Do you remember writing a different
11 statement -- do you remember Sheriff Carter coming
12 to the school that day?

13 A Yes.

14 Q Do you remember writing a statement while
15 he was there with you?

16 A Yes.

17 Q Do you remember what that statement said?

18 A No.

19 Q Do you remember telling -- writing that
20 statement, One night after Christmas, me and my
21 stepdad, Bobby Jones, did it?

22 A No, I don't recall.

23 Q Do you remember writing, One night, first,
24 he started touching me and I was touching him back
25 and I took off my clothes and lifted my legs up?

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 A No, I don't recall.

2 Q Do you remember writing, Then he had put
3 his penis inside me, then it started feeling good?

4 A No, I don't recall.

5 Q Do you remember writing, That's why I
6 didn't say anything. Wow. And then it stops?

7 A No, I don't recall.

8 Q Do you remember writing, Can't write any
9 more because I don't want him or my mother or me and
10 my brother to lose everything?

11 A No, I don't recall.

12 Q Do you remember writing, I mean, he's a
13 good -- a great man of God, but the only reason why
14 I did it was because I wanted the help that I needed
15 and that was the only help to me that I could get
16 for myself?

17 A No, I don't recall.

18 Q Do you remember writing, I just don't want
19 him to act -- to get into any trouble?

20 A No, I don't recall.

21 Q And do you remember writing, And I know
22 that it won't happen again because I'm with my
23 mother and she sleeps with me?

24 A No, I don't recall.

25 Q Do you remember writing, Sometimes, just

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 to make sure that I'm okay. I'm okay. Please don't
2 say anything to anyone else, please?

3 A No, I don't recall.

4 Q Do you remember writing, I'm begging you,
5 everything is fine now, we are back to our happy
6 family?

7 A No, I don't recall.

8 Q Do you remember writing, Please don't say
9 anything and if it's anything else I need, I promise
10 that I will come to you for anything?

11 A No, I don't recall.

12 Q Do you remember speaking to someone named
13 Mary Carter that was with DSS?

14 A Yes.

15 Q Did she come to school that day?

16 A Yes.

17 Q Did she talk to you in the front office?

18 A Yes.

19 Q Do you remember what you talked to her
20 about?

21 A No.

22 Q Do you remember sitting in the front
23 office with Mary Carter and telling her that you and
24 your stepdad did it in your room?

25 A No, I don't recall.

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 Q Do you remember telling her that you and
2 your stepdad did it when your mom was asleep?

3 A No, I don't recall.

4 Q Do you remember telling Mary Carter that
5 the first time you did it, your stepdad asked if you
6 needed help because he was going to show you the way
7 of life?

8 A No, I don't recall.

9 Q Do you remember telling Mary Carter that
10 you wanted him to help you and so you told him yes?

11 A No, I don't recall.

12 Q Do you remember telling Mary Carter that
13 your stepdad asked you if you wanted to know how to
14 do it?

15 A No, I don't recall.

16 Q Do you remember telling Mary Carter that
17 instead of you going out with others, your stepdad
18 told you he could show you the experience of doing
19 it?

20 A No, I don't recall.

21 Q Do you recall telling Mary Carter that he
22 was showing you how it was to be done and then the
23 two of you touched each other?

24 A No, I don't recall.

25 Q Do you recall telling Mary Carter that

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 your stepdad touched you all over your body?

2 A No, I don't recall.

3 Q Do you recall telling Mary Carter that you
4 did not want your stepdad to get in trouble because
5 he just wanted to show you what it would feel like?

6 A No, I don't recall.

7 Q Do you recall telling Mary Carter that he
8 was only helping you and he wasn't being bad?

9 A No, I don't recall.

10 Q Do you recall telling Mary Carter that he
11 was telling you this is how this feels and this is
12 how that feels while you were in bed and he was
13 touching you everywhere?

14 A No, I don't recall.

15 Q Do you remember telling Mary Carter that
16 he put his penis inside of you, but first put a
17 condom on it?

18 A No, I don't recall.

19 Q Did you tell Mary Carter that his clothes
20 were on and he didn't ask you to do anything with
21 him?

22 A No, I don't recall.

23 Q Did you tell Mary Carter that you said
24 thank you for the help when he was finished and your
25 stepdad told you again that this is the kind of

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 experience you need?

2 A No, I don't recall.

3 Q Did you tell Mary Carter that you did not
4 want to get him in trouble?

5 A No, I don't recall.

6 Q Did you tell Mary Carter that at first, it
7 did not feel right when his penis was inside of you,
8 but then it felt okay?

9 A No, I don't recall.

10 Q Did you tell Mary Carter that he showed
11 you how to put his penis inside of you and he was
12 lying down on the bed on top of you?

13 A No, I don't recall.

14 Q You told Mary Carter that you told your
15 mother the next day and that your mom got mad at
16 your stepdad?

17 A No, I don't recall.

18 Q And you told Mary Carter that your stepdad
19 got a gun and said he was going to lose everything
20 he had from preaching?

21 A No, I don't recall.

22 Q Did you tell Mary Carter that your mom
23 called you and your brother into the room to stop
24 him from killing himself?

25 A No, I don't recall.

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 Q You told Mary Carter that you don't want
2 to miss out on your stepdad being with you and your
3 mother and your brother because he takes care of
4 you?

5 A No, I don't recall.

6 Q Did you tell Mary Carter that going to
7 church makes your stepdad and your mom and your
8 brother happy?

9 A No, I don't recall.

10 Q And that you don't want anything ruined
11 where your stepdad will stop buying you things?

12 A No, I don't recall.

13 Q And that your mom told you that it
14 wouldn't happen again?

15 A No, I don't recall.

16 Q Do you remember speaking -- do you
17 remember going to get a medical exam done?

18 A Yes.

19 Q Did Mary Carter go with you to that?

20 A Yes.

21 Q Did you talk to Mary Carter a second time
22 about this incident?

23 A No, I didn't.

24 Q Do you recall telling Mary Carter that
25 sometimes a vibrator is used?

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 A What you mean?

2 Q That sometimes a vibrator is used by your
3 stepdad?

4 A No.

5 Q Do you remember telling Mary Carter that
6 your stepdad showed you how to use a vibrator?

7 A No, I don't recall.

8 Q Do you remember telling Mary Carter that
9 you've never had sex with anyone else but your
10 stepdad?

11 A No, I do not recall.

12 Q Do you recall telling Mary Carter that
13 your stepdad stuck the vibrator in you and rubbed
14 you and you rubbed his shoulder?

15 A No, I do not recall.

16 Q Do you remember telling Mary Carter that
17 he was just helping you?

18 A No, I do not recall.

19 Q Do you remember meeting with someone,
20 named Richard Johnson, a SLED agent in this case?

21 A Yes.

22 Q Do you remember meeting with him at your
23 high school in Barnwell?

24 A Yes.

25 Q And there was another detective there with

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 him?

2 A Yes.

3 Q And when he met --

4 A There were multiple people there with him.

5 Q Okay. There were a few people in the
6 room?

7 A Yes.

8 Q Were they all law enforcement?

9 A I guess.

10 Q Did the school staff bring you to a front
11 office to meet with him?

12 A It was in the guidance room.

13 Q The guidance office is part of the office
14 there?

15 A Yes.

16 Q And when you met with him, did you write a
17 statement at that point?

18 A Yes, I did.

19 Q Do you remember writing that statement?

20 A I remember I wrote a statement, but I
21 don't remember what I wrote.

22 Q Okay. Do you remember writing in that
23 statement, The truth is my stepdad was just telling
24 me about how to have sex?

25 A No, I don't recall.

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 Q Do you remember telling him, The only
2 physical contact we made was when he touched the top
3 of my chest?

4 A No, I don't recall.

5 Q Do you remember writing the statement, I
6 used the vibrator myself, not him?

7 A I don't recall.

8 Q Do you remember writing, I'm tired of
9 people asking me questions about what happened?

10 A I don't recall.

11 Q Do you remember writing, I'm tired of
12 going through the same thing over and over again?

13 A I don't recall.

14 Q Do you remember writing, I just want to
15 live my normal life?

16 A I don't recall.

17 Q Do you remember writing, I just want to be
18 with my mom and stepdad?

19 A I don't recall.

20 Q Do you remember writing, I was getting
21 frustrated and tired of them, they just keep asking
22 the same questions over and over again?

23 A No, I don't recall.

24 Q Do you remember writing, I was telling her
25 and it was just spread all over the place and that's

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 how it all started up?

2 A No, I don't recall.

3 Q Do you remember writing, I wish I never
4 would have told nobody but my mother because no one
5 is your enemy but yourself?

6 A No, I do not recall.

7 Q And do you remember writing, He also did
8 use a vibrator on me only once?

9 A No, I don't recall.

10 Q Do you remember writing, We were in my
11 room?

12 A No, I don't recall.

13 Q Do you remember writing, My top was on and
14 bottoms off?

15 A No, I don't recall.

16 Q Do you remember writing, It was a blue
17 vibrator and I got it around January?

18 A No, I do not recall.

19 Q Do you remember writing, The time we did
20 it was the night I was texting my friend?

21 A No, I don't recall.

22 Q Do you remember meeting Kristin Dalton,
23 the nurse that did that medical exam for you?

24 A No.

25 Q Do you remember who did the medical exam,

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 if it was a woman?

2 A I know that it was a woman, but I don't
3 know her by her name.

4 Q Do you remember when you went to that
5 medical exam?

6 A No, I do not.

7 Q Was it around the same time that all these
8 statements were written?

9 A I guess.

10 Q Do you remember telling Kristin Dalton as
11 part of that exam that your stepdad used the
12 vibrator on you?

13 A No.

14 Q Did you own a vibrator back in the 2013?

15 A What do you mean own?

16 Q Did you have one?

17 A Yes, I did have one.

18 Q And who gave it to you?

19 A My stepdad bought it for me.

20 Q Your stepdad bought you a vibrator?

21 A Yes.

22 Q Did he give it to you?

23 A Yes, I went in the kitchen to get it and I
24 went back to my room.

25 Q Did your stepdad show you how to use it?

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 A No, he did not.

2 Q Who showed you how to use it?

3 A The sex ed class that comes once a month
4 at church.

5 Q So you had been to a sex ed class to show
6 you how to practice safe sex?

7 A Yes.

8 Q There was actually a professional trained
9 who could teach you about safe sex?

10 A Yes.

11 MS. LUTTRELL: Your Honor, may I approach
12 the witness?

13 THE COURT: Sure.

14 BY MS. LUTTRELL:

15 Q Emily, I'm going to show you what's been
16 marked for identification as State's Exhibits 1, 2,
17 and 3. Do you recognize these?

18 A No.

19 Q Is that your handwriting?

20 A Yes.

21 Q Is your signature on the bottom of Exhibit
22 1?

23 A Yes.

24 Q Is your signature on the bottom of State's
25 Exhibit 2?

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 A Yes.

2 Q Is your signature on the bottom of State's
3 Exhibit 3?

4 A Yes.

5 Q Are these the statements that you wrote
6 back in March of 2014?

7 A Yes.

8 Q I might have misspoke, are those
9 statements you wrote in March of 2013?

10 A Yes.

11 MS. LUTTRELL: No further questions, at
12 this time, Your Honor.

13 THE COURT: Cross-examination?

14 MR. CULLER: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. CULLER:

17 Q So, [REDACTED], in 2013, you were in school in
18 Allendale?

19 A Yes.

20 Q And how were your grades?

21 A They were good.

22 Q Except for math, right?

23 A Yes.

24 Q And how was your behavior in class?

25 A Good.

CROSS EXAMINATION OF [REDACTED] BY MS. STAGGS

1 Q And I believe you testified earlier you
2 participated in the JROTC program?

3 A Yes.

4 Q And you did praise dance at church?

5 A Yes.

6 Q So, you weren't a problem student?

7 A No, sir.

8 Q And you know this is an uncomfortable
9 topic for everybody in this courtroom. Let's just
10 first say that. But explain to this jury, who
11 really wants to understand, how did this all come to
12 be? You were having a conversation, were you not,
13 with your parents about sex, y'all had had that
14 conversation?

15 A Yes.

16 Q And you had some discussions, tell the
17 jury about that. How did that -- how did that
18 start?

19 A Okay, well, it started because I started
20 using like highlighter markers and stuff to satisfy
21 myself. And for my protection from harming myself,
22 they were going to get me a vibrator so I wouldn't
23 harm myself any more with those things.

24 Q Did you have medical treatment because of
25 that, the magic marker?

CROSS EXAMINATION OF [REDACTED] BY MS. STAGGS

1 A No.

2 Q Okay. So, you had this conversation. And
3 I believe there were some text messages or some
4 images on your phone that were found?

5 A Yes.

6 Q Do you want to tell the jury about that?

7 A Well, me and a guy was talking one night
8 and --

9 MS. LUTTRELL: Objection, Your Honor,
10 hearsay.

11 BY MR. CULLER:

12 Q Just -- not what was said, but just what
13 images were on your phone.

14 A Well, a picture of a --

15 MS. LUTTRELL: Objection, Your Honor,
16 hearsay still.

17 THE COURT: Rephrase your question.

18 MR. CULLER: I'm thinking about it, yes.

19 THE COURT: Sustain the objection.

20 BY MR. CULLER:

21 Q So, there were images on your phone that
22 your parents saw?

23 A Yes.

24 Q And as a result of that, what happened?

25 A Well, they told me that I couldn't, you

CROSS EXAMINATION OF [REDACTED] BY MS. STAGGS

1 know, basically, have a social life. I couldn't be
2 like on social media or meet my friends or allowed
3 to go hang out.

4 Q How old were you when this happened?

5 A Fourteen.

6 Q So, it sounds like they were pretty
7 strict, were they?

8 A Yes, very.

9 Q How did you react to that?

10 A I mean, I didn't like it. What teenager
11 would like that?

12 Q So, then, sometime after that, you said
13 you were at the church and [REDACTED] was there?

14 A Yes, we were at an after-school program we
15 had at New Life House of Love church.

16 Q Well, what was the substance -- well, you
17 had a conversation with [REDACTED]?

18 A Yes.

19 Q And subsequent to that, what started
20 happening at school?

21 A Rumors.

22 Q Well, describe that.

23 A Rumors, like people was coming up to me
24 telling me, What is this I'm hearing about you and
25 your stepdad doing it and stuff like that? Like,

CROSS EXAMINATION OF [REDACTED] BY MS. STAGGS

1 they would tell me, I heard you did this to him and
2 he did this to you and stuff like that. That was
3 happening at school.

4 Q Was that on social media as well?

5 A No.

6 Q Just at school. How did that make you
7 feel?

8 A Pretty upset.

9 Q So, this went on for how long?

10 A A long time.

11 Q Okay. And after that, you were at school
12 one day, I believe you had a substitute teacher?

13 A Yes, Ms. Chess.

14 Q And what happened with Ms. Chess?

15 A She came up to me asking, [REDACTED] what's
16 this --

17 Q I'm going to ask you to slow down and tell
18 your story because that's what they all want to
19 hear. Okay? Go ahead.

20 A Well, I was at school one day and
21 Ms. Chess came up to me and she asked me, [REDACTED] --

22 MS. LUTTRELL: Objection, Your Honor,
23 hearsay.

24 THE COURT: Sustained.

25

CROSS EXAMINATION OF EMILY FLOWERS BY MS. STAGGS

1 BY MR. CULLER:

2 Q You had a conversation with Ms. Chess and
3 subsequent to that, what happened?

4 A Well, she came up to me and she was saying
5 like, What is this I'm hearing --

6 Q Don't say what she said. Was it then that
7 you were taken into a room and other teachers were
8 brought in?

9 A Yes.

10 Q All right. And these teachers were
11 talking to you, I suppose?

12 A Yes.

13 Q How did you feel about that?

14 A I didn't feel good at all because I didn't
15 know them and I was only 14 in a room full of
16 strangers.

17 Q Without saying what was said, how long
18 were you kept in this room with these teachers?

19 A A long time, since this morning -- that
20 morning. I didn't have lunch or anything.

21 Q So you were there from approximately when
22 to when, how many hours?

23 A I would say, like, five hours at the most.

24 Q And at some point, you wrote a statement
25 for them?

CROSS EXAMINATION OF [REDACTED] BY MS. STAGGS

1 A Yes.

2 Q You wrote that as a result of pressure and
3 intimidation you felt?

4 A Yes, very intimidated. I would have wrote
5 anything to get away from them.

6 Q And you wanted to get this over with? You
7 wanted to go back and live your regular --

8 A Yes, I wanted to leave.

9 Q And were they satisfied with the initial
10 statement?

11 A Yes.

12 Q And they stayed on you, though, and you
13 got another statement and then a police officer, I
14 believe the school resource officer came; is that
15 correct?

16 A Yes.

17 Q So now you've got how many people in the
18 room?

19 A Four.

20 Q All right. So, you're there, your parents
21 aren't there, your mother is not there, your father
22 is not there. Nobody's there, it's just you, right?

23 A Yes.

24 Q So, this continues and I believe you had
25 written a statement. I'd like to ask you to review

CROSS EXAMINATION OF [REDACTED] BY MS. STAGGS

1 it.

2 MR. CULLER: If I might show that to the
3 witness, Your Honor?

4 THE COURT: Without objection.

5 MS. LUTTRELL: That's fine. No objection.

6 BY MR. CULLER:

7 Q What is that?

8 A A statement.

9 Q Right, but written by whom?

10 A Me.

11 Q What are you trying to express in that
12 statement and to whom did you write it?

13 A I wrote it to my mom. It explains to her
14 what actually happened and what was going on,
15 because she wasn't there, she didn't know.

16 Q When you say what actually happened, that
17 was the circus that evolved because of these rumors?

18 A Yes.

19 Q And the discussions that, perhaps, you had
20 with some of the other children that went from A to
21 B to D, to a whole different level?

22 A Yes.

23 Q It was out of control?

24 A Yes.

25 Q You couldn't do anything about it?

CROSS EXAMINATION OF [REDACTED] BY MS. STAGGS

1 A No, I couldn't.

2 Q And now you've got people coming at you
3 saying give us a statement?

4 A Yes.

5 Q So you wrote this statement?

6 A Yes.

7 Q And in that statement, I direct you to the
8 back of it. On the last page, I believe that you
9 indicated -- I'll ask you to read right here from
10 your statement, the next sentence, if you would.

11 A Okay. I said --

12 MS. LUTTRELL: Objection, Your Honor,
13 hearsay.

14 MR. CULLER: Your Honor, I was going to
15 put it into evidence. I don't know that that's
16 --

17 MS. LUTTRELL: I believe he asked her to
18 read it into evidence, Your Honor.

19 BY MR. CULLER:

20 Q Well, what did you say in the statement?
21 Don't read it, just the substance of it.

22 MS. LUTTRELL: Your Honor, I would still
23 object to hearsay. He's asking her to restate
24 an out-of-court statement that's in front of
25 her.

CROSS EXAMINATION OF [REDACTED] BY MS. STAGGS

1 THE COURT: I sustain the objection.

2 BY MR. CULLER:

3 Q But you wrote several statements to your
4 parents?

5 A Yes.

6 Q And in those statements, you expressed
7 frustration?

8 A Yes.

9 Q And in those statements, you express that
10 this was all a lie that got out of control?

11 A Yes.

12 Q And did any of your teachers believe you
13 when you told them this was a lie?

14 A No.

15 MS. LUTTRELL: Objection, Your Honor.

16 THE COURT: Sustain the objection.

17 BY MR. CULLER:

18 Q And you've had to struggle with this for
19 some time, have you not?

20 A Yes, a very long time.

21 Q I think the solicitor asked you if you had
22 been examined, but after the circus started, let us
23 say, and these statements were taken from you by law
24 enforcement, subsequent to that, you tried to
25 explain to them, this is not what happened?

CROSS EXAMINATION OF [REDACTED] BY MS. STAGGS

1 A Yes.

2 Q And they didn't want to hear that?

3 A No.

4 Q And that's continued through until this

5 day?

6 A Yes.

7 Q Did you have a meeting with the solicitors

8 prior to trial?

9 A Yes.

10 Q Did you have a discussion with them about

11 the fact this was not true?

12 A Yes.

13 Q Did you tell the story about the circus,

14 did you explain it?

15 A Yes.

16 Q So you are now how old?

17 A Twenty.

18 Q You speak for yourself?

19 A Yes, I do.

20 Q You plan on going in the Air Force?

21 A Yes.

22 Q Or is there some reason you can't express

23 your thoughts today more clearly than when you were

24 14? Who do you think has more control over their

25 reality, the 14-year-old that gave statements to the

CROSS EXAMINATION OF [REDACTED] BY MS. STAGGS

1 teachers or the 20-year-old that's going to go into
2 the Air Force?

3 A The 20-year-old that's going into the Air
4 Force.

5 Q When are you going to do that?

6 A Next year.

7 Q So the "I don't recall" answer, we heard
8 that a lot?

9 A Yes.

10 Q What they really want to know is, did
11 Bobby Jones show you how to use a vibrator, yes or
12 no?

13 A No, he did not show me how to use a
14 vibrator.

15 Q But he and your mother and you discussed
16 the purchase of one?

17 A Yes.

18 Q And, in fact, you got one?

19 A Yes.

20 Q And then your mistake, I think you would
21 say now, is that you told some of your friends?

22 A Yes.

23 Q Particularly [REDACTED]?

24 A Yes.

25 Q Did Bobby Jones ever touch you

CROSS EXAMINATION OF [REDACTED] BY MS. STAGGS

1 inappropriately?

2 A No, he did not.

3 Q Any sort of abuse by him at all?

4 A No, none.

5 Q Again, you didn't have any emotional

6 problems, any behavioral problems, any grade

7 problems?

8 A No.

9 Q Your grades were good?

10 A Yes.

11 Q So you didn't -- beg your pardon.

12 MR. CULLER: I don't believe I have

13 anything else. Thank you.

14 THE COURT: Any redirect?

15 MS. LUTTRELL: Yes, Your Honor.

16 REDIRECT EXAMINATION

17 BY MS. LUTTRELL:

18 Q [REDACTED], the defense showed you this letter,

19 I guess, that you wrote to your mom?

20 A Yes.

21 Q When did you write this letter?

22 A I don't recall.

23 Q Do you recall writing it?

24 A Yes.

25 Q Did you write it after the police got

REDIRECT EXAMINATION OF [REDACTED] BY MS.
LUTTRELL

1 involved in this incident?

2 A I don't remember when I wrote it.

3 Q After the police got involved, you had to
4 move out of your house with your mom, right?

5 A Yes.

6 Q You had to change schools?

7 A Yes.

8 Q You had to stop going to church; is that
9 right?

10 A Yes.

11 Q Did you have to stop the praise dance
12 team?

13 A Yes, because it's part of the church.

14 Q Couldn't be around your stepdad any more?

15 A No.

16 Q You only saw your mom occasionally when
17 you would visit her?

18 A Yes.

19 Q Did you miss your family?

20 A Yes, I did.

21 Q Did you feel like your whole world was
22 turned upside down?

23 A Yes.

24 Q Did you feel a little bit alone?

25 A Yes.

REDIRECT EXAMINATION OF [REDACTED] BY MS.
LUTTRELL

1 Q And your mom was upset with you that this
2 was all going on; is that right?

3 A She wasn't upset with me.

4 Q She was mad about all of this happening?

5 A I guess, I have no idea.

6 Q So you wrote this letter to her to try, I
7 guess, make her less mad?

8 A I can't remember why I wrote it, but I
9 know I wrote it.

10 Q You told the other attorney your stepdad's
11 pretty strict, right?

12 A Yes.

13 Q I think even in this letter, you say that
14 he came up to you and your friend at church and told
15 you guys you couldn't sit in the corner of the room
16 like that together?

17 A Yeah, we weren't supposed to sit in one
18 chair together.

19 Q He said two girls can't sit in a chair
20 together?

21 A Yes.

22 Q And he didn't let you have a boyfriend?

23 A No.

24 Q You weren't allowed to stay over at
25 friend's houses?

REDIRECT EXAMINATION OF [REDACTED] BY MS.
LUTTRELL

- 1 A No.
- 2 Q Your stepdad usually picked you up from
3 school?
- 4 A Yes.
- 5 Q Checked on your grades a lot?
- 6 A Yes.
- 7 Q He always wanted to know where you were,
8 right?
- 9 A Yes.
- 10 Q Your stepdad was pretty controlling of
11 your life, right?
- 12 A I mean, he was just doing what a parent
13 would do.
- 14 Q But your stepdad is the one who did all of
15 the discipline in your life, right, not your mom?
- 16 A Yes. Well, they both did.
- 17 Q Okay. And your dad, your dad's name is
18 Levi Flowers?
- 19 A Yes, yes.
- 20 Q You would go stay with him sometimes, too,
21 right?
- 22 A Every other weekend.
- 23 Q Did your dad, Levi, ever talk to you about
24 sex?
- 25 A No.

REDIRECT EXAMINATION OF [REDACTED] BY MS.
LUTTRELL

1 Q Did your dad, Levi, ever buy you a
2 vibrator?

3 A No.

4 Q Do you know if your mom and Bobby Jones,
5 Sr. talked to your dad about them buying you a
6 vibrator?

7 A No.

8 Q Did they ever talk to your brother about
9 sex?

10 A I don't know.

11 MS. LUTTRELL: Your Honor, may I have a
12 moment?

13 (Pause.)

14 BY MS. LUTTRELL:

15 Q One more thing, [REDACTED], the defense
16 attorney brought up you meeting with us before this
17 trial, right?

18 A Uh-huh. (Indicating affirmatively.)

19 Q You met with myself and Ms. Staggs and,
20 also, April Winston, our victim advocate?

21 A Uh-huh. (Indicating affirmatively.)

22 Q And when we met here in the courthouse
23 about a week or so ago, I showed you those
24 statements; is that right?

25 A Uh-huh. (Indicating affirmatively.)

REDIRECT EXAMINATION OF [REDACTED] BY MS.
LUTTRELL

1 Q And I asked you if you remembered writing
2 those?

3 A Uh-huh. (Indicating affirmatively.)

4 Q And you gave the same answer you gave
5 today, you didn't remember; is that right?

6 A Yes.

7 Q And I asked you why you were there. Do
8 you remember what you said?

9 A Yes.

10 Q What did you say?

11 A Because of what was going on.

12 Q And do you remember what you said when I
13 asked you what happened?

14 A Yes, I said nothing.

15 Q Nothing happened. You didn't say anything
16 about all these rumors and this circus or anything
17 like that, those are the defense attorneys words; is
18 that right?

19 A Yes.

20 MS. LUTTRELL: Your Honor, no further
21 questions.

22 THE COURT: Recross.

23 RECROSS EXAMINATION

24 BY MR. CULLER:

25 Q Did they want to hear your story?

RECROSS EXAMINATION OF [REDACTED] BY MR. CULLER

1 A They didn't ask.

2 Q Ma'am?

3 A They didn't ask.

4 Q They didn't ask how this all started, tell
5 us your story?

6 A No.

7 Q Did anybody in law enforcement say, [REDACTED],
8 tell us what's going on or were they focused on this
9 circus, these rumors?

10 A When I met with them?

11 Q Yes.

12 A It was just those two and Ms. --

13 Q No, no, I mean, when you met with
14 different members of law enforcement, were they
15 interested in your whole story or were they focused
16 on a narrow part that they thought was true?

17 A They was just focused on the narrow part.

18 Q And you're 20 years old today, free to do
19 whatever you want to do and you're telling this jury
20 what about this, that it never happened?

21 A That nothing happened.

22 MR. CULLER: Thank you.

23 THE COURT: Thank you. You may step down.
24 Call your next witness, please.

25 MS. LUTTRELL: The State calls Kenneth

RE CROSS EXAMINATION OF [REDACTED] BY MR. CULLER

1 Tyler. Your Honor, the State is actually going
2 to call [REDACTED] next.

3 Thereupon,

4

5 was called as a witness, having been first duly sworn,
6 was examined and testified as follows:

7 MS. LUTTRELL: May it please the Court.

8 DIRECT EXAMINATION

9 BY MS. LUTTRELL:

10 Q Good afternoon. Would you please
11 introduce yourself to the jury, tell them your name?

12 A [REDACTED].

13 Q And [REDACTED], where are you from?

14 A Fairfax.

15 Q And do you live in Fairfax now?

16 A No, ma'am.

17 Q Where do you live now?

18 A Walterboro.

19 Q How old are you?

20 A Eighteen.

21 Q So, back in 2013, you were 13 years old,

22 12 or 13?

23 A (Witness nods.)

24 Q Is that a yes?

25 A Yes, ma'am.

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 Q You have to speak out loud because that
2 woman right in front of you, she's typing everything
3 that we say in court. Do you know someone named
4 Emily Flowers?

5 A Yes, ma'am.

6 Q How do you know [REDACTED]?

7 A We went to the same church.

8 Q And is that the New Life House of Love
9 church?

10 A Yes, ma'am.

11 Q Do you know Bobby Jones?

12 A Yes, ma'am.

13 Q Do you see him here in the courtroom
14 today? Look all around.

15 A (Witness nods.)

16 Q Is that a yes?

17 A Yes, ma'am.

18 Q Could you describe something he's wearing,
19 maybe the color of his shirt?

20 A He look like he got purple on.

21 MS. LUTTRELL: Your Honor, please let the
22 record reflect that the witness has identified
23 the Defendant?

24 THE COURT: So noted.

25 BY MS. LUTTRELL:

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 Q Bobby Jones, Sr., was he your pastor?

2 A He was.

3 Q How long about did you attend New Life
4 House of Love church?

5 A When I was living with my dad and my
6 stepmom.

7 Q And your dad and stepmom went to church,
8 too, there?

9 A Yes, ma'am.

10 Q Were you part of any of the, like, choir
11 or dance team or anything at the church?

12 A Praise dance.

13 Q What was that?

14 A Praise dance.

15 Q Were you on that with [REDACTED]?

16 A Yes, ma'am.

17 Q [REDACTED] is a couple of years older than you;
18 is that right?

19 A Yes, ma'am.

20 Q So back in 2013, were you in middle school
21 or high school?

22 A Elementary.

23 Q Elementary school?

24 A (Witness nods.)

25 Q So you and [REDACTED] didn't go to the same

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 school?

2 A No, ma'am.

3 Q Do you remember back in 2013 if [REDACTED] told
4 you anything about something happening with her
5 stepdad?

6 A Yes, ma'am.

7 Q And what did she tell you?

8 A She typed it on the computer.

9 Q She typed something on the computer?

10 A Yes, ma'am.

11 Q What did she type?

12 A That he touched her.

13 Q He touched her?

14 A Yes, ma'am.

15 Q Did she tell you who he was?

16 A Yes, ma'am.

17 Q Who was he?

18 A Her stepfather.

19 Q Is that Bobby Jones?

20 A Yes, ma'am.

21 Q Are you related to Bobby Jones at all or
22 some of your family related to Bobby Jones?

23 A Yes, ma'am.

24 Q Who's related to him?

25 A My stepmom.

DIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 Q But you live with your mom now?

2 A Yes, ma'am.

3 Q After [REDACTED] typed it on the computer, did
4 y'all talk about that ever again?

5 A No, ma'am.

6 Q Did you start any rumors about her after
7 that?

8 A No, ma'am.

9 Q Did you tell anyone else about it?

10 A No, ma'am.

11 MS. LUTTRELL: Thank you, Your Honor. No
12 further questions.

13 THE COURT: Cross-examination.

14 MR. CULLER: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. CULLER:

17 Q You gave a statement to the Solicitor's
18 office, I guess, today? It was a statement that you
19 made to the solicitor today?

20 A I don't know.

21 MR. CULLER: May I show her? Without
22 objection.

23 BY MR. CULLER:

24 Q Is this a summary of what you talked to
25 the solicitor about today?

CROSS EXAMINATION OF [REDACTED] BY MR. CULLER

1 A Yeah.

2 Q And in your statement, you say that you
3 remember the events from four years and ten months
4 ago much clearer today than you did in 2013?

5 A Uh-huh. (Indicating affirmatively.)

6 Q Is that what you're telling this jury
7 under oath, that you can remember four years and ten
8 months ago, what happened, with some clarity and
9 when you talked to the SLED agent in this case back
10 in 2013, you didn't make a statement, you didn't
11 have any memory of anything?

12 A Uh-huh. (Indicating affirmatively.)

13 Q Today, you do?

14 A Uh-huh. (Indicating affirmatively.)

15 Q Is that what you're testifying to?

16 A I did remember the other statement that
17 was shown to me about talking to, I forgot his name,
18 from Hampton.

19 Q I beg your pardon? But in 2013 --

20 A About a conversation in the bathroom.

21 Q Right. But in 2013, you didn't make a
22 statement to law enforcement and, in fact, you told
23 the Solicitor's office by your statement, you
24 remember these events today much more clearly? Four
25 years and ten months later, you remember those

CROSS EXAMINATION OF [REDACTED] BY MR. CULLER

1 events from almost five years ago, much more clearly
2 today than you did in 2013? Do you just want to be
3 involved in this trial?

4 A You say, do I want to be involved?

5 Q Yes.

6 A No.

7 Q Is this exciting to you?

8 A No.

9 Q But you didn't give a statement in 2013?

10 A I mean, I don't remember.

11 Q I mean, they haven't presented one to you,
12 have they?

13 A What?

14 Q Did you give a statement to anybody in
15 2013?

16 A They showed me a paper.

17 Q Okay. But you gave a statement to the
18 solicitor yesterday in 2018?

19 A I didn't give nobody a statement.

20 Q You talked to them about it and you said
21 you remember things much more clearly today, isn't
22 it true?

23 A Uh-huh. (Indicating affirmatively.)

24 Q Five years later, you remember things more
25 clearly?

CROSS EXAMINATION OF [REDACTED] BY MR. CULLER

1 A Uh-huh. (Indicating affirmatively.)

2 Q And isn't it true that your friend, [REDACTED]
3 talked to you about sex, told you about what was
4 going on and rumors were created and you were a
5 significant part of that? That started all of this?
6 You betrayed her, didn't you?

7 A Who?

8 Q [REDACTED].

9 A No.

10 Q In fact, she never told you she had been
11 abused, did she?

12 A She typed on the computer that she was
13 touched.

14 Q But you didn't remember that until
15 yesterday; is that correct?

16 A I said that I didn't remember the other
17 statement.

18 Q You never told anybody about it until
19 yesterday?

20 A (No response.)

21 MR. CULLER: I don't have anything
22 further.

23 THE COURT: Redirect.

24 MS. LUTTRELL: Very briefly, Your Honor.

25 REDIRECT EXAMINATION

REDIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 BY MS. LUTTRELL:

2 Q [REDACTED], I just want to clear up all of
3 that, okay?

4 A Okay.

5 Q So you and I met for the first time this
6 morning; is that right?

7 A Yes, ma'am.

8 Q And we talked in a room with, I believe
9 Ms. Winston was there with us, April Winston?

10 A Yes, ma'am.

11 Q Okay. And your mom was there, too?

12 A Yes, ma'am.

13 Q And when we met, I asked you if you
14 remember what happened in 2013?

15 A Uh-huh. (Indicating affirmatively.)

16 Q Is that a yes?

17 A Yes, ma'am.

18 Q And did I show you a statement, a typed-up
19 statement?

20 MR. CULLER: Objection, leading the
21 witness.

22 THE COURT: Overruled, go ahead.

23 BY MS. LUTTRELL:

24 Q Did I show you a typed-up statement?

25 A Yes, ma'am.

REDIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 Q And what did you say when I showed you
2 this typed-up statement?

3 A That I didn't remember.

4 Q You didn't remember anything in this
5 statement?

6 A No, ma'am.

7 Q Did I ask you what you did remember?

8 A Yes, ma'am.

9 Q And what did you tell me?

10 A That she typed it in the computer.

11 Q Okay. So, you remember [REDACTED] typing in a
12 computer, he touched me?

13 A Yes, ma'am.

14 Q Do you want to be here today?

15 A No, ma'am.

16 Q Did I have to send an investigator to call
17 your mom and get her to bring you here?

18 A Yes.

19 Q Did your mom bring you here?

20 A Yes, ma'am.

21 Q Did we have to try very hard to get you
22 here?

23 A Uh-huh. (Indicating affirmatively.)

24 Q Is that a yes?

25 A Yes, ma'am.

REDIRECT EXAMINATION OF [REDACTED] BY MS. LUTTRELL

1 Q You don't want to be involved in this
2 case?

3 A No, ma'am.

4 Q That's because your stepmom is related to
5 Bobby Jones?

6 A Yes.

7 MS. LUTTRELL: No further questions, Your
8 Honor.

9 RECROSS EXAMINATION

10 BY MR. CULLER:

11 Q Your stepmom is related?

12 A Yes.

13 Q Do you see him a lot?

14 A Say it again.

15 Q Do you see him a lot?

16 A When I used to go to church.

17 Q Pardon?

18 A When I would go to church.

19 Q When you would go to church, but what
20 about family?

21 A No.

22 MR. CULLER: Thank you.

23 THE COURT: Thank you, ma'am. You may
24 step down.

25 May the witness be excused from her

RECROSS EXAMINATION OF [REDACTED] BY MR. CULLER

1 subpoena?

2 MS. LUTTRELL: Yes, Your Honor.

3 THE COURT: Thank you, ma'am.

4 Call your next witness.

5 MS. STAGGS: Thank you, Your Honor. The

6 State calls Pamela Kinard.

7 Thereupon,

8 PAMELA KINARD

9 was called as a witness, having been first duly sworn,

10 was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MS. STAGGS:

13 Q Ms. Kinard, would you please introduce
14 yourself to the jury?

15 A My name is Pam Kinard and I used to be a
16 counselor at Allendale-Fairfax High School.

17 Q Where do you live right now?

18 A Walterboro.

19 Q Do you still work at Allendale-Fairfax
20 High School?

21 A No, I do not.

22 Q Where do you work?

23 A Colleton County High School.

24 Q What's your position at Colleton County
25 High School?

DIRECT EXAMINATION OF PAMELA KINARD BY MS. STAGGS

1 A School counselor.

2 Q And was that the position you held at
3 Allendale-Fairfax High School?

4 A Yes, it was.

5 Q What was your job responsibilities as a
6 counselor at Allendale-Fairfax?

7 A Other than lots of paperwork, like
8 scheduling and transcripts and college and career
9 counseling and social counseling, classroom
10 guidance, all kinds of different things.

11 Q Were there any other counselors employed
12 at Allendale-Fairfax High School?

13 A Yes.

14 Q Who were those people?

15 A Coach Brandenburg was my director.

16 Q So, just the two of you?

17 A Yes.

18 Q Did you know a student named [REDACTED]

19 [REDACTED]?

20 A Yes.

21 Q You were working there -- let me clarify
22 when you were working there. You were working there
23 during the 2012-2013 school year?

24 A Yes.

25 Q Specifically, in the spring, January to

DIRECT EXAMINATION OF PAMELA KINARD BY MS. STAGGS

1 the end of the school, 2013?

2 A Yes.

3 Q During that time period, you knew [REDACTED]

4 [REDACTED]?

5 A Yes.

6 Q Did you meet with her that spring, that
7 second semester of 2013?

8 A Yes.

9 Q And why did you do that?

10 A Because she was brought to me by someone
11 with a -- she had talked about something that
12 brought concern, so, then they brought her to me.

13 Q And what did she tell you?

14 A Well, you know, this has been, as I'm
15 saying, six years ago, so I don't remember verbatim
16 everything that was said to me because it's been,
17 once again, six years ago that this happened. But
18 she did come to me and tell me that there had been
19 some stuff that happened with her stepdad at that
20 time.

21 Q And initially, you're not the first person
22 she told?

23 A No.

24 Q Who was the first person? How did she get
25 to you?

DIRECT EXAMINATION OF PAMELA KINARD BY MS. STAGGS

1 A She got to me -- the way the chain went
2 was Ms. Chess overheard or she was either in her
3 room or whatever, she and [REDACTED] spoke. They came to
4 the guidance office and went in with Coach Branberg
5 and then, Coach Brandenburg brought them to me. And
6 so, then, I spoke to Ms. Chess and [REDACTED]. And so,
7 as everybody knows, I'm a mandatory reporter, so, I
8 have to report as part of my job. So, then, I went
9 and got, you know, those above me. And so, that's
10 kind of how it all went.

11 Q Okay. So you met with [REDACTED] at school
12 that day?

13 A Yes.

14 Q Who else was there?

15 A Well, by the time we were all done, it was
16 [REDACTED], myself, Nurse Solomon, Ms. Chess and Officer
17 Holmes.

18 Q Okay.

19 A That I recall.

20 Q And she told you about something that
21 happened to her?

22 A Yes.

23 Q Do you remember what she said?

24 A I remember the basics of what she said. I
25 mean, I've never forgotten.

DIRECT EXAMINATION OF PAMELA KINARD BY MS. STAGGS

1 Q Okay. Would you please tell the Court
2 what she said.

3 A She said that her stepfather had come into
4 her room a couple of times and that some things had
5 happened.

6 Q Did she specify what those things were?

7 A Yes, that it had involved --

8 Q Did you write -- are you having trouble
9 remembering?

10 A I'm having trouble saying the words that I
11 don't want to say, you know what I'm saying?

12 Q I'm going to have you actually be very
13 direct and to tell us --

14 A They had had -- that something happened
15 and they had had intercourse.

16 Q Okay. Did she tell you anything else?

17 A That there was some feelings of guilt
18 there, maybe.

19 Q Okay. She said --

20 A Yes.

21 Q She said that she felt guilty?

22 A Yes.

23 Q Did she explain why?

24 A Because that there was some enjoyment.

25 Q Okay.

DIRECT EXAMINATION OF PAMELA KINARD BY MS. STAGGS

1 A Coming out of it.

2 Q Will you tell us what her demeanor was
3 during this meeting?

4 A She was upset and kind of quiet. I mean,
5 she wasn't like, you know, freaking out and upset.
6 And kind of like as she was -- excuse me, as she was
7 talking, she didn't really want to do anything to
8 her stepfather.

9 Q Did she tell you that?

10 A Yes, because she didn't know what she
11 wanted to do. She didn't really want to take the
12 thing any further and, you know.

13 Q Okay.

14 A She didn't want this to go any further
15 than in the walls of the school. But see, once it
16 comes to you in the walls of the school, you can't
17 keep it in there. You know, you've got to take it
18 out.

19 Q And you said that she was upset and quiet.
20 Can you elaborate on that a little bit?

21 A Just like when somebody is like crying,
22 but not -- you know, just like if I'm talking to you
23 and I have tears rolling down my face and I'm kind
24 of quiet, but I'm not freaking out.

25 Q So, she was crying when she told you what

DIRECT EXAMINATION OF PAMELA KINARD BY MS. STAGGS

1 happened with her stepfather, when she told you he
2 had sex with her?

3 A Yes.

4 Q After she made this disclosure to you
5 about her stepdad, what happened after that?

6 A All that I remember, once again, this was
7 many years ago, is [REDACTED] was in the school and then,
8 one day, she was no longer there.

9 Q Okay.

10 A And that's what I remember happening.

11 Q Have you ever met her stepfather before?

12 A Yes, I have.

13 Q How did you come to know him?

14 A He used to do a lot with our students with
15 an after-school mentoring program and was very
16 well -- highly thought of and very respected within
17 our school. So that's how I knew of him.

18 Q So, he was around the school a great deal?

19 A Well, I saw him from -- I didn't see him a
20 million times, but I saw him from time to time, so.

21 MS. STAGGS: Beg the Court's indulgence.

22 (Pause.)

23 MS. STAGGS: I don't have anymore
24 questions for you, but please answer questions
25 that the defense may have.

DIRECT EXAMINATION OF PAMELA KINARD BY MS. STAGGS

1 THE COURT: Cross-examination.

2 MR. CULLER: Briefly, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. CULLER:

5 Q I believe your testimony was that by the
6 time you got called, there were multiple people in
7 this room with the child?

8 A Yes.

9 Q Do you have any memory of what time that
10 would have been?

11 A No, sir.

12 Q So you don't remember --

13 A It's on my statement.

14 Q But you don't remember events better today
15 than you did five years ago?

16 A Say that again.

17 Q You don't remember events better today
18 than you did five years ago?

19 A You're correct.

20 Q In fact, you've forgotten some details?

21 A Yes, I did.

22 Q With the passage of time?

23 A Yes, I have.

24 Q Had you had any interactions with [REDACTED]
25 prior to this?

CROSS EXAMINATION OF PAMELA KINARD BY MR. CULLER

1 A She was a student at the high school, so,
2 yes, sir.

3 Q Was she a good student?

4 A Yes, sir, very sweet.

5 Q Any behavior problems?

6 A No problems, no, sir.

7 Q No manifestations of any issues?

8 A Not that I recall.

9 Q Fair enough.

10 MR. CULLER: I don't have anything
11 further.

12 Thank you, Ms. Kinard.

13 THE COURT: Thank you. You may step down.

14 MS. STAGGS: May I redirect, Your Honor?

15 THE COURT: I'm sorry, I thought you were
16 through.

17 MS. STAGGS: Thank you, just briefly.

18 REDIRECT EXAMINATION

19 BY MS. STAGGS:

20 Q Ms. Kinard, the defense asked what time
21 your meeting was and you didn't recall. Would
22 looking at the statement that you wrote help to
23 refresh your memory?

24 A Yes.

25 MS. STAGGS: May I approach Your Honor?

REDIRECT EXAMINATION OF PAMELA KINARD BY MS. STAGGS

1 THE COURT: Certainly.

2 MS. STAGGS: Thank you.

3 BY MS. STAGGS:

4 Q If you would look at that statement, what
5 time was it that you said that you met with her?

6 A 11:34 a.m.

7 Q Would you please review that briefly?

8 A Yes.

9 Q What you wrote in that statement, is that
10 the same thing that you've testified here to today?

11 A Yes, it is.

12 MS. STAGGS: Okay. Thank you, Your Honor.

13 I have no further questions.

14 MR. CULLER: None, Your Honor.

15 THE COURT: Thank you, ma'am. You may
16 step down.

17 Call your next witness.

18 MS. LUTTRELL: Yes, Your Honor, the State
19 calls Carolyn Chess.

20 Thereupon,

21 CAROLYN CHESS

22 was called as a witness, having been first duly sworn,
23 was examined and testified as follows:

24 MS. LUTTRELL: May it please the Court?

25 DIRECT EXAMINATION

DIRECT EXAMINATION OF CAROLYN CHESS BY MS. LUTTRELL

1 BY MS. LUTTRELL:

2 Q Good afternoon, would you please introduce
3 yourself to the jury and tell them your name?

4 A My name is Carolyn Chess.

5 Q And Ms. Chess, this woman right in front
6 of you, she is typing up everything that we say in
7 here, so I'm going to ask you to speak loudly into
8 that microphone right in front of you.

9 A My name is Carolyn Chess.

10 Q That was fantastic. Thank you.

11 THE COURT: Much, much better.

12 BY MS. LUTTRELL:

13 Q Ms. Chess, where are you currently
14 employed?

15 A Well, I'm not working right now.

16 Q Where are you living? You live local?

17 A The school -- uh-huh. (Indicating
18 affirmatively.)

19 Q Where do you live?

20 A In Allendale.

21 Q In Allendale. Are you from Allendale?

22 A Yes.

23 Q You lived here your whole life?

24 A Yes.

25 Q Did you previously work at

DIRECT EXAMINATION OF CAROLYN CHESS BY MS. LUTTRELL

1 Allendale-Fairfax High School?

2 A Yes.

3 Q Were you a teacher?

4 A A substitute.

5 Q A substitute teacher?

6 A Uh-huh. (Indicating affirmatively.)

7 Q How long were a substitute teacher there?

8 A Thirteen years.

9 Q Thirteen years?

10 A (Nods in the affirmative).

11 Q Were you doing that back in the school
12 year of 2012-2013?

13 A Yes.

14 Q When you were substitute teaching there,
15 did you know someone named [REDACTED]?

16 A Yes.

17 Q How did you know [REDACTED]?

18 A By her being in class and --

19 Q So you knew her from school?

20 A Uh-huh. (Indicating affirmatively.)

21 THE COURT: You need to answer yes or no.
22 I do that myself, but she's taking down your
23 answers.

24 THE WITNESS: All right.

25

DIRECT EXAMINATION OF CAROLYN CHESS BY MS. LUTTRELL

1 BY MS. LUTTRELL:

2 Q So, back in the February of 2013, do you
3 remember [REDACTED] coming to you telling you about
4 something going on at home?

5 A Yes, ma'am.

6 Q And where were you when she came to you?

7 A I was in the class. It started -- some
8 other kids were in the class talking about it. She
9 was talking about it to some other kids. And I
10 said, [REDACTED], discuss whatever you have to discuss
11 with your mom. Don't discuss that in here, I said,
12 because Bishop Jones is my family and I don't want
13 to hear it. And she say -- she walked off --

14 Q So I'm going to break it up so that the
15 jury can kind of keep track of what we're talking
16 about. So, when you initially heard something, you
17 heard Emily talking to some other students in your
18 class?

19 A Uh-huh. (Indicating affirmatively.)

20 Q Is that right?

21 A Yes.

22 Q So, you approached her and told her that
23 she needed to stop talking about her business?

24 A Yes.

25 Q Did something else happen later on when

DIRECT EXAMINATION OF CAROLYN CHESS BY MS. LUTTRELL

1 she came back to you?

2 A Well, I was walking down the hall. I was
3 coming from the office and she was in front of me.
4 And I said, [REDACTED] please don't do that anymore, and
5 then she said, Ms. Chess, it happened. So, I went
6 on to the class, I didn't follow-up.

7 So, once I got in the classroom, me
8 and the students, they done sat down talking, [REDACTED]
9 [REDACTED] was talking and laughing. So she came back
10 in there and she said, Ms. Chess, it really
11 happened. He really -- it really, really happened.
12 I said, [REDACTED], I don't want to hear that. She said,
13 I'm telling you. She said, You mean to tell me if
14 your daughter -- if something happened to your
15 daughter, you wouldn't do nothing about it? I said,
16 First of all, I said, You have to talk to your mom.
17 My mom, she don't believe me. I said, Okay. So she
18 walked out. And so then [REDACTED] said, Ms. Chess, you
19 going to do that? I said, Do what? She said, If
20 something happened to me, you would do that. I
21 said, No, that's none of my business. And so, she
22 said, Oh, you wrong. She said, You wrong. I said,
23 Okay.

24 So, another teacher came by and she
25 was coming by and she said, Ms. Chess, what's wrong

DIRECT EXAMINATION OF CAROLYN CHESS BY MS. LUTTRELL

1 with you? I said, Nothing. She said, Yes, it is,
2 sister, what's wrong? I said, It ain't nothing.
3 She said, Yes, something wrong. She said,
4 Something's wrong. I said, Well, a student just say
5 something. She said, Oh, I heard what the student
6 said becasue they, you know. So I said, Okay. She
7 said, Well, you have to do something about that. I
8 said, No, I don't. And she said, Yes, you do. I
9 said, Okay, so, fine. I let it run for about a day.

10 So, the next day I went to the
11 guidance office and I just was asking questions.
12 And she -- Ms. Kinard said, Ms. Chess, if you know
13 something, you have to report it. And she said,
14 Anyway, the kid's already calling the names. And so
15 I went on ahead and told them what [REDACTED] said. So,
16 after that, that's when Mr. Carter, Officer Holmes
17 came down there and I told them the story.

18 So after I told them the story, [REDACTED]
19 came back and said, Ms. Chess, do you have a dollar?
20 I said, Yeah. She said, I want some chips. So I
21 give her the dollar. So I was standing at the door
22 then and she said, Ms. Chess, here. She handed me a
23 piece of paper. And I said, What's on this paper?
24 She said, Read it. I read it. And what she had on
25 the paper, I just balled it up and throwed it in the

DIRECT EXAMINATION OF CAROLYN CHESS BY MS. LUTTRELL

1 trash. And [REDACTED] said, Ms. Chess, what's on the
2 paper? I said, You don't want to know about that.
3 I said, [REDACTED], you better stop. And then she walked
4 off and that was it.

5 Q What was written on that paper that [REDACTED]
6 handed you? I know it's uncomfortable for everyone
7 in this courtroom. We've been talking about it all
8 day. But for the record and for this jury, I need
9 you to tell us, what was written on that paper?

10 A She said he did that. She said he stick
11 it in. That's what was on that paper.

12 Q Now, you said a lot and you said it really
13 fast, so I'm going to ask you a couple --

14 A She said that he did it, he stick it in.

15 Q And you --

16 A And I just throw the paper in the trash
17 because when I read it, I just got upset and I just
18 throwed [sic] it in the trash. At the time, you
19 know, it was -- I was thinking, you know, the person
20 that I know, I don't believe that he could have, but
21 at the same time, she was coming back and forth
22 telling me all of this. So I was like, I didn't
23 know whether it was true to believe her or not to
24 believe her. Because, at one point in time, I was
25 going to call him and tell him about the rumor.

DIRECT EXAMINATION OF CAROLYN CHESS BY MS. LUTTRELL

1 And then this other person said, Ms. Chess, you call
2 him, he's going to make a complaint on you to the
3 schoolhouse saying that you started it. So I didn't
4 bother about calling him.

5 Q Okay. Now, when [REDACTED] told you what was
6 going on and when she wrote that he -- we did it on
7 that paper, what was her demeanor when she was
8 talking to you?

9 A She looked like she was actually meant
10 what she said. She was actually really upset. When
11 she said to me about my daughter, that made me think
12 because my daughter was like a year younger and if
13 something had happened to her, I would want somebody
14 to do something if I was not able to do it. But at
15 the same time, it just -- it's like -- it's
16 difficult because the reason why I say -- I'm not
17 thinking about the family part or any -- the family
18 part, but family or not, the point about it is if it
19 happened, I cannot say it did and I cannot say it
20 did not.

21 Q Because you weren't there?

22 A Exactly. I'm only saying what [REDACTED] told
23 me.

24 Q You just know what [REDACTED] came to you and
25 told you?

DIRECT EXAMINATION OF CAROLYN CHESS BY MS. LUTTRELL

1 A Yes.

2 Q And you asked her if she told her mom --
3 you told her to tell her mom; is that right?

4 A Yes.

5 Q And she said she did?

6 A She said she told her mom and her words
7 was to me, My mom said that we never had anything
8 until I got with Bishop Jones, so, no, he did not
9 touch you. That's what she said to me.

10 Q Now, you mentioned earlier, Bobby Jones,
11 Sr., he's family to you; is that right?

12 A Yes.

13 Q How are you guys related?

14 A By my grandma.

15 Q Your grandma?

16 A (Nods in the affirmative).

17 Q And prior to this, prior to March 2013
18 when this is reported, did you see him at family
19 events or that sort of thing?

20 A Yes.

21 Q You guys were cordial, you would talk, you
22 would hang out?

23 A No, we would not hang out, but I talked.
24 I used to talk to him a lot.

25 Q Okay. And what about your mom, was your

DIRECT EXAMINATION OF CAROLYN CHESS BY MS. LUTTRELL

1 mom close with him?

2 A Yes.

3 Q What happened after March 2013 with your
4 relationship?

5 A Everything changed.

6 Q Did he stop talking to you?

7 A He don't talk to me. He don't talk to my
8 mom either.

9 Q Kind of cut ties with you because you were
10 -- made this report.

11 MR. WALTERS: Objection --

12 THE WITNESS: I can't say that, because of
13 the situation.

14 MS. LUTTRELL: One moment.

15 MR. WALTERS: That's not relevant to this
16 case.

17 MS. LUTTRELL: Your Honor, I believe it's
18 relevant to -- for her -- any bias.

19 THE COURT: I'll sustain the objection.

20 BY MS. LUTTRELL:

21 Q Ms. Chess, do you want to be here today?

22 A No.

23 Q And you and I, we met for the first time
24 yesterday; is that right?

25 A Uh-huh. (Indicating affirmatively.)

DIRECT EXAMINATION OF CAROLYN CHESS BY MS. LUTTRELL

1 Q Is that a yes?

2 A Yes.

3 Q We're just going to get this all out right
4 now. So, we met for the first time yesterday?

5 A Yes.

6 Q And the only reason you came was because
7 we served you with a subpoena; is that right?

8 MR. WALTERS: Objection, Your Honor.

9 She's leading the witness.

10 BY MS. LUTTRELL:

11 Q Why are you here today?

12 THE COURT: I'll sustain that objection.

13 MS. LUTTRELL: I'll rephrase, Your Honor.

14 THE COURT: Okay.

15 BY MS. LUTTRELL:

16 Q Why are you here today?

17 MR. WALTERS: I'm going to object again,
18 Your Honor. How is this relevant to the case?

19 THE COURT: I'll overrule and let her
20 answer it.

21 BY MS. LUTTRELL:

22 Q Why are you here today, Ms. Chess?

23 A I'm going to speak the truth. There was a
24 young girl hurt, I thought that she was hurt, you
25 know, it was true. I came just for that reason

DIRECT EXAMINATION OF CAROLYN CHESS BY MS. LUTTRELL

1 because of that. But yes, I was subpoenaed to come.
2 If I wasn't subpoenaed to come, I wouldn't come
3 because a lot go on in my life after the situation
4 happened.

5 MR. WALTERS: I would object, Your Honor.
6 It's not relevant to this case.

7 MS. LUTTRELL: Your Honor, I'll move on.

8 BY MS. LUTTRELL:

9 Q Ms. Chess, do you see Bobby Jones, Sr. in
10 the courtroom today?

11 A Yes.

12 Q Would you please point him out and
13 describe what he's wearing?

14 A Purple and black.

15 MS. LUTTRELL: Your Honor, please let the
16 record reflect the witness has identified the
17 Defendant.

18 THE COURT: So noted.

19 MS. LUTTRELL: No further questions.

20 MR. WALTERS: May it please the Court?

21 THE COURT: Yes, sir.

22 CROSS-EXAMINATION

23 BY MR. WALTERS:

24 Q Ms. Chess, how are you?

25 A I'm okay, I'm doing fine.

CROSS EXAMINATION OF CAROLYN CHESS BY MR. WALTERS

1 Q Good. Okay. Ms. Chess, you have no
2 personal knowledge of any relationship between [REDACTED]
3 and Bobby Jones, Sr.? You have no knowledge of this
4 event that occurred here other than what you've told
5 the jury; is that correct?

6 A What she told me, that's all that I know.

7 Q That's exactly right, all you know is what
8 someone told you; is that correct?

9 A What [REDACTED] told me, yes.

10 Q All right. Other than what she told you,
11 you have no information with regards to this
12 particular issue?

13 A No.

14 Q All right. And in this particular case,
15 you stated that you're a relative of Bobby Jones; is
16 that correct?

17 A Yes.

18 Q All right. And you were subpoenaed to
19 appear here today because of something that [REDACTED]
20 told you; is that right?

21 A Yes.

22 Q All right. As far as what [REDACTED] said to
23 you and the substance of it, you haven't
24 investigated that matter or looked into that matter,
25 but you're here today to tell everyone exactly what

CROSS EXAMINATION OF CAROLYN CHESS BY MR. WALTERS

1 you were told by [REDACTED]; is that right?

2 A Yes.

3 MR. WALTERS: Your Honor, I have no
4 further questions.

5 MS. LUTTRELL: No further questions, Your
6 Honor.

7 THE COURT: Thank you, ma'am. you may step
8 down.

9 Ladies and gentlemen of the jury, how are
10 you doing? Does anybody need a break.

11 THE JURY: Yes.

12 THE COURT: You need a break, okay. Let's
13 take a short 10-minute recess.

14 (WHEREUPON, the jury exits the courtroom.)

15 THE COURT: All right. We'll be in recess
16 for 10 minutes.

17 (WHEREUPON, a short break was taken.)

18 THE COURT: Let's bring the jury in.

19 (WHEREUPON, the jury enters the
20 courtroom.)

21 THE COURT: Welcome back, ladies and
22 gentlemen. I believe we're ready to call the
23 next witness.

24 Solicitor.

25 MS. LUTTRELL: Yes, Your Honor, the State

CROSS EXAMINATION OF CAROLYN CHESS BY MR. WALTERS

1 calls Kimberly Solomon.

2 Thereupon,

3 KIMBERLY SOLOMON

4 was called as a witness, having been first duly sworn,

5 was examined and testified as follows:

6 MS. LUTTRELL: May it please the Court?

7 DIRECT EXAMINATION

8 BY MS. LUTTRELL:

9 Q Good afternoon, would you please introduce
10 yourself to the jury, tell them your name.

11 A My name is Kimberly Solomon.

12 Q And Ms. Solomon, where are you currently
13 employed?

14 A At Wade Hampton High School as a school
15 nurse.

16 Q Where is that school located?

17 A It's in Hampton County. It's about 15
18 minutes from here.

19 Q Is that where you live, in the Town of
20 Hampton?

21 A Yes, I live in Hampton, also.

22 Q Did you previously work at
23 Allendale-Fairfax High School?

24 A Yes, I did.

25 Q When did you work there?

DIRECT EXAMINATION OF KIMBERLY SOLOMON BY MS.
LUTTRELL

1 A From 2008 to 2015.

2 Q What was your position at that high
3 school?

4 A The school nurse.

5 Q As the school nurse, what are some of your
6 job responsibilities?

7 A I had a large range of responsibilities,
8 administering medicine, counseling with students,
9 first aid. I was also the facilitator of Making
10 Choices, which is a program for teen pregnancy
11 prevention. And I was also a steward for the
12 Darkness to Light program.

13 Q What is that?

14 A That's a program that teaches us the signs
15 for sexual abuse on students.

16 Q When you were working at Allendale-Fairfax
17 High School back in 2013, did you know a student
18 named [REDACTED]?

19 A Yes, I did.

20 Q And how did you know [REDACTED]?

21 A [REDACTED] was a freshman at that time. I came
22 to know her because every month, she had problems
23 with cramps, so we began a report on that.

24 Q So, you would see her pretty often in your
25 office?

DIRECT EXAMINATION OF KIMBERLY SOLOMON BY MS.
LUTTRELL

1 A Yes, I would.

2 Q Okay. And during those interactions with

3 [REDACTED] did you ever come to meet her parents as

4 well?

5 A Yes, I met her mother and her stepfather.

6 Q And who is her stepfather, do you know his

7 name?

8 A Mr. Bobby Jones.

9 Q Could you describe the interactions you

10 had with [REDACTED] and her stepfather, what you

11 observed?

12 A I would have to call home at times for

13 [REDACTED] for someone to bring her medication or

14 anything she needed or to pick her up if she was

15 having cramps. I would call her mother, but

16 usually, her stepfather was the one to come pick her

17 up.

18 Q Did you ever see them together, [REDACTED] and

19 Bobby Jones, Sr.?

20 A Yes, I've seen them a few times together,

21 in my office and in the front office. He would also

22 come up to check on her progress, her school work.

23 Q What observations did you make about their

24 interactions with each other?

25 A [REDACTED], usually, in his presence, she --

DIRECT EXAMINATION OF KIMBERLY SOLOMON BY MS.
LUTTRELL

1 her body language changed from the time it was just
2 her and I or other students, when we were talking in
3 a group or something. She would always have her
4 head down, look to the floor. Her body language
5 just to me made -- seemed like she was kind of
6 fearful of him. And she would sway from side to
7 side and never make eye contact with him.

8 Q Did you ever have any other interactions
9 with Bobby Jones, Sr. outside of your interactions
10 with him regarding [REDACTED]?

11 A I would see him in the school in the
12 hallways. And I was told that he had a program at
13 his church where he mentored several students. So
14 he would be in and out of the building very
15 frequently.

16 Q So, you would see him walking the halls of
17 the school a lot?

18 A Yes.

19 Q Did you -- as a school nurse, I guess, did
20 you have any access or knowledge about disciplinary
21 actions regarding [REDACTED]?

22 A Usually, the children that had
23 disciplinary actions, I was aware. As far as I
24 know, there were no problems with [REDACTED]. She was
25 not a loud child. She was not in any trouble. She

DIRECT EXAMINATION OF KIMBERLY SOLOMON BY MS.
LUTTRELL

1 would come in from time to time just to speak, even
2 if it wasn't for a medical issue. There were no
3 dress code violations. She was a typical
4 14-year-old, jeans, sneakers, backpack, no problems.

5 Q And how would you describe her demeanor
6 when it was just the two of you in your office?

7 A When it was just the two of us, she would
8 talk. Like I said, she is not a loud child, so,
9 just normal conversation. We would talk about
10 different things. Sometimes I have other students
11 in my office and she would also interact.

12 Q Now, in March of 2013, did you get
13 involved in this case involving [REDACTED] and her
14 stepdad, Bobby Jones, Sr.?

15 A Yes, my principal, Mr. Youmans, came and
16 asked me to come into a meeting with the
17 administrative team, which also involved the
18 guidance counselor -- the guidance counselor and
19 Ms. Chess, who is a substitute teacher. We went to
20 a separate room after I was brought into that room
21 to -- they wanted me to hear what [REDACTED] had to say.

22 Q Okay. So, was [REDACTED] in that room, too?

23 A Yes, [REDACTED] was also in the room.

24 Q When -- I guess, there were three of you,
25 you're saying, in this room with [REDACTED]?

DIRECT EXAMINATION OF KIMBERLY SOLOMON BY MS.
LUTTRELL

1 A Yes.

2 Q What happened?

3 A It's a small conference room. Ms. Chess
4 started speaking with [REDACTED]. [REDACTED] was pretty
5 hesitant to start with her story. And from coaxing
6 with Ms. Chess, she started to open up about her and
7 her stepfather. She said that they did it. So I
8 asked her if she could elaborate on that, if she
9 would write down what happened.

10 Q Did she write out a statement?

11 A Yes, she wrote out a small statement. And
12 I told her that we would need more information. I
13 have voluntary statements that I keep in my office
14 for incidents.

15 Q Like blank voluntary statements?

16 A Yes. Provided by law enforcement, school
17 resource officer.

18 Q Okay. Did she write a detailed statement
19 after that?

20 A She did.

21 Q Did she make any other verbal statements
22 about what happened?

23 A She did. She said they did it. I asked
24 her if her mother was aware of the situation and she
25 said that she was. I asked her if she was scared

DIRECT EXAMINATION OF KIMBERLY SOLOMON BY MS.
LUTTRELL

1 and she said, no, not any more because now her
2 mother sleeps with her. I also asked her if her
3 mother had approached her stepfather. And she said
4 she did, and when she did, he got upset and he
5 threatened to kill himself and put a gun to his
6 head.

7 MR. WALTERS: Objection, Your Honor,
8 hearsay.

9 THE COURT: Sustain that.

10 MS. LUTTRELL: Your Honor, pursuant to
11 Rule 613 -- may we approach to elaborate if you
12 would like?

13 THE COURT: All right.

14 (Off-the-record discussion held.)

15 MS. LUTTRELL: Your Honor, may I approach
16 the witness?

17 THE COURT: Yes.

18 BY MS. LUTTRELL:

19 Q Ms. Solomon, I'm showing you what's been
20 premarked as State's Exhibit 1 and 2. Would you
21 take a minute and look over those each separately?
22 Do you recognize those statements?

23 A I do.

24 Q How do you recognize those statements?

25 A One is the first statement that [REDACTED]

DIRECT EXAMINATION OF KIMBERLY SOLOMON BY MS.
LUTTRELL

1 filled out. And I asked her if she could give more
2 details and that's on the second statement.

3 Q Did you observe her writing these
4 statements?

5 A Yes, I did.

6 Q Are those a fair and accurate copy of the
7 statements that she wrote that day?

8 A Yes, they are.

9 Q Is there a date on those statements?

10 A Yes, March 4th, 2013.

11 Q And does it appear that there's a
12 signature on those statements?

13 A Yes.

14 MS. LUTTRELL: Your Honor, at this time,
15 State moves for State's Exhibits 1 and 2 into
16 evidence?

17 MR. CULLER: Subject to our objection,
18 Your Honor.

19 THE COURT: Overruled.

20 *(Whereupon, State's Exhibit No(s). 1 and 2*
21 *marked for identification and received in*
22 *evidence.)*

23 MS. LUTTRELL: Your Honor, the State would
24 ask to publish these statements to the jury at
25 this time.

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LUTTRELL

1 THE COURT: Sure.

2 BY MS. LUTTRELL:

3 Q Ms. Solomon, I'm going to ask you to read
4 those statements to the jury one at a time. Let's
5 start with State's Exhibit 1.

6 A My stepdad was touching me in places, then
7 we did it. Then after I told my mom, she got mad
8 and wouldn't talk to him and he almost killed
9 himself. Sometimes I think that it would happen
10 again and sometimes I don't when I'm around my mom.

11 Q Is that the end of the first statement?

12 A That's the end of the first statement.

13 Q And whose name and signature is on that
14 statement?

15 A [REDACTED] and Sergeant Holmes.

16 Q Now, turning to the second statement,
17 State's Exhibit 2. Would you please read that
18 statement to the jury?

19 A One night, after Christmas, me and my
20 stepdad, Bobby Jones, did it one night. First, he
21 started touching me and I was touching him back.
22 And I took off my clothes and lifted my legs up and
23 then he had put his penis inside of me. And then it
24 started feeling good to me, that's why I didn't say
25 anything. Wow.

DIRECT EXAMINATION OF KIMBERLY SOLOMON BY MS.
LUTTRELL

1 Then, she skips a few lines and says,
2 Can't write any more because I don't want him or my
3 mother or me and my brother to lose everything. I
4 mean, he's a great man of God, but the only reason
5 why I did this, I wanted the help that I needed and
6 that was the only way to me that I could get for
7 myself. I just don't want him to get in any trouble
8 and I know that it won't happen again because I'm
9 with my mother and she sleeps with me sometimes just
10 to make sure that I'm okay. Please don't say
11 anything to anyone else. Please I'm begging you.
12 Everything is fine now and we are back to our happy
13 family. Please don't say anything. And if there's
14 anything else I need, I promise that I will come to
15 you for anything -- for anything that I can't handle
16 or need help. Thank you. [REDACTED].

17 Q And [REDACTED] stepdad that she's
18 referencing in those statements, is that Bobby
19 Jones, Sr.?

20 A Yes.

21 Q Do you see him in the courtroom today?

22 A Yes.

23 Q Would you please point to him and identify
24 something that he's wearing?

25 A Mr. Jones is wearing a purple shirt and a

DIRECT EXAMINATION OF KIMBERLY SOLOMON BY MS.
LUTTRELL

1 purple bow tie.

2 MS. LUTTRELL: Your Honor, please let the
3 record reflect the witness has identified the
4 Defendant.

5 THE COURT: So noted.

6 MS. LUTTRELL: No further questions at
7 this time.

8 THE COURT: Cross-examination.

9 MR. WALTERS: May it please the Court?

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. WALTERS:

13 Q Ms. Solomon, how long have you been a
14 nurse, ma'am?

15 A I've been a nurse for 12 years, a school
16 nurse for 10 years.

17 Q All right. And any child approaches you
18 and they state that there is some type of illicit
19 behavior, sexual molestation, a beating or anything
20 of that nature, do you feel you have an obligation
21 to report it?

22 A I do.

23 Q And you've done this on numerous
24 occasions, haven't you?

25 A Several, yes.

CROSS EXAMINATION OF KIMBERLY SOLOMON BY MR. WALTERS

1 Q Right. And you take your job serious, so
2 if a child comes to you, whether you believe it's
3 true or not true, you proceed forward, don't you?

4 A Yes.

5 Q In evaluating what a child says to you,
6 it's very important that you listen, determine the
7 content of it, and once you do that, then you make a
8 decision as to who should be contacted; is that
9 right?

10 A Yes.

11 Q So, when a child tells you something, as
12 an adult, you don't get into the truthfulness of it
13 or can you prove it to me, you simply go ahead and
14 act responsibly and do what you have to do; is that
15 correct?

16 A Yes.

17 Q And in this particular case with this
18 event that occurred here, you did not conduct an
19 investigation, you did what your job required you to
20 do; is that correct?

21 A Right.

22 Q So what you did was, is you sat down and
23 said, answer some questions, I want you to elaborate
24 on what you're telling me, sign these documents and
25 then you turned them over to Officer Holmes; is that

CROSS EXAMINATION OF KIMBERLY SOLOMON BY MR. WALTERS

1 correct?

2 A Yes.

3 Q Other than that, you were just doing your
4 job?

5 A As an advocate for my students, yes.

6 Q I like that word, you're an advocate and
7 you're also a nurse; is that correct?

8 A Yes.

9 Q So if a child approached you Monday
10 morning and said dad drove the car over my two feet,
11 I think he broke my toes. He was mad at me and he
12 drove out of the yard. I should have got out of the
13 way. You're the first person that would jump on the
14 phone, make the report. And as far as the content
15 of it, whether it's true or not, you're not going to
16 delve into that; is that correct?

17 A That's correct.

18 Q You're going to take the statement and
19 you're going to turn it over to whoever you need to
20 turn it over to?

21 A Yes.

22 Q And as far as the content of the
23 statements that were made here and the evidence and
24 the substance of what went on, and whether it's
25 truthful or not truthful, you're just doing your job

CROSS EXAMINATION OF KIMBERLY SOLOMON BY MR. WALTERS

1 today and you're reporting what he did?

2 A As mandated as a nurse.

3 Q And an advocate?

4 A And an advocate.

5 Q But as far as the substance of it itself,
6 you have no knowledge as to the truthfulness and
7 veracity of it itself, you just know you did your
8 job?

9 A I did my job, but I also believed it.

10 Q In your job, when you talk to people, it's
11 up to you to encourage them to be truthful, to
12 express themselves, to look into the matter and be
13 an advocate for them; is that right?

14 A Yes.

15 Q But you'd never sit down with a kid, would
16 you, and say I don't believe you, I'm not going to
17 report it, I'm not going to do this for you?

18 A No.

19 Q So every time a kid comes to you, whether
20 he's telling the truth or he's being untruthful, you
21 fulfill the obligations of your job?

22 A Yes.

23 Q How many times have you had someone come
24 to you and complain about an event and it was
25 untruthful, but you made it clear, I did my job,

CROSS EXAMINATION OF KIMBERLY SOLOMON BY MR. WALTERS

1 whether it was truthful or untruthful, I met the
2 requirements of what I was supposed to do?

3 A I have.

4 Q And you're not obligated to go out and
5 find out the truthfulness of it, are you?

6 A No.

7 Q You're required to do what a nurse does
8 and also be an advocate?

9 A Yes.

10 Q And it's good when the kids know that
11 you're in their corner, whether they're telling the
12 truth or they're not telling the truth, you're
13 someone -- you're an ear that can be bent and they
14 can listen -- you can listen to it and proceed
15 forward and put in it the proper hands?

16 A Yes.

17 Q And you've had complaints that were filed
18 and allegations that were made that were tossed out,
19 is that right?

20 A One that I can recall, yes.

21 Q That's right. It happens sometimes.
22 Sometimes kids are untruthful, aren't they?

23 A Yes.

24 Q You ever raised kids?

25 A Yes.

CROSS EXAMINATION OF KIMBERLY SOLOMON BY MR. WALTERS

1 Q All right, you got boys like I do,
2 sometimes they say things. Sometimes it's truthful,
3 sometimes it's crazy, sometimes it's not.

4 MS. LUTTRELL: Objection, asked and
5 answered.

6 THE COURT: I'll sustain it.

7 BY MR. WALTERS:

8 Q When you raise children, sometimes they
9 say things that are the gospel and it's true and
10 sometimes they just flat out lie; is that correct?

11 A Yes.

12 Q And that's all part of raising kids,
13 sometimes they've got to learn when they tell the
14 truth that certain things can happen and sometimes
15 people are dishonest --

16 MS. LUTTRELL: Objection, Your Honor,
17 asked and answered.

18 THE COURT: Sustained again.

19 MR. WALTERS: Your Honor, I have no
20 further questions.

21 THE COURT: Any redirect?

22 MS. LUTTRELL: No further questions, Your
23 Honor.

24 THE COURT: Thank you, ma'am. You may
25 step down.

CROSS EXAMINATION OF KIMBERLY SOLOMON BY MR. WALTERS

1 You may call your next witness.

2 MS. LUTTRELL: Yes, Your Honor, the State
3 recalls Richard Johnson.

4 THE COURT: I remind you, you're still
5 under oath.

6 THE WITNESS: Yes, sir.

7 MS. LUTTRELL: May it please the Court?

8 THE COURT: Yes.

9 Thereupon,

10 RICHARD JOHNSON

11 was called as a witness, having been first duly sworn,
12 was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MS. LUTTRELL:

15 Q Special Agent Johnson, I just want to
16 briefly talk to you one more time about the
17 interview you did with [REDACTED] on March 26,
18 2013. When you conducted an interview with her,
19 where were you again?

20 A At the Barnwell County High School.

21 Q And where did you meet with her?

22 A It was at the school. I think we may have
23 went in the counselor's office off to the side.

24 Q Okay. Who brought her down to the office?

25 A I don't recall the counselor's name, but I

DIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 know Detective Brenda O'Berry printer with the
2 Barnwell County Sheriff's Office was with me at the
3 time.

4 Q And you said like a guidance counselor
5 brought [REDACTED] down?

6 A Yes, yes, ma'am.

7 Q And when you were in that room, what did
8 [REDACTED] tell you?

9 A I asked her a series of questions, which
10 she repeatedly used the phrase, I don't recall. And
11 as we went through those questions, she decided that
12 she wanted to write her own statement. So I allowed
13 her to continue to write her own statement as to
14 what transpired.

15 MS. LUTTRELL: Your Honor, may I approach
16 the witness?

17 THE COURT: You may.

18 BY MS. LUTTRELL:

19 Q Agent Johnson, I'm showing you what's been
20 premarked for identification as State's Exhibit 3.
21 Do you recognize that?

22 A Yes, ma'am.

23 Q How do you recognize that statement?

24 A The top copy is written on a SLED
25 voluntary statement form that we provide to anyone

DIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 who wants to make a voluntary statement.

2 Q Is there a date on that statement?

3 A Yes, ma'am, the date is March 26, 2013.

4 Q Is there any signatures on that statement?

5 A Yes, ma'am.

6 Q Whose signature?

7 A [REDACTED] signed as signature of
8 person giving the voluntary statement. I witnessed
9 it, along with Ms. Brenda O'Berry with the Barnwell
10 County Sheriff's Office.

11 Q Now, on that first page, whose handwriting
12 is that?

13 A It's my handwriting where it's marked, Q,
14 which means question, and then where it's marked an
15 A, for answer, that's where Ms. [REDACTED]
16 handwriting.

17 Q Okay. And then if you turn to the second
18 page, who wrote that page?

19 A I'm sorry, the Q and A, this part of it is
20 my writing. As I'm asking her the question, I'm
21 filling out the answer part of it. The second page
22 is where Ms. [REDACTED] writes down her own thoughts.

23 Q Okay. And did you witness her write that
24 statement?

25 A Yes, ma'am.

DIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 Q Is that a true and accurate copy of the
2 statement both you and she wrote that day?

3 A Yes, ma'am.

4 MS. LUTTRELL: Your Honor, at this time,
5 State moves State's Exhibit 3 into evidence.

6 THE COURT: Any objection?

7 MR. WALTERS: No objection, Your Honor.

8 THE COURT: Entered without objection.

9 *(Whereupon, State's Exhibit No(s). 3*
10 *marked for identification and received in*
11 *evidence.)*

12 MR. WALTERS: May we publish it to the
13 jury, Your Honor?

14 THE COURT: You may.

15 BY MS. LUTTRELL:

16 Q Agent Johnson, would you please read --
17 let's start with that first page that has the Q and
18 A. Would you read that to the jury?

19 A Okay, the first question is, When did your
20 stepfather first have a conversation with you about
21 boys and girls having sex?

22 I don't recall.

23 Second question: What was said
24 during the first discussion about sex?

25 The response: I wanted to know about

DIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 sex, so I asked him.

2 Third question: What made you ask
3 your stepfather about sex?

4 The response: I wanted to know what
5 it was like to have sex and since he counseled
6 people, I asked him.

7 Next question: Did you ask your
8 mother about sex?

9 Response: I went to her first, but
10 she did not really talk to me.

11 Next question: When you asked your
12 stepfather about sex, what did he say or do?

13 Response: I don't recall.

14 Q And then on that second page, that's a
15 statement written by [REDACTED]?

16 A That is correct.

17 Q Would you please publish that, read that
18 to the jury?

19 A The truth is, my stepdad was just telling
20 about -- about to have sex. The only physical
21 contact we made was when he touched the top of my
22 chest and that's all. I used the vibrator myself,
23 not him. This is the truth. I'm tired of people
24 asking me questions about what happened and I'm
25 tired of going through the same thing over and over

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LUTTRELL

1 again. I just want to live my normal life and be
2 with my mom and stepdad. The reason why I said
3 those statements and said the things that I said to
4 the DSS and others was because I was getting
5 frustrated and tired of them. They just kept asking
6 the same questions over and over again and I just
7 wanted them to stop. So I just told them things
8 just so that they could leave me alone.

9 I'm sorry that I have -- if I have
10 you -- have for -- I'm sorry, if I have you have
11 [sic] for nothing and my friend, [REDACTED], took it the
12 wrong way when I was telling her and it just spread
13 all over the place and that's how it all started up.
14 And I wish I never would have told nobody but my
15 mother because no one is your enemy, but yourself
16 because you're telling your personal things to
17 another person.

18 He also did use the vibrator on me
19 only once. We were in my room, my top was on and
20 bottoms off. It was a blue vibrator and I got it
21 around January. The time we did it was the night I
22 was texting my friend. Signed [REDACTED].

23 Q Now, when she gave you this statement, at
24 that point, had she already been taken out of her
25 home?

DIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 A Yes, because I think she was at Barnwell
2 High School. She had already left the school.

3 Q She had already moved schools?

4 A Yes.

5 Q She had already moved homes?

6 A Yes.

7 Q She couldn't have any contact with her
8 stepdad any more? Or you don't know?

9 A I'm not certain. That took part in the
10 other hearing.

11 Q But her life had changed a lot at this
12 point; is that right?

13 A That's correct.

14 MS. LUTTRELL: Your Honor, no further
15 questions at this time.

16 THE COURT: Cross-examination.

17 MR. WALTERS: May it please the Court?

18 CROSS-EXAMINATION

19 BY MR. WALTERS:

20 Q Agent Johnson.

21 A Yes, sir.

22 Q Make sure I refer to you correctly. I'm
23 sorry, I was calling you officer --

24 A That's all right.

25 Q -- that's incorrect.

CROSS EXAMINATION OF RICHARD JOHNSON BY MR. WALTERS

1 A That's fine.

2 Q Agent Johnson, let's take a look at the
3 statement that you obtained from [REDACTED], and
4 let's go to the second page, okay?

5 A Uh-huh. (Indicating affirmatively.)

6 Q All right. Let's start with the first
7 paragraph, it says that she requested that she could
8 write the statement; is that right?

9 A That is correct.

10 Q Let's talk about the first sentence. This
11 is where she proclaims the truth; is that right?

12 A Yes.

13 Q That first sentence, would you read it for
14 me. The truth is, would you read that for me?

15 A Oh, I'm sorry. The truth is my stepdad
16 was just telling about to have sex -- we said first
17 line or first statement?

18 Q Second line, finish the sentence.

19 A The only physical contact we made is when
20 he touched the top of my chest, and that's all. I
21 used the vibrator myself, not him.

22 Q All right. Stop there. Now, you're aware
23 of previous testimony that's come before this jury
24 where it was alleged that [REDACTED] stated that
25 she had gotten in the bed with her father; is that

CROSS EXAMINATION OF RICHARD JOHNSON BY MR. WALTERS

1 correct?

2 A That is correct.

3 Q And there's been previous testimony that

4 [REDACTED] had alleged that her father had -- her
5 stepfather had touched her; is that correct?

6 A That's correct.

7 Q And there's been previous testimony that

8 [REDACTED] had alleged that he somehow had used a
9 vibrator on her; is that correct?

10 A That's correct.

11 Q But in this particular sentence, she
12 simply states there was no physical contact, except
13 he touched my chest?

14 A That's correct.

15 Q And in your position in serving as an
16 agent of SLED and investigating this matter, how
17 many inconsistencies -- you told us how many
18 witnesses you talked to. How many inconsistencies
19 did you find in the statements given by [REDACTED]

20 [REDACTED]? We just went through four or five. Could
21 you tell me what you found in your investigation?

22 A I didn't count any inconsistencies --

23 Q Well, let's go through them then. Let's
24 see if we can count them, okay? How about you give
25 me an estimate, has it been 10, 15, 20? How many

CROSS EXAMINATION OF RICHARD JOHNSON BY MR. WALTERS

1 inconsistencies in her testimony?

2 A Her testimony, based on my investigation,
3 started to shift once it was clear that Bishop Bobby
4 Jones was going to be in trouble. Then it started
5 to shift. Now, to identify exactly how many, I just
6 didn't.

7 Q Officer Johnson, Agent Johnson, this
8 document was signed what date?

9 A It was signed March 26th.

10 Q That's exactly right. So, there was no
11 shifting or a possibility of somebody going to jail.
12 This was signed March of 2013; is that correct?

13 A That's correct.

14 Q And that's at the time that the
15 investigation was going on; is that right?

16 A During -- yes, the investigation started
17 before March --

18 Q And you would agree with me that there
19 are, at least, 15 different inconsistencies with
20 regards to the testimony of [REDACTED]?

21 A From different witnesses.

22 Q Well, tell me this then, serving as an
23 agent of SLED, Agent Johnson, when you have a
24 witness or a particular victim and you sit down, you
25 can actually put it on paper, 10 to 15 different

CROSS EXAMINATION OF RICHARD JOHNSON BY MR. WALTERS

1 inconsistencies in the so-called victim's testimony,
2 how did you come to the conclusion that somebody
3 should be arrested?

4 A We relied on the Defendant's statement to
5 Sheriff Carter.

6 Q But we're looking at the statement. Let's
7 go through the next inconsistency. She stated he
8 only touched my chest; is that correct?

9 A Yes.

10 Q And you've marched witness in here after
11 witness claiming people got in the bed with each
12 other, people had sex with each other, people --
13 someone said a penis was put in someone. She says
14 here, he only touched my chest?

15 A Yes, but at the end, she said he used a
16 vibrator on me.

17 Q We're going to get to that because, guess
18 what, it's, at least, five to six inconsistencies in
19 this statement here that you took in March of 2013.
20 What is today's date?

21 A July 10th --

22 Q What year?

23 A -- 2018.

24 Q Four months [sic] and 10 months later,
25 we're here; is that correct?

CROSS EXAMINATION OF RICHARD JOHNSON BY MR. WALTERS

1 A Correct.

2 Q All right. Let's go through the other
3 inconsistencies. There's been testimony today with
4 regards to someone showing someone how to operate a
5 vibrator. What did she say in her statement?

6 A That she used it herself.

7 Q That's exactly right. She stated, I'm the
8 only person that used it. Is that right?

9 A That's correct.

10 Q Read it for the jury. What does it say?

11 A The truth is my stepdad was just telling
12 about to have sex. The only physical contact we
13 made is when he touched the top of my chest and
14 that's all. I used the vibrator myself, not him.

15 Q Please read the next sentence.

16 A This is the truth. I'm tired of people
17 asking me questions about what happened and I'm
18 tired of going through the same thing over and over
19 again. I just want to live my normal life and be
20 with my mom and stepdad. The reason why I said
21 those statements I said, the things that I said to
22 the DSS and others was because I was getting
23 frustrated and tired of them. They just kept asking
24 the same questions over and over again and I just
25 wanted them to stop. So I just told them things

CROSS EXAMINATION OF RICHARD JOHNSON BY MR. WALTERS

1 just so that they could leave me alone.

2 Q All right.

3 A I'm sorry --

4 Q Agent Johnson, this is the question I want
5 to ask you because we're here in front of this jury.
6 Other than this 14-year-old kid, who's all over the
7 place about this person touched me, didn't touch me,
8 maybe they touched me, I want to take it back, do
9 you have any empirical data, anything in your
10 investigation that says I know this happened and
11 this is the evidence?

12 A I have the Defendant's admission to, at
13 least, two people, the sheriff of Allendale County
14 and DSS worker, Mary Carter.

15 Q And that is your testimony that, somehow,
16 there was an admission made by Mr. Jones; is that
17 correct?

18 A That's correct.

19 Q Other than that, what else do you have?
20 Right now, we have a hymen and it's not injured.

21 MS. LUTTRELL: Objection, Your Honor,
22 facts not in evidence and speculation for this
23 witness.

24 THE COURT: I sustain that objection.

25

CROSS EXAMINATION OF RICHARD JOHNSON BY MR. WALTERS

1 BY MR. WALTERS:

2 Q Other than the fact that you're relying
3 on, he said, she said and you allege that someone
4 told you something, do you have any evidence to
5 present before this jury that substantiates what
6 this child has said all over the place? Do you have
7 anything?

8 A No, physical evidence.

9 Q So what we have is speculation and
10 conjecture; is that correct?

11 A We have witness statements.

12 Q Other than that, you have no idea what
13 happened, other than what people have told you; is
14 that right?

15 A That's normally the case when you conduct
16 an investigation, you rely on what others tell you.
17 We don't always have physical evidence. We don't
18 have any other option except take the information
19 that we receive and make a decision from that.

20 Q And what do you do if you have someone
21 who's the victim that's told you, at least, 15
22 different inconsistent things, what do you normally
23 do when you have that going on?

24 A Well, if something like that took place
25 and we have, at least, the Defendant admitting that

CROSS EXAMINATION OF RICHARD JOHNSON BY MR. WALTERS

1 he had something, I would think that the Defendant's
2 admission would outweigh what the victim is saying.

3 Q Isn't it true the only admission that was
4 made by the Defendant is that he informed you that
5 he and his wife, along with the child, made a
6 decision that they would buy that vibrator?

7 A He didn't talk to me.

8 Q So now you're in front of this jury saying
9 that the Defendant didn't even talk to you; is that
10 correct?

11 A He didn't make a statement to me.

12 Q So, there is no statement from the
13 Defendant that was told to you, right or wrong?

14 A I never said -- what I said, the statement
15 came from the Defendant to Sheriff Carter and Mary
16 Carter.

17 Q So, I want to understand. So, what you're
18 telling the jury is, is that I heard something from
19 the sheriff and the sheriff told me something that
20 he heard from someone else. Is that how you conduct
21 police work?

22 A The way we conduct police work is we
23 interview individuals. We get a voluntary
24 statement, if possible. In this case, we received
25 voluntary statements from Sheriff Thomas Carter. We

CROSS EXAMINATION OF RICHARD JOHNSON BY MR. WALTERS

1 also received a voluntary statement from Ms. Mary
2 Carter, who is a DSS worker. At the time, both of
3 them in their written statement acknowledged and
4 admitted to the information that Mr. Bobby Jones
5 provided to them. That becomes part of our file.
6 And it's that piece of document, that information,
7 that we operate -- continue to conduct the
8 investigation on.

9 Q Agent Johnson, I don't want to cut you
10 off. You just represented to this jury that there
11 was an admission made to you?

12 A No, I did not.

13 Q So, what you're saying is someone else
14 told you this and based on that information that
15 they told you over this four-year, ten-month period,
16 that's how you came to your conclusion; is that
17 correct?

18 A I came to my conclusion based on the
19 information from the witnesses.

20 Q Right. You personally never spoke to my
21 client. You personally never discussed this case
22 with my client. You personally have no knowledge of
23 what is going on in this case other than what
24 someone told you, am I right or wrong?

25 A All the cases that I work, I can't say I

CROSS EXAMINATION OF RICHARD JOHNSON BY MR. WALTERS

1 have personal knowledge. I have to rely on what
2 information comes to me.

3 Q Then answer one question --

4 A And in this case, that is exactly what
5 took place.

6 Q Then answer one question for me, why are
7 you here if you don't have personal knowledge of
8 what you're investigating and you're sitting here
9 telling us what you read inside of a file? They can
10 read the file. Why are you testifying today?

11 A I'm testifying today because I'm also the
12 agent that conducted the investigation.

13 Q It looks good and it's very impressive,
14 but you have no personal knowledge of anything we're
15 talking about, do you?

16 A It's my investigation. That's the
17 information I'm operating on.

18 Q You read a file and that's it. You don't
19 know anything about this case?

20 A I wrote the file.

21 MR. WALTERS: I have no further questions,
22 Your Honor.

23 THE COURT: Redirect?

24 MS. LUTTRELL: Yes, Your Honor.

25 REDIRECT EXAMINATION

REDIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 BY MS. LUTTRELL:

2 Q Agent Johnson.

3 A Yes, ma'am.

4 Q Do you personally witness every crime that
5 you investigate?

6 A I don't witness any of them.

7 Q Do you witness murders that you
8 investigate?

9 A No, ma'am.

10 Q If you were a personal witness and had
11 firsthand knowledge --

12 MR. WALTERS: Objection, Your Honor, this
13 is totally irrelevant.

14 THE COURT: Overruled.

15 BY MS. LUTTRELL:

16 Q If you personally witnessed a murder in
17 the street, would you be allowed to investigate it
18 as a lead investigator?

19 A No, ma'am.

20 Q You would be a witness in the case?

21 A Be a witness.

22 Q Like Sheriff Carter in this case?

23 A Absolutely.

24 Q And as part of this investigation, you
25 collected 26 witness statements or did 26 witness

REDIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 interviews; is that right?

2 A Approximately.

3 MR. WALTERS: Objection, Your Honor, she's
4 leading the witness.

5 MS. LUTTRELL: I'll rephrase, Your Honor.

6 THE COURT: Sustained.

7 BY MS. LUTTRELL:

8 Q How many witness interviews did you do?

9 A It was approximately 26.

10 Q And did you collect the two witness
11 statements that I talked about earlier with
12 Ms. Solomon that [REDACTED] wrote?

13 A Yes, ma'am.

14 Q Those are part of your case file?

15 A That is correct.

16 Q Did you collect any witness statements
17 written by Kenneth Tyler?

18 A Yes, ma'am.

19 Q Did you collect a statement written by
20 Pamela --

21 MR. WALTERS: Objection, Your Honor, she's
22 leading the witness again. He has to testify.

23 MS. LUTTRELL: Your Honor, I believe my --
24 I'm asking if he collected a witness statement.

25 THE COURT: Finish your question. I don't

REDIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 know if you finished the question.

2 BY MS. LUTTRELL:

3 Q Did you collect a witness statement from
4 Pamela Kinard?

5 A Yes.

6 MR. WALTERS: Objection, Your Honor.

7 THE COURT: Overruled.

8 BY MS. LUTTRELL:

9 Q Did you collect a witness statement from
10 Carolyn Chess?

11 A Yes, ma'am.

12 Q Did you collect a witness statement from
13 Tanaysia Miller?

14 A Yes, ma'am.

15 Q And did you review those witness
16 statements after you collected them?

17 A Yes, ma'am.

18 Q When you reviewed those witness

19 statements, were the statements made by [REDACTED]

20 [REDACTED] consistent or inconsistent?

21 MR. WALTERS: Objection, Your Honor, she's
22 leading the witness again.

23 THE COURT: Overruled.

24 THE WITNESS: They were consent from those
25 at the school that something had tooke[n] [sic]

REDIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 place between her and Bishop Bobby Jones.

2 BY MS. LUTTRELL:

3 Q And what about the people that you
4 interviewed that maybe didn't write a witness
5 statement, was their version of what [REDACTED]
6 told you consistent with those witness statements?

7 MR. WALTERS: Objection, Your Honor, she's
8 speaking in generalities and she's leading the
9 witness again.

10 THE COURT: Overruled.

11 THE WITNESS: Yes.

12 BY MS. LUTTRELL:

13 Q When did you start to see inconsistencies
14 from [REDACTED]?

15 A When it became knowledge that Bishop Bobby
16 Jones had admitted that he used the dildo, then she
17 started to shift her version of what took place.

18 MR. WALTERS: Objection, Your Honor,
19 proper foundation hasn't been played laid.
20 This witness doesn't have knowledge of what
21 he's testifying about.

22 THE COURT: Overruled. Go ahead.

23 BY MS. LUTTRELL:

24 Q And when you review your entire case file,
25 you have -- let me ask you a different question.

REDIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 Defense asked you a lot about physical evidence in
2 this case. I think we talked about it a little bit
3 earlier, but just so the jury is clear, why is there
4 no physical evidence in this case?

5 A This incident supposedly took place, I
6 think, sometime in January. We didn't get involved
7 with it until March. That was one of the
8 problematic issues. Once we got involved and
9 finally made our way to Bishop Jones' residence to
10 try to conduct an interview at that location and
11 really ascertain any additional information, we were
12 ordered by the then attorney, Virgil Johnson, to get
13 out of that house, don't talk to no one, just leave.
14 We left.

15 Q Why did you arrest the Defendant in this
16 case?

17 A After reviewing the file, we looked at
18 everything, what everyone said and with his own
19 admission to Sheriff Thomas Carter and to Mary
20 Carter, we felt that we had more than probable cause
21 to secure an arrest warrant and proceed further with
22 this case.

23 MS. LUTTRELL: No further questions, Your
24 Honor.

25 THE COURT: Any recross?

REDIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 MR. WALTERS: Your Honor, can I clear up
2 one housekeeping matter?

3 I think the document that I cross-examined
4 Agent Johnson on, is that the document that you
5 entered into evidence?

6 MS. LUTTRELL: Yes.

7 MR. WALTERS: It was a questionnaire along
8 with the statement on the back. I believe you
9 published it to the jury; is that right?

10 MS. LUTTRELL: Yes, that's correct,
11 State's Exhibit 3.

12 MR. WALTERS: I apologize, Your Honor, I
13 took it. And I hand it back to the agent.
14 Could it be published to the jury, please?

15 THE COURT: Do you want to publish that,
16 is that what you're saying?

17 MR. WALTERS: I believe you entered it
18 into evidence and you also asked for it to be
19 published.

20 MS. LUTTRELL: We published it by the
21 Agent reading it, Your Honor.

22 THE COURT: He read it.

23 MR. WALTERS: Okay. I just wanted to make
24 sure. I thought I had taken it, he has it.
25 You have it.

REDIRECT EXAMINATION OF RICHARD JOHNSON BY MS.
LUTTRELL

1 THE COURT: Okay.

2 MR. WALTERS: Your Honor, I have no
3 further questions.

4 THE COURT: Thank you. You may step down.

5 MS. LUTTRELL: May we approach about
6 scheduling, Your Honor?

7 THE COURT: Sure.

8 (Off-the-record discussion held.)

9 THE COURT: Ladies and gentlemen, we're
10 going to call it a day. We ask you to come
11 back in the morning at 10:00. We've got some
12 other people coming in earlier that we have to
13 deal with before 10 o'clock.

14 What I'd like for you to do, if you could,
15 when you come back in the morning to see if you
16 can agree on a foreperson to represent the
17 jury. Has everybody voted on this?

18 THE JURY: Yes.

19 THE COURT: Well, just for the record, let
20 me get your name and number, please, ma'am.

21 JUROR: Bonnie Meyer, M-E-Y-E-R, Juror No.
22 158.

23 THE COURT: That's one of the smartest
24 things I think any jury has ever done is to
25 select you. Thank you for serving.

DAYS END INSTRUCTIONS BY THE COURT

1 But I've got to tell you a few things
2 before you go. You can't talk to anybody about
3 the case, can't let anybody talk to you about
4 the case, can't do any investigation about the
5 case. 10 o'clock going to be okay? Anybody
6 having a problem coming back at 10 o'clock?

7 Ladies and gentlemen, see you in the
8 morning at 10:00.

9 (WHEREUPON, the jury exits the
10 courtroom at 4:45 p.m.)

11 THE COURT: Anything else we need to do
12 this evening?

13 MR. CULLER: Yes, Your Honor.

14 THE COURT: Oh, you need to put something
15 on the record?

16 MR. CULLER: Yes, sir. I believe that it
17 was during Agent Johnson's testimony, he was
18 reading Ms. [REDACTED]'s statement and the
19 Solicitor's position was -- it was some
20 statement about a gun. I think the Solicitor's
21 position was 613 foundation and everything was
22 appropriate with the application of that. We
23 objected to that. And we would like to also
24 say it would be a 403 objection thrown in as
25 well. Although, I understand it was for the

COLLOQUY

1 statement, my sort of explanation at the time
2 was it didn't go to the charge at hand. It was
3 extraneous and prejudicial. And the Court
4 indicated that I could put this on the record.

5 MS. STAGGS: Just to clarify for the
6 record, it was during Kimberly Solomon's
7 testimony.

8 MR. CULLER: Thank you.

9 MS. STAGGS: And Your Honor, we have the
10 same position, under 613(b) for extrinsic
11 evidence in order to impeach the victim in this
12 case. She testified that she did not recall
13 making any of those statements. I do not
14 believe the rule limits that it must only be in
15 reference to the sexual assault.

16 In addition, the fact that the Defendant
17 used the -- or pulled out a gun in this case
18 and threatened to commit suicide after he was
19 confronted in these allegations, we believe is
20 very relevant and probative --

21 THE COURT: The Court has already ruled on
22 it. I just wanted to make sure that it was on
23 the record.

24 MS. STAGGS: Okay. I didn't know if I
25 needed to lay it out for the record.

COLLOQUY

1 THE COURT: I just need you to tell me if
2 you agree with defense counsel?

3 MS. STAGGS: Yes, Your Honor, I agree.

4 THE COURT: That's what happened at the
5 sidebar and the reasons given by the Court at
6 the sidebar.

7 MS. STAGGS: Yes, Your Honor.

8 THE COURT: Anything else we need to take
9 up?

10 MS. STAGGS: No, Your Honor, not from the
11 State.

12 THE COURT: Thank you for reminding me.

13 MR. CULLER: Yes, sir.

14 THE COURT: We'll be recess until 9:30 in
15 the morning.

16 (Trial adjourned for the day.)

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COLLOQUY

1 7-11-2018 PROCEEDINGS

2 THE COURT: Are we ready?

3 MS. LUTTRELL: Yes, Your Honor. The State
4 calls Sitha Patel.

5 Thereupon,

6 SITHA PATEL

7 was called as a witness, having been first duly sworn,
8 was examined and testified as follows:

9 MS. LUTTRELL: May it please the Court?

10 THE COURT: Yes, ma'am.

11 DIRECT EXAMINATION

12 BY MS. LUTTRELL:

13 Q Good morning, Ms. Patel.

14 A Good morning.

15 Q Would you please introduce yourself to the
16 Judge?

17 A My name is Sitha Patel and I work for
18 Hopeful Horizons. I'm a therapist and forensic
19 interviewer.

20 THE COURT: Would you speak in the
21 direction of that lady right here who's trying
22 to record what you're saying? She can't
23 understand anything you're saying.

24 THE WITNESS: Okay. My name is Sitha
25 Patel and I work with Hopeful Horizons. I'm a

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 therapist and a forensic interviewer.

2 BY MS. LUTTRELL:

3 Q And how long have you worked for Hopeful
4 Horizons?

5 A It will be five years in October.

6 Q What are your job duties both as a
7 therapist and a forensic interviewer?

8 A As a forensic interviewer, I interview
9 children from ages of three and 17 for allegations
10 of sexual abuse, physical abuse, neglect, witnessing
11 DV and other forms of trauma at the request of law
12 enforcement and DSS.

13 As a therapist, I provide therapy to
14 children who have a history of various traumas,
15 including sexual abuse, physical abuse, neglect or
16 witnessing DV and other forms of trauma. And for
17 adults who have a history of sexual abuse, child
18 sexual abuse, child physical abuse, other childhood
19 traumas, along with sexual assault and domestic
20 violence.

21 Q And I'm going to ask you to slow down.
22 You're talking a little fast. I know it's very
23 normal for people up there to talk fast, but just
24 try to slow down a little bit.

25 So, as a forensic interviewer, do you

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 only conduct forensic interviews of minors or
2 children?

3 A Yes.

4 Q And when you counsel victims in cases, are
5 you counseling a full range of people, both children
6 and adults?

7 A Yes.

8 Q Approximately -- well, first, let me talk
9 a little bit about your educational background.
10 Where did you go to school?

11 A I went to the University of Missouri in
12 St. Louis.

13 Q And what degrees did you obtain?

14 A My Masters was in social work.

15 Q What about your undergraduate degree?

16 A It was marketing management and a minor in
17 international business.

18 Q As a part of your graduate program, did
19 you participate in any internships or, I guess,
20 clinicals or anything of that nature?

21 A Yes, I worked in a residential program for
22 children who self-injure. I worked in a psychiatric
23 private hospital working with alcohol
24 and addictions, alcoholism and other forms of
25 addictions, and doing groups for adolescents.

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 MR. WALTERS: I'm sorry, I didn't hear
2 you, I apologize.

3 THE WITNESS: And doing groups for
4 adolescents.

5 BY MS. LUTTRELL:

6 Q Doing like counseling groups?

7 A Yes.

8 Q What professional certifications do you
9 have?

10 A I'm a certified forensic interviewer and
11 I've been trained with evidence-based models, trauma
12 focused cognitive behavioral therapy and
13 child/family traumatic stress intervention.

14 Q What is the trauma focused therapy, what
15 is that?

16 A It's an evidence-based treatment model
17 that we use for children and adolescents who have a
18 history of abuse.

19 Q Where did you obtain that training?

20 A At MUSC.

21 Q Are you also a licensed master social
22 worker?

23 A Yes, in the state of State of South
24 Carolina.

25 Q When did you obtain your license?

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 A That was May of 2014.

2 Q As a therapist, approximately, how many
3 people have you counseled?

4 A Over a hundred and fifty.

5 Q Do you happen to know how many of those
6 are children?

7 A I would say about 90 percent of them are
8 children.

9 Q And as a forensic interviewer, how many
10 children have you conducted forensic interviews of?

11 A Over 450.

12 Q 450?

13 A Uh-huh. (Indicating affirmatively.)

14 Q Are you a member of any professional
15 organizations?

16 A No.

17 Q Do you -- have you ever taught any
18 professional development or CLE classes?

19 A Yes. We do -- through Hopeful Horizons,
20 we conduct presentations where the attendees can get
21 CEUs.

22 Q And attendees are who?

23 A Community members that are in the field.

24 Q Approximately, how many of those have you
25 taught?

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

- 1 A I have taught seven.
- 2 Q And what are the topics of those
- 3 trainings?
- 4 A Trauma-informed care, dynamics of child
- 5 sexual abuse, components of trauma-focused cognitive
- 6 behavioral therapy and strengthening families
- 7 programs and disclosure process.
- 8 Q Have you yourself -- do you attend CLEs or
- 9 continuing education courses as part of your
- 10 training?
- 11 A Yes.
- 12 Q How often do you do that?
- 13 A Often. It would just -- it depends. It
- 14 kind of varies, I would say, from year to year. If
- 15 you go to a big conference, that's going to give you
- 16 a lot of CEUs. This past year, I did a lot of
- 17 ethics type of -- and I did presentations. So, I
- 18 wouldn't be able to exactly tell you that every
- 19 month I did this many CEUs.
- 20 Q Have you obtained some specialized
- 21 training regarding child sexual abuse?
- 22 A Yes.
- 23 Q As part of your CEUs?
- 24 A Yes, absolutely.
- 25 Q And you stay up to date with those CEUs?

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 You have to do so many a year?

2 A Absolutely.

3 Q Have you ever been qualified in court as
4 an expert?

5 A Yes.

6 Q Which court?

7 A In Family Court for Beaufort County.

8 Q Approximately how many times?

9 A One.

10 Q In your experience working at Hopeful
11 Horizons, does Hopeful Horizons itself train you in
12 dealing with children who are sexual abuse victims?

13 A We have trainings, but to be trained in
14 it, we would go -- it just depends on what -- okay,
15 can you repeat that question or ask me a different
16 way? I'm not sure exactly --

17 Q Sure. As part of your experience at
18 Hopeful Horizons, does Hopeful Horizons train you to
19 look for signs and symptoms of sexual abuse in
20 children?

21 A Absolutely. So, we have clinical
22 supervision on a weekly basis and we talk about
23 cases, these type of things. We also are
24 responsible for completing our CEUs and getting that
25 information and getting trained in evidence-based

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 treatment so that we're knowledgeable on all of
2 those things.

3 MS. LUTTRELL: Your Honor, at this time,
4 the State move for Sitha Patel to be qualified
5 as an expert in child sexual abuse dynamics.

6 VOIR DIRE EXAMINATION

7 BY MR. CULLER:

8 Q Doctor -- I beg your pardon, what's the
9 appropriate title?

10 A Ms. Patel.

11 Q Ms. Patel. Tell me, with regards to your
12 peer review, have you had any peer review?

13 A Yes.

14 Q Tell me about that.

15 A We have quarterly peer reviews as forensic
16 interviewers.

17 Q And how is that done?

18 A It's a peer review for the State of South
19 Carolina, three times a year, and once a year, it's
20 for the region. And we, basically, come together
21 and we review journal articles and we share forensic
22 interviews to ensure that we're, you know, following
23 the protocol.

24 Q Okay. In terms of any error rate, is
25 there a way that you determine your error rate?

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 A No. It's not a scientific research.

2 There's no error rate involved.

3 Q So, there's not like a pool that you're
4 able to discern any sort of error rate from?

5 A No.

6 Q In terms of publications, have you had the
7 opportunity to publish?

8 A No.

9 Q Tell me about your quality control. I
10 think you mentioned that a moment ago. What sort of
11 quality control procedures do you have?

12 A What do you mean by that?

13 Q In terms of conducting interviews and, I
14 guess, screening the accuracy of the information
15 you're getting from them. Again, it may be
16 nonscientific and you might not be able to do that.

17 A Well, we have a protocol that we follow
18 that's recommended by the State of South Carolina,
19 which is Child First protocol. And it's not in my
20 job, you know, to actually determine the accuracy of
21 a disclosure.

22 Q Okay. Tell me about this degree that you
23 got at MUSC, how long did it take you to achieve
24 that? How long is that program?

25 A At University of Missouri, St. Louis?

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 Q No, no, the trauma-focused therapy. I
2 believe you said it was MUSC, maybe I misunderstood.

3 A Yes, there was an online training and then
4 there was a collaboration that you go through. So,
5 you would go for a weekend, which is a three-day
6 training. Then, you would go through the
7 collaboration, which, includes weekly calls and
8 completing cases.

9 Q So you go through the three-day training
10 initially?

11 A Uh-huh. (Indicating affirmatively.)

12 Q And then you would have weekly calls?

13 A Weekly calls, yes.

14 Q From whom?

15 A It's a conference call with other agencies
16 that are going through the training to ensure that
17 we're following protocol. And any obstacles that
18 we're coming across, there's a trainer on call that
19 helps us with that.

20 Q I see. So, how long did you have the
21 conference calls? That went on for what period of
22 time?

23 A We had fifteen conference calls.

24 Q So that's fifteen weeks?

25 A Yes.

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 Q After that, did you actually get a degree
2 from MUSC?

3 A It's not a degree, you get certified to be
4 a trauma-focused cognitive behavioral therapist.

5 Q And in terms of the certifications of a
6 forensic interviewer, what was that process?

7 A It's a child abuse training, you go for a
8 week and you get trained and you do a mock interview
9 and then you are certified to be able to --

10 Q Where is that training, is it through a
11 university, a medical school?

12 A It's the Child First Law Center.

13 Q I beg your pardon?

14 A The Child First Law Center.

15 Q Where is that?

16 A Columbia.

17 Q All right. And when you're there for that
18 week, you mean Monday through Friday?

19 A Yes.

20 Q What were your hours during that training?
21 Is it 9:00 to 5:00?

22 A Yeah, basically, if not longer.

23 Q Then you conducted, I guess you said, mock
24 forensic interviews?

25 A We did a mock forensic interview.

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 Q One?

2 A Yeah, one.

3 Q Is that taped by someone?

4 A It was taped.

5 Q How did they review that?

6 A There's nothing to review.

7 Q Pardon?

8 A There wasn't anything to review.

9 Q Okay. So, was there a determination made
10 through a review that you were following procedure
11 and protocol?

12 A No, it was a mock interview, meaning that
13 we were practicing our skills that we learned
14 throughout that week with an acting person. It was
15 not an actual person.

16 Q I understand. You said, also, that you're
17 not a member of any professional organizations. Are
18 there professional organizations for therapists?

19 A Yes, we get -- I guess, because I work for
20 Hopeful Horizons, we are privileged to having all of
21 the peer review articles and journal articles
22 because we, as an agency, are a member.

23 Q So, that's all done sort of in-house at
24 Hopeful Horizons?

25 A No, no, we have -- we're part of the NA

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 double CP -- N double ACP, so that would mean that I
2 have access to everything, all of the materials and
3 resources that they have because we, as an
4 organization, are a member of that.

5 Q So, as an individual --

6 A I don't have it. I'm not -- I'm sorry.

7 Q But as individuals, you don't join these
8 organizations?

9 A I have not.

10 Q But other people do?

11 A People do.

12 Q Do they have national meetings and
13 training?

14 A No.

15 Q In those organizations?

16 A Does my organization?

17 Q Do the organizations -- and I didn't hear
18 what you referenced, NC?

19 A A double CP.

20 Q NA?

21 A ACP, NAACP.

22 Q What does that the stand for?

23 A I couldn't tell you right off the top of
24 my head.

25 Q What is that organization?

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 A It's, basically, an organization that
2 provides resources and different types of trainings
3 that you have access to.

4 MR. CULLER: Okay. I don't think I have
5 any further questions, Ms. Patel. Thank you.

6 THE WITNESS: Uh-huh. (Indicating
7 affirmatively.)

8 MS. LUTTRELL: Your Honor, the only other
9 questions I would have would be to proffer her
10 testimony in terms of the Chroma standard. I
11 can do that now or after your ruling on
12 qualifying her as an expert in the field.

13 THE COURT: Well, let me hear, does the
14 defense counsel agree to the request that the
15 witness being qualified as an expert in child
16 sexual abuse?

17 MR. CULLER: No, Your Honor. I have just
18 a couple of things I'd like to raise. The
19 first issue, I would say is there's not any
20 reliability to this, as I understand it, in
21 terms of being able to determine error rates.
22 What we've got is someone to come in and
23 testify generally, maybe there's a recantation,
24 the reasons for it, but she's not here to
25 testify about, you know, what does this do for

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 the trier of fact? How does this help this
2 jury? You know, she's not going to be someone
3 that examined [REDACTED] And it's not going to be
4 somebody that says I know she was lying or I
5 know she's telling the truth.

6 So, what we've got is sort of the patina
7 of science on a nonscientific vehicle that is
8 going to, I would submit to the Court, be
9 harmful with regard to 403 rather than
10 something that will assist the trier of fact in
11 determining whether there's a truthful
12 statement by [REDACTED] or not. They can determine
13 that on their own, I would submit to the Court.

14 The other thing is, you know, I appreciate
15 that she's trained, what we've heard is, you
16 know, a weekend of training and phone calls,
17 not a member of any professional organizations.
18 I didn't know you could get certified as a
19 forensic interviewer in one week, that causes
20 me some concern. My impression, of course,
21 would have been that it would require much more
22 training. And again, the reason I say that,
23 Judge, is if this person is going to come in
24 and testify as an expert, I don't know how much
25 education and training do they really have.

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 But again, the reliability part of it and
2 the 403, what does this really do to assist the
3 trier of fact? Because she's not involved with
4 this child, she's not going to say, I know this
5 is a lie, I know this is the truth. Let me
6 just tell you about what happened. And I would
7 submit to the Court that's very dangerous for
8 us and for the Defendant. And for that reason,
9 I would not agree to qualification.

10 THE COURT: Well, she couldn't come in and
11 testify I know this is a fact.

12 MR. CULLER: Sir?

13 THE COURT: She wouldn't be permitted to
14 come in and testify about whether she believed
15 or disbelieved.

16 MR. CULLER: Well, I understand that, but,
17 you know, again, she didn't examine this
18 particular child, as I understand it. So, how
19 does that -- it's just a generality that we've
20 got, the general field, which I appreciate that
21 she works in. But how does that assist the
22 trier of fact? It's like you're hearing -- we
23 submit to the Court that the prejudice with an
24 expert testifying is somewhat dangerous given
25 the last, I believe it was the Yancey case that

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1 came out after Jones, the hearsay in a white
2 coat. And as the solicitor just alluded, now
3 we're starting to talk about Chroma factors.
4 And before we have to insulate from bolstering
5 her opinion, what are we adding here?

6 THE COURT: I'll see what the State says.

7 MS. LUTTRELL: Your Honor, I have a few
8 cases that I will pass up to Your Honor and to
9 defense.

10 Your Honor, the State is relying on State
11 V. Barrett, State V. Brown and State V. Jones,
12 primarily. And if I may approach, Your Honor?

13 THE COURT: Certainly. I'm familiar with
14 those case, but you can go ahead and be more
15 specific.

16 MS. LUTTRELL: Yes, Your Honor. The court
17 in South Carolina has made it very clear that
18 this area of expertise is well settled. An
19 expert in behavioral characteristics of sex
20 abuse victims and this particular field of
21 expertise would fall under the nonscientific
22 expert. And in State V. Jones, the court
23 clearly states that there is formalistic
24 approach for determining the reliability of
25 nonscientific testimony.

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1 Here, we have heard from Ms. Patel that
2 she has conducted over 450 forensic interviews
3 using an established protocol and procedure.
4 She has counseled over 150 individuals,
5 90 percent of whom are child victims. She has
6 attended and taught numerous trainings over the
7 past five years regarding child sex abuse
8 characteristics, symptoms and signs of child
9 abuse victims, as well as some other areas,
10 including domestic abuse, general child abuse
11 and neglect.

12 Based on her training and experience, the
13 fact that she has a Masters degree in this
14 field and she is certified by the State of
15 South Carolina, the State believes she is
16 qualified based on the case law to testify
17 about the behavioral characteristics of child
18 sexual abuse.

19 The court has made it clear that it
20 actually is preferred that an expert in this
21 field not be the person who did the forensic
22 interview of the child. And that was going to
23 be my next set of questions of her, whether or
24 not she even knows anything about this case
25 specifically. I mean, she was not the person

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1 to forensically interview the victim in this
2 case. I can proffer to Your Honor, her
3 testimony would be that she's never met this
4 victim or any of the witnesses in this case.
5 She has never looked at a file from this case
6 within Hopeful Horizons. The forensic
7 interview was conducted five years ago, I
8 think, actually, just prior to her even
9 starting work at Hopeful Horizons.

10 So she has no connection and there would
11 be no bolstering of testimony. She would not
12 testify to the victim's veracity in this case.

13 THE COURT: Thank you, Solicitor.

14 MR. CULLER: Your Honor, you know, I
15 certainly don't -- you don't have to prove to
16 me that she didn't do anything with the case,
17 I'll take you at your word.

18 I would go back to Chavis and say that
19 under the White factors, one of the
20 determinations that Chavis was concerned about
21 was reliability and a way to determine the
22 error rate, a way to have something more than
23 this nonscientific testimony. I would submit
24 under the 702 analysis as supported by White,
25 that the State has not achieved that level with

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1 Ms. Patel and she should not be allowed to be
2 qualified as an expert.

3 THE COURT: I think that Brown, Barrett
4 and Jones all acknowledge that testimony in
5 this area can be admitted provided that the
6 person offering the testimony is qualified. I
7 guess -- and I agree with the State regarding
8 this issue and find that the witness is so
9 qualified. The next step, of course, is to
10 determine whether her testimony will be
11 admitted.

12 Let's have a proffer on that.

13 MS. LUTTRELL: Yes, Your Honor.

14 BY MS. LUTTRELL:

15 Q Ms. Patel, are there certain behavioral
16 signs or symptoms based on your experience that
17 children exhibit when they've been a victim of
18 sexual abuse?

19 A There's a broad range of signs and
20 symptoms that children exhibit. They can show no
21 signs and they can also show signs of anxiety, anger
22 outbursts. They can internalize it and maybe become
23 sad, depressed, a big change in behavior you may
24 see. They can externalize, depending on the age,
25 maybe be promiscuous or act out on other children

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1 from just being traumatized. They can also act
2 completely normal.

3 Q Do the signs and symptoms differ based on
4 the victim's age? Does that have an affect on the
5 signs and symptoms you typically see?

6 A Absolutely. Yes. Would you like me to
7 explain?

8 Q Sure.

9 A It depends on age because a smaller child
10 may -- I'm sorry, I'm very nervous. A smaller child
11 may not understand the abuse completely, so their --
12 their responses can still be aggressive. They can
13 still hold it in and be quiet, you can still see a
14 change in behavior. For a teenager, the changes in
15 behavior, say if they were aggressive or they
16 started acting out, became promiscuous or use drugs,
17 that would maybe label them in a different way, they
18 would be seen in a different light. So it
19 definitely does make a difference how old they are.

20 Q And how does the relationship between the
21 offender or the perpetrator and the victim, how does
22 that relationship play into the signs and symptoms
23 that you typically see?

24 A That plays a big factor. If it is
25 somebody that's close to the child, it could be very

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1 conflicting. So the symptoms -- if this child does
2 internalize them because this person is close to
3 them, they may be scared to talk about the things,
4 but they still go through emotional things
5 internally. They may act out in different ways,
6 also. And if it's someone that is a stranger, it
7 may be easier for them to talk about what has
8 happened to them because they don't have these ties
9 with somebody that is close to them.

10 Somebody that's close to them can
11 also have a big influence on the family dynamics and
12 that can also influence how a child is reacting to
13 the trauma. They may feel like they have a
14 connection to this person. This person may play a
15 trusting role within the family, so they think about
16 what would happen if they did disclose it. They
17 somehow carry some of that guilt, shame, and
18 responsibility from what has happened.

19 Q Now, when you are looking at a case
20 involving a child of sexual abuse, are there certain
21 processes or steps used by an offender to maybe get
22 close to the child?

23 A Yes, absolutely. What we call it is the
24 grooming process. The offender will identify with
25 the victim and then will get close to the family.

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1 Not only the victim, but also the family members.

2 And in that process, the idea is to
3 be able to build a trusting relationship with the
4 child and with the family so that he can get closer
5 and have the opportunity to initiate abuse and then
6 be able to continue that abuse. Building that
7 relationship brings a connection between the child
8 and the offender, and they feel a little bit more
9 responsible for what's going on. They may feel a
10 little bit more responsible for what's going on and
11 they may be worried about what the outcomes would be
12 if they tried to stop what was happening.

13 And normally, what we see is that it
14 may initially come out that this is a great person,
15 this is a wonderful person. The family members may
16 feel like this is a great person, also, helps out
17 when you need them to help out, is very kind, shows
18 special attention to the family, to the child, may
19 also start buying gifts or giving privileges to the
20 child that maybe the parent or the caregivers don't
21 even consent to. And then, move into normalizing
22 sexual behavior by showing pornography or, you know,
23 accidental touches that turn into more sexual acts.

24 And then, at this point, the child
25 feels like they have this relationship with them.

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1 They see the dynamics of that person involved within
2 that family or within that child's life. So, it's
3 that trusted role that kind of tugs on them. And
4 then, once they get to that point, it can turn from
5 like a positive relationship to a negative type of
6 relationship where the grooming becomes more
7 threatening.

8 Q What are some examples -- well, I guess,
9 let me ask you this first. Do you see differences
10 in the grooming process, say, of a younger child as
11 opposed to an older child or a teenager?

12 A Yes.

13 Q What are some examples of those?

14 A So, for a younger child, it may be, if you
15 let me do this, I'll let you watch Sponge Bob or
16 I'll take you out for ice cream or this will be our
17 little secret, you know, those type of things. For
18 an older child, it may, you know, different -- other
19 types of privileges, such as, you know, well, I'm
20 pay for your cell phone, so you have access to your
21 cell phone, or I know something that you've done --
22 if it goes into that, I know something that you've
23 done that it's not okay for you to do, so now, like,
24 I kept your secret, you keep my secret.

25 Q Okay. What about -- you've talked a

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1 little bit about this, but what about the grooming
2 of the nonoffending caregivers, the other family
3 members, what kind of examples do you have of that?

4 A So, for something like that, it would be
5 that person that the family can trust. So, if it's
6 a nonoffending caregiver, that nonoffending
7 caregiver feels like okay, now, my child has someone
8 to look up to, my child has a mentor. This person
9 is so great. There's these needs that I have that
10 this person is able to fulfill, whether it being a
11 babysitter or, you know, financial support. Many
12 times, we see offenders get into intimate
13 relationships with a nonoffending caregiver to have
14 access to the child. So that's those things.

15 Q In your experience, have you ever seen
16 situations where maybe the nonoffending caregiver
17 becomes aware of what's going on, but there's a
18 failure to act on their part?

19 A Yes.

20 Q What are some of the reasons for that?

21 A Well, some reasons can be people just
22 don't want to believe things like that are
23 happening. And also, they can be getting a lot of
24 support, so they don't want to lose that type of
25 support that they're having. Or the child,

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1 depending on the age of the child, if it is an older
2 child may exhibit other troubled behavior and they
3 may choose to not believe that it is happening.

4 Q Can you tell us a little bit about the
5 disclosure process? What is a disclosure?

6 A Okay, so, the disclosure process is a
7 process. It's not a one-time incident. And a
8 disclosure is when a child speaks up about the abuse
9 that's happening.

10 Q Are there different types of disclosures?

11 A Absolutely. There's accidental disclosure
12 and purposeful disclosure. So, accidental
13 disclosure usually happens with a young child that
14 may mention a game that they play with the offender.
15 And a purposeful disclosure usually happens with an
16 adolescent and they purposefully talk about it. And
17 there's also different stages because it is a
18 disclosure process.

19 Q What are those stages of the process?

20 A So, initially, it's the denial stage, they
21 may deny the abuse has happened. The second stage
22 is the tentative stage, which is the most important
23 stage and it needs the most amount of support
24 because that's when the child is testing the water.
25 They might put a little bit of information out there

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1 and see how their caregiver or family members or
2 whoever they told responds to it. A lot of times,
3 they say it might have happened, he tried to, but I
4 didn't let him. I think this is what happened. It
5 probably happened.

6 Q And are -- do you ever see cases where
7 there is a delayed disclosure or nondisclosure of
8 all of the facts of what is happening?

9 A So, after the tentative stage, there's an
10 active stage of disclosure and then there's this
11 recantation that happens where they take back what
12 happened. And there's several reasons as to why
13 they take it back. It may be because they got taken
14 away from their home, their life got flipped upside
15 down, nobody believed them. They didn't have
16 support. They were threatened more so. They were
17 still around the offender. And so, because they
18 want things to just go back to normal, they may
19 recant that and then later reaffirm it. And you
20 were asking me about delayed disclosure?

21 Q Yes.

22 A So, delayed disclosure, oftentimes,
23 children do not disclose when the abuse happens,
24 it's, at least, six months down the road. And a lot
25 of times, they're adults before they even make a

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1 disclosure.

2 Q Going back to the recantation, do you see
3 that among all ages of sexual abuse victims, from
4 very young children all the way up to adult victims?

5 A Absolutely.

6 Q And how would a child -- how would a
7 child's relationship with the offender have an
8 affect on recantation?

9 A It would -- like I explained just now
10 about how if they do have a big role within the
11 child's life and even the family's life, the child
12 will want things to go back to normal. It'll
13 negatively affect their wanting to disclose.
14 They'll believe that maybe people don't believe
15 them. There will be lots of threats that come,
16 threats that involve other family members. So, just
17 depending on the role of -- and the relationship
18 that the child has with this person and the family
19 has with this person plays a factor.

20 MS. LUTTRELL: Thank you, Your Honor.

21 Those are all my questions.

22 MR. CULLER: Your Honor, I don't have any
23 cross on this.

24 THE COURT: Ready to hear argument then.

25 MR. CULLER: Well, just as to limitations,

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1 not -- in terms of what I've already argued.
2 One of the concerns that we have is, I think
3 under Chroma, the court made a statement that
4 the title of forensic interviewer is a misnomer
5 and the use of that word indicates that the
6 interviewer deduces evidence, too, for the
7 court. So, we would ask that she not be called
8 a forensic interviewer. An interviewer is
9 fine, just not the imprimatur of science with
10 forensics.

11 MS. LUTTRELL: I have no objection, Your
12 Honor. That's fine, we'll call her
13 interviewer.

14 THE COURT: I grant that motion.

15 MS. LUTTRELL: I just ask that she be
16 given a little bit of leeway if she slips. I
17 understand if they object, but she may slip up
18 accidentally, but we will instruct her to try
19 not to use the word forensic interviewer, only
20 interviewer.

21 THE COURT: When you ask her to the
22 qualifying questions --

23 MS. LUTTRELL: Yes, I will use interviewer
24 only.

25 THE COURT: I further find that the

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1 testimony proffered, the probative value of
2 that testimony outweighs its prejudicial effect
3 to the Defendant. As I said earlier, most
4 cases seem to me to hold fairly consistently,
5 that behavioral characteristics of sexual
6 assault victims is admissible because -- and
7 particularly with children because it assists
8 the jury in understanding behavior of a child
9 sexual victim.

10 Anything else?

11 MS. LUTTRELL: No, Your Honor.

12 MR. CULLER: No, Your Honor.

13 THE COURT: Ready for the jury?

14 MS. LUTTRELL: Yes, Your Honor. And we
15 will be calling a different witness first and
16 then, we'll call her back to stand.

17 THE COURT: We can bring the jury in.

18 (WHEREUPON, the jury enters the
19 courtroom.)

20 THE COURT: Good morning and welcome back,
21 ladies and gentlemen.

22 THE JURY: Good morning.

23 THE COURT: I believe that we are ready to
24 proceed with the presentation of additional
25 witnesses for the State.

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1 Solicitor.

2 MS. STAGGS: Thank you, Your Honor, may it
3 please the Court. The State calls Kenneth
4 Tyler.

5 Thereupon,

6 KENNETH TYLER

7 was called as a witness, having been first duly sworn,
8 was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MS. STAGGS:

11 Q Good morning, Mr. Tyler.

12 A Good morning.

13 Q Would you please introduce yourself to the
14 jury, tell them your name?

15 A My name is Kenneth Tyler.

16 Q Mr. Tyler, where are you employed?

17 A I'm employed with Allendale County Schools
18 at the high school.

19 Q And what do you do there?

20 A I'm a JROTC instructor for cadet command
21 at this time.

22 Q How long have you been doing that?

23 A Overall, I've been doing it for 15 years.
24 I've been working here in Allendale for seven years.

25 Q So, you were working in that position at

DIRECT EXAMINATION OF KENNETH TYLER BY MS. STAGGS

1 Allendale-Fairfax High School in the 2012-2013
2 school year?

3 A Yes, ma'am.

4 Q Where do you live?

5 A I live in Columbia, South Carolina.

6 Q So, you commute down here to Allendale?

7 A Yes, ma'am, every day.

8 Q Okay. Now, do you know the Defendant in
9 this case, Bishop Jones, Bobby Jones?

10 A No, ma'am, not personally.

11 Q You've never had any encounters with him?

12 A No, ma'am, I haven't.

13 Q Okay. When you were -- during the school
14 year 2012-2013, did you know a student named [REDACTED]
15 [REDACTED]?

16 A Yes, ma'am, I did.

17 Q And about how long had you known [REDACTED]?

18 A I think that school year, she had been a
19 part of our program -- we was into our fifth month,
20 so I think I would say probably up around the fifth
21 or sixth month of that year, school term.

22 Q So she'd been in your class through the
23 fall and into the winter?

24 A Yes, ma'am, one of my personal students.

25 Q What kind of student was [REDACTED]

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1 A [REDACTED] was one of those students that she
2 was very instinctive. In other words, she learned
3 real easy. She was real smart. She caught on to
4 what she was being taught very easily. She was a
5 model student, never had any trouble out of her,
6 never encountered anything from other teachers in
7 reference to her. Because in our program, we also
8 monitor the students throughout the school as part
9 of the program and make sure their grade level,
10 their academia is on par. So, she was a very good
11 student.

12 Q And you would have heard from other
13 teachers about [REDACTED]?

14 A Yes, ma'am, I would have.

15 Q Do you remember in January of 2013, that
16 [REDACTED] came and talked to you about an issue she was
17 having at home?

18 A Yes, ma'am, I do.

19 Q Do you recall when that happened?

20 A Yes, ma'am, it was about the middle of the
21 week, early one morning between -- I think a
22 Wednesday or Thursday.

23 Q Do you know about the date of that
24 meeting?

25 A The date was about, I guess, around -- I

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1 would say it was about the middle of January
2 sometime, possibly.

3 Q Okay. Did you -- okay. Where did this --
4 where did she come to talk to you?

5 A She had just left my classroom because
6 class for that period was over, and I was sitting at
7 my computer and then all of a sudden, she reappeared
8 with a friend of hers. I don't remember who the
9 young lady is, but I remember she came up to my
10 computer and I sit up and I asked her, I said, Is
11 there something I can help you with? She said, Yes.
12 And so, it was in my classroom.

13 Q Okay. When she said yes, what else did
14 she tell you at that time?

15 A I asked her what was going on and she
16 said, I need to talk to you. And I said, Well,
17 what's wrong? And she started crying and saying
18 that she had been touched by her stepfather and she
19 just wanted it to stop. And she just was -- she
20 became very nervous at that time.

21 Q Okay. Did she specify what she meant
22 by -- did she go into any detail with you?

23 A Yes, ma'am. She told me that -- she said
24 her stepfather wanted to demonstrate for her what
25 little boys want. And at that point, I went and got

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1 my supervisor, Major Howard, to have a second set of
2 ears there because, normally, when things like that
3 come up, we need to make sure we're on par in
4 according with the school policy and cadet command.
5 And he came over. And she said -- I asked her to
6 repeat that and she said it again.

7 Q Okay. And you mentioned that she was
8 crying, but would you describe for me what her
9 demeanor was throughout that conversation?

10 A Yes, ma'am. She was crying, she was very
11 nervous and she was -- her eyes were red and she was
12 just kind of shaking a little bit. And I told her,
13 I said, Hey, [REDACTED] it's going to be all right. I
14 said, Just tell us what happened. And Major Howard,
15 at that time, demonstrated and said, Hold a minute,
16 we need to get the guidance counselor involved.

17 Q Okay. After you got Major Howard, did you
18 ask her any other questions?

19 A Yes, ma'am, I did. I asked her, I said,
20 Have you talked to your mom about this? And she
21 said -- at that time, she said, Yes. And I said,
22 What did your mom have to say? She said, I told her
23 twice. And she said her mom had talked to him and
24 approached him in reference to it.

25 Q Did she tell you anything else?

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1 A Yes, ma'am. She said that she -- I said,
2 Well, what happened then? She said, Well, he told
3 his mom -- she said her mom said -- so, she said, he
4 told her mom that he was going to the room to get a
5 gun and he was going to kill himself. And she said,
6 At that time, he left the house.

7 Q Okay. And then, what did you and Major
8 Howard do once you had this information from [REDACTED],
9 once she disclosed that to you?

10 A Well, the guidance counselor came down and
11 he took her from our classroom, escorted her up to
12 the office. And from then on, from shortly after
13 that, he called back and asked us could we write a
14 statement what she had told us.

15 Q And you did write a statement about that?

16 A Yes, ma'am, I did.

17 Q Okay. And did you ever hear anything
18 about this again from [REDACTED]?

19 A No, ma'am. It's like [REDACTED] was there and
20 then all of a sudden, once she went to the guidance
21 counselor office, ma'am, I don't know what happened
22 to her after that. I didn't see her the rest of the
23 school year. And Major Howard addressed with me
24 about the uniform issue. Well, you know she has a
25 uniform, you know this, you know that. I said, Yes,

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1 Major Howard, I know what the policy is. I don't
2 know what's going on. I said, We're allowed a
3 10 percent loss. I can take this uniform and put it
4 under the 10 percent loss for the year. And that's
5 the last time I heard or seen [REDACTED].

6 Q So, she wasn't in your class for the rest
7 of the school year?

8 A No, ma'am.

9 MS. STAGGS: Beg the Court's indulgence.

10 (Pause.)

11 MS. STAGGS: Mr. Tyler, I don't have any
12 further questions for you. Please answer any
13 questions the defense may have.

14 THE WITNESS: Yes, ma'am.

15 MR. WALTERS: May it please the Court?

16 THE COURT: Certainly.

17 MR. WALTERS: Solicitor.

18 CROSS EXAMINATION

19 BY MR. WALTERS:

20 Q Officer Tyler, is that the correct title?

21 A No, it would be sergeant, sir.

22 Q Sergeant, okay. Sergeant Tyler, you
23 stated that you had been involved in JROTC for about
24 15 years?

25 A Yes, sir, I have.

CROSS EXAMINATION OF KENNETH TYLER BY MR. WALTERS

1 Q Okay. And about seven years right here in
2 this town in Allendale; is that right?

3 A That's correct.

4 Q Okay. And in serving in that capacity, if
5 any child approached you with any allegation of any
6 form of abuse, you would follow a certain protocol,
7 wouldn't you?

8 A That's correct, sir.

9 Q What is that protocol?

10 A Well, I would have done just what I did
11 initially. I would go get Major Howard because he
12 is the senior Army instructor for the program and he
13 must be informed about all things that goes on,
14 whether it's in my class or his.

15 Q All right. And of course, if a child
16 makes an allegation, you follow that protocol
17 because you're required to do so. And each and
18 every time you've done it, you've followed the same
19 procedure; is that correct?

20 A Yes, sir, because what we have, sir, we go
21 to -- every year we have a conference. And one
22 thing that they talk about up there at the
23 conference, which I will attend in this year, is
24 about sexual harassment, students making
25 allegations, students approaching you with a need at

CROSS EXAMINATION OF KENNETH TYLER BY MR. WALTERS

1 home or something. And they give us a pattern to
2 follow and also, the school district also has a
3 policy as well.

4 Q And as far as Emily is concerned, was she
5 a good student?

6 A Yes, sir. She was a -- like I told the
7 attorney there, sir, she was an outstanding student.

8 Q No irregular behavior or anything else?

9 A No, sir, I never noticed anything. To
10 give you an example, my lessons for the kids are
11 made in real world situations. [REDACTED] was very
12 articulate in putting things together. Because I
13 put them in study groups and each group would have
14 to come up and take a -- chose a representative to
15 come up and be able to demonstrate what they learned
16 from that lesson and follow that objective and
17 connect it with the other objective that is in the
18 lesson.

19 Q As far as the truthfulness of what a child
20 says to you, whether it's right, whether it's wrong,
21 whether it's fabricated, you just follow the
22 procedure you're supposed to follow?

23 A Yes, sir, that's -- that's one of the
24 things, also, we are told to do. It's not my job to
25 question whether it's true or false, but it is my

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1 job to let Major Howard know and people in the
2 school that handle those situations, to make them
3 aware of that, sir.

4 MR. WALTERS: Okay. Your Honor, I have no
5 further questions.

6 MS. STAGGS: Thank you, just briefly.

7 REDIRECT EXAMINATION

8 BY MS. STAGGS:

9 Q Sergeant Tyler, once the guidance
10 counselor gets involved, would it be fair to say
11 that that is the end of your involvement?

12 A Yes, ma'am. Once they get involved, they
13 do what they have to do. They don't give us any
14 further information. And that's as far as we go
15 with it. We report it as we're told to do by our
16 headquarters and the school district. And pretty
17 much, unless there's something that we can add or
18 we've seen physical, that's pretty much it, ma'am.

19 Q Who was the guidance counselor that you
20 took Emily to, that you reported this to?

21 A At the time, it was Cody Brandenburg and
22 his assistant was Ms. Pamela Kinard.

23 Q Okay. Thank you. One more question,
24 before this day when [REDACTED] came to talk to you, had
25 you ever have any encounters with her where she

REDIRECT EXAMINATION OF KENNETH TYLER BY MS. STAGGS

1 exhibited that same demeanor, emotional, crying or
2 upset?

3 A No, ma'am. We have four levels in our
4 program. And the best way I can describe [REDACTED] is,
5 at the first level is the hardest level you're going
6 to get to, because that's where you get a lot of the
7 adjustments and acclimation to the program, and it's
8 very rigorous. I made it that way because at the
9 point of cadets, we need to be able to find strong
10 leaders among the students that could be a model for
11 the rest of the students in the program and
12 throughout the school and community. And our motto
13 is making a better citizen in the community.

14 Q So, you'd never seen any of that
15 throughout these levels?

16 A No, ma'am.

17 Q Until that day?

18 A No, ma'am, not until that day. Like I
19 said, if we went down to what we know -- what is
20 known as the ag room where they do all of their
21 rigorous training, you could look at cadets and see
22 who was really going to make it or who was really
23 going to be one of your leaders because things would
24 seem to come together down there more so than in the
25 classroom. And we know that all the students have

REDIRECT EXAMINATION OF KENNETH TYLER BY MS. STAGGS

1 the capability of being academically proficient
2 while they're in the classroom, but from the
3 physical aspect of it is where the stress is really
4 imposed on them.

5 Q And you felt like she was one of those
6 leaders?

7 A Yes, ma'am, I felt she could be one of the
8 leaders if she had stayed with the program.

9 MS. STAGGS: Thank you, sir. I don't have
10 any more questions.

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

13 THE COURT: Thank you. You may step down.
14 Call your next witness.

15 MS. LUTTRELL: Yes, Your Honor. The State
16 calls Sitha Patel.

17 Thereupon,

18 SITHA PATEL
19 was called as a witness, having been first duly sworn,
20 was examined and testified as follows:

21 MS. LUTTRELL: May it please the Court?

22 DIRECT EXAMINATION

23 BY MS. LUTTRELL:

24 Q Good morning, Ms. Patel. How are you?

25 A Okay.

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 Q Would you please introduce yourself to the
2 jury?

3 A I am Sitha Patel and I work for Hopeful
4 Horizons. I'm an interviewer and a therapist.

5 Q And how long have you worked for Hopeful
6 Horizons?

7 A It will be five years in October.

8 Q Can you explain to the jury, what is
9 Hopeful Horizons, for those of us who don't know.

10 A Hopeful Horizons is a children's advocacy
11 center, rape crisis center and domestic violence.

12 Q And are there multiple locations
13 throughout the 14th Circuit?

14 A Yes, we serve five counties. But we have
15 a location in Beaufort and one in Bluffton, but we
16 have offices in the different counties.

17 Q What are your job duties as an employee of
18 Hopeful Horizons?

19 A I provide interviews for children from the
20 ages of three to 17 for allegations of sexual abuse,
21 physical abuse, neglect, witnessing domestic
22 violence and other forms of trauma at the request of
23 law enforcement and child protective services. And
24 I'm also a therapist, so I provide therapy for those
25 type of children who have those types of traumas and

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 also for adults who have a history of child sexual
2 abuse or child physical abuse, neglect or adult
3 sexual assault and domestic violence.

4 Q Where did you obtain your undergraduate
5 degree?

6 A At University of Missouri in St. Louis.

7 Q And what is your undergraduate degree?

8 A It's marketing management, and a minor in
9 international business.

10 Q Do you have a Masters?

11 A Yes.

12 Q Where did you obtain that?

13 A At the University of Missouri in St.
14 Louis.

15 Q What is the Masters in?

16 A Masters in social work.

17 Q During your time working here in South
18 Carolina at Hopeful Horizons, have you obtained any
19 professional certifications?

20 A Yes. I'm a certified interviewer. And
21 also, in evidence-based therapy models, like trauma
22 focused cognitive behavioral therapy and child and
23 family traumatic stress intervention.

24 Q And are you a professionally licensed
25 masters social worker?

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 A Yes.

2 Q As an interviewer with Hopeful Horizons,
3 approximately how many children have you
4 interviewed?

5 A Over 450.

6 Q In terms of your counseling, how many
7 people have you counseled with Hopeful Horizons?

8 A Over 150.

9 Q About how many of those would be children?

10 A About 90 percent.

11 Q 90 percent?

12 A Uh-huh. (Indicating affirmatively.)

13 Q Do you have any specialized training in
14 the field of sexual abuse and trauma?

15 A Yes, uh-huh. With the therapy models that
16 I mentioned, trauma focused cognitive behavioral
17 therapy and child/family traumatic stress
18 intervention, and also, just continuing education.
19 We're required to have 40 CEUs, which are like
20 credit units of continued education in the field.

21 Q Every year?

22 A Every two years.

23 Q Every two years. Where do you obtain all
24 of this training?

25 A Working with Hopeful Horizons, we have the

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 opportunity to go to lots of different trainings and
2 so, it could be anywhere. We have trainings that
3 can be at MUSC. I've been to training at Yale, I've
4 been to Florida. Just different organizations that
5 are accredited that can provide those CEUs.

6 Q So, the trainings that you attended were
7 put on by accredited professional organizations in
8 the field?

9 A Absolutely.

10 Q Have you ever taught any trainings in this
11 field?

12 A Yes.

13 Q About how many times?

14 A About seven times.

15 Q And what are the topics that you have
16 taught?

17 A I don't have my resume, but the disclosure
18 process, the trauma-informed care, the dynamics of
19 child sexual abuse.

20 Q And all of these trainings that you have
21 both attended and taught yourself, do any of these
22 trainings involve behavioral characteristics of
23 child sexual abuse victims?

24 A Yes.

25 Q Have you ever been qualified to testify as

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 an expert in court?

2 A Yes.

3 Q When?

4 A It would have been 2017, September 2017,
5 Family Court.

6 Q What county?

7 A Beaufort County.

8 MS. LUTTRELL: Your Honor, at this time,
9 the State moves for Sitha Patel to be qualified
10 as an expert in dynamics of child sexual abuse.

11 MR. CULLER: Subject to our earlier
12 objection, Your Honor.

13 THE COURT: The Court notes the objection
14 and grants the motion.

15 MS. LUTTRELL: Thank you, Your Honor.

16 BY MS. LUTTRELL:

17 Q Ms. Patel, I want to talk to you a little
18 bit about those behavioral characteristics that
19 we've mentioned. Are there typical signs or
20 symptoms that children may exhibit when they've been
21 a victim of child sexual abuse?

22 A There are signs and symptoms that children
23 do exhibit if they've been victims of child sexual
24 abuse. There's a big range of signs. All children
25 are different. All experiences are different. Some

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 children don't have any symptoms, other children may
2 internalize what they're feeling, so they may be
3 depressed or shut down. Other children will
4 externalize and depending on the age of the child, a
5 child may act out sexually on a different child. If
6 the child is older, you may see promiscuity or even
7 drug abuse.

8 There is also avoidance that comes
9 with it. So, the -- you know, it's natural for
10 children -- well, actually, for people to respond to
11 push away strong feelings that they're having or
12 memories or thoughts that they're having, to push
13 them away. And there's hypervigilance, so, now,
14 this is when the child is actually having a physical
15 reaction to those strong feelings, so, either their
16 heart is beating fast, they're sweating, they're
17 jumpy, they're looking over their shoulder for any
18 type of a danger, they're having trouble falling
19 asleep, having trouble concentrating. And then
20 there's also reexperiencing, so this is when there's
21 nightmares, flashbacks, they're actually feeling
22 like the abuse is happening again. So, there's a
23 very big range.

24 Q I should have started with this, have you
25 ever met anyone named [REDACTED]?

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 A No.

2 Q Have you ever met anyone named Bobby
3 Jones, Sr.?

4 A No.

5 Q What about anyone named Brenda Jones?

6 A No.

7 Q Have you ever met the victim in this case
8 or do you know anything about the victim in this
9 case?

10 A No.

11 Q Have you ever reviewed a file from her
12 case?

13 A No.

14 Q You were talking a little bit about those
15 signs and symptoms and how they can vary. What are
16 some of the factors that cause it to vary among case
17 to case?

18 A A lots of things. The age of the child
19 can -- you know, if the child is young and this is
20 something that's happened to them since they were at
21 a young age, they may feel like it's normal and they
22 may not even realize and that's why they don't have
23 symptoms. If the child is older, it would make a
24 difference because now, they have a little bit more
25 knowledge about whether this is okay or it's not

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 okay. So they may respond differently, depending on
2 the circumstances of the child and how the child was
3 living, whether it's the family dynamics, that's
4 going to make a difference. If the child feels like
5 they love the perpetrator or the perpetrator plays a
6 trusting role within their family, that can be very
7 impactful, also.

8 Q You just mentioned the offender or the
9 perpetrator playing a trusting role. Is there a
10 process that you typically see that an offender
11 might follow or steps the offender might take to get
12 close to a child?

13 A Yes, we call that the grooming process.
14 The grooming process can take -- I mean, it can be
15 months to years of an offender grooming not only the
16 child, but also the family.

17 So, this would come with first
18 identifying the target and then building a
19 relationship, a trusting relationship with the child
20 and family. And then filling a need, basically, so,
21 filling a need, whether it's a financial need or a
22 babysitter or the child needing a mentor or someone
23 to look up to, just filling that need, having the
24 child feel very special, buying gifts, even buying
25 gifts and giving privileges without the consent of

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 the caregiver. And then, starting to initiate the
2 acts of sexual abuse. And it could be normalizing
3 that sexual behavior by using pornography or
4 accidental touches that lead into, you know, more
5 sexual acts, basically.

6 And then, once that child feels like
7 they're invested in this relationship and they trust
8 this person and this person loves them, you know,
9 and they feel that, then there's this thing that
10 happens and it's very confusing. They still feel an
11 obligation to them most times. And at that point,
12 that's where that positive grooming behavior can
13 become negative and it can turn into threats, if you
14 don't do this. You know, if the offender is a
15 batterer, they may say if you don't this, I'm going
16 to hurt your mom, or if you don't let me do this to
17 you, I'm going to do it to your sister. Or nobody
18 is going to believe you or you had sex before, so
19 I'll just tell them you're a ho and you're lying.
20 There's a broad range of things. But that's
21 basically that way of building a relationship and
22 getting in close with the family so that they can
23 have a role or they have consistent access to that
24 child so they can continue the abuse.

25 Q Do you see a difference in the grooming

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 process say, of a young child as opposed to an older
2 child or teenager?

3 A Absolutely. Because their needs are
4 different or a privilege for a younger child is
5 different than for an older child. So, for a
6 younger child, it may be something like, let's play
7 a game and teach them this game. It's our secret
8 game. And, you know, afterwards, you can watch
9 Sponge Bob or we'll get some candy or I'll buy you
10 this toy.

11 For an older child, it may be
12 different types of privileges. You know, like, I
13 know you want to do this, I won't let so and so know
14 and you'll be able to do this, or I'll make sure you
15 have a cell phone, I'll pay for your cell phone or
16 I'll give you some money to spend and those type of
17 things. And also, make them feel special, too.
18 There's different need that a younger child, the
19 type of attention they need than an older child.

20 And that, also -- you know, there's
21 also the concept of what type of child it is. Now,
22 is this a child that has low self-esteem? Is this a
23 child that, you know, comes from a broken home or
24 you know, like a single-parent home? Or you know,
25 is in need of that. If that child displays these

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 things, they're more likely to be victimized and
2 they're more likely to be more reluctant to actually
3 say something.

4 Q Now, when a child does say something, in
5 your field, what is that called?

6 A A disclosure.

7 Q Can you explain to the jury, what is a
8 disclosure and what is the disclosure process?

9 A Okay. So, disclosure is when a child
10 comes out and actually says that something has
11 happened. The disclosure process is called a
12 disclosure process because it is a process, it's not
13 a one-time event. So, initially, if asked about it,
14 they may deny it. And then, they may come to the
15 point where, okay, they're feeling like let's see
16 about saying something. This is what is called the
17 tentative stage, which is a very important stage.
18 This is when the child needs support because they're
19 just kind of testing the waters. Like, you know,
20 I'll throw out a little bit of something that may
21 have happened and then they may take it back. Or
22 they'll say, you know, he tried to, but I didn't let
23 him or it probably happened, I don't know, I don't
24 remember, I forgot. You know, there's that
25 tentative stage.

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 And then, it will go into an active
2 disclosure. But then, most times, that does get
3 followed up with a recantation. And a recantation
4 is when they're like I'm going to take it back. And
5 there's several reasons why children recant and
6 then, they may reaffirm later, which is they will
7 come back and say well, actually, it did happen.

8 Q Now, recantation, do you see that only in
9 young children or do you see that across all ages
10 from young children to adults even?

11 A Yes, we see it across all ages. With
12 young children and adolescents, we see that. And
13 there's lots of reasons for recantation. Some of
14 the reasons for recantation are that no one will
15 believe them, they didn't have the support from --
16 especially, if there's a nonoffending caregiver,
17 they didn't get the support from them or their life
18 has been completely changed. So, now, they're not
19 living in the home and things are just completely
20 different, they're scared. They want things to go
21 back to normal. They want the abuse to stop, but
22 they want things to be back to normal as far as the
23 family dynamics. There's also -- there's so many
24 reasons for recanting. They can -- there's lots of
25 reasons.

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 Q Well, in your experience, have you ever
2 seen a situation where maybe a nonoffending
3 caregiver has been made aware of what's going on,
4 but they failed to do anything about it?

5 A Yes, absolutely, that happens. And a lot
6 of times it's because people don't want to believe
7 that stuff like this is happening. And other times,
8 it's because this person does fill a need and they
9 need that person to be able to continue to fill that
10 need, whether it's financial or any other type of
11 support.

12 And we've had situations from my own
13 experience from working in the field where parents
14 will even tell their children to lock the door at
15 night, but still have this person in the home or,
16 you know, protect their children. I have had
17 clients of my own who the parents have told me, What
18 am I supposed to do? This is where I am. I'm not
19 going to be able to leave and take care of
20 everything without this person in the home. And
21 that's when we have to help with those type of
22 resources and that type of case management, but
23 that's absolutely something that we see often.

24 Q When we're talking about recantation, how
25 does the relationship between the child victim and

DIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 the offender play a role in recantation?

2 A Well, if the offender is close to the
3 family or is a family member, that makes it more
4 likely that the child is going to recant because
5 they don't want to see that person go to jail or
6 they don't want that person to -- you know, they
7 don't want another family member to be upset because
8 now this person is going to get in trouble. They
9 don't want to break up the home. They feel like
10 some type of responsibility to do that. And, yeah.

11 MS. LUTTRELL: Your Honor, may I have a
12 moment?

13 (Pause.)

14 MS. LUTTRELL: No further questions at
15 this time.

16 THE COURT: Cross-examination.

17 MR. CULLER: Thank you, Your Honor.

18 CROSS EXAMINATION

19 BY MR. CULLER:

20 Q Ms. Patel, so, you have a degree, I
21 understood, in marketing from the University of
22 Missouri?

23 A (Nods in the affirmative).

24 Q And subsequent to that, you got your
25 Masters in social work?

CROSS EXAMINATION OF SITHA PATEL BY MR. CULLER

1 A Absolutely.

2 Q And in terms of your qualifications as an
3 interviewer, you testified earlier, but I think you
4 did that work at MUSC?

5 A Yes.

6 Q What period of time did you actually spend
7 at MUSC for that certification?

8 A It's a week-long training.

9 Q A week long?

10 A Uh-huh. (Indicating affirmatively.)

11 Q So you were there for one week?

12 A Yes.

13 Q Subsequent to that, was there any
14 follow-up?

15 A Yes, we have quarterly peer supervision
16 that we do with other interviewers.

17 Q Right. So you've got one week of
18 training, I understood that, and then, I think your
19 other experience was through peer review, some that
20 you've had, but you're not -- are you a member of
21 any professional organizations?

22 A No.

23 Q Are there professional organizations for
24 interviewers?

25 A Not specific to interviewers, no.

CROSS EXAMINATION OF SITHA PATEL BY MR. CULLER

1 Q But in the area that you work?

2 A Yes.

3 Q But you're not a member of any of those?

4 A No, but I do have access to all of their
5 resources because I'm an employee of Hopeful
6 Horizons.

7 Q Hopeful Horizons has a budget of what,
8 like 2.9 million now?

9 A I'm not sure.

10 Q It's pretty big, isn't it? You said you
11 cover multiple counties?

12 A We do cover multiple counties.

13 Q But you're not here to testify that you've
14 examined [REDACTED] or anybody in this case, any
15 of these records?

16 A That's correct.

17 Q And you're not here, I don't think, to
18 tell the jury that you're a lie detector and you can
19 figure when people are telling the truth and when
20 they aren't, because people lie?

21 A I am not a lie detector and people do lie.

22 Q And you're not here to tell the jury that
23 all recantations are not real?

24 A No.

25 Q And you're not here to say I've got a

CROSS EXAMINATION OF SITHA PATEL BY MR. CULLER

1 reliability percent, I know when something is true
2 because I can test it scientifically, you're not
3 here to say that?

4 A No, I'm not.

5 Q You're here to say that you had your
6 training, the one week at MUSC, and additional
7 material that's available to you and you interview
8 these children that are referred through DSS?

9 A And law enforcement.

10 Q Right.

11 A I also have my Masters degree, so I've
12 also been trained in the field with that and my
13 continuing education, also, contributes, too.

14 Q But the Masters degree is in social work.
15 It's not in any sort of interview training with
16 alleged victims?

17 A No.

18 Q You only had one week with regard to that?

19 A Right.

20 Q Now, with regard to people lying or
21 recanting, you said earlier that there's some
22 characteristics that you have seen or have learned
23 about that people or children that are abused have,
24 that they might be anxious, promiscuous, act out,
25 become violent, become depressed. Those are

CROSS EXAMINATION OF SITHA PATEL BY MR. CULLER

1 characteristics that are normally found in these
2 children; is that correct?

3 A Yeah, or they have no --

4 Q Pardon?

5 A Or they may not have any symptoms or
6 signs.

7 Q So, you can say that you believe that
8 recantation is true or not true whether this child
9 has symptoms or that there are no symptoms at all.
10 So, how can you ever be wrong?

11 A I don't understand your question.

12 Q I believe your testimony is yeah, they
13 have anxiety, depression, their grades change, they
14 have problems, they act out, or there may be no
15 change at all?

16 A That's correct.

17 Q So, then, how do you as an interviewer
18 have any way to gauge whether this child is telling
19 the truth or lying?

20 A As an interviewer, it's not my job to
21 gauge whether a child is telling the truth or lying,
22 that's the job of the investigator, hence why DSS
23 and law enforcement come to us. So, that wouldn't
24 be a part of my job. Second, the symptoms of trauma
25 should not be the only reason or only factual thing

CROSS EXAMINATION OF SITHA PATEL BY MR. CULLER

1 that you should base whether a child has been abused
2 or not been abused. That's why an interview is only
3 one part of the investigation.

4 Q Right, but you would concur with me, I
5 would hope as a nonscientific expert, that it's much
6 more difficult to make a determination of whether
7 someone is telling the truth if you say well, there
8 are no symptoms, I think this child is telling the
9 truth. Well, there are symptoms, the child is
10 telling the truth. That's kind of confusing, isn't
11 it?

12 A Well, that's why you don't do that.

13 MR. CULLER: One moment, Your Honor.

14 (Pause.)

15 MR. CULLER: Nothing further.

16 THE COURT: Redirect?

17 MS. LUTTRELL: Very briefly, Your Honor.

18 REDIRECT EXAMINATION

19 BY MS. LUTTRELL:

20 Q Ms. Patel, defense counsel asked you a lot
21 about this one-week training you did?

22 A Uh-huh. (Indicating affirmatively.)

23 Q Before you went to that training, did you
24 have a Masters degree?

25 A Absolutely.

REDIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 Q Were you certified by the State of South
2 Carolina?

3 A I was licensed by the State of South
4 Carolina.

5 Q And in addition to that one-week training,
6 how many interviews have you conducted over the last
7 five years?

8 A Over 450.

9 Q And how many people have you counseled
10 over the last five years?

11 A Over 150.

12 Q And you're not here today to testify about
13 someone named [REDACTED] is that right?

14 A That's right.

15 Q Never met her?

16 A No.

17 Q Never reviewed anything in this case?

18 A That's correct.

19 Q So, what is your testimony based on today?

20 A Just my experience and expertise in the
21 field.

22 Q Based on all of those interviews you've
23 done?

24 A All of the interviews, all of the
25 training, all of the clients that I have seen.

REDIRECT EXAMINATION OF SITHA PATEL BY MS. LUTTRELL

1 Q And your degree for your Masters?

2 A Absolutely.

3 MS. LUTTRELL: Thank you, Your Honor. No
4 further questions.

5 MR. CULLER: I don't have anything
6 further.

7 THE COURT: Thank you. You may step down.
8 You may call your next witness.

9 MS. STAGGS: Thank you, Your Honor, may it
10 please the Court. The State calls Sheriff Tom
11 Carter.

12 Thereupon,

13 TOM CARTER

14 was called as a witness, having been first duly sworn,
15 was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MS. STAGGS:

18 Q Good morning, Sheriff.

19 A Good morning.

20 Q Please introduce yourself to the jury.

21 A I'm Sheriff Tom Carter, the sheriff of
22 Allendale County.

23 Q So Sheriff, this may be an obvious
24 question, but please tell us where you work.

25 A I work with Allendale County. And like I

DIRECT EXAMINATION OF TOM CARTER BY MS. STAGGS

1 said, I'm the sheriff.

2 Q And sir, how long have you been the
3 sheriff?

4 A For 16 years.

5 Q And what do you do as sheriff? What are
6 some of your job duties?

7 A The major things is we do investigations,
8 we handle Family Court, General Sessions court,
9 things of that nature. Mental patients falls under
10 the job of the sheriff and other law enforcement,
11 doing the patrol of the county, things of that
12 nature.

13 Q Okay. So, given that you've been the
14 sheriff for 16 years, I assume that you were working
15 in that capacity on March the 4th, 2013?

16 A I was.

17 Q Okay. And on that day, did you get called
18 out to the high school?

19 A I did.

20 Q And what was that in reference to?

21 A Around about 12:00 that morning, my
22 chief -- not chief, my resource officer, Officer
23 Samuel Holmes, called me and asked me could I come
24 to the school, they needed to talk to me. And I
25 proceeded to go to the school. And got there,

DIRECT EXAMINATION OF TOM CARTER BY MS. STAGGS

1 Samuel Holmes and Principal Ron Youmans and some of
2 the other staff was in his office and they proceeded
3 to tell me that one of the students, [REDACTED]
4 came to the school and made a statement that her
5 stepdaddy was having sex with her.

6 Q Okay. And before this day, did you know
7 [REDACTED]?

8 A I had seen her. I didn't really know her,
9 but I have seen her in the past.

10 Q Okay. And once you got to the school that
11 day, what did you do?

12 A Okay, they showed me a partial statement
13 that Miss [REDACTED] had started to write for Officer
14 Holmes, because he asked her to do a statement on
15 what she said. And I looked at the statement, and,
16 like I said, it was a partial statement. And I
17 asked where she was at. And she was in another
18 office. And I said I needed to speak with her. And
19 I wanted Nurse Solomon, who was also in the room
20 with us, to go with me to talk to her.

21 Q So, you went in and you talked to [REDACTED]
22 yourself?

23 A I did.

24 Q You were at the high school?

25 A Yes, ma'am.

DIRECT EXAMINATION OF TOM CARTER BY MS. STAGGS

1 Q Where inside of the high school?

2 A We was in the office -- if you come into
3 the high school and come up to the reception desk,
4 there's an office over to the left-hand side of the
5 room, we were in there.

6 Q Okay. And once you went in with Nurse
7 Solomon, what did [REDACTED] tell you?

8 A I asked her about her statement. And she
9 began talking and I told her -- she began talking
10 about the statement that she wrote -- now, the first
11 thing I told her -- because I wanted to make her
12 feel comfortable as I could because it was a touchy
13 situation. And I said, [REDACTED], now, if you tell me
14 that this incident happened, I will believe you. I
15 said, But now, make sure you telling me the truth, I
16 said, because there's going to be an investigation
17 behind this and the truth will eventually come out.
18 And she said, Okay. Then I asked her was she
19 comfortable with Nurse Solomon being in there, also,
20 and she said she did. And the next thing I told her
21 that I need you to write me a more detailed
22 statement than the one that you gave Officer Holmes.
23 Q And she did that, correct?
24 A She started to write it, yes, she was
25 writing it.

DIRECT EXAMINATION OF TOM CARTER BY MS. STAGGS

1 Q What was her demeanor during that meeting?

2 A She was -- I can't say she was calm. She
3 seemed to be a little upset. And then, I didn't
4 really pay too much attention after she started
5 writing the statement. Because I got up and I left
6 and I went back to the front office to inform the
7 school staff that I was going to have to call DSS
8 into this, this case.

9 Q Did you call DSS?

10 A I went up there because I didn't want to
11 talk on the phone. I wanted to talk to
12 Ms. Robinson, who's the head -- the director, I
13 wanted to talk to her personally. So I got in my
14 car and I drove up there and I told her what was
15 going on at the school and the severity of it and
16 that I needed someone from DSS to get involved. And
17 she sent Mary Carter to the school.

18 Q Ms. Carter any relation to you, sir?

19 A No, ma'am.

20 Q So, Ms. Carter came to the school and
21 then, what did you do?

22 A So when I got back, I went to check back
23 on [REDACTED] to see about the statements. And once
24 again, she wrote about half a page and stopped. And
25 I asked Emily, Why you didn't wrote the whole

DIRECT EXAMINATION OF TOM CARTER BY MS. STAGGS

1 statement out? And she said, Well, I can't. And
2 she began to tell me why she didn't want to write
3 the statement out. And I said -- I stopped her, I
4 said, Well, I'll tell you what you do, put it in
5 writing why you don't want to do the statement. And
6 she did.

7 Q But you were aware of what happened. Did
8 she ever tell you or write in her statement where
9 these incidents -- or where the incident she was
10 talking about had happened?

11 A It was at, I think, [REDACTED] Terry Road.

12 Q What county is that in?

13 A That's in Allendale County.

14 Q Okay. So, once DSS got involved, what did
15 y'all determine about this situation with [REDACTED]?

16 A Well, after Ms. Carter interviewed
17 Miss [REDACTED], we got back together. And first thing
18 determined was that she was not going to be allowed
19 to go back to the home and that she would have to
20 have a forensic interview at Hope Haven.

21 Q And who usually picked [REDACTED] up from
22 school? Were you aware of who usually picked her
23 up?

24 A The school said that her stepfather picks
25 her up and drops her off in the mornings.

DIRECT EXAMINATION OF TOM CARTER BY MS. STAGGS

1 Q So, did y'all let her go home with her
2 stepfather that day?

3 A No, ma'am, we did not. The school had a
4 concern who was going to talk to the stepfather that
5 afternoon, because it was close to time of picking
6 the child up. And I informed them, I said, I know
7 the Bishop, I said, I'll stay and talk to him about
8 it and let him know what went on today.

9 Q Okay. But was somebody else contacted to
10 come and pick [REDACTED] up?

11 A They contacted her grandparents on her
12 mother's side.

13 Q Okay. So, the Defendant, Bobby Jones, did
14 show up to pick her up that day?

15 A Yes, he did.

16 Q All right. And do you have a prior
17 relationship with him, do you know him?

18 A Yes.

19 Q How do you know him?

20 A We went to school together, we played
21 sports together and he's from the community. Know
22 him well and I consider us to be pretty good
23 friends.

24 Q So you decided you'd be the one to notify
25 him that he couldn't take her home?

DIRECT EXAMINATION OF TOM CARTER BY MS. STAGGS

1 A Yes.

2 Q And then, what did you do? Where did
3 y'all meet?

4 A When he pulled up, I went outside to his
5 car and I asked him -- I told him, Bobby, I need to
6 talk to you a minute, come inside. And he did, we
7 went inside to that same office where [REDACTED] and I
8 had talked. Nobody was in there. And when we got
9 in there, he said, Sheriff, what's wrong? And I
10 said, Bobby, it's not good. I said --

11 Q Okay. Let me stop you there. Y'all were
12 in the school in the office. So, he came in and
13 talked to you voluntarily?

14 A Yes.

15 Q Okay. Was anybody else there with you?

16 A No.

17 Q Was he free to go during that meeting?

18 A Yes, he wasn't under arrest or nothing.

19 Q Did you advise him of his Miranda rights?

20 A No, I did not.

21 Q Why not?

22 A Well, I was really trying to come up with
23 a reason that why [REDACTED] came to school with that
24 story about what had happened. It just didn't seem
25 right at the time. And knowing Bobby and who he is,

DIRECT EXAMINATION OF TOM CARTER BY MS. STAGGS

1 I guess, I had reservations about it.

2 Q So it wasn't an interrogation?

3 A No, it wasn't an interrogation. I was
4 trying to come up with why she did it, you know.

5 Q Okay. And he didn't seem to be under the
6 influence of any alcohol or drugs that day that
7 would have impaired his ability to understand what
8 was happening or talk to you?

9 A No, ma'am.

10 Q And you never made any threats or promises
11 to him?

12 A No, ma'am.

13 Q Okay. And when y'all were in that room,
14 what had -- what did you say to the Defendant after
15 that?

16 A Okay. After I told him that it wasn't
17 good, the next thing I said, I said, Bobby, I said,
18 have you and your stepdaughter been arguing or
19 getting along well? And that's when he proceeded to
20 tell me, he said, Me and my wife was discussing
21 about sex and boys with her because we discovered
22 that she was using a magic marker, putting it in her
23 vagina, is what he said, and that we decided to get
24 her a dildo -- excuse me, a vibrator and I taught
25 her how to have sex, I was trying to teach her how

DIRECT EXAMINATION OF TOM CARTER BY MS. STAGGS

1 to have sex.

2 Q Okay. And that's what he told you? He
3 told you --

4 A Yes.

5 Q What did you say after he said that?

6 A I really didn't know what to say because
7 it caught me off guard. I wasn't looking for him to
8 say that. And I didn't show no emotion, I didn't
9 show no anything. I didn't have no kind of facial
10 expression or anything, I just kept on talking. And
11 then, shortly after that, Ms. Carter arrived, so she
12 came in to speak with him.

13 Q Okay. All right. And why didn't you
14 arrest him that day?

15 A Actually, I didn't -- I didn't have
16 nothing to arrest him for -- or with. Because, like
17 I said, I was just interviewing him to see, try to
18 establish any kind of probable cause of why she
19 would say that. It would have been his word against
20 mine at that point.

21 Q So you thought there needed to be more
22 investigation?

23 A Right. I knew there was going to have to
24 be an investigation done.

25 Q Okay. And so, after you decided -- after

DIRECT EXAMINATION OF TOM CARTER BY MS. STAGGS

1 that, you left?

2 A No, ma'am, I did not left. I stayed until
3 Ms. Carter was finished with her interview.

4 Q That's right, excuse me. But the
5 Defendant did leave, he was free to leave?

6 A Yes. Matter of fact, we walked out
7 together.

8 Q Okay. And what did you do after that in
9 regards to this case? Did you meet with anybody to
10 talk to them about it?

11 A Yes.

12 Q And who was that?

13 A That was solicitor, Solicitor Williams.

14 Q Okay. And did you make any determination
15 with him about how the case should proceed?

16 A Well, I told him what we had so far to see
17 what we needed to do or which way we needed to go
18 with this case. And he said, Well --

19 MR. CULLER: Objection, Your Honor,
20 hearsay.

21 THE COURT: Sustained.

22 BY MS. STAGGS:

23 Q Without telling me what he said, what did
24 y'all decide to do?

25 A Okay. He decided to call SLED, which he

DIRECT EXAMINATION OF TOM CARTER BY MS. STAGGS

1 did.

2 Q And why was that decision made?

3 A Because he said Bobby --

4 MR. CULLER: Objection, Your Honor. Same
5 objection.

6 THE COURT: Sustained.

7 Go ahead.

8 BY MS. STAGGS:

9 Q If you can tell me why that decision was
10 made without telling me what anybody said?

11 A Because of the friendship that Bishop
12 Jones and I had.

13 Q So maybe it would be better for an
14 independent agency to investigate?

15 A Correct.

16 Q Okay. And then, one more question for
17 you, Sheriff, do you see the man in this room today
18 that told you that he used a vibrator on [REDACTED]

19 [REDACTED]?

20 A Yes, ma'am.

21 Q Will you say his name and point him out to
22 me, something he's wearing?

23 A Bobby Jones, white suit, brown shirt,
24 brown and white tie.

25 MS. STAGGS: Thank you, Sheriff.

DIRECT EXAMINATION OF TOM CARTER BY MS. STAGGS

1 Judge, I'd ask that the record reflect
2 that the witness has identified the Defendant.

3 THE COURT: So noted.

4 MS. STAGGS: Thank you, Sheriff. I don't
5 have anymore questions.

6 CROSS EXAMINATION

7 BY MR. CULLER:

8 Q Sheriff Carter, Mr. Jones has been a
9 member of this community, you've known him for a
10 long time?

11 A Yes, sir.

12 Q You've always thought well of him; is that
13 correct?

14 A Yes, sir.

15 Q He had a program at the school through his
16 church and different agencies; is that correct?

17 A Correct.

18 Q Always been around a lot of children, is
19 that correct, through the schools?

20 A Through the schools.

21 Q No other allegations ever against him; is
22 that correct?

23 A None that I know of.

24 Q None were brought to your attention by DSS
25 or any other law enforcement or teachers?

CROSS EXAMINATION OF TOM CARTER BY MR. CULLER

1 A No, sir.

2 MR. CULLER: Thank you, Sheriff.

3 MS. STAGGS: No redirect, Your Honor.

4 Thank you.

5 THE COURT: Thank you. You may step down,

6 Sheriff.

7 WITNESS: Thank you.

8 THE COURT: Call your next witness.

9 MS. LUTTRELL: Yes, Your Honor, the State

10 calls Mary Carter.

11 Thereupon,

12 MARY CARTER

13 was called as a witness, having been first duly sworn,

14 was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MS. LUTTRELL:

17 Q Good morning.

18 A Good morning.

19 Q Would you please introduce yourself to the

20 jury?

21 A My name is Mary Carter.

22 Q And where do you currently work, Ms.

23 Carter?

24 A I'm currently employed at The Continuum of

25 Care.

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 Q Did you previously work at the Department
2 of Social Services, DSS?

3 A Yes, I did.

4 Q How long did you work for DSS?

5 A I worked for DSS for 16 years.

6 Q Sixteen?

7 A Yes.

8 Q Were you ever working for DSS in Allendale
9 County?

10 A Yes.

11 Q And what years did you work here in
12 Allendale County?

13 A I believe it was 2006 to 2016.

14 Q What other county did you work for DSS?

15 A I worked in Barnwell County.

16 Q Do you live in Allendale County?

17 A No, ma'am.

18 Q What county do you live in?

19 A In Bamberg.

20 Q When you were working for DSS, what was
21 your job title?

22 A I was a human service specialist two.

23 Q And what are the job responsibilities of
24 that position?

25 A I was responsible for doing intake. I was

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 responsible for the family preservation cases, which
2 is the treatment cases. I was a foster care
3 licensing worker and I was also a foster care
4 worker.

5 Q What kind of situations do someone in your
6 position -- or your previous position with DSS, what
7 kind of situations do you get involved with?

8 A We get involved with children with abuse
9 and neglect, physical abuse, mental injury, sexual
10 abuse, we get involved with those type cases.

11 Q How do you get involved in those cases?

12 A We normally get a report, it either comes
13 in from fax, email or face-to-face, and that
14 individual will let us know what concerns they have
15 for abuse and neglect.

16 Q Are those reports always from law
17 enforcement or other individuals as well?

18 A They are from other individuals as well.

19 Q When you -- in your previous work at DSS,
20 when you would get a case, what is the processes you
21 would follow for that case?

22 A So, whenever an intake comes in and
23 staffed with our supervisor. Once it's staffed with
24 the supervisor, it's then given to a worker.

25 Q What does staffed mean?

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 A So they staff the allegations that came in
2 to see if it meets the criteria for abuse and
3 neglect.

4 Q So, you review it with someone else, you
5 guys go over the facts that you're presented?

6 A Yes.

7 Q After a case is staffed, how does an
8 investigation proceed?

9 A So, once the case is staffed, the
10 investigation proceeds by the investigator going out
11 to respond to the report within zero to two hours or
12 either 12 to 24 hours, depending on the nature of
13 the report.

14 Q When you were with DSS, did you perform
15 that investigation role?

16 A Yes, I did.

17 Q And does DSS work closely with law
18 enforcement in these types of cases?

19 A Yes, they do.

20 Q Once you're doing your investigation,
21 what's the next step?

22 A So once you're doing the investigation,
23 you ask?

24 Q Uh-huh. (Indicating affirmatively.)

25 A So, once you're doing the investigation,

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 you go out and talk with the alleged victim, you
2 talk with the alleged perpetrator and you talk with
3 any other collateral contacts that the family gives.

4 You may make referrals to places like Hope Haven,
5 the ARC in Columbia for cases that are sexually
6 abuse related or physically abuse related. Also,
7 mental health examinations are done -- not
8 examinations, but referrals done to mental health.
9 And sometimes, if alcohol and drug is needed for the
10 parent or the youth, then a referral is made to
11 those agencies, and also the Cumbee Center for
12 domestic violence and sexual assault cases as well.

13 Q So, once you complete your investigation,
14 what happens?

15 A So, once I complete my investigation, it
16 goes into treatment mode.

17 Q What does that involve?

18 A So, the treatment could be mental health
19 counseling, it could be family counseling for
20 individual and family. It could be alcohol and drug
21 assessment. It could be a referral to the Cumbee
22 Center for domestic violence or sexual assault or
23 any other referral or recommendation from a medical
24 provider that's needed during that particular time.

25 Q Now, part of the investigation when DSS

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 gets involved, do you typically go in front of a
2 judge and discuss where the child is to live during
3 this investigation?

4 A Typically, what we do if there is a
5 concern for the safety of a child during the
6 investigation, it is staffed with law enforcement.
7 Law enforcement will make a decision whether to EPC,
8 which means to bring the child into emergency
9 protective custody, at that particular time. So, a
10 law enforcement officer has the right to say bring
11 them in or place them with relatives.

12 Q And what type of situations -- when you
13 say concerns for the child's safety, what type of
14 situations would that be?

15 A That would be a situation of sexual abuse,
16 that would be severe physical abuse, as well as
17 alcohol addiction of that particular caregiver or
18 parent.

19 Q Is that typically when the offender is
20 living in the home with the victim?

21 A Yes.

22 Q So, then at that point, the child is
23 typically removed from the home to protect them?

24 A That's correct.

25 Q And do you, as a DSS worker, would you get

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 involved in any Family Court proceedings?

2 A Yes.

3 Q What is your involvement with Family
4 Court?

5 A So, in the Family Court proceedings is
6 when we petition the court to let them know that we
7 want to order a treatment plan based upon the
8 allegations that were received to DSS, to say we
9 want a court order this parent or caregiver to
10 participate in services such as mental health,
11 alcohol and drug, any type of therapy or medical
12 follow-up that was done during our investigation.

13 Q And as the DSS worker on the case, would
14 you participate in Family Court hearings?

15 A Yes.

16 Q Would you testify in those hearings?

17 A Yes, I would.

18 Q Would you obtain or be present for any
19 orders coming out of those hearings from a Family
20 Court judge?

21 A When you say be present, what do you mean?

22 Q Would you be aware of the orders that a
23 Family Court judge would make in reference to a
24 case?

25 A Yes, I would.

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 Q Do those become part of your DSS file?

2 A Yes, they do.

3 Q Now, I want to go back to 2013. Were you
4 working for DSS in Allendale at that time?

5 A Yes, I was.

6 Q Did you get involved in a case involving
7 Emily Flowers?

8 A Yes.

9 Q How did you get involved?

10 A We got a report of allegations of sexual
11 abuse against [REDACTED] -- against her stepdad, Bobby
12 Jones, during that particular time.

13 Q Prior to getting involved in this case,
14 did you know Bobby Jones, Sr.?

15 A I knew him, but I --

16 Q Did you know him personally?

17 A No, I did not.

18 Q Had you ever heard of him?

19 A I just heard his name.

20 Q Okay. What about [REDACTED], did you
21 know her?

22 A No, ma'am.

23 Q Did you know Brenda Jones --

24 A No.

25 Q -- [REDACTED]'s mother?

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 A And who?

2 Q [REDACTED]'s mother?

3 A Oh, no, ma'am.

4 Q Okay. After you got this report, what did
5 you do?

6 A I responded to the report by going out to
7 Allendale-Fairfax High School on the 4th of March,
8 2013. And I spoke with [REDACTED] by herself in the
9 office at Allendale-Fairfax High School.

10 Q When you spoke with [REDACTED], what was her
11 demeanor?

12 A She seemed very sad. She had her head
13 down, maybe like she was tired, or just so much had
14 been going on during that particular time.

15 Q Back in 2013 when you received this report
16 and spoke with [REDACTED], do you know how old she was?

17 A I can't remember exactly how old she was.

18 Q Would that be something in your DSS file?

19 A Yes.

20 Q Would it help to refresh your memory if
21 you were able to look at that file?

22 A Sure.

23 MS. LUTTRELL: Your Honor, may I approach
24 the witness?

25 THE COURT: You may.

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 BY MS. LUTTRELL:

2 Q It's quite heavy.

3 MS. LUTTRELL: Do you need to look at
4 this?

5 MR. WALTERS: No.

6 BY MS. LUTTRELL:

7 Q It's quite thick, but there are some tabs
8 to help direct you. And when you're done reviewing,
9 just look up.

10 A Okay. I think she was 15.

11 Q Pardon?

12 A I think she was 15.

13 Q Fifteen?

14 A Uh-huh. (Indicating affirmatively.) Yes,
15 15.

16 Q Do you document her date of birth in your
17 DSS file?

18 A Yes.

19 Q What is her date of birth?

20 A Her date of birth is [REDACTED], 1998.

21 Q What day did you meet with her?

22 A I met with her March the 4th.

23 Q So, she was just prior to her 15th
24 birthday?

25 A Yes.

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 Q When you met with [REDACTED] who -- was anyone
2 else in the room when you met with her?

3 A When I met with [REDACTED], it was just [REDACTED]
4 and myself.

5 Q What did she tell you?

6 A During that particular time, [REDACTED] shared
7 with me that she and her stepdad, Bobby Jones, had
8 did it. She stated to me that they had touched each
9 other all over their bodies. She stated to me, he
10 asked her, Do you want me to show you the way of
11 life, and she said yes. And he showed her how to
12 use the vibrator. And she told me that he put the
13 vibrator inside her vagina area during that
14 particular time.

15 She also disclosed that her mother
16 did not know about it and that Mr. Jones was going
17 to kill himself, had a gun to his head because he
18 didn't want people to know what him and [REDACTED] had
19 done. And that she was afraid that he wouldn't be
20 able to buy them things, that she wouldn't be able
21 to go places, her mother wouldn't be happy, her
22 brother wouldn't be happy and she didn't want to
23 ruin things for him. So she didn't want it to be
24 known that -- Ms. Jones didn't want it to be known
25 that she and her stepdad had did it together.

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 Q Did she tell you where this abuse
2 occurred?

3 A Yes, she did.

4 Q What did she tell you?

5 A She told me it happened in her room.

6 Q Now, as part of your discussions with
7 [REDACTED], you said you asked her if her mother knew?

8 A Yes, I did.

9 Q What did she tell you?

10 A She said her mother was not aware that
11 Mr. Jones had showed her how to use the vibrator or
12 actually demonstrated to her as well.

13 Q Did you ask her if she told her mother
14 after it happened?

15 A Yes, I did.

16 Q What did she say?

17 A She said she told her mother after it
18 happened and her mother got very upset. She called
19 him Bishop or Rev at that particular time.

20 Q That's what [REDACTED] called him?

21 A That's what Ms. Jones called Bishop or
22 Rev, is what she was referring to him when [REDACTED]
23 told her.

24 Q While you were speaking with [REDACTED] at the
25 school, did Bobby Jones arrive?

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 A Yes, he did.

2 Q What did you do at that point?

3 A So, I was interrupted, I was interviewing
4 her. So, I was called out to go and speak with him,
5 Mr. Jones in a separate room, and I went to talk to
6 him.

7 Q And what happened during that conversation
8 with Mr. Jones?

9 A Mr. Jones disclosed to me that he did have
10 a vibrator, that he showed [REDACTED] how to use it. He
11 disclosed to me that [REDACTED]'s pants and her panties
12 were down during that particular time.

13 Q Did he describe where exactly they were
14 when this happened?

15 A I asked him where they were and he told me
16 that [REDACTED] was in the room on her bed facing him
17 with her pants and panties down.

18 Q Did he say anything about the lights being
19 on or off?

20 A During that time, he did say that the
21 lights were off and the TV was also off.

22 Q Did he say anything else about why he
23 showed her how to use the vibrator?

24 A He said that he showed her how to use the
25 vibrator because she had a high sex drive and that

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 he wanted to show her how to do it since she had
2 been using a magic marker to satisfy herself.

3 Q Did he say anything else about her sex
4 drive?

5 A He disclosed that during that particular
6 time that he also watched or saw her in her room
7 using a magic marker and had disclosed to her mom
8 that she was using a magic marker as well.

9 Q Now, after speaking with the Defendant,
10 what did you do next?

11 A After speaking with him, I went back and
12 spoke to [REDACTED] again.

13 Q What happened during that conversation
14 with Emily?

15 A [REDACTED] disclosed that, you know, she was in
16 the room with her stepdad and that he had used the
17 dildo -- sorry, the penis -- the vibrator on her.
18 Her mother was not aware of it. She said that
19 during that time that, you know, she was in the room
20 with him, they were rubbing each other on their
21 shoulders and that, you know, again, she mentioned
22 about him just being there with her in the room by
23 herself.

24 Q And this second conversation, was that
25 just picking back up from when you were interrupted

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 that same day?

2 A Yes, it was the same day.

3 Q Did she say anything about what her mom
4 was doing in response to this knowledge?

5 A Well, when [REDACTED] told one of her friends,
6 one of the friends called the mom and told her mom
7 that --

8 MR. WALTERS: I'm going to object. I
9 think she's stating what one of her friends
10 told.

11 THE COURT: Sustained.

12 BY MS. LUTTRELL:

13 Q Without telling me what anyone told the
14 mother, what did Brenda Jones do in response to
15 finding out about the Defendant using a vibrator on
16 her?

17 A So, [REDACTED] told me that her mom started
18 sleeping with her after this incident happened and
19 she got very mad with Bishop or Rev, as she
20 referenced him, to Mr. Jones, about showing and
21 using the vibrator on [REDACTED].

22 Q Now, after you were done talking with
23 [REDACTED] and Bobby Jones -- well, first, was Brenda
24 Jones ever contacted that day?

25 A Yes, she was contacted.

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

- 1 Q Okay. Is that standard procedure?
- 2 A That is standard procedure for DSS.
- 3 Q Was Brenda Jones in town at the time?
- 4 A She was not in town, she was out of town.
- 5 Q Okay. So, was Bobby Jones able to take
- 6 Emily home with him that day?
- 7 A No, he was not.
- 8 Q Where did she go?
- 9 A [REDACTED] went to stay with Mr. and Ms. Kirby,
- 10 which is Ms. Jones' parents.
- 11 Q Did the Defendant go home as far as you
- 12 know?
- 13 A As far as I know, Mr. Jones went home.
- 14 Q What was your next steps in your
- 15 investigation in this case?
- 16 A Our next step was to make contact with
- 17 Ms. Jones, and we did that the following day at the
- 18 DSS office. We also made more contact with
- 19 Mr. Jones at our office on that next day as well.
- 20 The further steps were done was asking the parent,
- 21 Ms. Jones, to have [REDACTED] assessed at Hope Haven.
- 22 So, she went to Hope Haven to get an assessment to
- 23 determine if sexual abuse happened to her and she
- 24 also received a medical assessment, too.
- 25 Q Now, you said that you met with both

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 Brenda and Bobby Jones. Did Bobby Jones come to the
2 DSS office with Brenda Jones?

3 A Yes, he did.

4 Q And that was the next day, March 5th?

5 A Yes, it was the 5th of March.

6 Q During that meeting, did you talk to the
7 Defendant again?

8 A Did I talk with Bobby Jones again? Yes, I
9 did.

10 Q What did he say on March 5th to you?

11 A On March 5th, Mr. Jones said that --

12 Q I know it's been five years. Would it
13 help to refresh your memory with your DSS notes?

14 A Yes, that's fine.

15 Q If you want to take a moment to refresh
16 your memory and then look up when you're done.

17 A (Witness complied.)

18 Q What did Mr. Jones, Bobby Jones say to you
19 during the second meeting at the DSS office?

20 A Mr. Jones disclosed that in [REDACTED]'s room,
21 the TV and the lights were off during that time. He
22 also said that she was shy and she did not want
23 anybody to see her body nude. During that
24 particular time, Mr. Jones said that [REDACTED] told him
25 that she was ready for him to show her how to use

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 the vibrator.

2 Q Did you ask him particularly who was using
3 the vibrator, whose hands were on the vibrator when
4 it was being used?

5 A Yes, I did.

6 Q And what did he say?

7 A Mr. Jones said that his hand was actually
8 on the vibrator.

9 Q During your investigation, do you
10 typically do any type of home visit?

11 A Yes.

12 Q What is a home visit, what is the purpose?

13 A So, when DSS does a home visit, we're
14 going to check the safety of the child that's going
15 to be staying there, so we check for lights, running
16 water, for food, adequate sleeping arrangements. We
17 ask for any weapons if they're in the home. And in
18 some cases, if they do have a weapon, we ask to see
19 if it's locked up or is it in a secure spot so the
20 child can't get to it.

21 Q And if a child is removed from a home, do
22 you do home visits both in the home where they were
23 previously living when the abuse occurred and the
24 new placement as well?

25 A So, typically, what we do is go to where

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 the child is at and we do home visits there. And we
2 also have visit at homes where the child was removed
3 from the home, also.

4 Q Did you do that in this case?

5 A Yes.

6 Q When you went to the Jones' home, do you
7 remember the address where you visited?

8 A I don't remember the address.

9 Q Is it in your report?

10 A Sure.

11 Q Would you take a moment to the review your
12 report?

13 A Uh-huh. (Indicating affirmatively.)

14 Q Where was the address that you visited for
15 the home visit?

16 A The address is [REDACTED] Terry Road, Fairfax.

17 Q Is that in Allendale County?

18 A Yes, it is.

19 Q When you visited that address, who did you
20 meet with?

21 A I met with Ms. Jones and Mr. Bobby Jones.

22 Q So, you did a second -- or had a third
23 conversation, at this point, I guess, with Bobby
24 Jones, Sr.?

25 A Yes.

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 Q What happened during that conversation
2 with him?

3 A During that conversation with him, he
4 showed me when I asked him to show me where him and
5 [REDACTED] were at. And he told me -- he walked me to
6 the room and showed me where they were at on her bed
7 in her room is what he said to me. He also said
8 during that particular time that he didn't do
9 anything that was wrong, but he continued to say
10 that they were in the room together and her mother
11 was not aware of it.

12 Q Okay. So, he took you in [REDACTED]'s room?

13 A Yes.

14 Q And when you say he showed you where [REDACTED]
15 was, what did he say exactly?

16 A He said that [REDACTED] was facing him with her
17 pants and panties down.

18 Q And again, did he talk about the vibrator?

19 A Yes, he did.

20 Q What did he say about the vibrator?

21 A I'm sorry, Ms. Jones, I believe said that
22 the vibrator was burned when I asked her about it.

23 Q Someone burned the vibrator?

24 A Yes.

25 Q Did Mr. Jones tell you anything else about

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 using the vibrator on [REDACTED] when you were at the
2 home?

3 A Do you mind if I reflect in the notes
4 right quick?

5 Q Yes, if it helps you to refresh your
6 memory, please review your notes. I believe it's on
7 Page 31 of 80 in your notes for DSS.

8 A Can you repeat your question?

9 Q Sure. Did he say anything else about
10 using the vibrator on [REDACTED] when you were in the
11 bedroom with him at their home?

12 A I was just looking through here to see,
13 but from what I recall, I do remember Mr. Jones
14 saying to me that [REDACTED]'s mother was home, but she
15 was not aware of what happened. She was in a room
16 sleep and so was the son. They were not aware of
17 what happened with [REDACTED] during that particular
18 time.

19 Q Now, after you conduct your home visit,
20 did you also take [REDACTED] to a forensic medical exam?

21 A Yes.

22 Q Is that standard procedure in these types
23 of cases?

24 A It is.

25 Q And during your investigation, do you --

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 as part of DSS, do you create something called a
2 safety plan?

3 A Yes.

4 Q And part of that safety plan, does that
5 address whether or not the offender should have any
6 contact with the victim?

7 A That's correct.

8 Q And what was the order in this case in
9 reference to having contact with [REDACTED]?

10 A So the safety plan stated for Mr. Jones
11 not to have any contact with [REDACTED] during this
12 particular time. And, also, it was stated for Ms.
13 Jones to be supervised.

14 Q And did both of them, both Brenda Jones
15 and Bobby Jones, Sr. sign that safety plan?

16 A Yes.

17 Q In addition to the safety plan, did you
18 also attend a Family Court hearing regarding this
19 matter?

20 A Yes, I did.

21 Q Did you testify in that court hearing for
22 this case?

23 A Yes, I did.

24 MS. LUTTRELL: Your Honor, may I approach?

25 THE COURT: Certainly.

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 BY MS. LUTTRELL:

2 Q Ms. Carter, I'm showing you what's been
3 premarked for identification purposes as State's
4 Exhibit 4. Would you take a look at that? Do you
5 recognize that?

6 A Yes, ma'am.

7 Q Do you recognize the names of the parties
8 on that document?

9 A Yes.

10 Q And first, what is that document?

11 A This document is an order that was signed
12 by the judge. Once DSS has taken the case to court,
13 they have recommendations that abuse and neglect
14 occurred and they implement it in the court order.

15 Q So that's a court order in front of you?

16 A Yes.

17 Q And what are the names of the parties on
18 that court order?

19 A We have the plaintiff as Brenda Jones,
20 Bobby Jones, Levi Flowers, in the interest of [REDACTED]
21 [REDACTED] and [REDACTED].

22 Q What is the case number on that document?

23 A The case number on this document is
24 2013-DR-03-43.

25 Q Do you see your name on that document?

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 A Yes, ma'am.

2 Q What are you listed as?

3 A I'm listed as Allendale County DSS.

4 Q Is that a fair and accurate copy of the
5 order signed by Judge Smoak in the Family Court
6 hearing for this case?

7 A Yes, ma'am, it is.

8 MS. LUTTRELL: Your Honor, at this time,
9 the State seeks to admit State's Exhibit 4 into
10 evidence?

11 MR. WALTERS: No objection, Your Honor.

12 THE COURT: Admitted without objection.

13 *(Whereupon, State's Exhibit No(s). 4 was*
14 *marked for identification and received in*
15 *evidence.)*

16 BY MS. LUTTRELL:

17 Q Ms. Carter, I'll ask you to turn your
18 attention to the section that says order of law, I
19 believe. It's on the third page, I believe, where
20 it lays out the judge's order and conclusion?

21 A Yes.

22 MS. LUTTRELL: Your Honor, at this time, I
23 would ask that the witness be able to publish a
24 section of that document to the jury?

25 THE COURT: Certainly.

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 BY MS. LUTTRELL:

2 Q Ms. Carter, would you please read the
3 section that dictates what the Family Court judge
4 ordered in the Family Court case?

5 A It was ordered the Defendant, Bobby Jones,
6 name shall be entered into the central registry of
7 child abuse and neglect with a finding of sexual
8 abuse. The defendant, Brenda Jones, name shall be
9 entered into the SCDSS database with a finding of
10 threat of harm of sexual abuse. Temporary legal and
11 physical custody of the minor children, [REDACTED]
12 [REDACTED] and [REDACTED], shall remain with the
13 defendant, Brenda Jones. Defendant, Levi Flowers'
14 visitation with the minor children, [REDACTED]
15 and [REDACTED], shall continue as stated in the
16 final divorce decree, case number 2006-DR-06-138.
17 The treatment plan outlined in the body of this
18 order shall be adopted as the order of this court.
19 The defendant, Brenda Jones, shall comply with the
20 treatment plan. Defendant, Bobby Jones, shall
21 continue to be restrained and enjoined from having
22 any contact with the minor child, [REDACTED] and [REDACTED]
23 [REDACTED]. Any prior orders not inconsistent with
24 this order shall remain valid and enforceable. The
25 attorney for the guardian ad litem shall be paid

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 pursuant to statute and subject to the availability
2 of funds. This matter shall be reviewed according
3 to statute.

4 Q And what date was that order signed?

5 A August the 19th, 2013.

6 Q And by who was it signed?

7 A It was signed by the Honorable Gerald
8 Smoak.

9 Q So that conclusion of law there, is that
10 what Judge Smoak found as a result of the hearing
11 you were in attendance of in Family Court?

12 A Yes.

13 Q After the Family Court hearing and your
14 investigation concluded, did that end your
15 involvement in this case?

16 A Yes, it did.

17 Q Do you see the person who told you that he
18 used a vibrator on [REDACTED] in the courtroom
19 today?

20 A Yes, I do.

21 Q Would you please state his name and point
22 out where he is sitting?

23 A His name is Mr. Bobby Jones and he's
24 sitting over here.

25 MS. LUTTRELL: Your Honor, please let the

DIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 record reflect the witness has identified the
2 Defendant.

3 THE COURT: So noted.

4 MS. LUTTRELL: No further questions.

5 MR. WALTERS: May it please the Court.
6 Solicitor.

7 CROSS EXAMINATION

8 BY MR. WALTERS:

9 Q It's still morning. Good morning,
10 Ms. Carter, how are you?

11 A Good morning.

12 Q Ms. Carter, I believe the last time that I
13 saw you in a courtroom was before the Honorable
14 Gerald Smoak; is that correct?

15 A Yes.

16 Q All right. And you just referred to this
17 order that was signed by the judge. Do you still
18 have it in front of you?

19 A Yes.

20 Q Okay. Let's make sure the jury is clear
21 about what this order is for. Would you read for
22 the jury the title of the order?

23 A Family Court, 14th Judicial Circuit.

24 Q Okay. And it also says it's an order of
25 nonemergency removal; is that correct?

CROSS EXAMINATION OF MARY CARTER BY MR. WALTERS

1 A Yes, sir.

2 Q All right. So -- and you've done this
3 probably a hundred times for DSS where someone makes
4 an allegation, you appear before the Family Court
5 and you do your job and you do it well and you come
6 in and testify and the judge says the children have
7 to leave the home; is that right?

8 A That is correct.

9 Q And in this particular case, based on the
10 allegations that were made and what was said, the
11 judge made a decision that these children should go
12 live with the maternal grandparents; is that right?

13 A Yes, that's correct.

14 Q Now, let's go back to the beginning of
15 what happened in this particular case. You had been
16 employed with DSS probably a little over 10 years at
17 that time; is that correct?

18 A That's correct.

19 Q And any time you receive a report of any
20 type of abuse, I believe that you referred to
21 yourself as a human services specialist, that's a
22 very important position, isn't it?

23 A Yes, sir, it is.

24 Q And in serving in that capacity, if you
25 receive information about the abuse and neglect of

CROSS EXAMINATION OF MARY CARTER BY MR. WALTERS

1 children, you have to react. And if someone makes a
2 report about them in person, you have to react; is
3 that correct?

4 A Yes, sir.

5 Q All right. In serving as a human services
6 specialist, what happens is that you go in to
7 determine if there was abuse or neglect and you
8 conduct an investigation; is that right?

9 A Yes, sir.

10 Q All right. And of course, you said that
11 it goes through the intake process. And in this
12 particular case, there was a very serious
13 allegations, would you agree?

14 A Yes, sir.

15 Q Now, let's address some of the background
16 with regards to this particular matter. You were
17 aware of the fact that there were issues with
18 regards to Emily; is that right?

19 A What do you mean?

20 Q That she had been ramming magic markers
21 into her vagina?

22 A Are you asking if that was brought to my
23 attention during intake?

24 Q Well, during the course of the
25 investigation, this was brought to your attention;

CROSS EXAMINATION OF MARY CARTER BY MR. WALTERS

1 is that right?

2 A Yes, sir.

3 Q All right. And this girl who, 14 years
4 old, it was relayed to you that she was ramming
5 magic markers into her vagina?

6 MS. LUTTRELL: Objection, Your Honor, to
7 the use of ramming. I do not believe anyone
8 has testified using that descriptive word.

9 THE COURT: Sustained.

10 BY MR. WALTERS:

11 Q I'll use a more appropriate word, she was
12 placing magic markers in her vagina. You knew about
13 that and it was brought to your attention; is that
14 correct?

15 A Yes, sir.

16 Q All right. In addition to that, you were
17 also informed that there were problems with regards
18 to social media within this home and inappropriate
19 anatomy and things of that nature that were being
20 shared over the Internet by this child; is that
21 correct?

22 A I recall Mr. Jones telling me that she was
23 doing some things that her mother was not aware of
24 and he did not share with her.

25 Q Okay. Well, I want you to just answer my

CROSS EXAMINATION OF MARY CARTER BY MR. WALTERS

1 question. You can explain your answer. You were
2 aware that there were problems with social media and
3 anatomy that was being shared with this particular
4 child and boys in the community; is that correct?

5 A Mr. Jones did disclose that information.

6 Q All right. So, knowing about the issue
7 with regards to the magic markers, the issues with
8 regards to the social media, you were informed by
9 Mr. Jones in this particular case that he and his
10 wife agreed this child should have a vibrator; is
11 that right?

12 A It was my understanding from Mr. Jones
13 that Ms. Jones was not aware of what had happened
14 with him and [REDACTED]

15 Q I didn't hear you.

16 A It was my understanding from Mr. Jones
17 that Ms. Jones was not aware of him actually using
18 and showing [REDACTED] how to use the vibrator.

19 Q I'd ask that you please answer my
20 question.

21 A Okay.

22 Q You were informed, and in your
23 investigation, you determined that Reverend Jones
24 and his wife agreed that they would purchase this
25 child a vibrator?

CROSS EXAMINATION OF MARY CARTER BY MR. WALTERS

1 A I believe that's what it was, yes, sir.

2 Q All right. So, you had both of the
3 parents come together and say, based on this
4 behavior -- she also wanted a boyfriend; is that
5 correct?

6 A I don't recall that.

7 Q She also wanted to have sex; is that
8 correct?

9 A According to Mr. Jones, yes.

10 Q All right. So, we have a child that wants
11 to have sex, using magic markers and in addition to
12 that, there's inappropriate things being shown on
13 the Internet and both parents agree that we can
14 purchase a vibrator for the child; is that right?

15 A I can't recall who actually purchased it.

16 Q Okay. But in this particular case, there
17 was a purchase of a vibrator; is that right?

18 A There was.

19 Q All right. And in this particular case,
20 this child, they attempted to address an issue that
21 she had; is that right?

22 A According to Mr. Jones, yes.

23 Q Then you went out to the high school, you
24 interviewed [REDACTED] and [REDACTED] told you this story,
25 didn't she?

CROSS EXAMINATION OF MARY CARTER BY MR. WALTERS

1 A Yes, she did.

2 Q All right. But you were also present when
3 this hearing occurred in Family Court; is that
4 right?

5 A Yes, I was.

6 Q You were there, I was there, and also, the
7 young lady sitting over there, [REDACTED], was present at
8 that hearing, do you remember that?

9 A Yes, I do.

10 Q In fact, you got up and testified, and you
11 testified well, you did your job, and I
12 cross-examined you; is that correct?

13 A I can't remember who cross-examined me,
14 it's been such a long time ago.

15 Q I can give you a copy of the transcript if
16 you want to see it. But you were there, weren't
17 you?

18 A Yes, sir, I was there.

19 Q All right. And in addition to that, [REDACTED]
20 also testified; is that correct?

21 A Yes, she did.

22 Q All right. And I believe Attorney
23 Lugenbill was also present who was prosecuting cases
24 for DSS; is that right?

25 A He was, yes.

CROSS EXAMINATION OF MARY CARTER BY MR. WALTERS

1 Q You often worked with him because he
2 prosecuted cases over here out of his Bamberg
3 office; is that right?

4 A Yes.

5 Q All right. And I believe there was an
6 opportunity, after all the allegations were made and
7 all the bad things were said, to put [REDACTED] on the
8 stand and ask her what happened; is that correct?

9 A Yes.

10 Q [REDACTED] denied most of the things that you
11 said?

12 MS. LUTTRELL: Objection, Your Honor,
13 hearsay.

14 MR. WALTERS: I don't want to interrupt
15 Your Honor while you're thinking. I was going
16 to say something, but I'll be quiet and let you
17 think.

18 THE COURT: Sustain the objection.

19 BY MR. WALTERS:

20 Q Is it or is it not true that you've
21 interviewed children before and they've made one
22 allegation and recant the allegation?

23 A That is correct.

24 Q All right. And in this particular case,
25 that's what happened with [REDACTED]. She testified

CROSS EXAMINATION OF MARY CARTER BY MR. WALTERS

1 under oath and she recanted most of what she told
2 you?

3 MS. LUTTRELL: Objection, Your Honor,
4 hearsay.

5 THE COURT: Sustained.

6 BY MR. WALTERS:

7 Q In fact, in this particular case, [REDACTED]
8 was on the stand and she took an oath to tell the
9 truth, the whole truth, nothing but the truth, just
10 like you; is that right?

11 A That's correct.

12 Q How did you feel after this child denied
13 everything that you investigated and found out?

14 MS. LUTTRELL: Your Honor --

15 THE COURT: Sustain the objection.

16 MR. WALTERS: Your Honor, I have no
17 further questions.

18 THE COURT: Redirect?

19 MS. LUTTRELL: Briefly, Your Honor.

20 REDIRECT EXAMINATION

21 BY MS. LUTTRELL:

22 Q During your investigation, and in all of
23 these talks with the Defendant, when he told you
24 about these things going on in social media, did
25 anyone ever actually show you anything on social

REDIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 media?

2 A No.

3 Q Did [REDACTED] ever tell you anything about
4 things happening on social media?

5 A She did not.

6 Q So all of this information was only from
7 the Defendant?

8 A That's correct.

9 Q And information about [REDACTED] wanting to
10 have sex, who did that come from?

11 A That information came from Mr. Bobby
12 Jones.

13 Q Did [REDACTED] ever tell you she wanted to have
14 sex?

15 A She did not.

16 Q Did you ask [REDACTED] if she had ever had sex
17 with anyone but the Defendant?

18 MR. WALTERS: Object, Your Honor. She's
19 leading the witness. I believe the witness has
20 to testify as to the facts.

21 THE COURT: Sustain the objection.

22 MS. LUTTRELL: I'll rephrase, Your Honor.

23 BY MS. LUTTRELL:

24 Q Did you ever ask [REDACTED] about her -- who
25 she had sex with?

REDIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 A Yes, I did.

2 Q And what was her response?

3 A Her response was that she only had sex
4 with Mr. Bobby Jones.

5 Q And as part of your investigation, do you
6 also do an investigation into a victim -- or a child
7 victim's behavior at school?

8 A Can you say that again for me?

9 Q When you're doing an investigation for DSS
10 in these types of cases, do you also look at the
11 child's school records?

12 A Yes, we do.

13 Q What did you find in terms of [REDACTED]'s
14 school behavior and grades?

15 A Do you mind if I look back in the binder?

16 Q Sure. Sure.

17 A On 3/8/2013, [REDACTED] had a 70 in English, a
18 83 in global studies, 87 in writing, a 93 in JROTC,
19 a 93 in math, a 76 in physical science, a 94 in math
20 strats, and she had no behavioral problems.

21 Q So, she was a pretty good student?

22 A Yes.

23 Q Now, when did that Family Court hearing
24 that we were talking about earlier, when did that
25 occur?

REDIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 A The Family Court hearing took place on
2 June 13th, 2013.

3 Q And that was the hearing that both you and
4 ██████ testified during?

5 A Yes, if I remember correctly.

6 Q At that time in June of 2013, what was the
7 status of ██████'s living arrangements?

8 A If I remember correctly, she was still
9 residing with Mr. and Ms. Kirby, the maternal
10 grandparents.

11 Q So, she wasn't allowed to live with her
12 mom and her stepdad?

13 A That's correct.

14 Q What about her school, where was she going
15 to school at that point?

16 A She transferred from Allendale-Fairfax to
17 Barnwell High School.

18 Q Now, looking at that court document again,
19 State's Exhibit 4, which has been admitted into
20 evidence, turning to the conclusion page again and
21 number one on that page, what does that say, number
22 one?

23 A Number one says, the Defendant, Bobby
24 Jones name shall be entered into the central
25 registry of child abuse and neglect with a finding

REDIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 of sexual abuse.

2 Q Would you please explain to the jury what
3 is the central registry of child abuse and neglect?

4 A So, once it has been determined that a
5 child has been abused or neglected and it meets the
6 definition and criteria for the central registry,
7 that person's name is entered into the child
8 protective services system welfare system where it's
9 showing that they have violated a child or done
10 something to a child to cause them harm.

11 Q And in this case, who made that finding?

12 A This was done at the Family Court hearing.

13 Q And a circuit judge for Family Court made
14 that decision?

15 A Yes, ma'am.

16 Q So, did Bobby Jones have to register for
17 the central registry of child abuse?

18 A I'm not sure the process that happened
19 after that, but I do know that he was entered into
20 our system.

21 Q With a finding of sexual abuse?

22 A Yes.

23 MS. LUTTRELL: Thank you, Your Honor. No
24 further questions.

25 THE COURT: Recross?

REDIRECT EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 MR. WALTERS: May it please the Court.

2 RECROSS EXAMINATION

3 BY MR. WALTERS:

4 Q Let's talk about this finding. In
5 addition to that, not only was he brought into the
6 Family Court, he then was arrested and charged and
7 had to appear for criminal court, didn't he?

8 A Yes, sir.

9 Q Okay. And that's the normal procedure
10 that you go through, isn't it?

11 A Well, we don't go through the process, but
12 it's done through law enforcement.

13 Q You've handled hundreds of cases where
14 someone made an allegation, they appeared before the
15 Family Court, you testify. They then remove the
16 children from the home and then they're charged
17 criminally; is that correct?

18 A That's correct.

19 Q You ever had one go on for almost five
20 years?

21 A I believe this is the only one.

22 Q Right. Have you ever wondered why?

23 A No, sir.

24 Q Now, this child has always said that we
25 did it. Has this child ever stated to you that she

RE CROSS EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 had intercourse with her father -- stepfather?

2 A [REDACTED] disclosed to me that she and her
3 stepdad, that he had used a vibrator on her and a
4 penis is what [REDACTED] disclosed to me.

5 Q Well, explain to this jury -- because you
6 have a copy of the medical report. You have it in
7 your file?

8 MS. LUTTRELL: Objection, Your Honor,
9 outside of the scope of this witness's
10 expertise.

11 THE COURT: I sustain the objection.

12 MR. WALTERS: I have no further questions,
13 Your Honor.

14 MS. LUTTRELL: No further questions, Your
15 Honor.

16 THE COURT: Thank you. You may step down.
17 Jurors ready for a break?

18 THE JURY: Yes.

19 MS. LUTTRELL: Your Honor, may we approach
20 about scheduling?

21 THE COURT: Let me see if we're going to
22 take a long break or a short break.

23 (Off-the-record discussion held.)

24 THE COURT: The really bad news, I guess,
25 is that the State has only one witness left who

RE CROSS EXAMINATION OF MARY CARTER BY MS. LUTTRELL

1 won't be here until 2:00 because of some
2 complications with the witness.

3 It's a nurse?

4 MS. LUTTRELL: Yes, Your Honor.

5 THE COURT: So, we're going to take a
6 two-hour lunch break. See you back at 2:00,
7 ladies and gentlemen. Remember not to let
8 anyone talk to you about the case, you don't
9 talk to anybody about the case. See you back
10 at 2:00.

11 (Lunch recess.)

12 AFTERNOON PROCEEDINGS OF 7-11-2018

13 THE COURT: Somebody said, Charges.

14 Somebody said, I've got another matter.

15 MS. STAGGS: I just have one little
16 housekeeping matter, Judge, that I think out of
17 an abundance of caution, we should put on the
18 record. As Your Honor knows -- and I think
19 we'll all be in agreement. During the
20 Defendant's opening, they mentioned the Family
21 Court matter and I objected, and we discussed
22 it in a sidebar and I just don't think that got
23 put on the record.

24 I objected because it was the State's
25 position that we weren't going to reference the

COLLOQUY

1 Family Court matter because we didn't believe
2 it was relevant and that if the defense opened
3 that door, then, in fact, we would. And
4 subsequently, we did put in evidence related to
5 that proceeding. But I thought we should put
6 it on the record, that, you know, the defense
7 had consented and they -- you know, to us
8 putting that in in terms of its relevance.

9 THE COURT: Defense?

10 MR. WALTERS: May it please the Court,
11 Your Honor, as a strategic decision, we made a
12 decision that we were going to introduce the
13 testimony of the victim in this particular
14 case, where she denied that this event ever
15 occurred. So, under the circumstances, that's
16 exactly what happened.

17 THE COURT: So, in other words, we -- I
18 guess what I'm really trying to make sure is
19 you agree with the Solicitor's statement that
20 in a sidebar, we agreed to do that?

21 MR. WALTERS: Yes, Judge.

22 MS. STAGGS: Thank you, Judge.

23 THE COURT: And Mr. Culler, do you want to
24 talk about charges?

25 MR. CULLER: I didn't know what the Court

COLLOQUY

1 wanted to do about charges or planning or what
2 we have left.

3 THE COURT: I'm not sure what is
4 happening.

5 MS. STAGGS: If you'll just give me one
6 moment, I'll step out.

7 MS. LUTTRELL: I'll can tell you, the
8 State only has one more witness, which is Nurse
9 Kristin Dalton. Her testimony should not take
10 very long. And then we are going to rest at
11 that point.

12 THE COURT: All right. Then, we'll hear
13 motions. Assuming that the case goes forward
14 after hearing motions, what's the best guess
15 about the defense witnesses and testimony and
16 so forth?

17 MR. CULLER: We think we have three
18 witnesses.

19 THE COURT: Which will take roughly,
20 approximately, how long?

21 MR. CULLER: I would guess, at least, an
22 hour and a half, maybe.

23 If you guys, depending on your cross.

24 MS. LUTTRELL: Our crosses, what we've
25 discussed, are not very lengthy.

COLLOQUY

1 MR. CULLER: Maybe not that long. I may
2 have misrepresented something to you.

3 MS. LUTTRELL: The State's -- if I may,
4 Your Honor, the State's thoughts on scheduling
5 was if defense does put up a case that the
6 State would rest today, defense, if their case
7 isn't more than an hour and a half, we would
8 try to do that today as well. And then, we
9 would start tomorrow morning with closings and
10 charging and let it go to the jury.

11 THE COURT: That's what it sounds like to
12 me. I'd had to give the case to the jury at
13 5:00.

14 MR. CULLER: I know. I would love to do
15 it all, but I don't disagree with the
16 solicitor.

17 THE COURT: That puts them under a lot of
18 pressure, you know, to get home, make a
19 decision. That's what it sounds like to me.
20 But we could go ahead and talk about while it
21 looks like we've got some time, if you have any
22 suggestions about charges.

23 MR. CULLER: Well, all I did, Judge, is I
24 pulled Judge Irvin's book and went through the
25 somewhat relevant -- the basic charge. Do you

COLLOQUY

1 have that? You may have -- I'm sure the Court
2 has your own.

3 THE COURT: I do.

4 MR. CULLER: Just the basic charge, or I
5 can let the Court look at it. I don't have a
6 copy, but it's straight out of the book.

7 MS. LUTTRELL: Your Honor, this is our
8 excerpt, if you want --

9 MR. CULLER: I don't disagree with that.

10 THE COURT: We will push forward and we
11 can come back to the other later.

12 MR. CULLER: Yes, sir.

13 MS. STAGGS: Your Honor, at this time, the
14 State calls Kristin Dalton.

15 Thereupon,

16 KRISTIN DALTON

17 was called as a witness, having been first duly sworn,
18 was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MS. STAGGS:

21 Q Good afternoon, Ms. Dalton. Will you
22 please tell the Court where you work?

23 A I work at Beaufort Pediatric and Hopeful
24 Horizons Children's Advocacy Center.

25 Q And what do you do?

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 A I'm a pediatric nurse practitioner and I
2 also specialize as a child abuse medical examiner.

3 Q How long have you been employed in that
4 capacity or been working as a nurse practitioner?

5 A I've been a nurse practitioner for 24
6 years.

7 Q How long have you been at Beaufort
8 Pediatrics and Hopeful Horizons?

9 A Beaufort Pediatrics for 24 years and
10 Hopeful Horizons for 15 years.

11 Q Okay. What's your educational background?

12 A I have a Bachelor's in nursing from the
13 University of Virginia and a Masters in nursing from
14 Indiana University, and then I took a board
15 certifying exam, a national exam as a nurse
16 practitioner.

17 Q Obviously, you have a license to do that,
18 to be a nurse practitioner?

19 A Yes. Yes, I'm licensed in the State of
20 South Carolina.

21 Q Okay. Thank you. And what sort of --
22 have you received any other specialty training?

23 A Yes. I've received specialty training
24 every year for the 15 years that I have been doing
25 the child abuse specialty work. But before I began

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 doing that, I went to several week-long programs in
2 Salt Lake City and Minneapolis, St. Paul and
3 Atlanta. I am part of a group of 20 people in South
4 Carolina, medical doctors and nurse practitioners
5 who do this work. The 20 of us meet quarterly in
6 Columbia and we're required to do peer review every
7 quarter and to receive, at least, 16 hours of
8 continuing education in the field every year.

9 Q And there are only 20 of you statewide?

10 A Correct.

11 Q Do you belong to any professional
12 organizations?

13 A I belong to the Academy of Pediatrics and
14 the National Association of Pediatric Nurse
15 Practitioners and some child abuse societies,
16 they're called.

17 Q And as part of your work, you conduct
18 sexual assault exams on children?

19 A I do.

20 Q About how many of those have you
21 performed?

22 A I've done a little over a thousand.

23 Q And so you see child sexual assault
24 victims throughout the whole 14th Circuit?

25 A I do.

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 Q So, victims from Hampton, Colleton,
2 Allendale, Jasper and Beaufort Counties?

3 A Correct.

4 Q Have you ever been qualified as an expert
5 in pediatric forensic medicine in court?

6 A I have.

7 Q About how many times?

8 A About two dozen.

9 Q Okay. Do you remember what counties?

10 A I don't know that I've been qualified in
11 Allendale, but I'm pretty sure all of the others, I
12 have been.

13 Q Out of the 14th Circuit that we talked
14 about?

15 A Yes.

16 Q Okay.

17 MS. STAGGS: Your Honor, at this time, the
18 State would ask to qualify Ms. Dalton as an
19 expert in the field of pediatric forensic
20 medicine?

21 MR. CULLER: We have no problem, Your
22 Honor.

23 THE COURT: The witness is so qualified.

24 MS. STAGGS: Thank you, Judge.

25 At this time, do we want to proffer her

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 entire testimony?

2 MR. CULLER: I think so. Frankly, exactly
3 my concern is, you know, looking at the Yancey
4 Thompson case, I don't want to run afoul of
5 something like that. I think her testimony,
6 correct me if I'm wrong, Solicitor, is going to
7 be fairly innocuous.

8 MS. STAGGS: It's going to be as it
9 related to her report generated in this case.

10 I'm happy to do that, Judge, thank you.

11 THE COURT: All right. Let's go ahead.

12 BY MS. STAGGS:

13 Q In March of 2013 -- actually, let me back
14 up a little bit. Will you tell me what your process
15 is when a child comes in for an exam?

16 A Sure. So the children -- the forensic
17 medical exam is usually requested by law enforcement
18 or the Department of Social Services, sometimes by
19 local emergency room doctors or other pediatricians
20 because there's a concern for some sort of child
21 maltreatment, either sexual, physical, neglect, drug
22 exposure.

23 In preparation for the exam, I'm
24 usually given a copy of the forensic interview, if
25 one was done, the incident report from law

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 enforcement and whatever information the Children's
2 Advocacy Center has about the case. I review those
3 records and the patient is brought to me by one of
4 their caregivers that is not considered -- or
5 alleged as the perpetrator.

6 When I do the exam, most of the time,
7 the patients are new to me, so I'll get a complete
8 medical and social history from the caregiver. I'll
9 also obtain a behavioral history to see how the
10 child has been doing, how they do in school --

11 Q So, first, you talk to the caregiver?

12 A To the caregiver, correct, correct. After
13 I get all of the information I need from the
14 caregiver, the caregiver is excused and the victim
15 is brought in and I have a children's advocate in
16 the room with me. And then I will ask the child
17 some questions, specifically to guide my exam. So,
18 my purpose is not to do another forensic interview,
19 they usually have already had that and I've usually
20 read it. But especially in cases of physical and
21 sexual abuse, I need to know what parts of their
22 body were injured, if they had pain, if they had
23 bleeding, bruising, that kind of thing.

24 Q So, you talk to them so you know sort of
25 where to target your exam?

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 A The exam, exactly. So, for sexual abuse,
2 I need to find out if parts of their body were
3 penetrated, and, if so, what parts. That's
4 important for me to know, not only to exam those
5 areas, but to also make a decision about testing for
6 sexually transmitted infections.

7 Q Do you explain things differently to your
8 patients as they come in based on their age?

9 A Sure. So, it usually takes a lot longer
10 to get a younger child comfortable. We'll play a
11 little bit, get to know each other, get trust going.
12 I have a colposcope, which is a high powered
13 magnification microscope and it has a powerful light
14 and camera attached to it. So, for little kids,
15 I'll kind of let them play with that a little bit.
16 For older kids, I'll just explain to them that this
17 is something I'm going to use to check out your
18 body, but it won't touch them.

19 After I explain everything and ask
20 them the questions that I need to know for the exam,
21 we go ahead and proceed with the exam. After the
22 exam, I do sexually transmitted infection testing,
23 if necessary. Then, I finish up answering any
24 questions that the child has and the caregiver and
25 then I send them home and send off the testing.

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 Q Do you ever take DNA samples to try to get
2 DNA in a case?

3 A DNA samples are only obtainable in cases
4 where you're seeing the child acutely after an
5 assault.

6 Q Will you explain that time frame?

7 A Sure. We know that after 72 hours,
8 there's really little to no chance we can get DNA
9 from a sexual assault. In children, unfortunately,
10 the time span is even shorter, just because their
11 bodies are different than adults. It's believed to
12 be 24 to 36 hours afterwards that you can't really
13 get any DNA. But because I am -- I'm not usually
14 seeing victims acutely, I'm not checking for DNA
15 from these victims.

16 Q Okay. So, you conducted an exam of Emily
17 Flowers?

18 A Yes.

19 Q I believe the date of that exam was March
20 the 21st of 2013?

21 A Correct.

22 Q Do you know how old she was?

23 A I believe she was 15 at the time.

24 Q Okay. Before that physical exam, did you
25 ask her what had happened, like, as you talked about

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 in your procedure?

2 A I did. I had already read everything
3 about her disclosures and the law enforcement report
4 and her written testimony.

5 Q So, what was the purpose of asking her
6 those questions?

7 A So the purpose was to clarify with her on
8 where she was touched and to discern if she had any
9 pain and, therefore, might have had any injury, to
10 see if she had any kind of symptoms of a sexually
11 transmitted infection.

12 Q And what did Emily tell you?

13 A Emily told me that she had not been
14 touched, that she had never had sex before.

15 Q Okay, that was prior to your exam?

16 A Correct.

17 Q What were -- and then, did you come back
18 in, did you question her after the exam?

19 A I did. So, I completed the exam. And
20 then, she was brought by Ms. Mary Carter, the social
21 worker. I asked Ms. Carter if there was anything
22 she needed me to clarify with the interview, and she
23 wanted me to clarify about the vibrator that Emily
24 had discussed. So, I asked her about the vibrator,
25 whether or not she was the person who had inserted

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 it in her body or --

2 MR. CULLER: Your Honor, I would object to
3 the identification beyond time and place. I
4 think she can --

5 MS. STAGGS: Well, this is impeachment,
6 Judge, under 613. We -- Ms. Luttrell did ask
7 the victim on the stand if she recalled meeting
8 with Nurse Dalton and I believe that she said
9 she recalled the meeting, but did not recall
10 what she had told her.

11 MR. CULLER: I understand, but I still
12 would submit that Yancey, in the Yancey
13 Thompson case that recently came out, March 21,
14 that was the 403 analysis, the time and place
15 would be appropriate for limitation.

16 MS. STAGGS: If I'm not wrong, I don't
17 think that's about bolstering. I still think
18 we can use her testimony for impeachment as
19 with any other witness.

20 THE COURT: Refresh my memory on what the
21 specific question was to the victim.

22 MS. STAGGS: Let me pull the notes, Judge.
23 I'll make sure of this as Ms. Luttrell gets her
24 notes, but my recollection was she asked her if
25 she had met with her and she said that she

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 remembered meeting with her. She did not
2 remember her name, but she remembered meeting
3 with the lady and having an exam conducted and
4 did not remember -- she said, I do not recall,
5 when she asked what she had told her.

6 THE COURT: Don't you have to ask, isn't
7 it true didn't you tell so and so the
8 following?

9 MS. LUTTRELL: Your Honor, my
10 recollection, I went through every statement
11 she made, which there were about 10 statements
12 that I went through with each one. And
13 specifically, with the statement to Nurse
14 Dalton, I said, Do you remember meeting with
15 Nurse Kristin Dalton and getting a medical
16 exam? She said, I don't know who that is. I
17 said, Do you remember getting a medical exam?
18 And she said, Yes. I said, During that medical
19 exam, do you recall telling Nurse Dalton that
20 your stepdad put a vibrator in you? And she
21 said, I do not recall.

22 THE COURT: Tell me why that isn't proper
23 impeachment?

24 MR. CULLER: On the record, we said 403
25 analysis beyond the 613. I understand what the

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 solicitor is saying.

2 THE COURT: I think that it falls in the
3 category of proper impeachment.

4 MR. CULLER: Yes, Your Honor.

5 MS. STAGGS: And that's our position,
6 Judge.

7 THE COURT: Overrule the objection.
8 Go ahead.

9 MR. CULLER: Yes, Your Honor.

10 MS. STAGGS: Thank you, Your Honor.

11 BY MS. STAGGS:

12 Q Will you please tell me what Emily told
13 you the second time you went in and asked her?

14 A She told me that she inserted the vibrator
15 in her vagina and that her stepfather inserted a
16 vibrator in her vagina.

17 Q Then I would like to go through the
18 results of her physical exam. Will you please tell
19 us what your findings were?

20 A Sure. Her genital exam was completely
21 normal.

22 Q Okay. In your opinion, your expert
23 opinion, would you say that that is common?

24 A It's more than common, it's most likely.

25 Q Even if a child has been sexually

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 assaulted?

2 A Absolutely. Definitely, at least,
3 95 percent of exams done on children and adolescents
4 who have been sexually abused are normal.

5 Q And there's a part of your report that
6 talks about the victim's hymen in this case?

7 A Uh-huh. (Indicating affirmatively.)

8 Q Could you explain your findings?

9 A Sure. So, the hymen is a very fine
10 membrane that is doughnut shaped that is at the
11 entrance to the vagina. And the hymen changes in
12 appearance throughout life. When somebody reaches
13 puberty and starts having periods, it becomes a very
14 wrinkly, redundant tissue. And examining it is
15 harder than doing so on, say, a four-year-old.

16 What you are looking at in the hymen,
17 in a woman who has been sexually active for a long
18 period of time, eventually, what usually happens is
19 part of that hymen will tear or it will tear
20 completely to the base. And because it tears to the
21 base, it doesn't heal back together again.

22 Now, it's possible for a hymen to
23 tear partially and then heal back completely and
24 have absolutely no evidence of scarring whatsoever.
25 But if you look at a hymen that's been torn to the

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 base, you would say that the hymen -- the term is
2 incorrect, but people use the term it's not intact.
3 We use the term transection, completely gone through
4 and then the edges have healed over each other, so
5 it's separate.

6 Q What did Emily's hymen look like?

7 A Hers was normal, so there was no
8 transection there.

9 Q Would it be possible for someone who is
10 sexually active or had -- someone who was sexually
11 active or been sexually assaulted to have a hymen
12 that is fully intact such as you described?

13 A Yes, I would say -- I do a lot of
14 gynecology, pediatric gynecology, not for abuse
15 cases, but I see a lot of teens who are sexually
16 active and they see me for birth control and
17 management of sexually transmitted infections. And
18 the majority of those that I see who are
19 consensually sexually active, their hymens are
20 completely normal, no transections.

21 Q So, you would say that those sexually
22 active people that you see have intact hymens, even
23 though you said that's probably not the appropriate
24 word to use, but for how most of us think about it?

25 A Yes. And not just the consensually

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 sexually active people. There's been a lot of
2 studies done that show that teenage victims of
3 sexual assault also are more likely than not to have
4 normal-looking hymens.

5 Q So, you could have been penetrated with a
6 penis or with a vibrator and in your expert opinion,
7 you wouldn't find it surprising to find a normal
8 intact hymen?

9 A Absolutely, not surprising at all.

10 MS. STAGGS: I have no further questions.

11 CROSS-EXAMINATION

12 BY MR. CULLER:

13 Q So, there's no physical evidence one way
14 or the other, it's consistent, but you can't really
15 tell anything from the exam physically?

16 A The physical exam was normal.

17 Q Beg your pardon?

18 A The physical exam was normal.

19 Q Okay. So, as long as there's not any --
20 and there was no physical damage here, in fact, the
21 hymen was not transected, correct?

22 A Well, I can't tell you that there had not
23 been any physical damage to her hymen because that
24 usually heals in two to three days. So, had there
25 been damage --

CROSS EXAMINATION OF KRISTIN DALTON BY MR. CULLER

1 Q But you didn't see it?

2 A -- it would not be there by the time I did
3 the exam.

4 Q Right, but you didn't observe any?

5 A And I didn't observe any.

6 MR. CULLER: Nothing else, Your Honor.

7 THE COURT: All right.

8 MS. STAGGS: Nothing from the State,
9 Judge. Thank you.

10 THE COURT: Thank you, you may step down.

11 Anything else on the -- related to the
12 proffer?

13 MR. CULLER: Not from the defense.

14 MS. STAGGS: I'm sorry, Judge.

15 THE COURT: I was asking the defense if
16 they had any other objections to the proffer
17 from the State and they did not.

18 So, are we ready for the jury?

19 MS. LUTTRELL: Yes, Your Honor.

20 MR. CULLER: Yes, Your Honor.

21 THE COURT: Bring in the jury.

22 (WHEREUPON, the jury enters the
23 courtroom.)

24 THE COURT: Welcome back.

25 Are we ready to proceed?

CROSS EXAMINATION OF KRISTIN DALTON BY MR. CULLER

1 MS. STAGGS: Thank you, Judge. The State
2 calls Kristin Dalton.

3 Thereupon,

4 KRISTIN DALTON
5 was called as a witness, having been first duly sworn,
6 was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MS. STAGGS:

9 Q Would you please tell the jury your name?

10 A I'm Kristin Dalton.

11 Q Ms. Dalton, what do you do for a living?

12 A I'm a pediatric nurse practitioner.

13 Q Where do you work?

14 A I work at Beaufort Pediatrics and I'm the
15 forensic medical examiner for our Children's
16 Advocacy Center, Hopeful Horizons.

17 Q How long have you been doing that?

18 A I've been a pediatric nurse practitioner
19 for 24 years and I have been doing work with the
20 advocacy center for 15.

21 Q Okay. So, you hold a license as a nurse
22 practitioner?

23 A I do.

24 Q In the State of South Carolina?

25 A Yes.

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 Q What's your educational background?

2 A I received my Bachelors in nursing from
3 the University of Virginia and my Masters in nursing
4 from Indiana University and then took a board
5 certifying national exam to be a nurse practitioner.

6 Q What year did you take that exam?

7 A 1994.

8 Q Okay. Do you have any specialty training
9 in your field, in addition to your educational
10 background?

11 A I do. When I started doing forensic
12 medical work 15 years ago, I went through several
13 week-long trainings in Minneapolis, St. Paul,
14 Atlanta and Salt Lake City. I then became part of a
15 group of 20 people in the State of South Carolina
16 who do this work, medical doctors and nurse
17 practitioners. And as part of that group, I'm
18 required to have, at least, 16 hours a year of
19 continuing education in the field of child abuse.

20 Q And you conduct child sexual assault exams
21 here in the 14th circuit?

22 A Yes.

23 Q So, for Hampton, Colleton, Jasper,
24 Beaufort and Allendale Counties?

25 A Correct.

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 Q And approximately, how many of those exams
2 have you conducted in your career?

3 A It's been just over a thousand.

4 Q Have you ever been qualified as a
5 pediatric forensic medical expert in court?

6 A I have.

7 Q Approximately how many times?

8 A About 24.

9 Q Do you remember in what counties?

10 A Every county, except for this is my first
11 time in Allendale.

12 Q Okay.

13 MS. STAGGS: Your Honor, at this time, the
14 State moves to qualify Ms. Dalton as an expert
15 in the field of pediatric forensic medicine?

16 MR. CULLER: Subsequent to our earlier
17 objection, Your Honor.

18 THE COURT: Objection noted, motion
19 granted.

20 MS. STAGGS: Thank you, Your Honor.

21 BY MS. STAGGS:

22 Q Ms. Dalton, will you please tell us just
23 generally what the processes is when a child comes
24 in for a sexual assault exam.

25 A So, prior to the exam, I'm usually given

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 information, the incident report from law
2 enforcement, the report from the forensic interview,
3 so I can read that, so I don't have to conduct, yet,
4 another interview on the child. And the information
5 that the Children's Advocacy Center has been given,
6 I think it's called an intake form, I review that
7 information. And then when the child is brought to
8 me, the caregiver that is with them is interviewed
9 by me first.

10 Q So usually somebody, obviously, brings
11 this child and that's the person that you interview?

12 A Yes. Sometimes it's law enforcement or
13 social services, but more often, it's somebody who
14 knows that child. And I interview that person to
15 find out a medical history, a behavioral history,
16 social history and information about the family that
17 the child lives with and information about any
18 medication and illnesses that the child may have, or
19 conditions.

20 Q Okay. And after you talk to the
21 caretaker, do you talk to the child?

22 A Yes. So, then the caretaker is excused
23 from the room and the child is brought in and I will
24 talk to the child with a victim advocate present.

25 Q Okay. And what do you -- what do you talk

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 to them about?

2 A So, I explain to the child what the exam
3 is going to be like. But initially, I need to ask
4 them some questions about the abuse because I have
5 to know what part of their body I should focus my
6 exam on and I need to know what kind of symptoms
7 they might have experienced from the abuse. So, if
8 they've experienced pain or bruising or rash or
9 swelling or bleeding, I need to know all of that
10 information so I know what parts of the body to
11 examine and it helps me decide whether or not I need
12 to be checking for sexually transmitted diseases.

13 Q Okay. And as you explain this exam, do
14 you explain it differently to a small child as
15 opposed to a teenager?

16 A Sure. So, for a little child, I'll
17 explain sort of in very general words that I'm going
18 to check their whole body today. And I have a
19 special instrument called a colposcope, which is a
20 very high powered microscope with a very powerful
21 light on it, mounted on a stand. And I let the
22 younger children look through it and explain to
23 them, this is not going to touch them, I'm just
24 going to use it to make sure that their body's okay.
25 And then with the older children, I will just answer

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 any questions that they may have. They're more able
2 to let me know what their concerns may be.

3 Q And after you are finished talking to
4 them, explaining that processes, then what do you
5 do?

6 A So, I'll go ahead and do a full head to
7 toe exam. So, you know, eyes, ears, nose, throat,
8 listen to the heart and lungs, check their belly and
9 then do the genital exam.

10 Q Do you typically look for DNA in these
11 exams?

12 A No, because you can't get DNA after about
13 72 hours after an assault. So, that's the majority
14 of the kids that I see, it's been far longer than 72
15 hours since the last incident of abuse. So, if you
16 catch them within that period, you would do what's
17 called a rape kit or a sexual assault kit, but
18 that's not very common that I do this.

19 Q So most of your patients come in after
20 that time frame?

21 A Correct.

22 Q And did you examine Emily Flowers?

23 A I did.

24 Q Do you recall the date of that exam?

25 A 2013, March 13th, I think.

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 Q Did you write a report in this case?

2 A I did.

3 Q Would that help to refresh your memory?

4 A Yes it would.

5 MS. STAGGS: Your Honor, may I approach
6 the witness?

7 THE COURT: Yes.

8 BY MS. STAGGS:

9 Q Will you please tell us the date of your
10 exam?

11 A March 21st, 2013.

12 Q Does it say the date that Emily was
13 referred to you?

14 A She wasn't -- it doesn't say the date that
15 she was referred to me, but it does say the date
16 that she was referred to Hopeful Horizons. It
17 should say that. I'm sorry, the forms have changed
18 in five years.

19 Q That's okay, take a minute.

20 A Well, she came to the interview on, it
21 looks like March 5th. The referral date was March
22 1st.

23 Q Okay. Do you know what age Emily was at
24 the time of that exam?

25 A When I saw her, she had just turned 15.

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 Q Okay, she had just had a birthday?

2 A Yes.

3 Q Okay. And prior to your physical exam,
4 you spoke to her as you described as you do with
5 most -- or with all of your patients?

6 A I did. I was not able to get much of a
7 history on her because she was brought by her social
8 worker.

9 Q Okay. What did Emily tell you when you
10 spoke to her?

11 MR. CULLER: Subject to earlier objection,
12 Your Honor.

13 THE COURT: Objection noted.

14 BY MS. STAGGS:

15 Q Please continue.

16 A Okay. I asked Emily if she knew why she
17 was here. She said she didn't know. I explained to
18 her that I was going to give her a complete
19 physical, make sure that her body was okay. She
20 nodded her consent. I asked her to tell me about
21 the vibrator. She stated that her stepfather and
22 mother had purchased a vibrator for her to use for
23 pleasure. I asked if the vibrator went inside of
24 her vagina or outside. She said inside. I said,
25 Who put it inside? She said, I did. I asked if it

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 was painful, she said no. I asked if she was having
2 any concerning symptoms, like pain, pain with
3 urination, discharge. She said, No. I said, How
4 old were you the first time you had sex? She said
5 she had never had sex. I completed the exam.

6 Q Let me stop you there if that's okay?

7 A Sure.

8 Q So after she made that statement for you,
9 then, you conducted your physical exam of her?

10 A Yes.

11 Q Make sure I get my timing correct.

12 A Yes.

13 Q So the reason you asked her those
14 questions, as you described, so you knew where to
15 focus your exam?

16 A Correct. So, it wasn't just from what
17 Emily said to me about having the vibrator, but it
18 was from the previous statements that I read from
19 the incident report and from the forensic interview.
20 And that helps guide my exam as well.

21 Q And then, after you conducted your exam,
22 did you meet with Emily again?

23 A I did.

24 Q What did she tell you at that point?

25 A I asked her if she could clear up for me

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 or clarify for me about the vibrator and I asked her
2 again, who put the vibrator in her vagina. And she
3 said both. And I said, You put it in your vagina
4 and your stepfather put it in your vagina? And she
5 said, Yes.

6 Q Okay. And then, let's talk about your
7 exam of Emily for a minute. What were the results?

8 A So, her genital exam was completely
9 normal.

10 Q So, there were no findings out of the
11 ordinary for any child of her age?

12 A Correct.

13 Q No injuries were found?

14 A None.

15 Q Okay. Would you say that that's common of
16 a victim of sexual assault in your expert opinion,
17 for them to have a completely normal medical exam?

18 A The national average is that 95 percent of
19 children and teenagers who have been sexually abused
20 will have a completely normal physical genital exam.

21 Q In your report, specifically, you
22 mentioned the condition of Emily's hymen. Would you
23 please describe sort of what the hymen is and your
24 findings as it relates to that?

25 A Sure. So, the hymen is a very thin

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 membrane. It's made out of the same material that
2 the inside of your mouth is. It's a mucus membrane.
3 And it's a doughnut-shaped membrane in front of the
4 vagina, so it has a hole in it. It's very stretchy,
5 like a rubber band. And because it's made of the
6 same tissue as the inside of your mouth, it has an
7 extremely rapid healing time. The hymen changes in
8 appearance over a female's life. So, it's very
9 different when they're born than when they're four
10 than when they're 15. By the time they're 15, they
11 tend to have a hymen in similar appearance as a
12 grown woman. And it's very wrinkly, it's called
13 redundant, so lots of waves and folds in it.

14 Q So, a lot of times you hear people talk
15 about a hymen being torn or a hymen being intact,
16 could you kind of describe what that means?

17 A Sure. So, calling a hymen intact is not a
18 medical term that's used at all in the field because
19 it's very misleading. Hymens are torn all the time
20 and they heal completely without any evidence all of
21 the time. And I know that over a thousand exams
22 that I've done, kids that I've seen on repeat exam,
23 photographs, injuries, tears and they are completely
24 gone in a matter of weeks.

25 There's one type of tear that can

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 happen to the hymen where it is torn completely
2 through to the base and the edges of it come apart
3 and then the edges heal. So it doesn't come back
4 together and be completely normal again. So, when
5 it's torn down to the base and it separates like
6 this and the edges heal, that's called a
7 transection. And that's what most people refer to
8 when they think of the hymen being intact or the
9 hymen being torn or what they think incorrectly that
10 a medical person can look at a female and tell
11 whether or not they have been sexually active.
12 There's been some really well done studies that show
13 that that is not the case.

14 Q So, what you're saying is you can have a
15 completely -- and I understand that this is an
16 improper medical term, but for the layman's term,
17 you could have a completely intact, perfectly normal
18 hymen with no tears and still be someone who's
19 sexually active?

20 A Yes. There was a study done by Nancy
21 Kellogg of 38 pregnant teenagers. The reason they
22 chose pregnant teenagers is because they wanted to
23 be sure they had been sexually active. These
24 teenagers, out of the 38 of them, only two had that
25 hymen transection that I'm describing. These are

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 pregnant teenagers, so you know that they had been
2 sexually active. So, two out of 38 had that
3 finding.

4 Q So, in your expert medical opinion, it
5 wouldn't be surprising or abnormal if a penis had
6 been inserted into the vagina or a vibrator had been
7 inserted into the vagina and that hymen to be
8 completely intact, no tears.

9 A I inserted a speculum into her vagina and
10 it was completely intact afterwards.

11 Q I just want to ask you a quick followup
12 question. You mentioned damage to the hymen healing
13 quickly, what would you expect in terms of that kind
14 of time frame?

15 A It's usually within two or three days,
16 unless it's been severe. In cases of a brutal
17 sexual assault or a brutal assault with a blunt
18 object, some of those tears are going to take up to,
19 you know, several weeks to heal. But the average
20 injury that's just from a penile/vaginal penetration
21 is going to heal.

22 We even have kind of a knowledge of
23 how the different injuries heal. You can get little
24 blood blisters that usually heal within 24 hours.
25 And then if you get abrasions, like when you skin

DIRECT EXAMINATION OF KRISTIN DALTON BY MS. STAGGS

1 your knee, those are usually gone within three days.
2 And then tears, depending on how deep they are,
3 those can heal anywhere within, you know, several
4 days to, some of them might take more like a month
5 or so.

6 MS. STAGGS: I have no further questions.

7 Thank you.

8 THE COURT: Cross-examination.

9 CROSS-EXAMINATION

10 BY MR. CULLER:

11 Q I beg your pardon, who was it that you
12 said brought Emily Flowers to your center?

13 A Mary Carter from the Department of Social
14 Services.

15 Q So, there was no family member with her?

16 A Correct.

17 Q With regard to the transected hymen, if
18 I'm using the correct term?

19 A Yes.

20 Q When do you typically see transected
21 hymens?

22 A Well, I don't see them that often because
23 the population that I see is teenagers --

24 Q Let me rephrase, I apologize. Typically,
25 from a medical explanation, when do you have a

CROSS EXAMINATION OF KRISTIN DALTON BY MR. CULLER

1 transected hymen? When is that within normal limits
2 type of exam? I'm not talking about children
3 obviously.

4 A Right. I'm not aware of any studies that
5 have been done on adult women on how long after they
6 become sexually active or how many incidents of
7 sexual intercourse will create that.

8 Q But at some point, that is created?

9 A Actually, it's not in some women. Some
10 women who have been sexually active will still have
11 an intact, untransected hymen.

12 Q So, if the hymen is not transected, it's
13 within normal limits, you can't tell if she had sex
14 or not?

15 A Correct.

16 Q With regard to this exam that you
17 participated in, it was within normal limits, no
18 visible injury that you saw in that exam?

19 A Correct.

20 MR. CULLER: I don't believe I have
21 anything further. Thank you.

22 MS. STAGGS: No redirect, Your Honor.
23 Thank you.

24 THE COURT: Thank you. You may step down.
25 Any further witnesses from the State?

STATE RESTS

1 MS. LUTTRELL: No further witnesses, Your
2 Honor. The State rest at this time.

3 THE COURT: Ladies and gentlemen, I'm
4 going to need to ask you to please retire to
5 the jury room for a few moments while I discuss
6 some matters of law with the attorneys. I'll
7 be back with you shortly. And I'll remind you
8 it's too early to begin discussing the case.
9 If you will please retire to the jury room.

10 (WHEREUPON, the jury exits the courtroom.)

11 THE COURT: Any motions?

12 MR. WALTERS: May it please the Court.
13 Your Honor, at this time, for the record, we
14 make a motion for directed verdict. We don't
15 believe the State has proven the essential
16 elements of the offense and as a result, we
17 would ask for a dismissal.

18 THE COURT: Well, I understand the grounds
19 for the motion and I understand there is
20 contradictory testimony, but I think that's a
21 matter for the jury to resolve and I deny the
22 motion.

23 Would this be a good time for me to talk
24 to the Defendant about his right to testify?

25 MR. CULLER: Yes, Your Honor.

MOTIONS

1 MR. WALTERS: Yes, sir.

2 THE COURT: Mr. Jones, at this time, I'm
3 going to discuss with you certain of your
4 rights. If at any time you don't understand
5 what I'm saying or you need me to speak more
6 clearly or distinctly, please let me know. As
7 you know, we have had trouble with the
8 acoustics in this room.

9 But we have now reached a stage in these
10 proceedings where you have a right to present
11 your defense. I can tell that you have the
12 right to claim the protections given to you by
13 the Fifth Amendment of the Constitution of the
14 United States, which states, in part, no person
15 shall be compelled in any criminal case to be a
16 witness against himself. This means that you
17 cannot be required to testify in this case.
18 You have the right to testify. However, no one
19 can make you testify. This is a personal right
20 you have and no one can waive this right except
21 you.

22 If you decide to testify, you are subject
23 to the same rules that govern other witnesses.
24 You may be examined and cross-examined on any
25 relevant issue in the case. In addition, if

CONSTITUTIONAL RIGHTS GIVEN TO DEFENDANT

1 you have any convictions involving dishonesty
2 or false statement or for crimes punishable by
3 imprisonment for more than one year and the
4 Court determines that the probative value of
5 this evidence outweighs any prejudicial value
6 to you, then, the solicitor would be able to
7 use this to attack your credibility. If you
8 decide to testify, the decision on your part
9 must be freely, voluntarily and intelligently
10 made with the knowledge of the protections
11 given to you under the Fifth Amendment and the
12 consequences of your decision to testify.

13 If you decide not to testify, I will
14 instruct the jurors that they cannot give the
15 fact that you did not testify any consideration
16 whatsoever. There will be absolutely no
17 prejudice to you because you did not testify.
18 That is entirely up to you as to whether or not
19 you testify.

20 You may talk with your attorneys, family,
21 friends, or anyone else. The final decision is
22 left entirely up to you. Do you understand
23 what I have said so far?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Any questions about any of it?

CONSTITUTIONAL RIGHTS GIVEN TO DEFENDANT

1 THE DEFENDANT: No, sir.

2 THE COURT: Have you had the chance to
3 discuss this issue with your attorneys?

4 THE DEFENDANT: I have.

5 THE COURT: Have you made a decision about
6 whether you wish to testify or not?

7 THE DEFENDANT: I have.

8 THE COURT: And your decision would be?

9 THE DEFENDANT: I am going to testify.

10 THE COURT: All right.

11 Anything else then?

12 MR. WALTERS: No, sir, Your Honor.

13 THE COURT: Y'all ready for the jury?

14 MS. LUTTRELL: Yes, Your Honor.

15 THE COURT: You need to take a break
16 before you go?

17 MR. CULLER: Maybe just give us 10
18 minutes, briefly?

19 MR. WALTERS: Could we have 10 minutes,
20 Your Honor?

21 THE COURT: A few minutes?

22 MR. WALTERS: Please.

23 THE COURT: Okay.

24 (Brief recess.)

25 THE COURT: State ready for the jury?

DEFENDANT'S CASE BEGINS

1 MS. LUTTRELL: Yes, Your Honor.

2 THE COURT: Defense ready?

3 MR. WALTERS: Yes, Your Honor.

4 THE COURT: Bring the jury in.

5 (WHEREUPON, the jury enters the
6 courtroom.)

7 THE COURT: Welcome back, ladies and
8 gentlemen. If you recall, the State has
9 rested. The defense now has the opportunity to
10 present evidence should they decide to do so.

11 MR. WALTERS: May it please the Court.
12 Solicitors.

13 Your Honor, at this time, we call
14 Miss Emily Flowers.

15 Thereupon,

16 EMILY FLOWERS

17 was called as a witness, having been first duly sworn,
18 was examined and testified as follows:

19 MR. WALTERS: May it please the Court?

20 THE COURT: Certainly.

21 MR. WALTERS: Solicitors.

22 DIRECT EXAMINATION

23 BY MR. WALTERS:

24 Q Miss Flowers, you've already been on the
25 stand one time and now you're here in the defense

DIRECT EXAMINATION OF EMILY FLOWERS BY MR. WALTERS

1 case. We're in front of 12 jurors here. Tell the
2 Court and tell this jury what was going on in your
3 home that led up to this.

4 A Okay, well, it all started when I, you
5 know, was using the highlight markers on myself,
6 like I was calming myself. So I choose to tell my
7 stepdad what was going on because he's a counselor,
8 counselorman and he talks to people, so I told him.
9 And he told my mom and all of us got together and
10 talked about getting a vibrator.

11 Q Well, let me ask you this, you stated that
12 you had an issue with the magic markers. What were
13 you doing inside of that home? What behavior was
14 going on that led to this kind of conversation?

15 A Well, I was using the highlighting markers
16 and I was on Facebook in my inbox, you know, and I
17 was looking at pictures --

18 MS. LUTTRELL: Objection, Your Honor,
19 hearsay.

20 THE COURT: Sustained.

21 BY MR. WALTERS:

22 Q Go ahead, proceed forward. You talked
23 about Facebook, but what other issues were going on
24 inside of the home?

25 A Well, me, personally, I wanted to be

DIRECT EXAMINATION OF EMILY FLOWERS BY MR. WALTERS

1 sexually active. I wanted a boyfriend. I wanted to
2 get out the house and fully enjoy life.

3 Q Now, how old are you now?

4 A I'm 20 years old.

5 Q Okay, so we're looking back almost six
6 years?

7 A Yes.

8 Q When you discussed this issue, I'll use
9 your words, I wanted to get out, what was the
10 response of your parents?

11 A No, they wouldn't let me.

12 Q Okay. When you say they wouldn't let you,
13 did they let you date?

14 A No, they wouldn't let me date.

15 Q Okay. Were boys allowed to come over to
16 the house?

17 A No.

18 Q Okay. And at 14, how did you feel about
19 that?

20 A Upset, because I wanted that and I
21 couldn't get it.

22 Q Okay. Did you convey this to your
23 stepfather, Mr. Jones?

24 A Yes, I did.

25 Q Okay. How did you feel about the fact

DIRECT EXAMINATION OF EMILY FLOWERS BY MR. WALTERS

1 that he went and told your mom?

2 A I didn't like it at all.

3 Q Okay. So, after you had this discussion
4 with Mr. Jones and he tells your mom, when did you,
5 your mom and Mr. Jones have a conversation with
6 regards to how they were going to address this
7 particular event?

8 A After he told my mom what I was doing and
9 what I wanted to do, that's when we all came and
10 decided they wanted to get me a vibrator.

11 Q Okay. When they had a discussion with
12 regards to the vibrator, who was present when they
13 had that discussion?

14 A Me, my mom and my stepdad.

15 Q Okay. Did anyone at that time object and
16 say, we're not going to do this?

17 A No.

18 Q How did you feel about the fact that
19 instead of dating and social media and doing what
20 you wanted to do, they were going to give you a
21 vibrator, how did you feel about that?

22 A I mean, I felt good about it because it's
23 a safer way than me just going out and doing it to
24 somebody that may have an STD or something and then
25 I get it.

DIRECT EXAMINATION OF EMILY FLOWERS BY MR. WALTERS

1 Q When you say a safer way, specifically,
2 what are you talking about? What are you talking
3 about?

4 A Like, so I wouldn't get an STD or
5 anything.

6 Q All right. Well, let me ask you about
7 that. Have you ever attended any programs that
8 taught you about STDs and vibrators and things of
9 that nature?

10 A Yes, at the church.

11 Q Okay. What church do you attend?

12 A New Life House of Love.

13 Q You'd been going there -- I believe that's
14 Mr. Jones' church, isn't it, Reverend Jones?

15 A Yes.

16 Q And these people came to the church and
17 they showed you all of these things?

18 A Yes.

19 Q They also showed you a film?

20 A Yes.

21 Q So, when they came to the church, they
22 introduced you to what STDs are?

23 A Yes.

24 Q And also, birth control?

25 A Yes.

DIRECT EXAMINATION OF EMILY FLOWERS BY MR. WALTERS

1 Q All right. And also, in this case, we're
2 talking about a vibrator?

3 A Yes.

4 Q All right. So, there was a consensus
5 inside of the house that this is what we're going to
6 do for you. Now, after this vibrator is purchased,
7 were there any rules from your parents on who you
8 could talk to or who could be aware of it?

9 A Yes. My mom told me that --

10 MS. LUTTRELL: Objection, Your Honor,
11 hearsay.

12 THE COURT: Sustained.

13 BY MR. WALTERS:

14 Q Were you restricted from talking about it?

15 A Yes.

16 Q Did you talk to anybody about it?

17 A Yes, I did, Nicole Smith.

18 Q The Nicole Smith that came in here and
19 testified?

20 A Yes.

21 Q So you mentioned to her what was going on
22 in your home?

23 A Yes.

24 Q Okay. And you heard her testify and you
25 know that Nicole Smith said some things about you;

DIRECT EXAMINATION OF EMILY FLOWERS BY MR. WALTERS

1 is that right?

2 A Yes.

3 Q What was the result of you having a
4 conversation with Nicole Smith?

5 A Well, I just told her -- well, it started
6 when she -- you know, we started talking or whatnot
7 and then she told me how she started feeling about
8 boys, so --

9 MS. LUTTRELL: Objection, hearsay.

10 THE COURT: Sustained.

11 BY MR. WALTERS:

12 Q You can't say what Nicole said, okay, you
13 can only talk about what you said.

14 A Well, I told her that she should get her
15 parents to buy her a vibrator.

16 Q Because your parents had bought you one?

17 A Yes.

18 Q So, evidently, you're 14, I've got one,
19 you need to talk to your parents so you can get one;
20 is that correct?

21 A Yes.

22 Q You earlier alluded to the rumor mill
23 after you started talking about that, what happened?

24 A Can you repeat the question?

25 Q As far as people knowing about it after

DIRECT EXAMINATION OF EMILY FLOWERS BY MR. WALTERS

1 you talked to Nicole?

2 A Yes.

3 Q When you say yes, what do you mean?

4 A Like, a couple of weeks after I told her,
5 I got to school, people was coming up to me telling
6 me all kinds of things that wasn't true.

7 Q All right. Well, let me ask you this, and
8 this is very important and I want you to tell the
9 jury the truth, did Reverend Jones ever insert a
10 vibrator in you?

11 A No, he did not. I used it myself.

12 Q Did Reverend Jones ever come to your room
13 while your mother was asleep and walk in and you had
14 your panties down and your shirt off?

15 A No.

16 Q Did he ever come in and say, you know, lay
17 down on the bed, I'm going to put it in you?

18 A No.

19 Q Did Reverend Jones ever put his penis
20 inside you?

21 A No.

22 Q Did Reverend Jones at any time attempt to
23 touch you --

24 MS. LUTTRELL: Objection, Your Honor --

25 Q -- inappropriately?

DIRECT EXAMINATION OF EMILY FLOWERS BY MR. WALTERS

1 MS. LUTTRELL: -- leading.

2 THE WITNESS: No.

3 THE COURT: I'm sorry?

4 MS. LUTTRELL: Leading.

5 THE COURT: Overruled. Go ahead.

6 BY MR. WALTERS:

7 Q Did Reverend Jones ever attempt to touch
8 you inappropriately at any time?

9 A No.

10 Q Well, let me ask you this, you've read
11 from a statement that you wrote?

12 A Yes.

13 Q You said that it was a little lie that
14 became a big lie?

15 A Yes.

16 Q Why did you lie, why did you get everybody
17 stirred up?

18 A Because of the rumors, that's why.

19 Q Did you ever resent what your parents had
20 done to you?

21 A What do you mean by resent?

22 Q Did you dislike the restrictions?

23 A Yes, I did dislike the restrictions.

24 Q Looking back six years ago, you're a grown
25 woman now; is that correct?

DIRECT EXAMINATION OF EMILY FLOWERS BY MR. WALTERS

- 1 A Yes.
- 2 Q I believe you have a son?
- 3 A Yes, I do.
- 4 Q Do you understand now what your parents
5 were trying to do?
- 6 A Yes, I do, they were just trying to
7 protect me.
- 8 Q And knowing what you know now, you didn't
9 know that at 14, did you?
- 10 A No, I did not.
- 11 Q And this little lie that you told, you
12 said it got bigger; is that right?
- 13 A Yes.
- 14 Q Now, there's been a lot of testimony in
15 this courtroom that you were somehow afraid that you
16 were going to lose your financial status or what you
17 had because your mother married Mr. Jones. You've
18 heard that?
- 19 A Yes, I did.
- 20 Q You were sitting right here in this room.
21 Financially, looking back as an adult now, were you
22 taken care of properly?
- 23 A Yes, I was.
- 24 Q And who is your biological father?
- 25 A Levi Flowers.

DIRECT EXAMINATION OF EMILY FLOWERS BY MR. WALTERS

- 1 Q Where does he live?
- 2 A In St. Marks.
- 3 Q Did he not provide financially for you?
- 4 A Yes, he did.
- 5 Q Did your mother provide for you?
- 6 A Yes, she did.
- 7 Q They alluded to the fact that you believed
- 8 that you were going to lose something because the
- 9 Bishop was no longer going to be in your life?
- 10 A No.
- 11 Q Have you ever done without?
- 12 A What do you mean done without?
- 13 Q Is there a possibility that the Bishop was
- 14 going to buy you something big and you were going to
- 15 lose out on something because he got in trouble?
- 16 A No. No.
- 17 Q They've all alleged that if he went to
- 18 jail, everything would be lost?
- 19 A No, nothing would be lost.
- 20 Q Is your biological father still in your
- 21 life?
- 22 A Yes, he is.
- 23 Q Did he provide for his little girl?
- 24 A Yes, he did.
- 25 Q In this particular case, before your

DIRECT EXAMINATION OF EMILY FLOWERS BY MR. WALTERS

1 mother met Reverend Jones, or Mr. Jones, was she
2 employed?

3 A No, she wasn't.

4 Q I believe that she had gone to Dixie
5 Narco; is that correct?

6 A Yes.

7 Q And I believe that you lived in a home
8 with your mother; is that right?

9 A Yes.

10 Q And I believe that home is paid for
11 sitting on an acre of land?

12 MS. LUTTRELL: Objection, I would object
13 to leading at this point.

14 THE COURT: I will sustain that objection.

15 BY MR. WALTERS:

16 Q Does your mother at this time own a home?

17 A Yes.

18 Q Is there a possibility that y'all are
19 going to be thrown out and be put in the street?

20 A No.

21 Q Okay. So, this talk about the fact that
22 you were afraid that somebody was going to
23 financially take something away from you, have you
24 always been taken care of?

25 A Yes, I have.

DIRECT EXAMINATION OF EMILY FLOWERS BY MR. WALTERS

1 Q Okay. Now, the solicitor's office, they
2 approached you about this case over a week ago; is
3 that correct?

4 A Yes.

5 Q All right. And I believe both of the
6 solicitors that are here were there to talk to you;
7 is that right?

8 A Yes.

9 Q And when they asked you what happened in
10 this particular case, what did you tell them?

11 A Nothing happened.

12 Q What was their response?

13 A No response.

14 Q Tell me something, you appeared in this
15 same courtroom back in June of 2013, do you remember
16 that?

17 A Yes.

18 Q And I believe it was a Family Court
19 proceeding?

20 A Yes.

21 Q And the same lady, Mary Carter, she was
22 there and she testified, didn't she?

23 A Yes.

24 Q And I believe that you were also here?

25 A Yes.

DIRECT EXAMINATION OF EMILY FLOWERS BY MR. WALTERS

1 Q And I believe you got on the stand and you
2 took an oath to tell the truth, the whole truth and
3 nothing but the truth, so help you God?

4 A Yes.

5 Q Just like when you testify here, you take
6 an oath to tell truth, the whole truth and nothing
7 but to the truth; is that right?

8 A Yes.

9 Q All right. And when you testified back in
10 the June of 2013, your testimony was that nothing
11 happened?

12 A Yes.

13 MS. LUTTRELL: Objection, Your Honor,
14 hearsay.

15 THE COURT: Sustain the objection.

16 BY MR. WALTERS:

17 Q I'll ask you, what was your testimony,
18 could you tell me?

19 MS. LUTTRELL: Objection, Your Honor,
20 hearsay.

21 THE COURT: I'll sustain the objection.

22 BY MR. WALTERS:

23 Q Now you've been in this courtroom on three
24 different occasions. You were here in June of 2013
25 and you were here yesterday and you had to testify.

DIRECT EXAMINATION OF EMILY FLOWERS BY MR. WALTERS

1 You're now testifying again, third time. What
2 happened with you and Mr. Jones?

3 A Nothing happened.

4 Q It's harsh to talk about things that we've
5 talked about with magic markers and what you were
6 doing to yourself, are you ashamed about what
7 happened?

8 A Ashamed about what?

9 Q The events of being in this courtroom and
10 everything that got stirred up?

11 A Oh, yes, yes, I am, very.

12 MR. WALTERS: Beg the Court's indulgence
13 just one moment?

14 THE COURT: Certainly.

15 MR. WALTERS: Your Honor, we have no
16 further questions.

17 THE COURT: Cross-examination.

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

20 CROSS-EXAMINATION

21 BY MS. LUTTRELL:

22 Q Emily, you remember meeting with me and
23 Ms. Staggs back on June 27th, a Wednesday, a couple
24 of weeks ago, do you remember that meeting?

25 A Uh-huh. (Indicating affirmatively.)

CROSS EXAMINATION OF EMILY FLOWERS BY MS. LUTTRELL

1 Q Is that a yes?

2 A Yes.

3 Q I'm sorry, you have to answer out loud
4 because she's typing everything we say.

5 A Yes.

6 Q And during that meeting, you never once
7 said anything about you having this round table
8 discussion with your mom and stepdad about getting a
9 vibrator; is that right?

10 A You said I never said that?

11 Q Right. You never said that to us?

12 A No, you never asked.

13 Q Actually, I think we -- didn't I ask you
14 --

15 MR. CULLER: Objection, the solicitor is
16 going to become a witness.

17 MR. WALTERS: She can't become a witness.

18 THE COURT: I'll overrule the objection,
19 I'll let her ask the question.

20 BY MS. LUTTRELL:

21 Q Do you remember me asking you how you got
22 the vibrator?

23 A No, I don't.

24 Q Do you remember telling me that your
25 stepfather gave you the vibrator?

CROSS EXAMINATION OF EMILY FLOWERS BY MS. LUTTRELL

1 A No.

2 Q And during that meeting, you never told us
3 that this all started because you wanted a
4 boyfriend; is that right?

5 A No, I never told that you.

6 Q And during that meeting, you never told us
7 that you wanted to get out and enjoy life; isn't
8 that right?

9 A Yes, I remember saying that.

10 Q You said that during our meeting a couple
11 of Wednesdays ago?

12 A Uh-huh. (Indicating affirmatively.)

13 Q And during that meeting, you never told us
14 that this all started because you were, I think the
15 defense attorney used the word, resenting your
16 parents; isn't that right?

17 A What does that mean, resenting?

18 Q You never said during that meeting with us
19 that you wrote those statements because you were mad
20 at your parents?

21 A No, I never said that.

22 Q And it's been five years since this
23 happened, right?

24 A Uh-huh. (Indicating affirmatively.)

25 Q This has been hanging over your family,

CROSS EXAMINATION OF EMILY FLOWERS BY MS. LUTTRELL

1 right?

2 A Yes.

3 Q Your parents don't even get to live
4 together or that's what -- do your parents live
5 together now, your mom and stepdad?

6 A No.

7 Q So your parents haven't even lived
8 together over this whole five years; is that right?

9 A Yes.

10 Q And that's because this case is pending?

11 A Yes.

12 Q And you can't have any contact with your
13 stepdad; is that right?

14 A Right.

15 Q And you can't live with your mom and
16 stepdad; is that right?

17 A Right.

18 Q In fact, you had to move out of your house
19 five years ago?

20 A Right.

21 Q And you had to transfer schools?

22 A Uh-huh. (Indicating affirmatively.)

23 Q And you had to stop doing praise dance?

24 A Yes.

25 MR. WALTERS: I'm going to object, Your

CROSS EXAMINATION OF EMILY FLOWERS BY MS. LUTTRELL

1 Honor. How is this relevant in this case?

2 There's a restraining order that was issued, we
3 admit to that..

4 MS. LUTTRELL: Your Honor, it goes to her
5 bias in this case.

6 THE COURT: I'll sustain the objection.

7 BY MS. LUTTRELL:

8 Q Defense counsel asked you about being
9 restricted about talking to other people about the
10 vibrator, right?

11 A Uh-huh. (Indicating affirmatively.)

12 Q And when you did talk to other people
13 about the vibrator, your mom got mad?

14 A Yes.

15 Q And when you talked to other people about
16 the vibrator, your stepdad got mad?

17 A I don't know if he got mad or not.

18 MS. LUTTRELL: Your Honor, may I approach
19 the witness?

20 THE COURT: I'm sorry?

21 MS. LUTTRELL: May I approach the witness?

22 THE COURT: Certainly.

23 BY MS. LUTTRELL:

24 Q I'm going to show you what's been admitted
25 into evidence as State's Exhibits 1, 2, and 3. Do

CROSS EXAMINATION OF EMILY FLOWERS BY MS. LUTTRELL

1 you remember us talking about those statements
2 yesterday?

3 A Yes.

4 Q And do you remember telling the jury that
5 that's your handwriting?

6 A Yes.

7 Q And you told the jury that you signed
8 those statements?

9 A Yes.

10 Q And you told the jury that those were
11 written back on March 4th, 2013?

12 A Yes.

13 Q Right when this incident was reported; is
14 that right?

15 A Uh-huh. (Indicating affirmatively.)

16 Q When everything was fresh in your mind; is
17 that right?

18 A Yes.

19 Q Before you knew that your stepdad was
20 going to get in trouble for all of this; is that
21 right?

22 A I don't know if he was going to get in
23 trouble or not.

24 Q Right, you wrote those and you didn't know
25 if he was going to get in trouble at that point; is

CROSS EXAMINATION OF EMILY FLOWERS BY MS. LUTTRELL

1 that right?

2 A Right.

3 Q But now, five years later, we're sitting
4 in a courtroom and he's charged with criminal sexual
5 conduct, right?

6 A I guess. I don't know.

7 Q Have you been sitting here for the past
8 few days?

9 A Yes.

10 Q And you've been listening to all the
11 testimony, right?

12 A Yes.

13 Q And you know that your stepdad is the
14 Defendant in this case, right?

15 A Yes.

16 Q So, he's being charged with a crime?

17 A Okay.

18 Q And when you wrote those statements, you
19 wrote those statements before you had to move out of
20 your house, right?

21 A Yes.

22 Q And you wrote those statements before you
23 had to transfer schools; is that right?

24 A Yes.

25 Q And in those statements, you actually

CROSS EXAMINATION OF EMILY FLOWERS BY MS. LUTTRELL

1 wrote that you didn't want your stepdad to get in
2 trouble for what he did, right?

3 A Yes.

4 Q And you wrote in those statements that you
5 just needed some help, but you didn't want them to
6 tell anyone; is that right?

7 A Yeah, I guess if it's in there.

8 Q Well, let's talk a little bit more about
9 those statements that you wrote. You wrote in that
10 first statement --

11 MS. LUTTRELL: Actually, Your Honor, may I
12 approach the witness?

13 THE COURT: Yes.

14 BY MS. LUTTRELL:

15 Q You wrote in this statement on March 4th,
16 2013, that your stepdad is touching me in places,
17 then we did it, then after, I told my mom; isn't
18 that right?

19 A That's what I wrote.

20 Q And then you wrote, she got -- I told my
21 mom, she got mad and wouldn't talk to him; isn't
22 that right?

23 A That's what I wrote when I was 14.

24 Q Right when this was reported, right?

25 A Yep.

CROSS EXAMINATION OF EMILY FLOWERS BY MS. LUTTRELL

1 Q And back when all of this happened, you
2 wrote, Sometimes, I think that it'll happen again
3 and sometimes I don't when I'm around my mom; isn't
4 that right?

5 A If it's on paper.

6 Q And back when you were 14 years old in
7 2013, you wrote, One night after Christmas, me and
8 my stepdad, Bobby Jones, did it one night; isn't
9 that right?

10 A If it's on paper.

11 Q And you wrote, First, he started touching
12 me and I was touching him back; isn't that right?

13 A If it's on paper.

14 Q And I took off my clothes and lifted my
15 legs up; is that right?

16 A If it's on paper.

17 Q And you wrote, back in 2013, Then he had
18 put his penis inside me and then it started feeling
19 good to me; is that right?

20 A That's what I wrote.

21 Q And that's why I didn't say anything
22 while -- and then you stopped writing; is that
23 right?

24 A Yeah.

25 Q And you stopped writing because you didn't

CROSS EXAMINATION OF EMILY FLOWERS BY MS. LUTTRELL

1 want to write any more because you didn't want him
2 to get in trouble; is that right?

3 A If it's on paper.

4 Q But then you kept writing and you said, I
5 can't write any more because I don't want him or my
6 mother or me and my brother to lose everything; is
7 that right?

8 A Yes.

9 Q And you wrote, I wanted the help that I
10 needed and that is the only help to me that I could
11 get for myself; is that right?

12 A Yes.

13 Q So back in 2013, when you wrote this
14 statement, you were telling the people at your
15 school that you wanted help?

16 A No, I was not telling them, those came
17 from rumors.

18 Q But you were writing in the statement that
19 you --

20 A Yes, about the rumors.

21 Q And you wrote in this statement, I know
22 that it won't happen again because I'm with my
23 mother and she sleeps with me now; is that right?

24 A No, my mama never slept with me.

25 Q But that's what you wrote in the statement

CROSS EXAMINATION OF EMILY FLOWERS BY MS. LUTTRELL

1 back in 2013?

2 A Okay, I was 14 years old.

3 Q And then, to Special Agent Johnson, you
4 wrote, He also did use a vibrator on me, once, only
5 once; is that right?

6 A Yes, I wrote that, but he never used it on
7 me.

8 Q My top was off and bottom off; is that
9 right?

10 A Yes, but that's not true.

11 Q And you even describe in here that it was
12 a blue vibrator and I got it around January; is that
13 right?

14 A Yes.

15 Q And the time we did it was the night I was
16 texting my friend; is that right?

17 A Yes, but it's not true.

18 Q And you've been sitting here and you
19 listened to all of those people testify about what
20 they remember you telling them; is that right?

21 A Uh-huh. (Indicating affirmatively.)

22 Q Right now, as we sit here today five years
23 later, you're 20 years old, right?

24 A Uh-huh. (Indicating affirmatively.)

25 Q Are you working anywhere?

CROSS EXAMINATION OF EMILY FLOWERS BY MS. LUTTRELL

1 A No, I'm not.

2 Q Are you in school?

3 A No.

4 Q And you live with your grandma?

5 A Yes.

6 Q And you have a baby, right?

7 A Yes.

8 Q Five months old, six months old?

9 A Yes, five months old.

10 Q And you're not married, right?

11 A No, I'm not.

12 Q Who's supporting you right now?

13 MR. WALTERS: Objection, Your Honor, this

14 is totally irrelevant and it has nothing to do

15 with the case.

16 MS. LUTTRELL: Your Honor, again, it goes

17 to her bias and the inconsistencies in her

18 testimony.

19 THE COURT: I'll sustain the objection.

20 BY MS. LUTTRELL:

21 Q Bobby Jones, Sr. is your stepdad, right?

22 A Yes.

23 Q Bobby Jones is the stepdad that you were

24 talking about in all these statements, right?

25 A Yes.

CROSS EXAMINATION OF EMILY FLOWERS BY MS. LUTTRELL

1 Q You see Bobby Jones in the courtroom
2 today?

3 A Yes, I do.

4 Q Can you point him out for us, look at him
5 and see what he's wearing?

6 A Yes, he's sitting over there in the white
7 suit.

8 MS. LUTTRELL: Your Honor, please let the
9 record reflect that the witness has identified
10 the Defendant.

11 I have no further questions at this time,
12 Your Honor.

13 MR. WALTERS: No further questions, Your
14 Honor.

15 THE COURT: Thank you, Miss Flowers. You
16 may step down.

17 MR. WALTERS: Your Honor, may we approach?

18 THE COURT: Yes.

19 (Off-the-record discussion held.)

20 THE COURT: Ladies and gentlemen, we're
21 going to take a five-minute recess, not six,
22 five-minute recess. I remind you it's too
23 early to begin discussing the case.

24 (WHEREUPON, the jury exits the courtroom at 3:02
25 p.m.)

CROSS EXAMINATION OF EMILY FLOWERS BY MS. LUTTRELL

1 THE COURT: Bring the jury back.

2 (WHEREUPON, the jury enters the
3 courtroom.)

4 THE COURT: Welcome back, ladies and
5 gentlemen. I believe we're ready to continue
6 with the presentation of evidence.

7 MR. CULLER: Yes, Your Honor, we call
8 Bobby Jones.

9 Thereupon,

10 BOBBY JONES, SR.

11 was called as a witness, having been first duly sworn,
12 was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. CULLER:

15 Q Mr. Jones, tell this jury, have you ever
16 at any time ever touched Emily Flowers in an
17 inappropriate way?

18 A No, I did not. And of course, I heard
19 people talk about me --

20 MS. LUTTRELL: Objection, Your Honor,
21 hearsay.

22 THE WITNESS: Well, people talked about me
23 for five years as I was separated away from my
24 family. Everybody in Allendale knows who I am.
25 They know what I do. I work with troubled

DIRECT EXAMINATION OF BOBBY JONES, SR. BY MR. CULLER

1 kids. I worked with kids all my adult life.
2 I'm on DJJ after-school programs, everything to
3 try to help these children of Allendale County.
4 And one of the things you need to understand
5 also is, I don't do like regular people. I
6 keep up with data. The data shows that in
7 Allendale County, we're number one in
8 everything from --

9 MS. LUTTRELL: Objection, Your Honor,
10 nonresponsive.

11 THE WITNESS: Nonresponsive, after five
12 years, how --

13 MR. CULLER: Wait a minute. Wait a
14 minute.

15 THE COURT: Let me try to explain to him
16 real quick --

17 MR. CULLER: Please, Your Honor.

18 THE COURT: -- and for the jury.

19 The way the system works, the way the
20 system has to work is that the attorney ask you
21 a question, you respond to the question, he ask
22 you another question, you respond to the
23 question.

24 THE DEFENDANT: Yes, sir.

25 MR. CULLER: Thank you, Your Honor.

DIRECT EXAMINATION OF BOBBY JONES, SR. BY MR. CULLER

1 THE COURT: Next question.

2 BY MR. CULLER:

3 Q So, my question was going to be, tell me
4 about Allendale's teen population.

5 A Well, Allendale's teen population, which I
6 worked with and we never worked with anyone but what
7 we call at risk kids. So, a lot of females, I mean,
8 maybe more females than males sneaking out of
9 windows and --

10 MS. LUTTRELL: Objection, Your Honor, as
11 to relevance, nonresponsive.

12 THE WITNESS: Yes, there's a lot of
13 problems --

14 THE COURT: Hold on, Mr. Jones. There's
15 an objection being made.

16 MR. CULLER: Your Honor, I think it goes
17 to his participation with groups of children,
18 his involvement with children and lack of any
19 allegation of abuse ever in his years of
20 working with children.

21 THE COURT: I'll overrule the objection.

22 Go ahead.

23 BY MR. CULLER:

24 Q So, you participated for a number of years
25 with programs, not only through the school, but

DIRECT EXAMINATION OF BOBBY JONES, SR. BY MR. CULLER

1 through your church; is that correct?

2 A Yeah, and First Steps and, also,
3 Department of Juvenile Justice, we ran their program
4 as well.

5 Q How do you get children -- at the program
6 that you had at the school, how were the children
7 referred to you?

8 A Through Family Court, the DJJ department
9 allocated programs for us to actually have the
10 opportunity to keep the kids from going to jail.
11 They would be locked up, but if they completed our
12 program, then they would not have to be
13 incarcerated, but I would have to sign off on it.
14 They would have to do well in school. They would
15 also have to change their behavior because many of
16 them were in trouble. And we were 88 percent
17 successful, that's why we kept this program for so
18 long.

19 Q When you say DJJ, you're referring to?

20 A Department of Juvenile Justice.

21 Q And that's a state agency?

22 A Yes.

23 Q That prosecutes juveniles?

24 A Right.

25 Q So, when you would go to the school, was

DIRECT EXAMINATION OF BOBBY JONES, SR. BY MR. CULLER

1 there a protocol for your involvement with the
2 school? How did you --

3 A Yeah, we had to check in, of course, at
4 the office, all visitors do, but also, I was engaged
5 with law enforcement as well, Officer Spiller.

6 Q What agency is Officer Spiller with?

7 A With the sheriff's department.

8 Q All right. I interrupted you. You said
9 you worked with --

10 A Yes, we actually were allowed -- they
11 called these troubled kids out of the classrooms
12 actually and allowed us to actually counsel with
13 them. I also would --

14 Q Let me interpret you, you say we?

15 A Officer Spiller and I.

16 Q All right. And when -- the teachers would
17 refer students, is that what you --

18 A Yes. And a lot of times, I would be
19 allowed to go into the classroom as well. Because,
20 in Allendale County, as we know, those people who
21 live here, our system is the way it is because of
22 the lack of discipline and, of course, disrupting
23 school is a crime. And being with the Department of
24 Juvenile Justice, I was able to get a lot of kids to
25 just adhere to the rules just for the fear of going

DIRECT EXAMINATION OF BOBBY JONES, SR. BY MR. CULLER

1 to Columbia.

2 Q Now, with regard to how you met with these
3 children in the school, how was that done? It was
4 you and Officer Spiller or -- when you meet with the
5 children through the school program?

6 A Yes, I was never with the children by
7 myself. We were not allowed to be with kids by
8 ourselves. Because it was always in the department,
9 something was said or someone might say something,
10 like in this case, and you have no witnesses.

11 Q I understand. Now, tell me, has there
12 ever been any allegation of abuse?

13 A Absolutely not. I love kids. What I
14 would call, to the people that know me, a
15 possibility for me to hurt a child is simply
16 ridiculous. I would never do that, especially my
17 own.

18 Q Well, explain to the jury, who has been
19 sitting here for three days now and want to hear
20 from you, what was going on with Emily, the
21 concerns, and how did they manifest themselves? How
22 did you find out about them?

23 A Well, one thing that I've done -- we've
24 done as parents, but especially, if I buy you a cell
25 phone, I get the password and I know how to unlock

DIRECT EXAMINATION OF BOBBY JONES, SR. BY MR. CULLER

1 it. If you've got a Facebook page, I'm going to be
2 aware of what the password is. I will follow you
3 and your social media so that I can find out as a
4 parent what's actually going on.

5 And of course, there was a lot of
6 things that you guys are not aware of that was going
7 on at that time, very elicit sexual things that she
8 was being exposed to. And I find out about it
9 through the investigations of the Facebook page.
10 And of course, there was an Instagram at that time
11 and the text mail.

12 Q At some point, did Emily approach you
13 herself?

14 A Well, the first thing that happened when
15 Emily approached me, because I do counseling, do a
16 lot of counseling, I said, Go talk to your mama.
17 Like that. Go talk to your mother. And of course,
18 she says, Well, you do the counseling. I counsel,
19 not so much as counsel people, adults, but kids, I
20 talk to them a lot. But in this case, I felt that
21 mom certainly needed to be involved.

22 So, once she came to me, of course, I
23 went to my wife and -- you know, because in order
24 for us to actually solve problems, as you know, we
25 have to have some knowledge together as parents of

DIRECT EXAMINATION OF BOBBY JONES, SR. BY MR. CULLER

1 what's actually going on, so we can do it from both
2 perspectives.

3 Q So, subsequent to Emily talking to you,
4 you meet with your wife. What's the discussion?

5 A The discussion is simple, it's like she's
6 sexually active -- anybody who's in the courtroom
7 right now, you understand. I know you ain't 14 now,
8 15 or whatever, but we've all been and some of us
9 may still be having problems with sex, we don't talk
10 about it, but we have problems with controlling our
11 emotions when it comes to sex.

12 So, she had a problem at 14, which
13 was serious, I want to have sex. I would respond,
14 You are not going to have boyfriends, sex, or
15 nothing. Why? Because the situation being as it
16 is, you're going to get pregnant or you're going to
17 catch an STD. Because I'm in Allendale County and
18 I'm aware that we are number one in teen pregnancy.
19 And if we ain't number one right now, because I
20 haven't checked in three years, we're number two.
21 And in what they call chlamydia, which is a sexually
22 transmitted disease, I think it's 800 kids in this
23 area that's affected. So, we had this conversation.

24 Q Understood. So, after the discussion you
25 had with your wife, what did you do in terms of

DIRECT EXAMINATION OF BOBBY JONES, SR. BY MR. CULLER

1 discussing your decision with Emily?

2 A We sat down in the den --

3 Q Where was that, when did that occur?

4 A What date or --

5 Q No, just generally?

6 A In the den, we sat down and we talked
7 about everything. My wife and children and I, we
8 talk about everything. So we were in the den and
9 we're talking about this. And, of course, those of
10 you who are married men, you got to know, she calls
11 the shots. Now, most of the time, she going to call
12 the shots. We talked about the vibrator, but it
13 wasn't my idea, okay. It was like, okay, my wife
14 said, we'll get it, but I'm not going to buy it. If
15 we get it, you -- and I'm a preacher, I'm in the
16 business, I can't go -- but if it's going to happen,
17 so that's basically -- I was reluctant the way we
18 did that.

19 Q What did you do once you got the vibrator
20 in regard to Emily and discussing the matter with
21 her?

22 A Once we bought the vibrator, of course, we
23 got it to the house, she came in the den --

24 Q You say she?

25 A Emily came in the den and got it. And of

DIRECT EXAMINATION OF BOBBY JONES, SR. BY MR. CULLER

1 course, we know what people do with vibrators. She
2 was doing the same thing with magic markers and
3 stuff, so we didn't have to instruct her as to what
4 to do. I mean, we was not showing her what to do,
5 that's ridiculous. She knew what to do from the
6 other items that she was using, so, that part of it
7 is certainly ridiculous.

8 Q And you explained to her that you had
9 these limitations on her social life?

10 A Well, what we said was, yeah, you are now,
11 I guess you call it grounded, because of your
12 behavior. She's threatening to --

13 MS. LUTTRELL: Objection, Your Honor,
14 hearsay.

15 THE COURT: Sustained.

16 BY MR. CULLER:

17 Q Nonetheless, you testified that you
18 restricted her social activities?

19 A Yes, we did.

20 Q And what was her reaction to that?

21 A She didn't like it very much. But the
22 rules of our house are simple. I mean, if you've
23 got a house and you're going to run it properly, if
24 you run this courtroom properly, you run anything
25 properly, it's going to have to be run by rules.

DIRECT EXAMINATION OF BOBBY JONES, SR. BY MR. CULLER

1 Because if everybody is allowed to do what they want
2 when they get ready, then you got chaos. And that's
3 how we kept chaos down, we solved our own problems
4 by knowledge. We didn't solve it by trying to guess
5 what to do. We were told you can get birth control
6 pills and some condoms. I was like, why? It hadn't
7 worked all of these years, it's going to work now?
8 I don't think so. So, we chose this route.

9 Q I understand.

10 MR. CULLER: Beg the Court's indulgence.

11 BY MR. CULLER:

12 Q Last question, Mr. Jones, you never
13 touched Emily, never inserted anything into her,
14 never had sex with her; is that correct?

15 A No, I never touched her, I never had sex
16 with her. Of course, I -- I don't care what's said,
17 didn't happen. And of course, what was said years
18 ago, five years ago, escalated on and on and on.
19 But the problem I have with this is that we're
20 sitting here five years later and we're saying okay,
21 I did this, why we wasn't here the first year?
22 Because fabrications happen and I know it and I've
23 got the right to my opinion. I've been in Allendale
24 all my life. And I know that murderers walk. I
25 know that they've never treated any other person

DIRECT EXAMINATION OF BOBBY JONES, SR. BY MR. CULLER

1 like they're treating me, never, in Allendale
2 County. I been here, I was born and raised here,
3 all of my life. SLED agents, FBI, CIA for a rumor.

4 MR. CULLER: Thank you, Mr. Jones. That's
5 all the questions I have.

6 THE COURT: Cross-examination?

7 MS. LUTTRELL: Yes, Your Honor, may it
8 please the Court.

9 CROSS EXAMINATION

10 BY MS. LUTTRELL:

11 Q Mr. Jones, we were just talking -- you
12 were just talking with your defense attorney that
13 this has been pending for five years, right?

14 A Yes.

15 Q Been going on for five years. But this
16 case was actually set to go to trial two years ago;
17 is that right?

18 A I don't know. I just come to roll call,
19 ma'am. My lawyers handle everything.

20 Q Okay. So you came to roll call two years
21 ago when your case was on the docket, right?

22 A It was on the docket ever since year one.

23 Q And when it was on the docket two years
24 ago, your defense attorney actually asked for a
25 continuance?

CROSS EXAMINATION OF BOBBY JONES, SR. BY MS.
LUTTRELL

1 A Well, how about the first three years
2 before that, ma'am?

3 Q The two years before that?

4 A Two years, whatever. I mean, you know,
5 and then the year after that, '17.

6 Q Right. So, two years ago, your defense
7 attorney asked for a continuance and you got a
8 two-year continuance; is that right?

9 MR. WALTERS: Objection, Your Honor. How
10 is this relevant to the case?

11 MS. LUTTRELL: Your Honor, the defense has
12 made it relevant in this case.

13 THE COURT: I think so, overruled.

14 BY MS. LUTTRELL:

15 Q So the last time your case was set to go
16 to trial and the State was ready, your defense
17 attorney asked for a continuance, right?

18 A You have to ask them. I'm just listening
19 to them. I mean, you asking me some questions.
20 They tell me what to do. This is the first time I
21 talked since this thing happened. I've been quiet
22 for five years. So, now, you want to ask me. Ask
23 them.

24 Q All right. So, your defense attorneys,
25 they tell you what to do, right?

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1 A Yeah, I mean, that's why I hired them.

2 Q And they advised you how to testify in
3 this case, right?

4 A No. Because let me tell you this right
5 here, ma'am, since you asked me that question, can I
6 tell you this? Listen, one thing I want to let you
7 know is a lie can't be remembered, but the truth, I
8 have -- don't have to right write it down.

9 MS. LUTTRELL: Your Honor, I'm going to
10 object to nonresponsive.

11 THE WITNESS: Okay. Ask me a question.

12 THE COURT: Just try to respond to the
13 question that's being asked to you.

14 THE WITNESS: I thank you.

15 BY MS. LUTTRELL:

16 Q Mr. Jones, Emily Flowers is your
17 stepdaughter, right?

18 A She is.

19 Q And back in 2013, she was 14 years old,
20 January 2013, right?

21 A Correct.

22 Q February 2013, she was 14 years old,
23 right?

24 A Yes.

25 Q When you gave her the vibrator in 2013,

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1 she was 14 years old, right?

2 A She came to get the vibrator, I didn't
3 give it to her.

4 Q You purchased it for her, right?

5 A Yes, at my wife's request.

6 Q So, you're saying today that it was your
7 wife's idea to get the vibrator?

8 A It was both of our idea. Now, don't get
9 it twisted. You heard what I said. Both of us
10 agreed, but she said she wasn't going there, so
11 somebody had to go get it, and that would be me.

12 Q Back in 2013, you, your wife, Emily and
13 Levi, you all lived at 1992 Terry Road?

14 A Correct.

15 Q In Allendale County?

16 A Uh-huh. (Indicating affirmatively.)

17 Q And back then -- I guess you still are the
18 pastor of -- what's the name of your church?

19 A New Life House of Love.

20 Q And you've been pastor there for how long?

21 A We built that church in 2005.

22 Q Prior to you and Brenda getting married,
23 did she attend that church?

24 A She did.

25 Q So, you were Emily Flowers' pastor before

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1 you were her stepfather, right?

2 A Yes.

3 Q And Emily and you were close back in 2013,
4 right?

5 A Explain close.

6 Q I mean --

7 A Close as families would be. I mean, all
8 families should be close.

9 Q I think you testified that she came to you
10 as her counselor, right?

11 A I said she asked me a question because I
12 am a counselor. I did not say I counseled her.

13 Q In fact, you and Emily used to spend a lot
14 of time together; is that right?

15 A Spent a lot of time? You got to define
16 that.

17 Q You took her to school and picked her up
18 from school almost everyday, right?

19 A Her and my son, but she rode the bus to
20 school. I don't know where you got that
21 information. She rode the bus to school and I
22 picked them up in the afternoon.

23 Q And --

24 A Sometime, and not all the time because
25 there were times, many times when my wife picked her

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1 up. But the word is he picked her up everyday, that
2 ain't the truth.

3 Q And Emily went to church with you a lot;
4 is that right?

5 A She went to church with us. She never
6 went to church with me, she went to church with the
7 family, with us.

8 Q So you were never alone with Emily, is
9 that your testimony today?

10 A Never alone, but going to a basketball
11 game where people are, but never in the house as far
12 as alone like that, no.

13 Q Your wife never went out to run errands or
14 get her hair done or anything?

15 A You don't know our family, but let me
16 explain. My wife and I traveled -- if she getting
17 her hair done or her nails done, I'm sitting there
18 waiting on her to get finished.

19 Q You and your wife are always at each
20 other's side?

21 A That's right.

22 Q That's your testimony today?

23 A That's the truth. Laundromat, grocery
24 store, that's what we do. That's what families
25 ought to do. I don't hang with the boys.

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1 Q So when Emily came to ask you about sex
2 and you sent her to find her mother, she could have
3 turned right to your side because your wife was
4 right there; is that right?

5 A She was at the church.

6 Q So you were at home alone with Emily?

7 A She was at the church. How you get home
8 from the church?

9 Q Oh, Emily was at the church asking you
10 about sex?

11 A We were at the church when she asked me
12 that.

13 Q Okay.

14 A And my wife was there.

15 Q Right next to your side?

16 A Oh, God. We ain't Siamese twins. No, she
17 was at the church.

18 Q Okay. And back when you gave your
19 stepdaughter this vibrator when she was 14 years
20 old, you told her not to tell anyone about it,
21 right?

22 A I didn't tell her that. Her mom and I sat
23 down and told her that this was private. This
24 didn't have nothing to do with other people. Matter
25 of fact, to me, if I had another option, if we had

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1 something else, but we felt at that time
2 necessary -- but as far as me telling her, no, we
3 told her together.

4 Q So, you did not put restrictions on her
5 about it or you did?

6 A Whenever you say you, you say we, because
7 my wife and I work together like that like I told
8 you before, ma'am.

9 Q But your stepdaughter did go out and tell
10 people about the vibrator, right?

11 A She told some girl named Nicole, yeah.

12 Q And you've actually been sitting here the
13 whole time, right?

14 A Right.

15 Q And you heard about, I think we called
16 maybe six or seven witnesses to the stand; is that
17 right?

18 A I don't know.

19 Q You haven't been listening to the
20 testimony?

21 A I been here, but I don't know how -- I
22 didn't count the witnesses, no.

23 Q But you've heard the testimony?

24 A I did.

25 Q And you heard a lot of those witnesses