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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions
R. Kieth Kelly, Circuit Court Judge

Appellate Case No. 2024-000439

The State, ...Respondent

v.

Cody Hudson, ...Appellant.

RECORD ON APPEAL – VOLUME I of II

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STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF SPARTANBURG	)	2019-GS-42-5224
	)	2019-GS-42-5228
	)	2019-GS-42-5230
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
	)	
vs.	)	TRANSCRIPT OF TRIAL
	)	
CODY ALLEN HUDSON,	)	
DEFENDANT.	)	
	)	

July 17th - 21st, 2023
Spartanburg, South Carolina

B E F O R E:

THE HONORABLE R. KEITH KELLY, JUDGE and a jury.

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AMBER PAYNE
Court Reporter, CVR

I N D E X

(SW) - Denotes State's Witness
 (DW) - Denotes Defense's Witness

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P R O C E E D I N G S

(Jury Pool Enters Courtroom
at 9:51 a.m.)

(Whereupon, the hearing began at
10 a.m.)

DAY 1 OF TRIAL - JULY 17, 2023

THE BAILIFF: All rise, please. Court, come to
order. Seventh Circuit Court of General Sessions of
Spartanburg County is now in session. The Honorable
Keith Kelly is the judge presiding.

THE COURT: Thank you. Please be seated. Good
morning, everyone. I am Keith Kelly. I'm one of
your circuit court judges here in the Seventh
Judicial Circuit. It's good to be with you today.
We are sitting in general sessions court this week.
General sessions is -- is criminal court.

We judges wear two different hats. We have the
civil side, and we also have the criminal side, but
we are holding criminal court this week. Again,
that's general sessions. Civil court is common
pleas, so -- and it's good to be with you. Because
I am a Spartanburg County resident, and circuit
judges by definition travel the circuit, which is
the entire State of South Carolina. So it's good to
be home and sleeping in my bed this week. Not

1 always true, but it is true this week, thank
2 goodness. Next week, too.

3 Ladies and gentlemen, we understand that jury
4 service is an inconvenience in your personal and
5 professional lives. And you're gonna be given some
6 pieces of paper here. If you don't already have
7 them, you'll be provided these later today. They
8 have some magic phone numbers on them. If we don't
9 need you, we will not bring you in, okay?

10 And that line, you'll be told to call after 6
11 p.m. on that line to make sure that you are not
12 needed and if you are needed, what time to be here.
13 So -- and so, please, whenever you're provided these
14 phone numbers, make sure that you hang on to that.
15 That's an -- that's an important piece of
16 information for each of you.

17 You have already met our bailiffs. They're
18 wearing the red jackets. They're different colors
19 in different counties. Last week, I was in Cherokee
20 County, they wear navy blazers there, but some I see
21 them in different colors. Charcoal gray, but ours
22 are red.

23 I point them out to you one more time along
24 with our uniform law enforcement personnel, and Ms.
25 Amy and her fine staff because if you have a child

1 that's sick or a car will not start or something, if
2 you'll get in touch with one of those people,
3 they'll be able to help you with that matter.

4 Our purpose this morning is to determine your
5 qualification and eligibility to serve as jurors,
6 and jury qualification is generally done in several
7 stages. The first stage is generally referred to as
8 the "roll call."

9 Madam Clerk will call the roll, and if -- of
10 all persons who have been summoned, and when your
11 name is called, we ask that you please stand, and in
12 a clear audible outside -- try to use your outside
13 voice, provide the following information: Your
14 occupation if you are employed. If you are self-
15 employed, please tell us the nature of your
16 business.

17 If you are retired or disabled, please tell us
18 your former occupation. If you are married or have
19 a significant other and -- and that person is
20 employed, please tell us the nature of his and her
21 employment. If you have no objection, please tell
22 us your age. Do you need the mileage?

23 THE CLERK: Yes, sir.

24 THE COURT: And we need the mileage one way from
25 your residence to the Spartanburg County Courthouse.

1 As part of the roll call process, it is necessary
2 that you be sworn. So I ask each of you now to
3 please stand. Madam Clerk?

4 THE CLERK: Your Honor. Please raise your right
5 hand.

6 (WHEREUPON, the jury was sworn at approximately
7 10:04 a.m.)

8 THE CLERK: Thank you.

9 THE COURT: Thank you. Please be seated and give
10 your attention to Madam Clerk.

11 (WHEREUPON, the clerk calls roll of the
12 jurors.)

13 (WHEREUPON, the clerk ends the roll call of the
14 jurors.)

15 **JURY QUALIFICATIONS**

16 THE COURT: Ladies and gentlemen, here is certain
17 questions that I'm required by law to ask to
18 determine eligibility to serve on a jury this
19 morning. And before we begin, I want to tell you
20 that there are at least two questions that are a
21 little personal in nature, and here's what they are.
22 One of the questions asked whether or not you have a
23 prior criminal history for which you could have been
24 sentenced to more than one year, and your rights
25 have not been restored by pardon or amnesty. Now,

1 the key to the question is more than one year.

2 So if you have a driving under the influence
3 first offense, that carries up to 30 days. You do
4 not have to tell me about that. But if you were
5 being silly and with your friends, and you were very
6 young, and you opened the car door and took the
7 nickels and dimes from the cup holder, you do have
8 to tell me about that because it carries up to five
9 years with it. You would not have received a
10 sentence of five years for doing something silly
11 like that, but it does carry up to five years with
12 it, and you do have to tell me about it.

13 I will tell you ahead of time that I already
14 know the answers to that question because the
15 solicitor's office runs a rap sheet and provides
16 that to us judges so that I know who's qualified and
17 who is not qualified, but the lawyers don't know,
18 and it would have to be put on the record.

19 The second question that's a little personal in
20 nature would be whether or not you are under a
21 doctor's care. You are taking some medication, and
22 you've been told not to make legal decisions, not
23 drive a car, don't operate machinery because this --
24 this medication affects your thinking and reasoning
25 ability. I have no way of knowing the answer to

1 that.

2 We're not here to embarrass anyone. So at the
3 end of my question-and-answer period, I will leave
4 here, the bench, with my law clerk, and I'll invite
5 the lawyers to come forward and I will stand here
6 next to my court reporter who has to put this on the
7 record.

8 And if you need to answer something privately,
9 you can do so at that point in time. Now, that's
10 not an invitation for 65 people to come and talk
11 with me. I usually do have two or three, but I -- I
12 don't usually have 65 people coming up to talk about
13 something private. But if you need to do that,
14 we -- there will be an opportunity to do that.

15 All right. Here are the questions I'm required
16 to ask. Is there a member of this jury panel who is
17 not a citizen of the United States? If so, please
18 stand. You must be a U.S. citizen to serve on jury
19 duty.

20 THE JURY PANEL: (No response.)

21 THE COURT: Is there member of this panel who is not
22 a resident and citizen of Spartanburg County? If
23 so, please stand. The -- the Township of Chesney
24 and the City of Greer sit on the county lines, and
25 sometimes we have someone from Greenville County or

1 Cherokee County. Any -- everybody here is a
2 Spartanburg County resident? Yes, sir. Your
3 number?

4 MR. FANNIN: Forty-three, Your Honor.

5 THE COURT: Twenty-three.

6 MR. FANNIN: Forty-three.

7 THE COURT: Forty-three.

8 MR. FANNIN: Technically, I live in Greer.

9 THE COURT: You live in Greer?

10 MR. FANNIN: Yes, sir.

11 THE COURT: Okay. You said technically. So you
12 have a residence there, and you don't stay there?

13 MR. FANNIN: Yes, sir. Residence.

14 THE COURT: You're a resident there. You -- and --
15 in Greer. But in Greer, is you on -- are you on the
16 Greenville side or the Spartanburg County side?

17 MR. FANNIN: Greenville.

18 THE COURT: On the Greenville side. You --

19 MR. FANNIN: I think I'm on -- it's right on the
20 line. It's very confusing.

21 THE COURT: Where -- where do you pay your property
22 tax?

23 MR. FANNIN: I -- I pay rent.

24 THE COURT: You pay rent?

25 MR. FANNIN: Yes, sir. It's not a big deal. I'll

1 take --

2 THE COURT: You got his address?

3 THE CLERK: I do have his address.

4 THE COURT: Forty-three.

5 THE CLERK: It's [REDACTED] in Greer. We
6 can check on it.

7 THE COURT: We'll check on that one. Madam Clerk
8 will check on that. We can see what -- if -- if
9 that address is in Spartanburg County or Greenville
10 County? Yes, ma'am? Your number?

11 JUROR 128: 128. I live in Cherokee County.

12 THE COURT: You live in Cherokee County?

13 JUROR 128: Yes.

14 THE COURT: 128. Is that a -- is that a Chesney
15 address?

16 JUROR 128: No. Gaffney.

17 THE COURT: We have your address as Cowpens. That's
18 not right?

19 JUROR 128: No. I just moved.

20 THE COURT: You moved?

21 JUROR 128: Yes.

22 THE COURT: Okay. You will be excused, ma'am. You
23 turn your badge in.

24 JUROR 128: Okay.

25 THE COURT: Anybody else move to keep from doing

1 jury duty?

2 THE JURY PANEL: (No response.)

3 THE COURT: Is there a member of this panel who is
4 unable to read, write, speak, or understand the
5 English language? If so, please stand. Yes, ma'am?
6 Your number?

7 JUROR 84: I was born in Poland, and I'm a citizen,
8 but I -- my English is not good enough to -- to
9 serve a jury. I don't feel --

10 THE COURT: Let's talk privately about that, okay?
11 We'll talk privately at the end.

12 JUROR 84: Sure.

13 THE COURT: Thank you.

14 THE CLERK: What's her numbs
15 er?

16 THE COURT: Your number again?

17 JUROR 84: Eighty-four.

18 THE COURT: Eighty-four?

19 JUROR 84: Yes.

20 THE CLERK: Thank you.

21 THE COURT: Is there a member of this panel have
22 less than a sixth-grade education? I did not see
23 that. I -- I look at these slip surveys that go
24 out. Anybody less than a sixth-grade education or
25 its equivalent? Please stand.

1 THE JURY PANEL: (No response.)

2 THE COURT: Here's one of the questions. Is there a
3 member of this panel who is unable due to a mental
4 or physical infirmity who is unable to render
5 service this week? For example, you have a medical
6 condition that would prevent you from serving this
7 week. If so, please stand or see me privately.

8 THE JURY PANEL: (No response.)

9 THE COURT: Is there a member of this panel who has
10 been convicted by guilty plea or a trial in a state
11 or federal court of record of a crime punishable by
12 imprisonment for more than one year, and your civil
13 rights have not been restored by pardon or amnesty?
14 Punishable by more than one year means you could
15 have received a sentence of more than one year,
16 regardless of what sentence you actually received.
17 If so, please stand or see me privately. Okay.
18 Starting right here. Your number, sir?

19 JUROR 181: 181.

20 THE COURT: 181. No, sir. You can stay with me.

21 JUROR 181: Stay, sir?

22 THE COURT: Yes, sir. Yes, ma'am? Your number?

23 JUROR 78: Seventy-eight.

24 THE COURT: Seventy-eight?

25 JUROR 78: Yes, sir.

1 THE COURT: (To the clerk) I don't have it on my
2 list. Anything? Ma'am, come up at private -- let's
3 talk privately. I'll see you privately, but -- but
4 you're not showing on my list. Okay. Right behind
5 you. Just have a seat, ma'am, until I get to the
6 end. Yes, ma'am? Your number?

7 JUROR 129: 129.

8 THE COURT: I don't -- I don't -- I don't have
9 anything on 129. We'll talk privately, okay? Yes,
10 sir? Your number?

11 JUROR 126: 162. 126. I meant 126, Your Honor.
12 Excuse me.

13 THE COURT: 126. Sir, you're excused. You may
14 leave. Turn -- turn your badge in. (Inaudible)

15 Is there any member of this panel who is a
16 clerk or deputy clerk of court, a constable,
17 sheriff, or other commissioned law enforcement
18 officer, probate judge, county commissioner,
19 magistrate, or county officer, or employed within
20 the walls of any courthouse? If so, please stand.
21 I did not see that on anybody.

22 THE JURY PANEL: (No response.)

23 THE COURT: Is there any member of this jury panel
24 who previously served on jury duty in Circuit Court
25 during this calendar year? If so, please stand.

1 Must be Circuit Court.

2 THE JURY PANEL: (No response.)

3 THE COURT: Is there any member of this panel who
4 served as a member of the Spartanburg County Grand
5 Jury during the past several years? If so, please
6 stand.

7 THE JURY PANEL: (No response.)

8 THE COURT: We now move to exemptions. State law
9 provides certain -- several exemptions from jury
10 service. Ladies and gentlemen, an exemption does
11 not mean that you are disqualified from serving, it
12 means you choose not to serve. Persons who are 65
13 years of age or older may be excused from jury
14 service if you choose to do so. If you are 65 years
15 of age or older, and you wish to be exempt, please
16 stand. Yes, ma'am? Your number?

17 JUROR 152: 152.

18 THE COURT: Yes, ma'am. And you are -- I've -- I've
19 noted that you were over 65. You wish to be
20 excused. You may turn your badge in. And thank you
21 to some -- a couple of others because I know we have
22 a couple more that are over 65, and you're choosing
23 to stay. Thank you.

24 Another exemption concerns prior jury service.
25 No person is required to serve as a juror more often

1 than once every three calendar years. Therefore, if
2 there's a member of this panel who served on jury
3 duty in Circuit Court in the last two calendar
4 years, and you wish to be exempt, you may do so.
5 Please stand if you do, if you wish to be exempt.

6 THE JURY PANEL: (No response.)

7 THE COURT: Persons who served as a grand juror
8 during the last five calendar years may be exempt if
9 you choose to do so. If you served as a grand juror
10 in the last five calendar years, and you wish to be
11 exempt, please stand.

12 THE JURY PANEL: (No response.)

13 THE COURT: The next exemption concerns small
14 children. And I ask that you listen to -- to the
15 question. It has four subparts. You may be exempt
16 if you have a child under the age of seven years,
17 and you have the legal care, control, and custody of
18 the child, and you are the principal caregiver of
19 that child, and you are unable to make arrangements
20 for the care of that child while serving.

21 Basically, you're a stay-at-home parent. If this
22 applies to you, and you wish to be exempt, please
23 stand. Yes, ma'am? Your number?

24 JUROR 112: One-twelve.

25 THE COURT: One-twelve.

1 JUROR 112: I have a four-year-old son.

2 THE COURT: And you have custody of that child?

3 JUROR 112: Yes, sir.

4 THE COURT: And you stay -- I think you said you
5 were unemployed?

6 JUROR 112: Yes, sir.

7 THE COURT: So you -- you provide daycare?

8 JUROR 112: Yes, sir.

9 THE COURT: Okay. (To the clerk) You need to go by
10 your office --

11 THE CLERK: Yes.

12 THE COURT: -- sign the -- (To the juror) You may
13 be -- you may be excused, and you have to go by the
14 clerk's office, and they'll have an affidavit for
15 you to sign.

16 JUROR 112: Okay. Thank you, sir.

17 THE COURT: Thank you. If you are the primary
18 caretaker of a person 65 years of age or older, and
19 you cannot provide care for that person or arrange
20 care for that person while serving, you may be
21 exempt. If this applies to you, please stand.

22 THE JURY PANEL: (No response.)

23 THE COURT: If you are the caretaker of a severely
24 disabled person who is unable to care for himself or
25 herself and cannot be left unattended, and you

1 cannot provide adequate care while serving, you may
2 be exempt. If this applies, please stand.

3 THE JURY PANEL: (No response.)

4 THE COURT: The next exemption concerns folks who
5 are students or working in school in some capacity.
6 And if it -- and if this exemption applies to you,
7 we will transfer your service to some time which
8 does not interfere with school, which is why we have
9 so many educators with us this week. If you are a
10 full-time student, teacher, crossing guard, bus
11 driver, or who serves in some other school-related
12 function, and you cannot serve this week due to the
13 school, please stand, and we can transfer you to
14 another week, like next week or the week after?

15 Yes, ma'am? Your number?

16 JUROR 101: 101.

17 THE COURT: 101. And you are a therapist, I think?

18 JUROR 101: Yeah. I'm a full-time student in the
19 Converse Marriage & Family Therapy, Masters Program.
20 And our summer term is just one class to be full-
21 time because we're transferring our full caseload to
22 the new intern student therapists, so I'd have to
23 cancel all my clients, but --

24 THE COURT: Okay. Are -- are you available next
25 week or the week after?

1 JUROR 101: I'm not available until after August
2 because we go all the way until end of August.

3 THE COURT: Okay. And then you're not in school in
4 September?

5 JUROR 101: I'm not in school in September.

6 THE COURT: Okay. You wanna be transferred to
7 September?

8 JUROR 101: That would be great.

9 THE COURT: Ms. Amy? September. (To Juror 101)
10 We'll see you in September. Ma'am, your number one
11 more time?

12 JUROR 101: 101.

13 THE COURT: 101. See you in September.

14 JUROR 101: Thank you, sir.

15 THE COURT: You may leave. Is there a member of
16 this panel who is employed with the Department of
17 Corrections at a prison, and you wish to be exempt,
18 please stand.

19 THE JURY PANEL: (No response.)

20 THE COURT: Is there a member of this panel who
21 serves -- who performs services for a business, or
22 commercial, or agricultural enterprise, which is so
23 essential that, if required to serve, the business
24 or enterprise would close and stop functioning. It's
25 closed now. You have no employees. It's closed now.

1 If that applies to you, and you wish to be exempt,
2 please stand. Yes, sir? Your number?

3 JUROR 138: 138.

4 THE COURT: 138. You are self-employed?

5 JUROR 138: Correct.

6 THE COURT: You have employees?

7 JUROR 138: I do not.

8 THE COURT: You're a one man show?

9 JUROR 138: That's correct.

10 THE COURT: You wish to be exempt?

11 JUROR 138: Please.

12 THE COURT: Okay. You may be exempt. Turn your
13 badge in. Anyone else?

14 THE JURY PANEL: (No response.)

15 THE COURT: Ladies and gentlemen, that concludes the
16 statutory required questions for me to ask. And --
17 and one question I do try to always ask is, you did
18 not know that you would be on jury duty this week.
19 So plans were made and money was paid. You booked
20 airline tickets, hotel room tickets to vacation or
21 business if you're in business, and it's in
22 Washington, D.C., or Washington State, and you did
23 not know, and -- and your plans are for this week. I
24 cannot excuse you, but I can transfer you to next
25 week or the week after. Does that apply to anyone

1 here?

2 UNKNOWN JUROR: I have not -- not this week, but
3 Tuesday next week. So if it carries over.

4 THE COURT: Tuesday of next week. I don't think
5 we're gonna go into Tuesday of next week. I -- I've
6 -- I've looked at the docket and -- and the first
7 trial up, I'm -- I'm satisfied it's gonna be a one-
8 week trial. Okay. Yes? Yes?

9 JUROR 181: I'm sorry. I -- I -- I have a doctor's
10 appointment on Wednesday.

11 THE COURT: Of this week?

12 JUROR 181: Yes, sir.

13 THE COURT: If I protect you Wednesday of this week,
14 you can serve the rest of the time?

15 JUROR 181: Yes, sir.

16 THE COURT: Okay. Your number again?

17 JUROR 181: 181.

18 THE COURT: 181 is protected for Wednesday. Anybody
19 else? Yes?

20 JUROR 78: My daughter has an appointment Friday
21 morning; chemical burns on her eyes.

22 THE COURT: How old is she?

23 JUROR 78: She's eight.

24 THE COURT: Okay. And you are the person that has
25 to take her?

1 JUROR 78: Yes.

2 THE COURT: If I protect you Friday -- you -- you
3 said it was Friday?

4 JUROR 78: Yes, sir.

5 THE COURT: That you can serve the rest of the week,
6 okay?

7 JUROR 78: Yes.

8 THE CLERK: Number, Your Honor.

9 THE COURT: Your number?

10 JUROR 78: Oh, sorry. Seventy-eight.

11 THE COURT: Seventy-eight. Okay. Okay. Thank you,
12 ma'am. You may be seated. Yeah. Somebody else had
13 their hand up. Okay. Yes, ma'am? Your number?

14 JUROR 129: I'm 129. And I have -- both of my kids
15 go to school during -- during the summer. But
16 they're doing -- both of them -- I have a 11-year-
17 old and a 15-year-old, and they're doing summer
18 programs, and it's -- and it's just me. So I -- I'm
19 having trouble transporting. So like today, I don't
20 know what time we're taking lunch, but I need to use
21 my lunch to go and see can I get someone to pick
22 them up and transport them wherever they need to go.

23 THE COURT: You're gonna come up anyway just in a
24 minute, and we'll talk about that then, too.

25 JUROR 129: Okay.

1 THE COURT: Okay. Yes, ma'am? Your number?

2 JUROR 34: Number 34. And I have laser treatment on
3 Thursday. I have nerve damage from shingles. So
4 it's already scheduled.

5 THE COURT: You -- you have already rescheduled?

6 JUROR 34: No. It's -- no. I can't reschedule.

7 THE COURT: You can't reschedule.

8 JUROR 34: I need to get treatments.

9 THE COURT: Okay. But if I protect you Thursday,
10 you can serve until then?

11 JUROR 34: Yes, sir.

12 THE COURT: Okay. Again, your number is?

13 JUROR 34: Thirty-four.

14 THE COURT: Thirty-four. Thank you, ma'am. All
15 right. I'm gonna bring my list down, and we got two
16 or three or --

17 THE BAILIFF: Your Honor, we've got one more.

18 THE COURT: I'm sorry.

19 MR. REEVES: It's okay. 134. I just got a doctor's
20 appointment on Monday. It's next week, so --

21 THE COURT: Next week?

22 MR. REEVES: Okay.

23 THE COURT: I think you'll be out of here by then.

24 MR. REEVES: Okay.

25 THE COURT: Okay. Let me come down with the

1 lawyers.

2 THE COURT: Okay. I've got two or three that I need
3 -- that need to talk with.

4 THE BAILIFF: (To the Mr. Smith) Can you hear him?
5 Can you hear him up there?

6 THE COURT: Y'all stand right here.

7 MR. SMITH: (To the bailiff) Yeah. I'm good.

8 THE BAILIFF: Okay.

9 THE COURT: (To the court reporter) I'll put the
10 defendant right here by (inaudible.) I mean, not
11 before --

12 MR. GROSE: Yeah.

13 THE COURT: -- the juror.

14 THE BAILIFF: Juror 84.

15 THE COURT: Eighty-four?

16 JUROR 84: I was born in Poland and my native
17 language is Polish, so I don't feel comfortable to
18 judge someone without understand everything. First
19 time in -- in -- in the -- in the court, and I don't
20 know that much.

21 THE COURT: Well, you --

22 JUROR 84: I'm kind of leery.

23 THE COURT: But -- but you've been employed?

24 JUROR 84: Yes.

25 THE COURT: Yes.

1 JUROR 84: But it's a place I understand everything.
2 I mean, not everything, but just enough to
3 communicate. I don't write English good enough. I
4 don't read good enough. I do basic, but not -- I
5 don't feel comfortable to judge someone. I mean, if
6 you wanna --

7 THE COURT: (To all counsel) Whatcha all want to
8 do? Whatcha want to do?

9 MR. GROSE: Uh-huh.

10 THE COURT: Okay. I'll excuse you for English.

11 MR. GROSE: What number?

12 THE COURT: Eighty-four.

13 JUROR 84: Eight-four.

14 THE COURT: Turn -- turn your badge in.

15 JUROR 84: Okay.

16 THE COURT: Thank you.

17 THE BAILIFF: Juror 56.

18 THE COURT: Fifty-six?

19 MR. GROSE: Is it fifty-six or sixty-six?

20 MR. COURT: Fifty-six.

21 MR. SMITH: Sixty-six.

22 THE COURT: Sixty-six?

23 JUROR 66: Yes, sir.

24 THE COURT: Sixty-six.

25 JUROR 66: I travel for work. And my job is kind of

1 very strict. If you miss work, you can get fired.

2 THE COURT: No. They won't fire you for that. If
3 they do, you come back and see me.

4 JUROR 66: Huh?

5 THE COURT: They can't fire you for that. Trust me.

6 JUROR 66: Well, they already kind of told me that.
7 And my dad needs health insurance.

8 THE COURT: They're -- they're not going to fire
9 you. If they do, you come back to this courthouse,
10 okay?

11 JUROR 66: Because right now -- because I don't -- I
12 drove down to Florida, like, yesterday (inaudible)
13 said I had to drive back up up here. And they told
14 me I had to be with that by three.

15 THE COURT: There not gonna fire you. You can stay
16 with me. Stay with me.

17 JUROR 66: You want me to sit?

18 THE COURT: Yeah. Just have a seat.

19 THE BAILIFF: Juror 78.

20 THE COURT: You -- you think you have a criminal
21 history?

22 JUROR 78: I know I do.

23 THE COURT: Okay. Where?

24 JUROR 78: It is in Charlotte County, Florida, under
25 my maiden name, Caroline (inaudible.) Twenty-three

1 years ago, at the age of 18, I drove a car. I was
2 in a van. And my cooperation led to a conviction of
3 a murderer who is currently incarcerated still. And
4 I -- yeah.

5 THE COURT: Okay. Anything from the State on that?

6 THE CLERK: Move back just a little.

7 THE COURT: Okay. What? Can you say that --

8 JUROR 78: Oh, adjudication withheld. That's what I
9 was gonna say.

10 THE COURT: A adjudication was held.

11 JUROR 78. It was my first-time offense.

12 THE COURT: Okay. So you were not convicted?

13 JUROR 78: That's not a conviction.

14 THE COURT: Right. Did -- were you --

15 JUROR 78: I didn't -- I pled guilty, and then the
16 judge looked at me, and someone spoke about my
17 cooperation and something, and then he said
18 "adjudication," but I have no idea what that meant.
19 When I look it up, I can still the -- you know, and
20 I still did probation.

21 THE COURT: You did probation?

22 JUROR 78: I did do the --

23 THE COURT: Okay.

24 JUROR 78: -- all the probation.

25 THE COURT: All right. Seventy-eight's excused on

1 criminal. You can turn your badge in. Thank you.

2 JUROR 78: Have a good day.

3 THE COURT: Thank you.

4 THE BAILIFF: Juror 33.

5 JUROR 33: Hey, Your Honor.

6 THE COURT: Hi, how are you?

7 JUROR 33: Me and my wife, we just moved back here a

8 year ago. She doesn't know anybody, but I have to

9 take her for a colonoscopy on Thursday. If we

10 reschedule it, it's 250 bucks.

11 THE COURT: If I protect you Thursday, can you

12 serve?

13 JUROR 33: I can.

14 THE COURT: Well, that --

15 JUROR 33: Your Honor, can I stand. Can I explain?

16 THE COURT: Sure.

17 JUROR 33: I'm in the process of (inaudible.)

18 THE COURT: Sure. Okay. Number 33 is protected for

19 Thursday. Yes. You can stand. I stand a lot.

20 JUROR 33: Thank you.

21 THE BAILIFF: Juror 129.

22 THE COURT: I don't have any criminal history. You

23 say you have some criminal history?

24 JUROR 129: Yes, sir. I had a couple of shoplifting

25 charges. I was confused about the history stuff, so

1 I wasn't for sure they'd count it because I wasn't
2 really sure.

3 THE COURT: Okay. A magistrate with the municipal
4 court?

5 JUROR 129: Uh-huh.

6 THE COURT: You were not in circuit court? Yeah.
7 You can stay with me in this -- this court.

8 JUROR 129: And then about the "my child is in
9 summer programs."

10 THE COURT: Oh, that's right.

11 JUROR 129: Yeah. I have two of them. Like I said,
12 I was having to care for them because I'm a single
13 parent and I transfer both of them. I don't know
14 what time you'll want (inaudible), and I don't have
15 no one -- nobody covering for me for the week, and I
16 sub -- I work at the Gridlock (phonetic) sometimes,
17 but -- but I told them I would skip a couple of
18 weeks because I'm a substitute teacher.

19 THE COURT: I can't excuse you, but I can transfer
20 you.

21 JUROR 129: Okay.

22 THE COURT: But you'll have the same problem next
23 week?

24 JUROR 129: Probably that -- that following week.
25 The third week, maybe. My mom can probably can

1 relieve me the third week, just not next week.

2 THE COURT: Okay. So you can do it in the future,
3 right?

4 JUROR 129: Yeah.

5 THE COURT: You can in the future, but you can't do
6 this one?

7 JUROR 129: Yes. I can do planning. I'll have a
8 better line up. The school will be back in and --
9 and things like that, so --

10 THE COURT: Yeah. It would be better if school's
11 back in?

12 JUROR 129: Yeah.

13 THE COURT: (To all counsel) Any objection to
14 transferring her until school is in?

15 MS. HALLFORD: No objection, Your Honor.

16 MR. GROSE: No, sir.

17 THE COURT: Okay. 129 to be transferred to the
18 September/October -- so when school's in session.
19 Okay. Turn your badge in.

20 JUROR 129: Okay. Thank you.

21 THE BAILIFF: Juror 40.

22 THE COURT: She here?

23 MS. HALLFORD: Yeah.

24 THE COURT: Oh.

25 THE BAILIFF: Forty.

1 THE COURT: I didn't know that. Forty?

2 MS. EMERY: I'm -- I'm technically self-employed.

3 It's just me and my brother. And I didn't realize
4 it's gonna be a whole week thing. I thought it was
5 just today. And I also don't have a reliable car.
6 And I live 33 miles away.

7 THE COURT: Well, I can provide transportation --

8 MS. EMERY: Okay.

9 THE COURT: -- if I need.

10 MS. EMERY: Thank you. I just didn't know that --
11 that it was gonna be all week. I just thought it
12 was a day thing, and I told my brother. It's just
13 me and him.

14 THE COURT: I know. But he could have a thing,
15 while you may need --

16 MS. EMERY: We work in construction.

17 THE COURT: And I understand that.

18 MS. EMERY: So I just stay?

19 THE COURT: Yeah. Stay with me.

20 MS. EMERY: All right.

21 THE BAILIFF: Juror 103.

22 THE COURT REPORTER: What was that?

23 THE COURT: 103. Yes, ma'am?

24 JUROR 103: (Inaudible.)

25 THE COURT: Yes, ma'am. You can keep your

1 appointment.

2 JUROR 103: (Inaudible.)

3 THE COURT: Yeah.

4 JUROR 103: (Inaudible.)

5 THE COURT: Thank you. You can still make
6 decisions, legal decisions --

7 JUROR 103: Okay.

8 THE COURT: -- financial decisions. And you can
9 stay with us. Okay. Thank you.

10 THE BAILIFF: Juror 55.

11 THE COURT: Fifty-five?

12 JUROR 55: (Inaudible) my husband (inaudible)
13 Tuesday --

14 THE COURT: Okay.

15 JUROR 55: -- to retest.

16 THE COURT: You can -- who?

17 JUROR 55: (Inaudible) and there's a lot of guests
18 in the summer.

19 THE COURT: Well --

20 JUROR 55: (Inaudible.)

21 THE COURT: Right. But you -- you can hear me
22 talking, and -- and then we have microphones here
23 that will amplify the voices.

24 JUROR 55: Like -- like when you were speaking, I
25 was literally guessing about what you were gonna

1 say, but if somebody's talking about something --
2 the content unfamiliar and when I don't anticipate
3 they're saying, I can't guess what it is.

4 THE COURT: Okay. What do you usually do? Do you
5 raise your hand or something, and say, "I couldn't
6 hear"?

7 JUROR 55: Usually, I try to be in front of whom I'm
8 speaking. On the phone, I try (inaudible.)

9 THE COURT: All right. Well, the witness --

10 JUROR 55: (Inaudible.)

11 THE COURT: Well, the witness stand is right here,
12 and the jury box is right there, so you will be a
13 lot closer.

14 JUROR 55: If somebody like (inaudible), so it's not
15 the volume, it's -- it's when you like so -- so high
16 pitched, that's what I have trouble with. Like, if
17 somebody tries to whisper, I hear something
18 completely different.

19 THE COURT: There won't be whispering.

20 JUROR 55: I know, but I'm just -- just -- I don't
21 want to miss it. This is very interesting. You hear
22 what I'm saying?

23 THE COURT: (To all counsel) Whatcha y'all want to
24 do?

25 JUROR 55: I normally still work in the emergency

1 room. For that purpose, I work in the emergency
2 room because there's a lot of them sedated, so I can
3 not hear them.

4 THE COURT: Okay.

5 JUROR 55: And I can't hear (inaudible.)

6 THE COURT: (To Mr. Grose) Whatcha want to do?

7 MR. GROSE: I think you -- you should excuse her.
8 She's got to be able to hear his case law, you know.

9 THE COURT: Okay. Fifty-five is excused for
10 medical. Turn your badge in.

11 THE BAILIFF: Juror 98.

12 THE COURT: Ninety-eight?

13 MR. MACDOUGALL: I was arrested for something in
14 March, and I had a court date --

15 THE COURT: Not convicted?

16 MR. MACDOUGALL: Prosecuted.

17 THE COURT: Yeah. Stay way me.

18 THE BAILIFF: Juror 34. (Inaudible)

19 THE COURT: Yes, ma'am?

20 JUROR 34: I'm transferring my department
21 (inaudible) and going to the HR Department, so if
22 there's any way tomorrow morning that I could get
23 that protected. If not, I will try to do something
24 else and do my part, but try to --

25 THE COURT: What did you say, you have laser surgery

1 or something?

2 JUROR 34: I had laser treatment on Thursday, but
3 tomorrow I have a big department meeting because
4 I've changed departments.

5 THE COURT: So you can serve another week?

6 JUROR 34: Yeah.

7 THE COURT: Two or three weeks from now?

8 JUROR 34: From here on, it's just gonna be busy, so
9 if I can't -- you can't protect two days, I -- I
10 understand, and I'll --

11 THE COURT: I -- I can't protect two days. I'm
12 gonna take the medical.

13 JUROR 34: Okay.

14 THE COURT: Okay. Thirty-four is staying, and be
15 protected -- was it Thursday?

16 JUROR 34: Thursday.

17 THE COURT: Okay. Thank you. All right. Let's
18 namecheck.

19 (WHEREUPON, a bench conference was held with
20 the attorneys and judge.)

21 THE COURT: All right.

22 Ladies and gentlemen, the jury panel is now
23 qualified. We ask that you -- if you have a cell
24 phone or a wristwatch that has communication
25 capability, smart tablet, anything like that, please

1 don't bring those back into the -- to the courtroom.

2 And if you do, make sure they're turned off.

3 There's some instructions out there. I think

4 it's on the door, Mr. Bogan?

5 THE BAILIFF: Yes, sir.

6 THE COURT: There's a -- there's an order from the

7 Supreme Court Chief Justice issued, and it is taped

8 to the door out here, so please follow the

9 guidelines from the Supreme Court. And some of you

10 may or may not know, but that is the Chief Justice's

11 portrait right there. And he's a Spartanburg County

12 resident, and his office door is about 250 feet from

13 where I'm standing. And quite often, he's in the

14 hallway speaking to people and comes into the

15 courtroom. So don't get caught with a cell phone

16 that's not in compliance with -- with his order.

17 Just don't. That's all I can tell you. Just don't.

18 But, anyway, but he -- he is a Spartanburg

19 County resident, and that's his order out there, so

20 please comply with that. If you are chosen as one

21 of the 12 plus the two alternates that we're gonna

22 pick, if you are chosen, those devices will not be

23 allowed in the jury box or in the jury room during

24 deliberations because you can have no outside

25 capability to communicate on the internet, do any

1 research, that sort of thing. So -- and we don't
2 have lockers; we can't secure them for you, all
3 right?

4 Generally, I stop court at 9 a.m. I'm here at
5 the courthouse by eight o'clock, maybe a couple of
6 minutes after, sometimes a couple of minutes before,
7 but I'm here about eight o'clock. The lawyers will
8 be here. Courthouse opens at 8:30. So you can get
9 in to -- by 8:30. And I'm gonna tell you ahead of
10 time that these folks with the red coats make some
11 really good coffee around here.

12 So if you're on the jury and you get here,
13 please come and get yourself a good cup of coffee,
14 store your belongings in -- in -- in the jury
15 assembly room or wherever you might be and -- and
16 we'll go to work from there.

17 If you see someone who's -- has something to do
18 with this case, whether that's a lawyer or a witness
19 in the case in the hallway, please, please, please
20 do not stop and have a conversation with them if you
21 are selected. Because you are jurors, and you're
22 wearing those badges for a reason so that we know
23 that you're on the jury duty, and -- and we don't
24 need someone making a comment to a juror in the
25 hallway.

1 And -- and if you know someone, and I see a
2 couple of faces I can't talk to you this week, but
3 after Friday or so, if you're not on jury duty, I'm
4 happy to chat with you again, but I just can't have
5 a conversation with you today or this week while
6 court's going on, and you're on the jury.

7 Again, if an emergency occurs at work/at home,
8 please reach out to one of the bailiffs or uniformed
9 law enforcement personnel, and Ms. Amy and her fine
10 staff will be happy to assist you with that.

11 Anything, Ms. Amy?

12 THE CLERK: No. That's it, Your Honor.

13 THE COURT: Okay. Okay. I'm gonna turn you back
14 over to Ms. Amy, and -- and we're going take a -- a
15 break this morning. Guess will be a good 15 -- I'll
16 see you in about 20 minutes -- 15/20 minutes or so,
17 and we're going pick the first jury.

18 THE CLERK: Thank you, Your Honor.

19 THE COURT: Thank you.

20 THE CLERK: Please follow the bailiffs back to the
21 jury assembly room.

22 (WHEREUPON, the jury was excused at

23 10:59 a.m.)

24 (Off the record from 10:59 a.m. until

25 11:20 a.m.)

1 THE BAILIFF: All rise, please.

2 THE COURT: (To the defendant) Ready for arraignment?
3 Ought to say waive of arraignment?

4 MR. GROSE: We -- we would waive arraignment and plead
5 not guilty.

6 THE COURT: On 2019-GS-42-5229 and 5218, he waives
7 arraignment, and the Court enters a not guilty plea
8 against him, and, sir, you want to go to trial,
9 right?

10 THE DEFENDANT: (Nods head up and down.)

11 THE COURT: Okay.

12 MS. HALLFORD: Thank you, Your Honor.

13 THE COURT: All right.

14 (WHEREUPON, the jury enters open court at 11:24
15 a.m.)

16 THE COURT: Okay. Ladies and gentlemen, we are
17 about to begin the trial of the matter of the "State
18 of South Carolina vs. Cody Hudson." And before I
19 read these various indictments to you, I want to
20 charge you and tell you, and I'll say this more than
21 once this morning, that Mr. Hudson has entered a
22 plea of not guilty, and he is presumed innocent of
23 the allegations contained in these indictments.
24 Again, he has entered a plea of not guilty, and he
25 is presumed innocent of the allegations made against

1 him.

2 In the Indictment 2019-GS-42-5219, it is
3 alleged that Mr. Hudson did, in Spartanburg County,
4 South Carolina, between the dates of August 31,
5 2016, up to January 31 of 2017, commit the criminal
6 offense known as criminal sexual conduct with a
7 minor in the second degree. Again, he has entered a
8 plea of not guilty. He's presumed innocent of the
9 allegations.

10 In 2019-GS-42-5224, it is alleged that Mr.
11 Hudson did, in Spartanburg County, South Carolina,
12 on or between the dates of February 1, 2017, to
13 March 31 of 2019 commit the criminal offense known
14 as criminal sexual conduct with a minor in the
15 second degree. He has entered a plea of not guilty,
16 and he is presumed innocent of the charge made
17 against him.

18 In 2019-GS-42-5228, the State says that Mr.
19 Cody Hudson did, in Spartanburg County, South
20 Carolina, between the dates of February 1, 2017, to
21 March 31, 2019, commit the criminal offense known as
22 criminal sexual conduct with a minor in the second
23 degree. He has entered a plea of not guilty, and he
24 is presumed innocent of the charge made against him.

25 In 2019-GS-42-5230, the State says that he did

1 -- Mr. Cody Hudson did, in Spartanburg County, South
2 Carolina, between the dates of August 31, 2016, to
3 March 31 of 2019, commit the criminal offense known
4 as incest. He has entered a plea of not guilty, and
5 he is presumed innocent of the charge made against
6 him.

7 In 2019-GS-42-5218, the State says that Mr.
8 Cody Hudson did, in Spartanburg County, South
9 Carolina, between the dates of August 31, 2016, and
10 January 31, 2017, commit the criminal offense known
11 as criminal sexual conduct with a minor in the third
12 degree. He is -- has pled not guilty to the
13 indictment, and he is presumed innocent of the
14 allegations contained in the indictment.

15 In 2019-GS-42-5229, the government says that
16 Mr. Cody Hudson did, in Spartanburg County, South
17 Carolina, on or between the dates of August 31,
18 2016, to January 31, 2017, commit the criminal
19 offense known as criminal sexual conduct with a
20 minor in the second degree. He has entered a plea
21 of not guilty, and he is presumed innocent of the
22 charge made against him.

23 In 2019-GS-42-5213, the State says that Cody
24 Hudson did, in Spartanburg County, South Carolina on
25 or between the dates of August 21, 2016, to August

1 31 of 2016, commit the criminal offense known as
2 criminal sexual conduct with a minor in the third
3 degree. He has entered a plea of not guilty, and he
4 is presumed innocent of the charge made against him.

5 In 2019-GS-42-5214, the State says that Mr.
6 Cody Hudson, did in Spartanburg County, South
7 Carolina, on or between the dates of August 21,
8 2016, to August 31, 2016, commit the criminal
9 offense known as criminal sexual conduct with a
10 minor in the second degree. He has entered a plea
11 of not guilty, and he is presumed innocent of the
12 charge made against him.

13 In 2019-GS-42-5215, the State says that Cody
14 Hudson did, in Spartanburg County, South Carolina,
15 on or between the dates of August 21, 2016, to
16 August 31, 2016, commit the criminal offense known
17 as criminal sexual conduct with a minor in the
18 second degree. He has entered a plea of not guilty,
19 and he's presumed innocent of the charge made
20 against him.

21 In 2019-GS-42-5217, the State says that Cody
22 Hudson did, in Spartanburg County, South Carolina,
23 between the dates of August 31, 2016, and January
24 31, 2017, commit the criminal offense known as
25 criminal sexual conduct with a minor in the third

1 degree. He has entered a plea of not guilty to the
2 indictment, and he's presumed innocent of the
3 charges made against him.

4 Ladies and gentlemen, there's some questions
5 that I'm request -- that I'm required to ask, and
6 there's some questions that I have been requested to
7 ask by the lawyers. And I will ask you to stand --
8 you were previously sworn, and you remain sworn, so
9 I'll ask you to stand to answer if you need to
10 answer one of these.

11 Let's do this. Mr. Hudson, would you stand,
12 sir, just for about ten seconds?

13 THE DEFENDANT: (Complies.)

14 THE COURT: Thank you, sir. Is there any member of
15 this jury panel who is now or ever has been related
16 by blood or marriage to Mr. Cody Hudson? If so,
17 please stand.

18 THE JURY PANEL: (No response.)

19 THE COURT: Any member of this jury panel have a
20 social, personal relationship with Mr. Cody Hudson?
21 If so, please stand. You know him from school. You
22 know him from work, recreation, whatever it is you
23 know him. Please stand.

24 THE JURY PANEL: (No response.)

25 THE COURT: The following is a list of potential

1 witnesses in this case. And I say potential because
2 we never know who will or will not testify. Child
3 [REDACTED], Sarah Hudson, Brother [REDACTED], Michael
4 Mapstone, Jeremy Hensley, Levi Marlowe, Brandon
5 Letterman, Robert Rosenberg, Thomas McAbee, Angela
6 Nelson, Kylie Tyler, Heather Flassing, Dr. Lynn
7 McMillan, Rebecca Grounsell, Kelly Clune, Rachel
8 Nigel --
9 MS. HALLFORD: Nguyen.
10 THE COURT: -- Nguyen, Stephanie Stanley, Donna
11 Money, Charlotte Pitts, Jake Brewster, Lauren
12 Fields, CH's Child 1 [REDACTED], CH's Child 2 [REDACTED], CH's
13 Hudson, Jade Hudson, Hannah Hudson, Tara Hudson,
14 Jody Hudson, Brad Hudson, and Chris Hudson.
15 Does any member of the jury panel now or ever
16 has been related by blood or marriage to any of the
17 potential witnesses? If so, please stand.
18 THE JURY PANEL: (No response.)
19 THE COURT: Any member of the jury panel have a
20 social or personal relationship with any of the
21 potential witnesses? If so, please stand.
22 THE JURY PANEL: (No response.)
23 THE COURT: I'm gonna ask the lawyers to introduce
24 themselves, and, as always, ladies first.
25 Solicitor?

1 MS. HALLFORD: My name is Wendy Hallford, I'm
2 assistant solicitor here in the Seventh Circuit.

3 MR. SMITH: My name is Spenser Smith, I'm also
4 assistant solicitor in the Seventh Circuit.

5 THE COURT: Mr. Grose?

6 MR. GROSE: My name is Charles Grose, and I
7 represent Cody Hudson who's pled not guilty to all
8 these charges.

9 **JURY VOIR DIRE**

10 THE COURT: Is there any member of the jury panel
11 now or ever has been related by blood or marriage to
12 any of the lawyers in this case? If so, please
13 stand.

14 THE JURY PANEL: (No response.)

15 THE COURT: Any member of the jury panel, have a
16 social or a personal relationship with any of the
17 lawyers? If so, please stand.

18 THE JURY PANEL: (No response.)

19 THE COURT: Any member of the jury panel have a
20 family member or friend employed in the Seventh
21 Circuit Solicitor's Office? If so, please stand.

22 THE JURY PANEL: (No response.)

23 THE COURT: Any member of the jury panel have a
24 family member or close friend who's employed in the
25 law firm of Mr. Charles Grose? If so, please stand.

1 THE JURY PANEL: (No response.)

2 THE COURT: Any member of the jury panel ever sought
3 legal advice from any of these three lawyers? If
4 so, please stand. Could have been about a car
5 wreck, could have been about a real estate matter.
6 It doesn't matter, but you actually chatted with one
7 of these lawyers about a legal matter. If so,
8 please stand.

9 THE JURY PANEL: (No response.)

10 THE COURT: Any member of this panel, you yourself
11 ever been a sworn law enforcement officer and that
12 includes military police, any state or federal
13 agency, you yourself are a sworn officer? Please
14 stand. Any member -- yes, ma'am? Your number?

15 JUROR 103: Is 103.

16 THE COURT: 103. What agency?

17 JUROR 103: Does that count as detention officer?

18 THE COURT: Would that interfere with your ability
19 to be fair and impartial?

20 JUROR 103: No.

21 THE COURT: Thank you. You may stay. Any member of
22 this jury panel have a family member or very close
23 friend who's employed as a law enforcement officer,
24 any agency? Please stand. How'd we get some? Yes,
25 sir? Your number, please?

1 JUROR 14: Fourteen.

2 THE COURT: What agency?

3 JUROR 14: Highway.

4 THE COURT: Okay. Would that interfere with your
5 ability to be fair and impartial?

6 JUROR 14: No.

7 THE COURT: Thank you. You may stay. Yes, ma'am?
8 Your number?

9 JUROR 153: 153.

10 THE COURT: What agency?

11 JUROR 153: Anderson City.

12 THE COURT: Would that interfere with your ability
13 to --

14 JUROR 153: No, sir.

15 THE COURT: -- be fair? You may stay. Yes, ma'am.

16 MS. TRUESDELL: 167. Brother-in-law in Winnsboro,
17 South Carolina.

18 THE COURT: Would that -- and wouldn't interfere
19 with --

20 MS. TRUESDALE: (Shakes head from side to side.)

21 THE COURT: You may stay. Yes, sir? Your number?

22 MR. GOODE: Fifty-one.

23 THE COURT: Yes, sir? What agency?

24 MR. GOODE: Cherokee County

25 THE COURT: Would that interfere with your ability

1 to be fair and impartial?

2 MR. GOODE: Unh-unh.

3 THE COURT: Thank you. You may stay. (Pause) All
4 right. I will not ask any specifics. We're not
5 here to embarrass anyone. But is there any -- any
6 juror here or a close friend or a family member been
7 a party to a contested divorce where custody was in
8 dispute? I'm not gonna ask any particulars about
9 that. You yourself, or a family member or a close
10 friend been a party to a contested divorce where a
11 child custody was disputed? If so, please stand.

12 THE JURY PANEL: (No response.)

13 THE COURT: Any member of this jury panel, you
14 yourself, a family member or a close friend been
15 arrested for or accused of or convicted of a violent
16 crime similar to -- to criminal sexual conduct? I
17 won't ask any details. Please stand. Okay. Sir,
18 your number?

19 JUROR 173: 173.

20 THE COURT: Would it interfere with your ability to
21 be fair and impartial?

22 JUROR 173: Yes.

23 THE COURT: It would?

24 JUROR 173: No.

25 THE COURT: 173?

1 JUROR 173: No.

2 THE COURT: Okay. Thank you, sir. Stay with me.

3 Yes, sir? Your number?

4 JUROR 26: Twenty-six.

5 THE COURT: Would it interfere with your ability to
6 be fair and impartial?

7 JUROR 26: (Nods head up and down.)

8 THE BAILIFF: Got to say yes.

9 JUROR 26: Yes.

10 THE COURT: It would?

11 JUROR 26: (Nods head up and down.)

12 THE COURT: Okay. Sir, you're being excused from
13 trial of this case. Stay with me. Yes?

14 JUROR 37: Yes.

15 THE COURT: Number?

16 JUROR 37: Thirty-seven.

17 THE COURT: Thirty-seven. Would it interfere with
18 your ability to be fair and impartial?

19 JUROR 37: Absolutely, yes.

20 THE COURT: Okay. Sir, you will be excused from
21 trial of this case. Stay with me. We've got some
22 others later this week.

23 Is there any juror here, yourself, a family
24 member, or a very close friend been a victim of a
25 crime either as an adult or a minor? If so, please

1 stand. Yes, sir? Your number?

2 JUROR 8: Juror Number 8.

3 THE COURT: Would it interfere with your ability to
4 be fair and impartial?

5 JUROR 8: Yes. I believe so.

6 THE COURT: Sir, you may be excused from trial of
7 this case. Please stay with me. Yes?

8 JUROR 103: 103.

9 THE COURT: Would it interfere with your ability to
10 be fair and impartial?

11 JUROR 103: Yes.

12 THE COURT: Ma'am, you're excused from trial of this
13 case. Sir, you're already excused.

14 JUROR 8: Was I excused, sir? Juror Number 8.

15 THE COURT: From the trial of this case, yes, sir.

16 Is there any juror, you yourself, a family
17 member, or close friend been seen or interviewed at
18 the Children's -- Spartanburg Children's Advocacy
19 Center or other similar organizations? If so,
20 please stand.

21 THE JURY PANEL: (No response.)

22 THE COURT: Is there any member of this jury panel,
23 you yourself, a family member, or a close friend
24 who've been prosecuted by the Seventh Circuit
25 Solicitor's Office? If so, please stand.

1 THE JURY PANEL: (No response.)

2 THE COURT: Is there any member of this jury panel,
3 you yourself, or a close -- a family member, or a
4 close friend been subpoenaed or asked to testify in
5 a case on behalf of the Seventh Circuit Solicitor's
6 Office or subpoenaed by Mr. Grose's law firm to
7 testify in any case? If so, please stand.

8 THE JURY PANEL: (No response.)

9 THE COURT: Does any member of this jury panel know
10 anything at all about this case? You read it in the
11 newspaper, you somehow notice -- know something
12 about this case? If so, please stand.

13 THE JURY PANEL: (No response.)

14 THE COURT: Is there any member of this jury panel,
15 you yourself have donated either money or time --
16 volunteered time to Pro-Law enforcement
17 organizations such as Mothers Against Drunk Driving,
18 the Sheriff's Association, the Trooper's
19 Association, you gave money or you have given time?
20 Please stand.

21 THE BAILIFF: Your Honor.

22 THE COURT: Got one -- two. Yes? Your number?

23 JUROR 153: 153.

24 THE COURT: Would it interfere with your ability to
25 be fair and impartial?

1 JUROR 153: No, sir.

2 THE COURT: Thank you. You may stay. Yes, sir?

3 MR. HENDERSON: Sixty.

4 THE COURT: Would it interfere with your ability to
5 be fair or --

6 MR. HENDERSON: (Shakes head from side to side.)

7 THE COURT: You may stay.

8 I'm not gonna ask any details on this question,
9 but is there a member of this panel, you yourself,
10 have experience with or know something about people
11 who have been affected by sexual abuse, child abuse,
12 or domestic violence? If so, please stand. I'm not
13 gonna ask any details. Okay. Right here. Sir?
14 Your number?

15 JUROR 14: Fourteen.

16 THE COURT: Would it interfere with your ability to
17 be fair and impartial?

18 JUROR 14: No.

19 THE COURT: You may stay. Yes, ma'am?

20 MS. REVELS: 135.

21 THE COURT: Would it interfere with your ability to
22 be fair and impartial?

23 JUROR 135: No.

24 THE COURT: You may stay. Yes, sir?

25 MR. SNYDER: Can we slow down, please, sir?

1 THE COURT: Yep.

2 MR. SNYDER: Thank you.

3 THE COURT REPORTER: I didn't catch that last
4 number.

5 THE COURT: The last number, ma'am?

6 MS. REVELS: 135.

7 THE COURT: 135. You may -- you may stay. Yes,
8 sir?

9 JUROR 131: 131.

10 THE COURT: 131. Would it interfere -- interfere
11 with your ability to be fair and impartial?

12 JUROR 131: No.

13 THE COURT: Thank you. You may stay. Yes, sir?

14 JUROR 26: Twenty-six.

15 THE COURT: I think you've already been excused.

16 JUROR 26: Yeah. Do I need to --

17 THE COURT: No, sir. You -- you've already been
18 excused.

19 JUROR 26: All right.

20 THE COURT: Ma'am, in the back?

21 MS. SHEARSMITH: 143.

22 THE COURT: Would it interfere with your ability to
23 be fair and impartial?

24 MS. SHEARSMITH: No.

25 THE COURT: You may stay. Yes, sir?

1 JUROR 67: Sixty-seven. Yeah. That would
2 interfere.

3 THE COURT: Would it -- would interfere?

4 JUROR 67: Yeah. It would.

5 THE COURT: Sixty-seven?

6 JUROR 67: Yes, sir.

7 THE COURT: Sixty-seven is excused from trial of
8 this case. Ma'am, on the front?

9 MS. JOHNSON: Seventy-four.

10 THE COURT: Would it interfere with your ability to
11 be fair and impartial?

12 MS. JOHNSON: No, sir.

13 THE COURT: You may stay? Yes, ma'am?

14 JUROR 34: Thirty-four.

15 THE COURT: Would it interfere with your ability to
16 be fair and impartial? You may stay.

17 JUROR 34: No, sir.

18 THE COURT: Right in the black. Ma'am?

19 MS. CHANDLER: Twenty-two.

20 THE COURT: Twenty?

21 MS. CHANDLER: Twenty-two.

22 THE COURT: Twenty-two. Would it interfere with
23 your ability to be fair and impartial?

24 MS. CHANDLER: (Shakes head from side to side.)

25 THE COURT: Twenty-two may stay. Yes, ma'am?

1 MS. BURDETTE: Thirteen.

2 THE COURT: Would it interfere with your ability to
3 be fair and impartial?

4 MS. BURDETTE: No.

5 THE COURT: You may stay. Yes, sir?

6 MR. REEVES: 134. No, sir. It would not.

7 THE COURT: You may stay. Yes, sir?

8 MR. MACDOUGALL: Ninety-eight. No. It would not.

9 THE COURT: Thank you. You may stay.

10 Is there any member of this panel who is a
11 volunteer with children, including, but not limited
12 to Boy Scouts, Girl Scouts, youth groups, church
13 groups, so forth? You are a volunteer in one of
14 those or some organizations similar to that? Please
15 stand. MR. HENDERSON: Sixty.

16 THE COURT: Number 60, would it interfere with your
17 ability to be fair and impartial?

18 MR. HENDERSON: No, sir.

19 THE COURT: You may stay. Yes, sir?

20 MR. LAWTER: Eighty-eight. No, sir.

21 THE COURT: You may stay. Yes, sir?

22 MR. REEVES: 134. No, sir.

23 THE COURT: You may stay.

24 JUROR 153: 153. No, sir.

25 THE COURT: You may stay. Ma'am?

1 MS. SHEARSMITH: 143. No.

2 THE COURT: You may stay.

3 JUROR 87: Eighty-seven.

4 THE COURT REPORTER: I'm sorry. Can we slow down
5 just a little bit?

6 THE COURT: I'm sorry.

7 THE COURT REPORTER: Okay. Okay. So I got 143
8 staying.

9 THE COURT: 143.

10 THE COURT REPORTER: I didn't get his number.

11 THE COURT: Eighty-seven.

12 JUROR 87: Eighty-seven. I'm -- I'm really not
13 sure. I can't say yes or no either way.

14 THE COURT: Sir, if you can't be definitive, I'm
15 gonna excuse you from the trial of this case. It
16 must be a definitive answer, okay? Eighty-seven is
17 excused.

18 THE COURT REPORTER: Thank you.

19 THE COURT: Is there any member of this panel who
20 has special training or education in the subject of
21 sexual offenses, whether that be against minors or
22 adults? If so, please stand.

23 THE JURY PANEL: (No response.)

24 THE COURT: Is there any member of this panel that
25 knows anything whatsoever about this case? If so,

1 please stand.

2 THE JURY PANEL: (No response.)

3 THE COURT: Is there any member of this panel knows
4 any reason why he or she should not to -- be a juror
5 in this case? If so, please stand.

6 THE JURY PANEL: (No response.)

7 THE COURT: Anything from the State?

8 MS. HALLFORD: Nothing from the State, Your Honor.

9 THE COURT: Defense?

10 MR. GROSE: None other than what was in the
11 pleading.

12 THE COURT: Okay. All right. Madam Clerk?

13 THE CLERK: Yes.

14 THE COURT: We have a printer issue, but she's e-
15 mailed it to the clerk's office to print.

16 **JURY STRIKES**

17 THE CLERK: When your juror name and number is
18 called, please stand, come to the center of the two
19 tables, and bring all of your belongings. Juror
20 Number 178, Joshua Wiley. What says the State?

21 MS. HALLFORD: Please present the juror.

22 THE CLERK: What says Defense?

23 MR. GROSE: Please seat the juror.

24 THE CLERK: Number 80, Daniel Khmelnitskiy. What
25 says the State?

1 MS. HALLFORD: Please excuse the juror.

2 THE CLERK: Number 89, Kevin Lee. What says the
3 State?

4 MS. HALLFORD: Please present the juror.

5 THE CLERK: What says Defense?

6 MR. GROSE: Please seat the juror.

7 THE CLERK: Number 22, Myra Chandler. What says the
8 State?

9 MS. HALLFORD: Please present the juror.

10 THE CLERK: What says Defense?

11 MR. GROSE: Please seat the juror.

12 THE CLERK: Number 88, Tyler Lawter.

13 MR. GROSE: What was that number again, please?

14 THE CLERK: Eighty-eight.

15 MR. GROSE: Thank you.

16 THE CLERK: What says the State?

17 MS. HALLFORD: Please present the juror.

18 THE CLERK: What says Defense?

19 MR. GROSE: Please excuse this juror from this case.

20 THE CLERK: 139, Jaime Sapp. What says the State?

21 MS. HALLFORD: Please present the juror.

22 THE CLERK: What says Defense.

23 MR. GROSE: Please excuse this juror from this case.

24 THE CLERK: 135, Colette Revels. What says the
25 State?

1 MS. HALLFORD: Please present the juror.

2 THE CLERK: What says Defense?

3 MR. GROSE: Please seat the juror.

4 THE CLERK: Seventy-one, Marshall James. What says
5 the State?

6 MS. HALLFORD: Please present the juror.

7 THE CLERK: What says Defense?

8 MR. GROSE: Please seat the juror.

9 THE CLERK: 137, Marvin Rogerson. What says the
10 State?

11 MS. HALLFORD: Please present the juror.

12 THE CLERK: What says Defense?

13 MR. GROSE: Please excuse this juror from this case.

14 THE CLERK: Nineteen, Michelle "CARE-ra" (phonetic)
15 -- Carrera.

16 MS. CARRERA: Carrera.

17 THE CLERK: What says the State?

18 MS. HALLFORD: Please present the juror.

19 THE CLERK: What says Defense?

20 MR. GROSE: Please seat the juror.

21 THE CLERK: 167, Sheila Truesdale. What says the
22 State?

23 MS. HALLFORD: Please present the juror.

24 THE CLERK: What says Defense?

25 MR. GROSE: Please seat the juror.

1 THE CLERK: Eighty-one, Donald Kimbrell. What says
2 the State?
3 MS. HALLFORD: Please present the juror.
4 THE CLERK: What says Defense?
5 MR. GROSE: Please seat the juror.
6 THE CLERK: Number 40, Makayla Emery. What says the
7 State?
8 MS. HALLFORD: Please present the juror.
9 THE CLERK: What says Defense?
10 MR. GROSE: Please excuse this juror from this case.
11 THE CLERK: 146, Henry Sims. What says the State?
12 MS. HALLFORD: Please excuse the juror.
13 THE CLERK: Number 13, Kelly Burdette. What says
14 the State?
15 MS. HALLFORD: Please present the juror.
16 THE CLERK: What says Defense?
17 MR. GROSE: Please excuse this juror from this case.
18 THE CLERK: Number 70, Randolph Jacobs. What says
19 the State?
20 MS. HALLFORD: Please present the juror.
21 THE CLERK: What says Defense?
22 MR. GROSE: Please seat the juror.
23 THE CLERK: 163, Kelly Thompson. What says the
24 State?
25 MS. HALLFORD: Please present the juror.

1 THE CLERK: What says Defense?

2 MR. GROSE: Please excuse this juror from this case.

3 THE CLERK: 161, Jackie Thompson. What says the

4 State?

5 MS. HALLFORD: Please present the juror.

6 THE CLERK: What says Defense?

7 MR. GROSE: Please excuse this juror from this case.

8 THE CLERK: Twenty-three, India Charles. What says

9 the State?

10 MS. HALLFORD: Please present the juror.

11 THE CLERK: What says Defense?

12 MR. GROSE: Please seat the juror.

13 THE CLERK: 143, Ashley Shearsmith.

14 MR. GROSE: You said 143?

15 THE CLERK: Yes, sir. What says the State?

16 MS. HALLFORD: Please present the juror.

17 THE CLERK: What says Defense?

18 MR. GROSE: Please excuse this juror from this case.

19 THE CLERK: Fifty-one, Preston Goode. What says the

20 State?

21 MS. HALLFORD: Please present the juror.

22 THE CLERK: What says Defense?

23 MR. GROSE: Please seat the juror.

24 THE CLERK: Number 60, William Henderson. What says

25 the State?

1 MS. HALLFORD: Please present the juror.

2 THE CLERK: What says Defense?

3 MR. GROSE: Please seat the juror.

4 THE CLERK: Your Honor?

5 THE COURT: Yes, ma'am.

6 THE CLERK: Yes, sir. We're ready for the first
7 alternate.

8 THE CLERK: 162, Jeffrey Thompson. What says the
9 State?

10 MS. HALLFORD: Please present the juror.

11 THE CLERK: What says Defense?

12 MR. GROSE: Please seat the juror.

13 THE CLERK: Number 5, Victor Belous. What says the
14 State?

15 MS. HALLFORD: Please present the juror.

16 THE CLERK: What says Defense?

17 MR. GROSE: Please seat the juror.

18 THE CLERK: Your Honor, jury selection is complete
19 then.

20 THE COURT: Anything from the State or Defense?

21 MS. HALLFORD: Nothing from the State.

22 MR. GROSE: No, sir.

23 THE COURT: Okay. Ladies and gentlemen who are not
24 selected, I can see the disappointment. I know you
25 wanted to be on this jury. I'm gonna excuse you for

1 the rest of the day, and then ask you to call the
2 magic number that you -- (to the bailiff) they --
3 they already been given?

4 THE BAILIFF: They'll be given everything, Judge.

5 THE COURT: They already have them? Oh, good.

6 THE BAILIFF: They'll get it.

7 THE COURT: They'll -- okay. You're gonna be
8 receiving one of these with a phone number on it.
9 So you go back with the bailiffs, they'll provide
10 that to you, then you're excused for the rest of the
11 day. But please call that number after 6 p.m.
12 Please call that number after 6 p.m. for reporting
13 instructions. It may say come in tomorrow, and it
14 may say that you're not needed tomorrow. We don't
15 know at this point in time. But, again, we will not
16 bring you in if we do not need you here, okay? With
17 that, I'm gonna let you leave orderly with the
18 bailiffs.

19 (WHEREUPON, the jury pool was excused at 12:10 p.m.)

20 THE COURT: Ladies and gentlemen who have been
21 selected for this jury panel -- let me see the
22 lawyers up here. I want to see what time to bring
23 them back.

24 (WHEREUPON, a bench conference was held.)

25 THE COURT: Okay. Ladies and gentlemen of -- of the

1 jury, I'm gonna excuse you for the rest of the day.
2 We've got some work to do, what's known as matters
3 of law that I have to take up, and what we're gonna
4 be talking about are something in one of our rule
5 books here. We have an open courtroom, and you're
6 always welcome here, except this afternoon because
7 you've been selected on this jury. Please don't
8 come back to this courtroom until tomorrow.

9 Tomorrow the courthouse opens at 8:30. We're
10 all adults here, so I'm not gonna tell you to be
11 here at 8:30, but I'm gonna take the bench at nine,
12 and I need everybody. Okay. I'll be here about
13 eight o'clock, and I need you at nine sharp. The
14 lawyers will already be here, we'll be here, and
15 we'll have some -- they'll have things set up and
16 ready to go for us and -- and make sure that the
17 monitors work and so forth. And I gotta get another
18 monitor to put here. But, anyway, I need you back
19 tomorrow between eight-thirty and nine ready to work
20 at nine tomorrow morning, okay, at work.

21 Don't try to learn anything about the case.
22 That will be improper. Don't do any research.
23 Don't -- we don't have any media that I have seen.
24 I doubt that there'd be anything, but if there is,
25 please disregard it. Do not read it. Do not listen

1 to it. Do not watch it if it's on tv, because you
2 and I have to learn about this case here in this
3 courtroom, okay?

4 With that, I'm gonna excuse everyone for the
5 afternoon and the evening, and have a good
6 afternoon, have a good evening. I'll see you
7 tomorrow morning.

8 (WHEREUPON, the jury was excused at 12:15 p.m.)
9 Mr. Grose, I don't know if you know, but you're
10 welcome to have these if you want them. The -- the
11 jurors park in a different parking deck than
12 everybody else.

13 MR. GROSE: Okay.

14 THE COURT: All right. But if you want that, I
15 don't need them. It's got two different numbers on
16 there, but it --

17 MR. GROSE: Okay.

18 THE COURT: -- also tells them that jurors parking
19 at Magnolia Street and everybody else -- the rest of
20 us park over here.

21 MR. GROSE: Okay.

22 THE COURT: So it segregates. Okay. We're gonna
23 come back at 1:30. That gives us an hour and 15
24 minutes. Is that enough time for you to feed him or
25 you need an hour and a half?

1 MR. GROSE: An hour and a half if we can, Judge.

2 THE COURT: Okay. We can do that. We'll -- how
3 about -- how about 1:45? That get you -- I wanna
4 make sure you eat, too.

5 MR. GROSE: That'll work.

6 THE COURT: It'll work, okay. Hour and a half.

7 1:45 -- we'll be back at 1:45.

8 MS. HALLFORD: Thank you, Your Honor.

9 THE COURT: Thank you.

10 (Off the record from 12:15 p.m. until 1:52 p.m.)

11 **AFTERNOON SESSION**

12 THE COURT: Okay. Let's take up some -- we've got
13 some motions here from the State. Let's see. "Rape
14 shield." Is there, is there an issue on -- on that?
15 Are we in agreement?

16 MS. HALLFORD: Your Honor, I routinely file that.
17 However, Mr. Grose has not filed the required motion
18 that he would need to file laying out what he
19 intended to try to introduce. So I assume that's a
20 nonstarter.

21 MR. GROSE: Well, I -- I assume that since they
22 filed the motion, there are exceptions to the -- to
23 the rape shield law. And -- and if there's
24 something that they're concerned about, that's
25 something that's not been disclosed to me, and I

1 move for it to be disclosed.

2 MS. HALLFORD: There's nothing I'm concerned about.
3 I just always file it so that the defense, if they
4 have something that they want to bring in that
5 they're aware of that I'm not aware of, that they
6 have to do so with their written motion and offer of
7 proof.

8 THE COURT: Okay. So there's no issue then. All
9 right. No issue. How about the motion to exclude
10 allegation prior -- any prior allegation of sex
11 abuse? And I read in here that the State is unaware
12 of any prior allegation of sex abuse made by the
13 victim against any individual.

14 MS. HALLFORD: I don't know any, but that he was in
15 a relationship with the mother. And so there's
16 intertwining with this family, and so out of the
17 abundance of caution, because I don't know what they
18 may try to bring in, I filed that motion, too, so
19 that if they're aware of some prior false
20 allegations or going to try to bring in some prior
21 false allegations, that we get a ruling on that in
22 advance, that the court does the three-prong --
23 prong analysis that would be required.

24 THE COURT: It did? I don't know. Is there
25 anything? I don't know if that --

1 MR. GROSE: I'm not aware this -- this motion
2 pertains to the complaining witness or anybody
3 acting on her behalf. I don't know what acting on
4 her behalf means. There are some allegations that
5 the - child's brother has committed acts of sexual
6 abuse. And from our perspective, we don't think
7 that they're false. But if -- if Ms. Child has
8 made any allegations of sexual abuse, I would move
9 that they disclose those so that we can determine
10 whether or not they're admissible or not.

11 MS. HALLFORD: I'm unaware that she has made any
12 prior allegations against anyone false or otherwise,
13 but allegations against her brother are irrelevant
14 in this case and prejudicial and would confuse the
15 issues for the jury. So we would ask that if the
16 defense is going to try to bring those in, that they
17 not be allowed to. It's not relevant to this case.
18 And they were investigated. There were police
19 reports done, and they did not move forward with
20 them.

21 THE COURT: Okay. Help me here. I'm -- I'm brand
22 new to the case. So there's allegations by -- by --

23 MS. HALLFORD: She has a brother.

24 THE COURT: Yeah. By her? Are the allegations by
25 her against the brother?

1 MS. HALLFORD: No.

2 THE COURT: Okay.

3 MS. HALLFORD: She has a brother named Brother
4 Brother. Back when Cody Hudson was living and
5 married to my victim's mother, his son made an
6 allegation against Brother. So they were both
7 interviewed at the CAC, law enforcement looked into
8 it, no charges were brought. Then -- and correct me
9 if I'm wrong on the -- the procedure of this. These
10 charges came forward, and then the sister of that
11 original complainant brother, his daughter, CH's
12 made some allegations against Brother. But
13 they have nothing to do with my victim at all. And
14 it's the State's position that they would not be
15 admissible under Rule 403.

16 THE COURT: And what --

17 MR. GROSE: I -- I think that we need to cross this
18 -- this river if they call the brother as a witness.
19 The brother's on their witness list. And I think
20 that these allegations could go to -- to
21 credibility.

22 MS. HALLFORD: Of the brother?

23 MR. GROSE: Yeah.

24 MS. HALLFORD: Well, we don't get to inquire of his
25 witnesses, "Hey, have you been -- ever been accused

1 of a crime before?" Let's say he calls Cody
2 Hudson's brother, Jody, and let's say Jody has been
3 accused of writing fraudulent checks before but not
4 convicted. I don't get to say to him, "Isn't it
5 true that you were investigated for writing
6 fraudulent checks?" It was -- It would go to his
7 credibility in the same way that Defense Counsel is
8 arguing that saying **Brother** had been accused of
9 sexual -- of sexually abusing someone would go to
10 his credibility.

11 MR. GROSE: Like I said, I think we need to cross
12 that bridge if they call him as a witness, Your
13 Honor.

14 THE COURT: All right. We'll cross that bridge when
15 we get there, and if we need to, we can do a
16 proffer.

17 Okay. Then we've got third-party guilt. I
18 spent a day and a half last week on third-party
19 guilt. So I can just about tell you word for word
20 what "Holmes" says. So are we on third-party guilt?
21 Anybody pointing the finger at somebody else?

22 MS. HALLFORD: I have no idea. But, again, I file
23 those routinely in these cases because defendants
24 like to say, "It wasn't me; it was someone else."
25 So in order to address that issue in advance, rather

1 than having it slip in at trial, I file that motion.

2 THE COURT: Mr. Grose?

3 MR. GROSE: At this time, I don't think that that's
4 going to be an issue, but if it becomes an issue,
5 I'll bring it up with the Court before - if we do
6 anything with it - in front of the judge.

7 THE COURT: Sure. Thank you. Yeah. Steven F.
8 (phonetic) argued and argued and argued about third-
9 party guilt. (Inaudible) Okay. That's all I have
10 from the State. Anything that I'm missing?

11 MS. HALLFORD: No sir, Your Honor.

12 THE COURT: Okay. And the only one I have from Mr.
13 Grose is the motion to quash indictments. Sir, you
14 have your microphone.

15 MR. GROSE: That -- that's correct, Your honor. The
16 -- this motion pertains to many, but not all, of the
17 indictments for criminal sexual conduct. What the
18 State has done is they alleged three different time
19 frames and alleged ongoing criminal activity during
20 that time frame. In the first time frame, which is
21 ten or eleven days, there's two counts of criminal
22 sexual conduct with a minor, second degree, that
23 list different sexual batteries.

24 In the second time frame, August 31st, 2016 to
25 January 31st, 2017, there's two counts of third

1 degree and two counts of second degree. Under the
2 third degree, one indictment alleges rubbing
3 genitals against genitals, and the other alleges
4 that the child was forced to rub a penis. In regard
5 to second degree, one alleges intercourse, and one
6 alleges fellatio.

7 And in the third time frame, February 1, 2017,
8 to March 31st, 2019, two counts of criminal sexual
9 conduct with a minor. One alleges sexual
10 intercourse, one alleges fellatio.

11 We consider these indictments to be
12 multiplicitous, meaning that they have taken one
13 crime and broken it into two separate crimes. And I
14 did not cite this case in my motion, but doing some
15 additional research on this, there is a case "State
16 vs. -- State vs. Adams," which is from the -- the
17 Court of Appeals. And the citation on that is --
18 it's a 2020 case, 430 S.C. 420, 845 S.E. 2d 217.
19 And what that case was dealing with was a unanimous
20 verdict.

21 And like what we argued in our motion that what
22 the legislature -- at least with the sexual battery,
23 the legislature has decided to punish the sexual
24 battery. In Adams, they said that it was proper not
25 to give a jury instruction that the jurors had to

1 unanimously agree on a particular sexual battery
2 because that wasn't the elements so much as it was
3 means of committing the crime. And so, you know, I
4 -- I don't think that the -- our courts in South
5 Carolina have addressed this issue that I'm raising
6 exactly, but other states have and have reached the
7 conclusion that we're asking, Your Honor, to -- to
8 reach.

9 Essentially, what they've done is they've, you
10 know, changed the -- by breaking it into two crimes,
11 they make it look like Mr. Hudson is, you know, a
12 bad person, but they also, by breaking it into two
13 crimes, are increasing the -- the penalty and
14 punishing the same crime more than one time.

15 THE COURT: Solicitor?

16 MS. HALLFORD: Yes, sir, Your Honor. South Carolina
17 actually has a case on point regarding a single
18 incident where there were two types of sexual
19 battery, and that is "State vs. Kenneth Smith,"
20 which is on the top there. In that case, it was a
21 CSC, first, so it was an adult rape. But during the
22 course of a short period of time, within minutes of
23 each other, the defendant committed sexual
24 intercourse against the victim and fellatio.

25 Our Supreme Court held that the view is well

1 settled that successive acts of rape are multiple
2 crimes separately punishable. Then they cite the --
3 a Wisconsin Supreme Court case - which I have also
4 printed, and we'll address in a few more minutes -
5 that reminds us that each invasion upon the body of
6 a victim during a sexual assault, with each one of
7 those, a different legislatively-protected interest
8 is invaded.

9 They also cite some California case law. The
10 argument that the defendant had made was that when
11 CSC was codified and the legislature provided for
12 different sexual batteries, that that merged all of
13 those sexual batteries into one kind -- one crime.
14 And the Supreme Court rejected that. And that's
15 still good case law, Your Honor.

16 Other jurisdictions I've handed up to you,
17 Tennessee, "Willard vs. State," and I'm giving those
18 to you, not because they're controlling in our
19 State, but because Mr. Grose's motion cited case law
20 from other jurisdictions. Victim raped twice in the
21 same night at different locations.

22 That same court also said, like our court did
23 in "State vs. Smith," that different acts of rape --
24 in this case, different acts of rape committed at
25 different times and places in the product of several

1 intents are severally punishable.

2 Wisconsin, "Harrell vs. State." Raped the
3 victim, and then about 25 minutes later raped her
4 again. And they also know that a person who commits
5 multiple sexual assaults upon the same victim may be
6 held responsible for and punished for each separate
7 and distinct act.

8 "State vs. Ishee." Defendant committed four
9 different types of sexual battery: vaginal
10 intercourse, anal intercourse, fellatio, and
11 intrusion of a bottle into the vagina that was in
12 the same location within the two-and-a-half-hour
13 period. This court noted that the -- each act was a
14 new volitional departure in the defendant's course
15 of conduct. So when he makes the decision to
16 vaginally rape her and then makes a decision to
17 anally rape her, that's a new fact, and he has to
18 make a decision to commit a new crime.

19 "Oregon, "State vs. Steele," two acts of
20 sodomy, oral, and anal were separately punishable.
21 Two separate crimes even though they occurred within
22 a very short time period.

23 North Carolina, "State vs James," and very
24 similar to the facts of this case, defendant
25 sexually abused his stepdaughter over six years.

1 Would occur multiple times a month. He did multiple
2 types of sexual acts. And they pointed out that,
3 "The North Carolina Court said that our courts have
4 previously held that a defendant may be found guilty
5 of multiple crimes arising from the same conduct, so
6 long as each crime requires proof of an additional
7 or separate fact."

8 Your Honor, if Mr. Grose's argument is to be
9 accepted, then basically what he's saying is that a
10 defendant can touch a child sexually once on the
11 breasts perhaps, and then thereafter have carte
12 blanche over whatever period of time to do whatever
13 kind of sexual acts he wants to do, and that he can
14 only be charged with one single crime, one count.

15 And that is certainly not what our legislature
16 attended -- intended, and, certainly, would not be
17 acceptable to the people of the great State of South
18 Carolina. And if that is what the position should
19 be, then we need to change our state motto to,
20 "Welcome to South Carolina, Shangri-la for
21 pedophiles" because if you can touch a child one
22 time and then touch them repeatedly over the course
23 of a lengthy period of time, multiple different
24 types of sexual battery and sexual touching, and
25 you're only responsible for one, then that is a

1 tremendous disservice to the victim and what they'd
2 have to suffer.

3 Each one of those touches, whether it occurs at
4 the exact same time, you know, within the -- the --
5 not the exact same time, but within the same -- that
6 same sexual assault, same time period, or whether it
7 happens a day later, a week later, or a month later,
8 those are all separate crimes.

9 This victim is going to testify that, at each
10 one of those locations -- well, with the exception
11 of the August 21st, 2016 to August 31st, 2016, one
12 of those indictments for CSC with the minor, third,
13 and that is 19-5213, was for a incident where he
14 touched her breasts on the porch at the Address
15 Address 3 house.

16 Then within a day or two, the 19-5214 and 19-
17 5215 occurred at the Address 3 house, one
18 of them being cunnilingus, one of them being penile
19 vaginal penetration. Those are separate acts. They
20 require separate intent on the part of the
21 defendant. They're enumerated in our statute by
22 separate battery, and "State v. Smith" has said that
23 they can be charged separately.

24 The August 31st, 2016, to January 31st, 2017,
25 events occurred at a residence where they lived on

1 **Address 1**. So he's indicted for rubbing his
2 genitals against her genitals. She describes it as
3 humping, and she says that happened multiple times
4 over the course that they lived there. 19-5218,
5 forcing her to rub his penis. She will testify that
6 she had to masturbate him multiple times over the
7 course that they lived there.

8 19-5219 CSC with a minor, second, for sexual
9 intercourse. Again, she's gonna testify that that
10 happened multiple times over the course that they
11 lived there. And the same thing with 19-5229,
12 fellatio. Separate types of sexual touching
13 occurred multiple times. And she will also testify
14 that those sexual batteries occurred in multiple
15 locations in the house, as well.

16 And then February 1st, 2017, through March
17 31st, 2019 when they lived at a residence on **Addres**
18 **Addr**, 19-5224, sexual intercourse and 19-5228,
19 fellatio. And she is going to testify that sexual
20 intercourse took place in multiple locations in that
21 residence and outside of the residence on -- over a
22 course of -- well, from February 2017 till when he
23 moved out. And fellatio, as well, took place
24 multiple times in multiple locations in that house.

25 Your Honor, so to suggest that if he touches

1 her once, he gets to touch her as many times as he
2 wants to and not suffer a consequence for that, is
3 patently ridiculous on its face, and certainly
4 contrary to "State v. Smith."

5 MR. GROSE: Your Honor, the -- the government
6 completely mischaracterizes our motion in -- in that
7 argument. We acknowledge in our motion that the
8 State could have indicted for each different act on
9 each particular specific day, but they didn't do
10 that. The -- the State chose to indict based on
11 time frames and allege one act over that period of
12 time or -- or one crime over that period of time,
13 rather.

14 And it -- we get to the point if -- if the
15 State is gonna be able to allege those wide time
16 frames and that these indictments that cover the
17 same time frames don't go to any particular
18 allegation, then these indictments do not
19 sufficiently put us on notice of what we're able to
20 defend.

21 We either have to defend one crime over time,
22 or they need to put us on notice of each specific
23 crime. But they chose not to do that. When they
24 chose to proceed in this manner, you know, the --
25 they should have indicted properly on just one

1 offense at each time.

2 MS. HALLFORD: Sorry, Your Honor. Your Honor, the
3 case law regarding criminal sexual conduct with a
4 minor and charging is very clear that the courts
5 have said, "Children cannot be expected to know
6 specific dates when these incidents occurred."

7 And "State v. Tumbleston" establishes a two-
8 prong test to determine the sufficiency of an
9 indictment in CSC cases. And it says, "The -- the
10 two-prong test is whether time is a material element
11 of the offense." And "State v. Wingo" says, "That
12 in this case for CSC or lewd act, time is not a
13 material element."

14 And the second part is whether the time period
15 covered by the indictment occurred prior to the
16 return of the indictment, which it did. She cannot
17 say, "He anally -- or he forced me to perform
18 fellatio on her on March 7th, 2019." She simply
19 does not know. And we do not expect children to
20 know that.

21 "State v. Thompson," specific dates need not be
22 alleged. As long as the indictment apprises the
23 defendant of what he must be prepared to meet at
24 trial and describes a time before the date of the
25 indictment itself and one within the period

1 prescribed by any applicable statute of limitations.

2 Your Honor, it's the State's position that we
3 narrowed this down as much as we could based on her
4 saying it happened at different locations. And we -
5 - and because they took place throughout the entire
6 time that she admitted those locations, we got an
7 indictment for each type of sexual touching at each
8 residence.

9 THE COURT: Give me some cite -- some cites, please,
10 on those cases.

11 MS. HALLFORD: "State v. -- State v. Wingo" is 403
12 S.E.2d 322, "State v. Tumbleston," 654 S.E.2d 849;
13 "State v Thompson," 409 S.E.2d 420.

14 THE COURT: Anything at all as to that argument
15 before I take it under advisement? I'm gonna do
16 some reading on some things.

17 MR. GROSE: Well, I -- I would also add "State vs.
18 Baker," which is 411 S.C. 583, 769 S.E.2d 680. It's
19 from 2015. That involved a -- a lengthier time
20 frame than what we're -- we're talking with here.
21 But that, also -- in that case, the court held that
22 the -- the indictments were vague and overbroad for
23 the manner in which the State was presenting them.
24 The argument that the State makes is an argument
25 that they make a lot, particularly in our Supreme

1 Court, that there should be some sort of different
2 rules for criminal sexual conduct cases.

3 And our Supreme Court almost always slaps down
4 that argument when -- when somebody from the
5 Attorney General's office makes it. I understand
6 that there's challenges in their case, but once they
7 made the election to go with the broad time frame,
8 they made the election to go with one ongoing crime
9 and not multiple specific crimes.

10 If they want to go with multiple specific
11 crimes, then they have to find a way to put us on
12 notice of that so that we would be able to defend
13 against those allegations.

14 MS. HALLFORD: Your Honor, Tumbleston says, "The
15 stealth and repetitive nature of the alleged conduct
16 compels identification of the broader time period.
17 The victim is a young child whom one cannot
18 reasonably expect to recall the exact dates of the
19 sexual abuse."

20 Regarding "State v. Baker," the court did say
21 that a six-year time frame was overbroad, but what
22 had happened in that case was that they originally
23 had two or -- two or three periods of -- yeah.
24 Three separate summons indictments -- three
25 different indictments for three separate summons.

1 And then they went back and sent it back to the
2 grand jury for one indictment covering that whole
3 time frame when she wasn't even -- he wasn't even
4 around except during those summers.

5 And so they said that the defendant was taken
6 by surprise by that. And it was unconstitutionally
7 broad because it lacks specificity as to when the
8 alleged acts occurred. And talked about how
9 initially it had been the indictments for the three
10 separate summers, which is when the defendant and
11 the victim were around -- would've been -- no. I
12 can't say that. I don't know if that -- if -- but,
13 anyway, they specifically said they do not overrule
14 Tumbleston and Wade.

15 THE COURT: All right. That one's under advisement.
16 What do I have? Anything else, Mr. Grose?

17 MR. GROSE: No, sir.

18 THE COURT: Okay. All right. Maggie and I are
19 gonna have to spend some time reading and doing a
20 little research here. And we will do that this
21 afternoon. Get back together in the morning right
22 at nine sharp so we can put some rulings on the
23 record, do some things, and then we'll go from
24 there. How about that?

25 MS. HALLFORD: Yes, sir.

1 MR. GROSE: Yes, sir.

2 THE COURT: Sound good? Okay.

3 (Off the record at 2:17 p.m.)

4 **END OF DAY 1**

5 **DAY 2 OF TRIAL - JULY 18, 2023**

6 (On the record at 9:03 a.m.)

7 THE BAILIFF: All rise, please. Court will be in
8 order.

9 THE COURT: Thank you, thank you. And please be
10 seated. Good morning, everyone.

11 MS. HALLFORD: Good morning.

12 MR. GROSE: Good morning.

13 THE COURT: Good morning, Amber.

14 THE COURT REPORTER: Good morning, Judge. We just
15 marked some exhibits.

16 THE COURT: Okay.

17 THE COURT REPORTER: Yeah.

18 THE COURT: We're back on the record -- Good
19 morning. We're back on the record on the matter of
20 "State vs. Cody Hudson" and several indictments.
21 And a motion by the defense was heard yesterday
22 afternoon and taken under advisement, and I actually
23 left the courthouse. -- It's -- The construction was
24 interfering with my ability to read back there. So
25 I left the courthouse and went to my kitchen table

1 at home until about 6:25 last evening reading some
2 cases.

3 The defendant moves this Court to quash the
4 Indictment Numbers 2019-5214 and 5215 because the
5 State has taken one crime and broken it into two
6 parts. The defendant maintains the only difference
7 in the two indictments is one for cunnilingus, and
8 the other is for penile vaginal penetration. This
9 Court agrees to the difference but finds and
10 concludes that each item was a separate incident of
11 prohibited sexual assault separate
12 and distinct from the other. The State did not
13 divide one -- one criminal offense into two parts.
14 Likewise, for 2019-5224 and 5228, this Court agrees
15 the difference is one -- in one is for sexual
16 intercourse, and the other is fellatio, but
17 disagrees that the State has divided one crime into
18 two parts. Each is a separate incident of
19 prohibited conduct and may be punishable separately.
20 Likewise, for 2019-5217 and 5218, if read together,
21 and 2019-5219 and 5229, if read together. It
22 appears that 2019-5213 stands on its own under this
23 argument. But 5213 appears to fall under the
24 multiplicitous argument along with each of the three
25 time periods set forth by the State. Defendant

1 argues, really, merger. Our Court addressed merger
2 in "State v. Smith." That's in 276 South Carolina
3 484, a 1981 opinion, and rejected it.

4 Each intrusion upon the body of a victim is a
5 sexual assault, and a sexual assault is a separate
6 and distinct offense. A view and separate intent by
7 the defendant was formed when one sex act was
8 completed and another initiated by the defendant.
9 The defendant's motion to quash the indictment is
10 denied because they are not multiplicitous.

11 As to the defendant's motion to quash the
12 indictments because the time period is too broad and
13 not -- and not put the defendant on notice as to be
14 prepared for trial, and this Court finds that the
15 time periods set forth in each indictment is not
16 overly broad and each indictment sufficiently
17 apprises the defendant of the charge and the
18 allegations made against him. Additionally, time is
19 not an element of the offenses, and that is at
20 "Wingo" at 304 South Carolina 173. Also,
21 "Tumbleston" at 376 South Carolina 90, which is a
22 court of appeals case. The indictment is a notice
23 document, and this Court finds the defendant is
24 sufficiently on notice as to the charges made
25 against him. Also, I -- I read -- I read "State v.

1 Thompson" at 305 South Carolina 496. A defendant's
2 motion to quash is denied, but you are prepared, Mr.
3 Grose?

4 MR. GROSE: Thank you, Your Honor. Can I raise two
5 quick housekeeping things?

6 THE COURT: Yes, sir.

7 MR. GROSE: Yesterday, when you asked if there was
8 any other voir dire request, I referenced none other
9 than what already had been provided, so I want to
10 mark a copy of Mr. Hudson's voir dire as a Court's
11 exhibit. And that leads to the second thing, I
12 believe it should be Court's Exhibit Number 3,
13 because of Judge Knie's review of the counseling
14 records for the other child, I believe by her order.
15 And I just wanted to confirm that -- that end-off
16 has taken place for her to you in case anything
17 comes up with those during the trial.

18 THE COURT: I know about them, but I don't have
19 them. But we need to make sure we have them in the
20 record.

21 MR. GROSE: Okay.

22 THE COURT: My law clerk will talk with -- will --
23 will find them, but you're correct.

24 MR. GROSE: The -- the order said that they were
25 going to be resealed and marked as Court's Exhibits

1 1 and 2, and -- and go to the clerk of court.

2 THE COURT: Okay. (To the clerk) Do you -- do you
3 have them?

4 THE CLERK: I -- no, sir, Your Honor. I do not have
5 them. I can check. Were they previously marked?

6 MR. GROSE: I -- I've never seen them. Judge Knie
7 issued an order for them to be obtained, and -- and
8 they were obtained and delivered in a sealed package
9 to the solicitor's office who delivered them in a
10 sealed package to Judge Knie. I believe that they
11 were -- they came from two different sources, and
12 there was two sealed packages. She reviewed them,
13 did not disclose the records, but issued an order, I
14 guess, the Friday before last -- stating that they
15 were going to be resealed and should be marked as
16 Court's Exhibits 1 and 2, and that's -- that's what
17 I know.

18 THE COURT: Okay. We --

19 MR. GROSE: In -- in a break, I can show you a copy
20 of the order.

21 THE COURT: Okay. We'll --

22 THE CLERK: We can check to see if we have it, Your
23 Honor.

24 THE COURT: Yeah. We'll check and -- and we can
25 check with Ashton (phonetic), too.

1 THE CLERK: Okay. Thank you.

2 THE COURT: All right.

3 MR. GROSE: And -- and --

4 THE COURT: Yes, sir?

5 MR. GROSE: -- I'll hand up a copy. This is the --
6 the voir dire, and I'll leave it -- since we don't
7 know where those records are, I'll leave it to your
8 discretion for what number we put on it.

9 THE COURT: I'm gonna leave it to Madam Court
10 Reporter's discretion. But we will get those
11 records for sure.

12 MR. GROSE: Okay.

13 THE COURT REPORTER: Do you want me to mark it now,
14 or --

15 THE COURT: Whenever you want to.

16 THE COURT REPORTER: Okay. So the Court's Exhibit
17 1?

18 THE COURT: Okay.

19 THE COURT REPORTER: Okay.

20 (WHEREUPON, Defendant's request for voir dire, it is
21 marked into evidence as Court's Exhibit No. 1.)

22 THE COURT: (To the court reporter) I don't need it
23 back.

24 THE COURT REPORTER: Okay.

25 THE COURT: (To Mr. Grose) What -- what was the

1 other item besides the records? You said two
2 things?

3 MR. GROSE: Well, the -- the voir dire was one, and
4 the second one was the records.

5 THE COURT: Okay.

6 MR. GROSE: Thank you, Judge.

7 THE COURT: Thank you. Anything from the State?
8 The jury's here.

9 MS. HALLFORD: Nothing from the State, Your Honor.

10 THE COURT: Okay.

11 MR. GROSE: And just on that note, if you're about
12 to bring in the jury, I would just object to
13 swearing the jury based on motion to quash.

14 THE COURT: Okay. You -- you objected on the
15 record. You objected, but I'm gonna swear them.

16 MR. GROSE: Thank you, Your Honor.

17 THE COURT: Thank you. Mr. Bogan, we'll have the
18 jury, please.

19 (WHEREUPON, the jury came into open court at 9:12
20 a.m.)

21 THE COURT: Madam Clerk, will you swear this jury to
22 try this case?

23 (WHEREUPON, the jury was sworn in.)

24 THE COURT: Thank you. Ladies and gentlemen, you
25 are now the jury in this case, and I will take a few

1 moments to tell you something about your duty as
2 jurors and to provide some instructions. At the
3 close of this trial, I'm gonna provide more detailed
4 instructions, and those instructions will control
5 your deliberations. This is a criminal case brought
6 by the State of South Carolina. You will hear me
7 refer to the State as the "prosecutor," the
8 "solicitor," and sometimes, I'll refer to the State
9 as the "government," but they're all one and the
10 same.

11 Now, the defendant has been charged by the
12 State with criminal sexual conduct with a minor,
13 third degree, in the indictment ending in 5217.
14 Criminal sexual conduct with a minor, second degree,
15 in the indictment ending in 5215. Criminal sexual
16 conduct with a minor, second degree, in the
17 indictment ending in 5214. Criminal sexual conduct
18 with a minor, third degree, in the indictment ending
19 in 5213. Criminal sexual conduct with a minor,
20 second degree, in the indictment ending in 5229.
21 Criminal sexual conduct with a minor, third degree,
22 in the indictment ending in 5218. Incest in the
23 indictment ending in 5230. Criminal sexual conduct
24 with a minor, second degree, in the indictment
25 ending in 5228. Criminal sexual conduct with a

1 minor, second degree, in the indictment ending in
2 5224. Criminal sexual conduct with a minor, second
3 degree, ending in 5219.

4 The defendant has entered a plea of not guilty
5 to each and every indictment. And I tell you, and I
6 will say this more than once this morning, the
7 indictment is not evidence against him. He has
8 entered a plea of not guilty, and he is presumed
9 innocent of the charges made against him in each and
10 every indictment. And he is presumed innocent and
11 will not be -- and -- and he is presumed innocent,
12 and that presumption remains with him until and
13 unless you 12 find him guilty beyond a reasonable
14 doubt.

15 Now, South Carolina law makes you, the jury,
16 the finders of the facts. You 12 alone will decide
17 the facts in this case, and you will do that by
18 listening to the evidence that is -- that is
19 presented from the witness stand and any exhibits
20 that are entered into evidence. The evidence will
21 consist of testimony of various witnesses,
22 documents, and other items received as exhibits, and
23 any facts on which the lawyers agree and stipulate.

24 Now, ladies and gentlemen, the same law that
25 makes you 12 the finders of facts makes me the judge

1 of the law. Our rules of evidence -- and that's
2 what I'm talking about right here, our -- the rule
3 book. Our rules of evidence control what can be
4 received into evidence. When a lawyer asks a
5 question or offers an exhibit into evidence, and a
6 lawyer on the opposite side believes it's not
7 permitted, that lawyer may object. This simply
8 means that the lawyer is requesting for me to make a
9 decision on whether or not the evidence is admitted
10 -- can be admitted under our rules. South Carolina
11 law forbids me, a trial judge, from making a comment
12 to a jury about a fact in a case, and because it may
13 be necessary for me to comment on a fact and apply
14 our rules of evidence, it may be necessary for me to
15 speak with the lawyers outside of your hearing by
16 having what is known as a "bench conference" while
17 you're in the courtroom. What I mean by that,
18 ladies and gentlemen, is that I might move the
19 microphone down, bring the lawyers up here to the
20 bench to discuss whether or not that particular
21 matter is gonna come in.

22 Sometimes, I need to excuse you from the
23 courtroom because I may have to make a comment about
24 a fact in applying our particular rules. We're not
25 trying to hide anything from you. It's just that I

1 have to make a matter of law -- make a determination
2 in the matter of the law.

3 Now, certain things that are not evidence.
4 Statements, arguments, questions, and comments by
5 lawyers are not evidence. Objections are not
6 evidence. A lawyer has a duty to his or her client
7 to object when they believe something is improper
8 under one of our rules. You should not be
9 influenced by an objection. If I sustained the
10 objection, you must ignore the question or the
11 exhibit, and you must not try to guess what the
12 answer might have been, or what the exhibit might
13 have contained. If I overrule the objection, the
14 evidence will be admitted, but do not give it
15 special attention because it drew an objection.

16 Any testimony that I order stricken from the
17 record or tell you to disregard is not evidence.
18 And anything that you see or hear about this case
19 outside of this courtroom is not evidence.

20 Some of you may have heard the term "direct
21 evidence" and "circumstantial evidence." Ladies and
22 gentlemen, direct evidence is testimony by a witness
23 about what that witness personally saw, heard, or
24 did. Circumstantial evidence is indirect evidence.
25 It is proof of one or more facts from which one can

1 find or infer another fact. You may consider both
2 direct and circumstantial evidence. The -- our law
3 permits you to give equal weight to both, but it is
4 up to you to decide how much weight to give any
5 evidence.

6 Now, deciding what facts are in this case, you
7 may have to decide what testimony you believe and
8 what testimony you do not believe. You may believe
9 everything a witness says. You may believe part of
10 what a witness said. You may believe none of what a
11 witness says. In deciding what to believe, you may
12 consider a number of factors including, but
13 certainly not limited to, the witness' ability to
14 see, or hear, or know the things about what that
15 witness is testifying to. The quality of a witness'
16 memory. The witness' manner while testifying.
17 Whether or not a witness has an interest in the
18 outcome or any motive, bias, or prejudice, and
19 whether or not the witness is contradicted by
20 anything that that witness said or wrote before
21 trial and how reasonable the witness' testimony is.
22 It is my responsibility to rule as a matter of law
23 as to whether certain testimony is admissible. But
24 whether or not you believe it is solely up for you -
25 - for you 12 to decide.

1 Now, to ensure fairness, you as jurors must not
2 talk among yourself about this case until the end of
3 the case when you go to the jury room to decide your
4 verdict. Do not talk with anyone else about the
5 case or about anyone who has anything to do with the
6 case until the trial has ended, and you have been
7 discharged.

8 Ladies and gentlemen, after the trial is over,
9 and a verdict rendered, and the case is ended, you
10 can talk about the case as much or as little as you
11 desire, but not until then. "Anyone" includes
12 members of your family. You certainly may tell a
13 family member or a friend that you are a juror, but
14 do not discuss this case with them until the case
15 has ended, and you have been discharged. And do not
16 let anyone talk to you about the case. If someone
17 should try to talk to you about the case, please
18 report that to me immediately.

19 During the trial, do not talk with or speak to
20 any of the parties, lawyers, or witnesses. You
21 should not even pass the time of day with one of
22 them. It is important not only to do -- do justice
23 but, also, give the appearance of doing justice. If
24 a person from one side of this case sees you talking
25 to a person from the other side, even if it's just

1 to pass the time of day, it might -- it might cause
2 an unwarranted and unnecessary suspicion about your
3 fairness. If a lawyer, party, or witness does not
4 speak to you in the hallway or on the elevator, it's
5 because they are not supposed to talk to you until
6 after this case has ended.

7 Ladies and gentlemen, do not read any news
8 stories or articles about this case, or anyone
9 involved in it. Do not listen to a radio or
10 television report about this case. Do not do any
11 research on the internet; do not consult a blog or a
12 dictionary or any reference materials; and, please,
13 do not make any independent investigation on your
14 own. That would cause what we know -- what we
15 call/what we know as a "mistrial" in this case. And
16 do not make up your mind about what the verdict
17 should be until you have gone through the jury room
18 to discuss it with your fellow jurors. Until then,
19 please keep an open mind.

20 I'm often times asked about note-taking. You
21 are not to take notes during the trial. And the
22 reason is that we want you to pay close attention to
23 each witness as he or she testifies and not be
24 fixated on making copious notes.

25 Now, the first step in a trial is known as

1 "opening statements." The State in its opening
2 statement will tell you about the evidence that the
3 State intends to put before you to give you an idea
4 about what this case is about. Just as the
5 indictments are not evidence, neither is the opening
6 statement. Its only purpose is to help you
7 understand what the State will be trying to prove.
8 After the State's opening statement, the defense
9 attorney may, if he chooses, make an opening
10 statement. At this point, ladies and gentlemen, no
11 evidence has been offered by either side.

12 Next, the State will offer evidence that it
13 says will support the charges made against this
14 defendant. And it will consist of testimony of
15 witnesses, and it may include documents or other
16 exhibits. I remind you that the defendant is
17 presumed innocent, and the State must prove his
18 guilt beyond a reasonable doubt. He does not have
19 to prove his innocence. And after you have heard
20 all evidence, the State and the defense will each be
21 given time to make a final argument known as
22 "closing statements."

23 Now, I just told you opening statements by the
24 lawyers are not evidence, and the same applies to
25 the closing arguments. They are not evidence. They

1 are merely -- they are merely summations of what
2 each party puts before you.

3 And a final process of the trial occurs when I
4 instruct you about the law in this case and send you
5 to the jury room to begin your deliberations.

6 Ladies and gentlemen, it is my custom to
7 appoint the foreperson of the jury. And this is a -
8 - this is a request to this particular juror. It's
9 not an order, and you can decline or accept it. The
10 Juror 167, Ms. Sheila Trusdale, where are you,
11 ma'am? Would you serve as a forelady?

12 MS. TRUSDALE: Yes.

13 THE COURT: Thank you. I appreciate that. And I'm
14 -- I'm not requiring it. I'm just merely asking. I
15 try very hard to have a -- a forelady and a foreman,
16 and -- and I need a forelady this time, so thank
17 you.

18 Ms. -- Ma'am, I would ask at the break --not
19 now, but at the break, if you would switch seats
20 with the gentlemen on the very end of your row, that
21 is the foreperson's seat. Some judge uses -- some
22 judges use the corner seat over here, but my eye
23 just kinda falls to the seat. And if you would
24 always sit there. You become the spokesperson for
25 the jury. And we'll talk about deliberations at the

1 end, but during the trial, you're the spokesperson,
2 so if a juror has an issue, whatever it might be,
3 you would be the person to -- to bring that to me.
4 And we would do that in this open courtroom, with
5 the lawyers present, and on the record, okay? You
6 and I will never have a private conversation. So if
7 a car won't start, a child is sick, whatever it is,
8 you -- you would tell the bailiff, and then I would
9 bring you into the courtroom, and in front of the
10 lawyers and on the record, you'd share that with us,
11 okay? And -- and, of course, you'll have to preside
12 over the -- but we'll talk about that later in this
13 trial.

14 My two alternates, where are you? I got two --
15 okay. Both of you are in the correct seats. If you
16 will always sit on the end of the jury. So -- and I
17 don't care which seats you sit in there, but if you
18 two would also always sit there. Everybody else
19 here is now an honorably rotary. You can rotate
20 seats left and right. You can sit on the front; you
21 can sit on the back. And I am a rotary and have
22 been for a long time. I will also tell you that you
23 may stand. One gentleman asked me about that. I
24 don't think he's on my jury, but someone came up and
25 asked me about that. And you will see me stand. I

1 will tell you ahead of time, that if I'm standing,
2 it's because Keith Kelly is tired of sitting. And
3 if I'm sitting, I'm tired of standing. That's all
4 it means, okay? It doesn't mean I believe or
5 disbelieve a witness. It just means I can't sit in
6 this chair all day. And if you want to sit -- if
7 you want to stand, you may. I would merely ask that
8 you sit on the back row so that you may not block
9 the view of a fellow juror during the trial.

10 Okay. Anything from the State?

11 MS. HALLFORD: Nothing from the State.

12 THE COURT: From the defense?

13 MR. GROSE: No, sir.

14 THE COURT: Ready to go?

15 MS. HALLFORD: Yes, sir.

16 THE COURT: Ladies and gentlemen, please give your
17 attention to the solicitor.

18 **OPENING STATEMENT**

19 MS. HALLFORD: When **Child** was 11 years old,
20 her mom was married to the defendant, Cody Hudson.
21 In August of 2016, Cody Hudson's mother passed away,
22 and the family went down to where his father lived
23 to spend some time, you know, how families do. When
24 someone passes, you get together, and they comfort
25 each other.

1 Well, that evening, a game of hide-and-seek
2 broke out, and Child and the defendant ended up
3 hiding together. And during that, while they were
4 hiding, he touched her in way that was
5 inappropriate. Later on that evening, when they
6 went back home, she was sitting out in the porch.
7 And she'll testify; she'll tell you about this. And
8 the defendant came out there. He asked her to sit
9 on his lap, and he touched her again. And she will
10 tell you that she didn't really understand what was
11 going on because she was 11.

12 And later that night, when she went to bed, and
13 the defendant's biological daughter, CH's was also
14 there, they congregated in the bedroom. CH's was on
15 the bottom bunk, and Child was on the top bunk. But
16 then he came in and gave CH's a kiss on the mouth.
17 And then he stood up, and for the first time - he'd
18 never done this before - he gave Child a goodnight
19 kiss, just -- just a goodnight kiss and told her
20 that he loved her. He'd never done that before.
21 And she'll tell you that they did not have a good
22 relationship. She did not (inaudible), but
23 something had changed.

24 They were in the process of moving from the
25 house on Address 3 when this took place. So

1 the -- the touching on the porch was at Address 3
2 Addr. They were moving to a house on Address 1
3 Addr, but for a short period of time, they had both
4 locations. You know how that happens. When you're
5 moving, you got stuff here, you got stuff here.

6 So two days after the initial touching, the
7 defendant asked Child if she would go down to the
8 Address 3 house to get some stuff, and so
9 she did. And she would tell you that on the way
10 there, the defendant tried to get her to do sexual
11 stuff to him as he was driving. And when they got
12 there, there was a mattress and some other clothes
13 in the living room. And he said, "Lay down on the
14 mattress," and she did. And he performed oral sex
15 on her. And he tried to have intercourse with her.
16 He did penetrate her with his penis. And she would
17 tell you that it was very painful. And so it was
18 just a penetration, but not actual -- the entire sex
19 act. And then they went home. And she would tell
20 you that he acted normal after this.

21 Ladies and gentlemen, this continued on for
22 about two years and seven months. It happened at
23 the Address 3 house. It happened at that
24 Address 1 house. And then they moved to a
25 residence on Address 2, and it happened there, as

1 well.

2 You have heard the Judge. He read out the
3 indictments for criminal sexual conduct with a minor
4 in the third degree and criminal sexual conduct with
5 a minor in the second degree. Criminal sexual
6 conduct with a minor in the third degree is sexual
7 touching on the female of the breast, the buttocks,
8 or the vaginal area, but it doesn't involve any oral
9 sex or penetration of any kind, such as sexual
10 touching.

11 Criminal sexual conduct with a minor in the
12 second degree is sexual battery, and those we
13 define, here in South Carolina, as vaginal sexual
14 intercourse, anal intercourse, cunnilingus, which is
15 oral sex performed on the female, fellatio, which is
16 oral sex performed on the male, or any penetration
17 however slight of the vaginal or anal area of the
18 female by any object or part of the body.

19 So, in this case, we have the penetration by
20 the penis at the Address 3 house on the
21 mattress, and then we have the vaginal intercourse.
22 We have cunnilingus, and we have fellatio. And at
23 each of those locations -- well, each of the second
24 two locations -- the Address 2 house and the
25 Address 1 house, the sexual batteries

1 occurred multiple times, multiple times a week, over
2 the course of them living there.

3 Ladies and gentlemen, this is an uncomfortable
4 case. You're going to hear things that you never
5 wanted to hear. As uncomfortable as it is for us to
6 talk about, and as uncomfortable as it is for you to
7 listen to, it was infinitely more uncomfortable for
8 **Child** to live through.

9 You will hear from **Child** She will
10 testify to what happened to her. And you will hear
11 from other witnesses, as well. After you have heard
12 from the witnesses, and seen the evidence, the State
13 is asking you render a verdict of guilty -- guilty
14 on all of these charges because he is guilty. He is
15 guilty of stealing the innocence of a little child.
16 He is guilty for violating the trust of a child who
17 should have been able to develop a father-daughter
18 relationship. He is guilty.

19 **OPENING STATEMENT**

20 MR. GROSE: May it please the Court.

21 THE COURT: Yes, sir.

22 MR. GROSE: As y'all know from yesterday, I
23 represent Cody Hudson who has pled not guilty to
24 these charges. And Judge Kelly has told you this
25 morning, and we'll explain to you in more detail at

1 the end of the trial, about the presumption of
2 innocence. That's one of the guarantees that we
3 have as citizens of this country and through our
4 constitution is that we're presumed innocent, and
5 the State has the burden of proof. And one of the
6 reasons why the State, or the government, has the
7 burden of proof is because they're the ones who
8 respond to complaints. They're the ones who have
9 the first opportunity to investigate or not
10 investigate or some combination in between. And
11 they're the ones, before somebody is convicted of a
12 crime, has to prove their case beyond reasonable
13 doubt. And that's the highest burden of proof that
14 we have in our country, in our court system. And
15 the reason is is that's -- for citizens to be
16 protected. If anybody in this country is not able
17 to get a fair trial, no one's able to get a fair
18 trial, or, at least, that is the risk.

19 They told you some things in their opening
20 statement. One of the things they said was this was
21 going to be uncomfortable. It's uncomfortable. I
22 can't even imagine how uncomfortable it is to come
23 to jury duty and not know what it is you're gonna be
24 hearing, and then have a judge as they have to read
25 out the charges in all those indictments. I can't

1 imagine what it might be that something would run
2 through your mind at that particular point because
3 it sounds hard. But things are not always as they
4 sound. Things are not always as they appear.
5 Things are not always as they're alleged in the
6 indictments or alleged in court.

7 And I will tell you, you are going to hear from
8 this witness stand, you're gonna hear the
9 allegations. You're gonna hear testimony about
10 those indictments. But when you hear that
11 testimony, you have to remember the presumption of
12 innocence and the burden of proof because things may
13 not be as they hear or sound or appear on first
14 impression.

15 What they have not told you about is a critical
16 day, or critical weekend, critical few days in April
17 of 2019. April 2019, Cody Hudson had already moved
18 out from the house. Cody Hudson has children with -
19 - with a lady named Lauren Fields from another
20 marriage, another relationship. It came out on
21 social media or somewhere that Cody was with those
22 children and with the mother of those children. And
23 this is important because some of the things that
24 you're gonna hear about in this trial are control,
25 motive, and manipulation. Because **Child** **Child**'s

1 mother can be a very controlling person.

2 Controlling in the relationship with -- with Cody
3 Hudson. She could also be a very jealous person.
4 She wanted her children around and not Cody's
5 children. She didn't like him being on social
6 mediat, that Cody was spending time with the mother
7 of his children.

8 And so on those two days, the 20th and 21st of
9 April, when that all happened, the next day, April
10 22nd, is when these allegations came out. April
11 22nd. And some of the evidence that you're gonna
12 hear about is gonna be connected to that day of
13 April 22nd. But it gets back to control and
14 manipulation because this child's mother did not
15 think of 911 to call the police like just most
16 people would want to do.

17 She didn't go down to the police station to
18 make a report. She went to her uncle who was a
19 chaplain who had worked for the sheriff's office in
20 Spartanburg. And she brought some documents with
21 her. And at every step, you're gonna see that she
22 had access to the documents -- or access to the
23 evidence and brought what is supposedly what they're
24 going to represent to you as corroborating evidence.
25 But it was that control of the evidence and her

1 motive to get back at Cody that allowed her to
2 manipulate how this case was presented to law
3 enforcement and how it came to this courtroom.

4 There's gonna be opportunities -- or should've
5 been opportunities to corroborate certain things.
6 The good night kiss, **Child** said at one point, that
7 was a kiss on the lips. Not just a simple goodnight
8 kiss. If that was true, they should be able to
9 bring in Cody's daughter who was in the room when
10 that supposedly happened. But you're not going to
11 hear that evidence in the trial. You're not gonna
12 hear it. And there's gonna be other things like
13 that that are gonna be questioned.

14 When we talk about reasonable doubt, reasonable
15 doubt is the doubt that can make an ordinary person
16 hesitate in their important daily affairs. We're
17 not talking about a decision whether we'd wear the
18 blue shirt or the white shirt this morning like I
19 had to make. We're talking about important daily
20 affairs like making important decisions for your
21 family. And if you have that doubt, you have that
22 hesitation, that is reasonable doubt.

23 Sometimes, they say that a reasonable doubt is
24 -- beyond a reasonable doubt is evidence that leads
25 you firmly convinced. But if there is a doubt, if

1 there is a real possibility that a person is
2 innocent, then that is a reasonable doubt that a
3 fellow citizen is entitled to the benefit of. And
4 at the end of this case, because of the control, the
5 motive, and manipulation, you're gonna have a
6 reasonable doubt, and we're gonna ask that you find
7 Cody Hudson not guilty of all of these charges.

8 THE COURT: Solicitor?

9 MS. HALLFORD: The State calls Michael Mapstone.
10 (WHEREUPON, the witness was sworn.)

11 THE COURT: Sir, if you'll adjust that microphone to
12 suit yourself and tell us who you are and spell your
13 last name for Madam Court Reporter, please.

14 THE WITNESS: I'm Deputy First Class Mapstone. My
15 last name is M-a-p-s-t-o-n-e.

16 THE COURT: Thank you. Solicitor?

17 **DIRECT EXAMINATION OF DEPUTY MAPSTONE**

18 BY MS. HALLFORD:

19 Q What's your current occupation?

20 A I'm a patrol deputy for the Spartanburg County Sheriff's
21 Office.

22 Q How long have you been with Spartanburg County?

23 A Six years.

24 Q What did you do prior to that?

25 A I worked for the South Carolina Department of Corrections

1 for just short of three years.

2 Q On April 22nd of 2019, were you working that evening?

3 A I was.

4 Q What were your general duties on that night?

5 A I was a -- I was assigned to uniform patrol, and I was
6 working in the area of Chesnee.

7 Q Around 9 p.m. or so, were you dispatched to a residence
8 on Fairfield Road in Chesnee in reference to a reported
9 sexual assault?

10 A I was.

11 Q Who did you first speak with when you got to that house?

12 A When I first got to the house, I spoke with Bo Dunford.

13 Q And how -- did you know him already?

14 A I didn't know him before then.

15 Q Did you come to know that he was a chaplain at the
16 sheriff's office?

17 A I did.

18 Q And to your knowledge, is Bo Dunford still alive?

19 A No. He's not.

20 Q After you spoke with Bo Dunford, did you go into the
21 residence?

22 A I did.

23 Q When you went in, did you see Child the victim in
24 this case?

25 A Yes. She was sitting up then.

1 Q What was her emotional state when you saw her?

2 A She seemed like she was crying; distraught.

3 Q Did you speak with Child

4 A I asked her name, but I didn't speak with her any
5 further.

6 Q Why did you not talk with her?

7 A As a general practice, and I'm not really sure if it's
8 policy of the sheriff's office, but it's -- I've been
9 trained we don't speak with juveniles who are the victims
10 of child abuse.

11 Q Is that because you are aware that they will have a
12 forensic interview at the Children's Advocacy Center?

13 A That is correct.

14 Q After you saw Child did you end up talking with her
15 mother, Sarah Hudson?

16 A I did.

17 Q Did you do that in front of Child or somewhere else?

18 A No. We went to a different room.

19 Q So you can't get into the details of anything that Sarah
20 told you because that's hearsay, but did you and Sarah
21 have a conversation about why you had been sent to the
22 residence that night?

23 A Yes.

24 Q While you and Sarah were talking, did you hear something
25 that made you end up asking if Child was okay?

1 A Yes. I heard coughing, and it sounded like somebody was
2 in distress.

3 Q Did you inquire about that?

4 A I did. I asked if she was okay, and I was told that she
5 was throwing up.

6 Q When you talked to --

7 MR. GROSE: Objection to the hearsay.

8 MS. HALLFORD: Present sense impression.

9 THE COURT: Okay. Go ahead. Be careful.

10 Q When you were talking with Sarah Hudson, did she end up
11 giving you some copies of some e-mails that she had
12 printed out?

13 A Yes.

14 Q And did you read them when she gave them to you, kind of
15 looked through them?

16 A Yeah. I looked through them, kind of, you know.

17 Q And did you end up putting them into evidence?

18 A I did.

19 Q Okay. I'm handing you what's been marked State's Exhibit
20 Number 6. Did you also make copies of these for the
21 report?

22 A I scanned them and attached them to the report.

23 Q Okay. And is this the original that you received from
24 Sarah Hudson?

25 A Yes. These look to be original.

1 Q Okay. Did they appear -- kind of glance through them and
2 tell me if they appear to have been edited or altered in
3 any way, other than the sticker for identification.

4 A No. They don't appear to be.

5 Q Okay. That you. Did you have any further involvement in
6 this case after that night?

7 A No.

8 Q Okay.

9 MS. HALLFORD: (To the Court) No further questions.

10 THE COURT: Okay. (To Mr. Grose) Counsel?

11 **CROSS-EXAMINATION OF DEPUTY MAPSTONE**

12 BY MR. GROSE:

13 Q I think you said that the residence that you went to was
14 the residence of Bo Dunford?

15 A Yes, sir.

16 Q And that is **Child**'s uncle?

17 A I believe so, yes.

18 Q All right. You don't dispute that, do you?

19 A No.

20 Q All right. You didn't know him at that time, but you
21 since learned who he was, I take it?

22 A Yes.

23 Q Okay. And already at the residence was Sarah Hudson,
24 correct?

25 A Correct.

1 Q And Child Hudson (as spoken)?

2 A Correct.

3 Q And they were both in the same room together?

4 A Correct.

5 Q Which was one of the bedrooms?

6 A Yes.

7 Q All right. And you initially went in and -- and briefly
8 spoke with both of them?

9 A Yes.

10 Q And then you went into another room in the house with
11 Sarah Hudson; is that right?

12 A That's correct.

13 Q And it was Sarah Hudson who was the one that was giving
14 you the information?

15 A That's correct.

16 Q And I know that we can't go into the substance of that,
17 at this point, but the information that she was giving
18 you was the details of the allegations; is that right?

19 A Correct.

20 Q And that was coming from her and not Child

21 A Correct.

22 Q And you have State's Exhibit Number 6 here in front of
23 you. Is this the -- the documents that Ms. Hudson had
24 printed out?

25 A That looks to be one of them.

1 Q Okay. And you got these from Ms. Hudson and not from

2 **Child**

3 A Yes. It was total online based.

4 Q Okay. Well, I'm talking about -- I'm talking about those
5 e-mails, those came from -- from Ms. Hudson?

6 A Yeah. I believe that's correct.

7 Q Okay. And Ms. Hudson -- again, we can't go into what she
8 said, but she gave you two different explanations as to
9 how she got those e-mails, didn't she?

10 A I don't recall.

11 Q Okay. You did a incident report in this case, didn't
12 you?

13 A I did.

14 Q Does this look like a copy of your report?

15 A It does.

16 Q On this paragraph on Page 1, she gives you an explanation
17 there, doesn't she?

18 A Yes.

19 Q And then on Page 2, she gave you a different explanation?

20 A (Reviews document.) Okay.

21 Q So you'd agree that she gave two different explanations?

22 A I can't remember off the top of my head. I think it
23 depends on the definition of hacking --

24 THE COURT REPORTER: (To the Court) Oh, I'm gonna
25 ask him --

1 THE COURT: (To the witness) Sir, you've got to
2 speak a little louder for the court reporter.

3 Q I think what you said was, "It depends on the definition
4 of hacking the account versus having access to the
5 account."

6 A Yeah.

7 Q That -- that -- that -- that definition determines whether
8 there's two different explanations?

9 A Yes.

10 Q Okay.

11 A Yes, yes.

12 Q All right. And by what we mean by "access," going down
13 this road, in the first one -- in the first one, she says
14 that she hacked into Mr. Cody's e-mail account; is that
15 right?

16 A Correct.

17 Q All right. And the second time, she said, -- Ms. Sarah
18 explained that she previously had Mr. Cody's login
19 information on her phone from when she lived with him; is
20 that right?

21 A Correct.

22 Q She explained, though, she did not have permission to use
23 his e-mail, specifically, at the time.

24 A Correct.

25 Q All right. And State's Exhibit Number 6 are the e-mails

1 that Sarah Hudson gave to you from hacking or using
2 Cody's password to get into his e-mail account?

3 A Correct.

4 MR. GROSE: (To the Court) Thank you.

5 THE COURT: (To the State) Anything?

6 MS. HALLFORD: May he be excused, subject to recall?

7 THE COURT: (To Mr. Grose) Any objection?

8 MR. GROSE: No objections.

9 THE COURT: (To the witness) Sir, you may step
10 down. You're excused from your subpoena subject to
11 recall.

12 (WHEREUPON, the witness was excused.)

13 MS. HALLFORD: The State calls Sarah Hudson.

14 (WHEREUPON, the witness was sworn.)

15 THE COURT: Ms. Hudson, I'm going to ask you to
16 adjust the microphone, and you have a very soft
17 voice. I'm going to ask you to use your outside
18 voice, okay?

19 THE WITNESS: Yes, sir.

20 THE COURT: We have a little construction going on
21 out here; it's quieted down; but tell us who you are
22 and spell your last name, please.

23 THE WITNESS: It's Sarah Jumper, now. J-u-m-p-e-r.

24 THE COURT: Thank you. Solicitor?

25 **DIRECT EXAMINATION OF SARAH JUMPER**

1 BY MS. HALLFORD:

2 Q Where are you employed?

3 A I'm a practice manager and medical assistant at a
4 physician's office.

5 Q How long have you been doing that job?

6 A Three years.

7 Q Where do you currently live, not the address, just the --

8 A Spartanburg County.

9 Q How long have you lived in the upstate area?

10 A My whole life, 38 years.

11 Q Where did you go to high school?

12 A Dorman.

13 Q Do you have any education beyond high school?

14 A I do. I'm currently taking some classes at USC Upstate
15 for nursing.

16 Q Do you have any children?

17 A I do.

18 Q What are their names and their ages?

19 A I have Brother, he's 19. I have Child, who's 18, and I
20 have Addison, who's 11.

21 Q And Child is the one I've been referring to as --

22 A Child

23 Q -- "Child" Is that what she goes by?

24 A Yes. She goes by Child

25 Q And does Addison go by Addison, or does she go by --

1 A She goes by "Child".

2 Q Okay. Brother goes by Brother?

3 A Yes.

4 Q Okay. Who lives with you currently?

5 A Me and my three kids and my current fiancé.

6 Q Do you know Cody Hudson?

7 A I do.

8 Q How do you know him?

9 A I was married to him.

10 Q When did you guys get married?

11 A August the 31st of 2013.

12 Q And are you divorced now?

13 A We are.

14 Q And when did the divorce take place?

15 A Maybe two years ago.

16 Q Does Cody Hudson have any children of his own?

17 A He does.

18 Q Do you know what their names and ages are?

19 A I don't remember their ages right offhand, but there's

20 CH's and CH's and CH's Child

21 Q Okay. CH's and who?

22 A CH's Child

23 Q CH's Child I'm sorry. The noise. How old was Child when

24 you got married? If you got married in 2013, how old

25 would she have been?

1 A [Child] was around eight.

2 Q Did you and Cody Hudson separate in early 2019?

3 A We did.

4 Q Did he move out of the residence?

5 A He did.

6 Q Were you guys living at the residence on [Address 2] when
7 he -- you guys separated, and he moved out?

8 A We were.

9 Q Do you remember, specifically, the exact time he moved
10 out or just in general the time frame?

11 A It was around the end of February, beginning of March.

12 Q After you and he separated, had he left some of his stuff
13 at the -- at your house on [Address 2]?

14 A Yes. He left stuff there.

15 Q And, at some point -- I'm sorry. I didn't let you
16 answer.

17 A Yeah. He left a good bit.

18 Q Okay. At some point after he moved out, did you and he
19 make arrangements for him to meet you somewhere to get
20 the stuff that he had left?

21 A Yes. We met at the QT on 290.

22 Q Who was with you when you met him at the QT?

23 A Me, [Child] and [Child] and [Brother].

24 Q Do you remember if anyone was with Cody Hudson?

25 A His uncle.

1 Q Did you have any interactions with his uncle, or did his
2 uncle stay in the car?

3 A His uncle had his window down. We spoke a couple of
4 times, but other than that, no.

5 Q How was Cody Hudson acting towards the kids when y'all
6 met at the QT?

7 A He was leaning over talking to **Child** kept rubbing on
8 her, assuring her everything was going to be okay. He
9 was still going to be a part of her life regardless.
10 Kept asking her if she wanted to leave home and come with
11 him. And then **Brother** and **Child**, he didn't even
12 acknowledge they were in the car.

13 Q Prior to this, had he been close with **Child**?

14 A Yes. He was very close with **Child**.

15 Q Did she look at him as her father?

16 A She did.

17 Q So did you find it, in that moment, unusual that he would
18 be focusing his attention on **Child** and not on **Child**?

19 A I did.

20 Q When you and Cody Hudson were married and living
21 together, did y'all live at one location or more than one
22 location?

23 A Multiple.

24 Q All the houses that you guys lived together, they were in
25 Spartanburg County; is that correct?

1 A Yes, ma'am.

2 Q Where was the first place that you lived with Cody
3 Hudson?

4 A **Address 3** in Chesnee, South Carolina.

5 Q And is that in Spartanburg County?

6 A Yes, ma'am.

7 Q To the best of your recollection, how long did you guys
8 live at that **Address 3** -- **Address 3** oad? Sorry.

9 A I'm going to say it was around the end of 2014 to 2016.

10 Q Okay. Do you know specifically the month in 2016 that
11 you guys were moving out of the residence?

12 A Yes. It was around the end of August, beginning of
13 September.

14 Q And what makes you know for sure that's when you were
15 moving out of the **Address 3** house?

16 A Because Cody's mother had just passed away not long.

17 Q Was there a period of time when y'all had stuff at
18 **Address 3** and stuff at the new residence?

19 A We did.

20 Q And the new residence, where was that located?

21 A **Address 1** in Campobello.

22 Q And is that also in Spartanburg County?

23 A Yes, ma'am.

24 Q When -- you said that his mother had passed away. When
25 she passed away, were y'all still actually living at

1 **Address 3** ?

2 A Yes.

3 Q After her -- or right around the time she died, right
4 around the time of the funeral, did you, Cody, and your
5 kids go down to his dad's residence -- I think that's
6 Simpsonville, correct?

7 A Yes.

8 Q To kind of comfort and spend time with him?

9 A Yeah. We were there a little bit.

10 Q Do you remember an evening shortly after she died when
11 Cody Hudson and the kids started playing hide-and-seek?

12 A I do.

13 Q Do you remember the date that she died? Was it August
14 20th of 2016?

15 A August the 20th, 2016.

16 Q Okay. Do you know how close it was to August 20th that
17 the hide-and-seek incident occurred?

18 A It was within the first week of it. It wasn't but a few
19 days after that.

20 Q What were you doing while they were playing -- playing
21 hide-and-seek?

22 A Sitting on the front porch, smoking.

23 Q Was **Child** playing hide-and-seek?

24 A She was.

25 Q Was Cody playing hide-and-seek?

1 A He was.

2 Q Do you remember any of the other people who were that
3 were also playing?

4 A He had his nieces and nephew out there playing; his
5 children were out there playing; and another child and
6 his sister were out there playing.

7 Q When you guys got back home that night, and that would be
8 to the Address 3 house, correct?

9 A Uh-huh.

10 Q Okay. Did anybody besides Cody and your kids come with
11 y'all back to the house?

12 A I'm pretty sure his kids come back with us that day.

13 Q If his daughter -- CH's --

14 A Yes.

15 Q -- was there, where would she typically sleep?

16 A She would either sleep with -- in the room with Sister
17 or she would sleep with Child in Child's room.

18 Q Okay. Do you remember specifically that night where they
19 slept?

20 A No.

21 Q Okay. And if CH's was sleeping in Child's room, what
22 kind of beds -- you know, how was the sleeping
23 arrangement?

24 A Bunkbeds.

25 Q Okay. And do you remember who would sleep on the top,

1 and who would sleep on the bottom?

2 A CH's would usually sleep on the bottom; Child would sleep
3 on top.

4 Q When you guys were in the process of moving from Address
5 Address 3 to Address 1, do you remember any times when
6 Cody and Child went back to Address 3 by
7 themselves?

8 A Yes.

9 Q And why would Child go with him?

10 A He would ask her to go, and then she had some things that
11 she wanted to get, and she kept her room a mess, so only
12 she could find her own stuff.

13 Q What did you and Brother do when they went back to Address
14 Address 3?

15 A Brother and I was cleaning the house and unpacking some
16 boxes.

17 Q Do you remember where Child was?

18 A I think Sister was at my -- my parents' house that
19 night.

20 Q When you guys were moving out, what did you do with most
21 of the stuff in Address 3 before you brought it back
22 to -- brought it to Address 1?

23 A We took everything out of all the rooms and just had it
24 sitting around in the living room. That way it would be
25 easy to just go in and grab it and go.

1 Q And did some of that furniture include a mattress or
2 mattresses that were in the living room?

3 A Yes. It was all of our beds.

4 Q Did you think it was unusual, at that time, for **Child** to
5 want to go somewhere with him?

6 A I didn't.

7 Q Okay. And what were you doing when they got back?

8 A Still cleaning and still unpacking.

9 Q And were you paying any particular attention to **Child**
10 when they got back?

11 A Not at all.

12 Q Do you remember what **Child** did, at all, when she got
13 back?

14 A No. Not really.

15 Q How many bedrooms were in the **Address 1** house --
16 or how were the bedrooms set up -- the locations in the
17 **Address 1** house?

18 A So all the kids' bedrooms were downstairs; mine and
19 Cody's were upstairs.

20 Q Did the **Address 1** house have a laundry room?

21 A Yes.

22 Q Do you remember where that was located in relation to the
23 downstairs' bedrooms?

24 A It was in the bathroom.

25 Q In the bathroom?

1 A It was by the bathroom.

2 Q Oh, by the bathroom, okay. Sorry. And you said **Address**

3 **Address 1** in Campobello?

4 A Yes.

5 Q Spartanburg County?

6 A Yes.

7 Q If you were sleeping upstairs in the bedroom that you and
8 Cody Hudson shared, could you hear much of what was going
9 on outside of the bedroom?

10 A No. I slept with the TV on, and I was a heavy sleeper.

11 Q You know sleeping with the TV on is bad for you, right?

12 A Yeah.

13 Q All right. At the time you were living there, was the
14 **Address 1** house in a rural area, like not close
15 neighbors?

16 A Yes. It was.

17 Q Did it get a lot of traffic on that road?

18 A No.

19 Q If you were outside, could you hear cars if they were
20 coming?

21 A From 26, yes. Because 26 was behind our house.

22 Q Okay. When you guys were living at **Address 1**, who
23 would wake **Child** up at -- to go -- to get ready for
24 school?

25 A Cody.

1 Q Why was he waking them up?

2 A Because he got up earlier than I did because he had to go
3 to work.

4 Q What would you be doing when he was waking them up?

5 A Sleeping.

6 Q So you said you guys moved to Address 1 late
7 August, early September. As best you can remember, where
8 -- when did you guys end up moving out of Address 1
9 Addr?

10 A It was around -- it was before Christmas of 2016.

11 Q And where did you guys end up moving after the Address
12 Address 1 house?

13 A We went to 252 Scruggs Road.

14 Q How long were you at 252 Scruggs Road?

15 A Not even long enough to really unpack --

16 Q So --

17 A -- maybe three months tops.

18 Q Okay. So you didn't even get fully settled into Scruggs
19 Road?

20 A No.

21 Q Where did you guys go after you moved out of Scruggs
22 Road?

23 A Address 2

24 Q What town is that?

25 A Mayo, South Carolina.

1 Q Is that also Spartanburg County?

2 A It is.

3 Q At that residence, did you have a -- was there a room
4 beside the kitchen that didn't have a door on it?

5 A Yes. It was **Sister** 's playroom.

6 Q Okay. So if you were at the -- at the Scruggs Road house
7 for a couple of months, would that put you moving into
8 the **Address 2** house around February of 2017, then?

9 A Yes.

10 Q Did you live at the **Address 2** house, and you were
11 living -- excuse me -- I think you've already testified
12 to this. You were still living at the **Address 2** house
13 when Cody Hudson moved out in early 2019 -- February or
14 March of 2019?

15 A Yes.

16 Q Okay. What's **Child** 's birth date?

17 A .

18 Q Okay. I'm not a math whiz, but if she was born
19 , that would put her turning 14 on
20 ?

21 A Yes.

22 Q Okay. When you and Cody Hudson were still together,
23 would his children come and spend time with y'all?

24 A They would.

25 Q And, typically, what -- did they have a regular

1 visitation schedule? How often were they typically
2 there.

3 A Sometimes it was every weekend; sometimes we -- they
4 chose to stay at their papa's house.

5 Q Did they visit you at all the different locations where
6 you lived with Cody Hudson?

7 A They did.

8 Q Were there occasions when you would go and pick his kids
9 up and bring them back to your residence?

10 A Yes. Quite a few.

11 Q Well, why did you end up picking the kids up rather than
12 Cody Hudson picking the kids up?

13 A Either he was working late, or he just chose not to go,
14 and his relationship with Lauren at the time wasn't very
15 good.

16 Q On some of the occasions when you went to get Cody
17 Hudson's children, did **Child** stay at home with Cody
18 Hudson?

19 A Yes.

20 Q And where would **Brother** and **Child** be on those occasions?

21 MR. GROSE: Objection: speculation.

22 THE COURT: (To Ms. Hallford) Well, does she --
23 does she know?

24 Q Do you know where **Brother** and **Child** would be on some of
25 those occasions?

1 A Yes. On some of those, yes. Either **Child** -- **Child** would
2 be at home with Cody, or **Child** would be at her
3 grandparents' house, and a lot of the times **Brother** rode
4 with me so I wouldn't have to ride alone.

5 Q Did **Child** spend a lot of time with her grandparents?

6 A She did.

7 Q Okay. When you and Cody Hudson first got together, what
8 kind of relationship did he and **Child** have?

9 A It was horrible. He couldn't speak with her without
10 disrespecting her, and she just -- she wouldn't talk to
11 him. She was always disrespecting him, as well.

12 Q When -- at some point, did **Child** express to you that she
13 did not care for Cody Hudson?

14 A She did. It wasn't long after she actually met Cody. We
15 were Frankie's Fun Park, and I got into an argument with
16 her because she said that she didn't like him; she didn't
17 want to be around him.

18 Q And what was your response to that?

19 A I told her to get over it; he wasn't going anywhere.

20 Q How did **Brother** get along with him?

21 A **Brother** didn't.

22 Q And how did **Child** get along with him?

23 A **Child** loved him.

24 Q If **Child** was eight when you and Cody Hudson got married,
25 how old would that have made **Child**?

1 A [Child] was a year old.

2 Q Oh, okay. So how -- how old then would she have been
3 when y'all broke up in 2019?

4 A She would have been seven.

5 Q Okay. Did the issues with [Child] and [Brother] not liking
6 Cody Hudson cause problems in your marriage?

7 A Sometimes it did, but it caused more of a problem with my
8 children.

9 Q What -- whose side did you choose when the kids expressed
10 difficulties with him?

11 A Cody's.

12 Q Did you make it clear to them that you would always
13 choose Cody's side over your children?

14 A I did.

15 Q At some point, did you begin to notice that the
16 relationship between Cody Hudson and [Child] had changed?

17 A I did. They did a whole 180. They were talking, cutting
18 up, laughing, and hanging out with each other.

19 Q What did you think about that change, initially?

20 A Initially, I just thought it was time to get along.

21 Q Did the change start sometime after his mother passed
22 away?

23 A It did.

24 Q At some point, did you end up questioning [Child] about why
25 her relationship with Cody Hudson had changed from, "I

1 don't like him," to cutting up and getting along?

2 A I did.

3 Q Do you remember approximately when you first started
4 asking her about it?

5 A It was around 2018.

6 Q What did you ask her about the change in the
7 relationship?

8 A I asked her what was up? Why all of sudden did they seem
9 so close?

10 Q And what was her response?

11 A "I'm just trying to get along with him, Mama. He's --
12 you're gonna be with him regardless."

13 Q You testified earlier that the defendant moved out of the
14 **Address 2** house late February/early March of 2019, and
15 I'm not going to get into the specifics about what
16 happened to break up the marriage, but would it be
17 accurate to say that it was not an amicable or pleasant
18 breakup?

19 A It wasn't.

20 Q After he moved out, did he continue to have contact with
21 **Child**

22 A He did.

23 Q How did you know that **Child** and he were in touch with
24 each other?

25 A Because she would be on her phone all the time; that

1 wasn't **Child** And I asked her what she was doing because
2 she was always talking or texting, and she said she was
3 talking to Cody.

4 Q What did you tell her about continuing to have contact
5 with him?

6 A I told her to leave him alone; he was no longer a part of
7 our lives. She just needed to let him go.

8 Q Did you also contact Cody, and tell him to stop getting
9 in touch with **Child**

10 A I did.

11 Q On April 22nd of 2019, did you get into Cody Hudson's e-
12 mail account and find some e-mails between him and **Child**

13 A I did.

14 Q When you were talking to law enforcement later that day,
15 did you describe what you did as "hacking"?

16 A I did.

17 Q Okay. And why did you use the word "hacking"?

18 A I don't know. I really don't know why I used the word
19 "hacking," because his e-mail was on my phone.

20 Q Did you have his password?

21 A I did.

22 Q Had you previously had permission to read his e-mails?

23 A Yes.

24 Q But, at that point, did you still have permission to do
25 so?

1 A I did not.

2 Q What made you decide to get into his e-mail account?

3 A I don't know. Something just didn't feel right. And
4 **Child** she would show me her phone; didn't see no texts,
5 but I knew they were communicating in some way or the
6 other.

7 Q What made you think they were still communicating?

8 A Because she was still on her phone a lot.

9 Q When you would question her about it, what would she say?

10 A Told me not to worry about it. She was just talking to
11 friends. Or she -- at the time, Musical.ly was famous,
12 and she would tell me she was on Musical.ly. It's a app,
13 something like TikTok.

14 Q I'm old. Sorry. Why -- if you were concerned about
15 communications between Cody Hudson and **Child** didn't you
16 get into **Child** e-mail?

17 A Because I didn't know her passcode.

18 Q When you got into his e-mail account, did you find
19 anything that concerned you?

20 A Yes. E-mails between him and **Child**.

21 Q And did you print out the e-mails that you found?

22 A Immediately.

23 Q I'm showing you what's been marked State's Exhibit 6 for
24 identification. Do you recognize those?

25 A I do.

1 Q And when you found those e-mails in his e-mail account,
2 did you read through them multiple times?

3 A More than once.

4 Q And what was your reaction when you read them?

5 A My heart dropped.

6 Q Are you ever likely to forget what they said?

7 A No.

8 Q Okay. Did you know -- let's see. The e-mail address
9 here is Child [REDACTED]?

10 A I do.

11 Q Did you know that to be [REDACTED] e-mail address?

12 A Yes.

13 Q And then we've got codyhudson2014@gmail.com?

14 A Yes.

15 Q Did you know that to be Cody Hudson's e-mail address?

16 A Yes.

17 Q Had you e-mailed him --

18 A Yes.

19 Q -- sent an e-mail to him at this address before?

20 Did the contents of these e-mails -- and look
21 carefully, appear to have been edited or altered in any
22 way?

23 A (Reviews documents.) No.

24 MS. HALLFORD: Your Honor, at this time the State
25 would move State's Exhibit 6 into evidence.

1 MR. GROSE: (To the Court) No objection.

2 THE COURT: Without objection, they're admitted.

3 (WHEREUPON, e-mails, are marked into evidence as

4 State's Exhibit No. 6.)

5 Q Okay. What was it about these e-mails that caused you
6 concern?

7 MS. HALLFORD: Hold on.

8 MR. SMITH: Exhibit 1.

9 MS. HALLFORD: Yeah. Sorry, Your Honor. I'm
10 technologically challenged. So if you . . .

11 MR. SMITH: Here's where I'm gonna put the same.

12 Q Related to what he was calling her, what word did he use,
13 or what term of endearment?

14 A "Baby girl."

15 Q Had you ever heard him refer to **Child** as "baby girl"
16 before?

17 A No.

18 Q Had you ever heard him refer to **Child** as "baby girl"?

19 A No.

20 Q Had you ever heard him refer to **CH's** as "baby girl."

21 A No.

22 Q Why did that specifically bother you?

23 A It was just weird to me. I mean, I didn't feel like a
24 grown man should be calling, you know, a child a pet name
25 as such.

1 Q Okay. So if -- can you -- can you see that?

2 A Me?

3 Q Yeah.

4 A Yep.

5 Q Okay. I -- I can't see it very well. I'm sorry. So this
6 is from April 22nd, 2019, and at 6:31 a.m. an e-mail
7 comes in from codyhudson2014, and what does that say?

8 A "Good morning, baby girl."

9 Q Okay. And then --

10 MS. HALLFORD: (To Mr. Smith) Can you scoot that
11 over a tiny bit so we can see the time? Okay.

12 Yeah.

13 Q -- at 7:13, what is [REDACTED] response?

14 A "God, that thing has gotten hairy. LOL."

15 Q Do you remember if there was an attachment to this e-
16 mail?

17 A There wasn't.

18 Q Okay. And then did they continue having communications
19 when she -- with each other throughout that day? So we've
20 got 7:30, what is Cody Hudson's response to [REDACTED] e-
21 mail, "God, that thing has gotten hairy"?

22 A "LOL. LOL."

23 Q Okay. And then at 8:21, what does Child say?

24 A "I'm kidding, LOL."

25 Q Then at 8:22, Cody Hudson, "I just seen y'all's family

1 Easter pics. LOL." Do you know what that was in
2 reference to?

3 A Yes. **Child**'s dad was in the military, at the time, and
4 they weren't there. And we had spent Easter with
5 **Sister**'s grandmother and her uncle, and there we had
6 posted family Easter pictures all over Facebook.

7 Q Okay. And then he responds at 8:35 -- no. **Child** says at
8 8:35, "Okay. I told you I was tired of arguing, so. . ."
9 And then what is his response at 8:37 a.m.?

10 A "I'm not arguing. I was saying that I seen it this
11 morning."

12 Q Okay. And then at 8:38, she responds, "You act like I'm
13 the one who invited them or something. Nanny was the one
14 who told them to get in the picture." That's **Child** to
15 Cody. Do you know what that's talking about?

16 A It was referring to **Sister**'s grandma and uncle.

17 Q Okay. And then at 8 -- 8:39 -- and then it goes to the
18 next, -- and this is **Child** to him, "Nanny and Mama was
19 the one who told them go come and take the picture, so .
20 . ." I think it's supposed to be "them to come and take
21 the picture, so . . ."

22 And then he responds, "I do. I was just saying
23 that's it." Then at eight --

24 MR. SMITH: (To Ms. Hallford) I don't care, IDC.

25 Q -- "IDC, I don't care."

1 MS. HALLFORD: (To Mr. Smith) Thank you.

2 Q At 8 --

3 MS. HALLFORD: (To Mr. Smith) Can you scoot that

4 over so I can see that?

5 Q -- :41 what does **Child** send to Cody Hudson?

6 A That's -- oh, "I love you."

7 Q And then at 8:42, again, to Cody Hudson?

8 A "I love you."

9 Q And then at 8:44, he responds?

10 A "I love you so much."

11 Q And then at 8:45 a.m., he says?

12 A "Your mama keeps asking me if I'm coming home. The shit
13 she is doing, hell no, I'm not."

14 Q "The shit she's been doing, hell no, I'm not" --

15 A Yes.

16 Q -- is that -- okay. And then is there a response to
17 that? At 1:06 p.m., what does **Child** say?

18 MR. SMITH: There's one between that.

19 A "He wasn't anyways."

20 Q Oh, sorry. I skipped something . . . 10:28, "Yeah." And
21 then 10:52, his response?

22 A "Yeah. That's the curse, so . . ."

23 Q And then 1:06 p.m.?

24 A "Yeah. LOL."

25 Q And then at 1:50 p.m., Cody to **Child**

1 A "You having a good day?"

2 Q So after you found these e-mails, you read them, and you
3 read the "baby girl," and "That thing has gotten hairy"
4 comment, what was your reaction to all of that?

5 A I was mad. I was beyond rage. I was hurt.

6 Q Who were you mad at?

7 A I was mad at Child I was mad at him.

8 Q How old was Child

9 A Eleven.

10 Q So you -- at that time, though, how old was she in 2019?

11 A Oh, probably 14.

12 Q Did you do anything to try to get phone that day?

13 A I did. I had texted my mom and told her to grab
14 phone when she got home from school.

15 Q Where were you when you looked at those e-mails?

16 A I was at work.

17 Q Did you create those somehow?

18 A No.

19 Q Out of ether, or did you actually find them when you got
20 into his e-mail account?

21 A They were actually there when I got into his e-mail
22 account.

23 Q What kind of phone did Child have at that time?

24 A I think it was a Samsung 8 plus.

25 Q And who got her that phone?

- 1 A I did.
- 2 Q Do you remember when you got it for her?
- 3 A Well, she would have gotten it for Christmas.
- 4 Q Do you know what kind of phone Cody had?
- 5 A He had a Samsung, as well.
- 6 Q Okay. Who got him that phone?
- 7 A I did.
- 8 Q When did you get it for him?
- 9 A Around the same time.
- 10 Q So you said that you contacted -- you texted your mom and
- 11 told her to get [REDACTED] phone?
- 12 A I did.
- 13 Q How would your mom be able to get the phone from Child [REDACTED]
- 14 A Because she was picking Child [REDACTED] up from school while I was
- 15 at work.
- 16 Q Did you get a text or a call from Child [REDACTED] after Child [REDACTED] found
- 17 out that your mom was supposed to take the phone?
- 18 A Yes.
- 19 Q And what did you tell her in response to that call?
- 20 A I told her I wasn't going to talk to her right now. We
- 21 would discuss it later, but she needed to give her phone
- 22 to her grandma.
- 23 Q Were you being pleasant with Child [REDACTED] at that time?
- 24 A No.
- 25 Q Use bad language with her?

1 A A lot.

2 Q At some point after you got into the defendant's email,
3 did you hear from him?

4 A I did.

5 Q Okay. And how did you hear from him?

6 A He texted me asking me why I was in his e-mails?

7 Q How would he know that you had gotten into his e-mails?

8 A I think he got some kind of --

9 MR. GROSE: Objection: speculation.

10 MS. HALLFORD: Okay.

11 THE COURT: Don't speculate.

12 Q Did you try to get back into his e-mail account later
13 that same day?

14 A Yes.

15 Q And when you did that, were you able to find the e-mails
16 that had been in there earlier?

17 A No.

18 Q Did they appear to have been deleted?

19 A Yes.

20 Q When you got home from work, did you talk to Child

21 A Very, very few did I speak with her.

22 Q And why was that?

23 A I had a program for Child, and I wasn't trying to miss
24 that or try to take that with us to the school program.

25 Q So you didn't confront her about e-mails when you first

1 got home?

2 A No.

3 Q After the school function, did you talk to **Child** about
4 your concerns?

5 A I did.

6 Q What was your state of mind at that point?

7 A I was angry.

8 Q What was your attitude towards **Child** at that point?

9 A I hated her.

10 Q When you were -- let me go back.

11 Why did you hate her?

12 A I raised her better. I was so disappointed in her. That
13 wasn't my -- my baby. She was always so quiet, and when
14 I started seeing this, I just -- I was so mad.

15 Q And let's be honest about this. Did you feel a betrayal?

16 A I did.

17 Q Looking back now, do you think it was fair for you to
18 have that kind of attitude towards **Child**

19 A No.

20 Q When you were confronting **Child** what was **Child**
21 emotional state?

22 A She was crying. She was really, really upset. She
23 couldn't even really talk.

24 Q Were the two of you communicating calmly?

25 A No.

1 Q How would you describe what was going on?

2 A It was violent.

3 Q Violent in what way?

4 A I attacked her and everything.

5 Q And what was she doing when you attacked her?

6 A Just screaming and crying and telling me she was sorry.

7 Q While you were attacking Child did you show her the e-
8 mails that you had found?

9 A Yes.

10 Q What was her reaction to them?

11 A She just kept telling me she was sorry.

12 Q On the evening of April 22nd, after you attacked Child
13 your 14-year-old daughter, did you and Child end up going
14 to your Uncle Bo's house?

15 A We did.

16 Q Why did you go to your Uncle Bo's house instead of
17 calling 911?

18 A Because I didn't know what to do. I didn't even know if,
19 like, that would even be a reason to call 911. It wasn't
20 an emergency, and he was my -- he was my pastor, and he
21 was my uncle. And I knew he would always know what to
22 do.

23 Q And at that time, he was the chaplain at the sheriff's
24 office?

25 A Yes.

1 Q Okay. So was it your intention to keep this from law
2 enforcement, or just to find out if this was something
3 that needed to be brought to law enforcement's attention?

4 A Just to find out if it needed to be.

5 Q At that point, did you know anything about what had been
6 going on, other than that there had been e-mails
7 exchanged?

8 A No.

9 Q When you guys got over to Uncle Bo's house, is that where
10 Deputy Mapstone came --

11 A Yes.

12 Q -- to take the initial report?

13 And that's when you turned the e-mails over to him?

14 A Yes.

15 Q At Uncle Bo's house, before law enforcement got there,
16 did you talk to **Child** a little bit about what had been
17 going on?

18 A Yes.

19 Q Can't get into the specifics of what she said because
20 that's hearsay, but did she disclose that she had been
21 sexually assaulted?

22 A Yes.

23 Q At some point, did she tell you when it had happened?

24 A She just said that it was when his mom died.

25 Q And did she tell you -- did she -- did she use a specific

1 year, or did she just say, "When his mom died"?

2 A She just said, "When his mama died."

3 Q At that time, when you were talking to Deputy Mapstone,
4 did you think that Cody Hudson's mom had passed away in
5 2015?

6 A I did. I had told him that it was 2015 when she had
7 passed away.

8 Q And did you base that upon what **Child** had actually told
9 you, or did you base that upon what you thought was the
10 accurate date?

11 A What I thought was the accurate date.

12 Q Subsequent to making that initial report to Deputy
13 Mapstone, did you subsequently -- did you come to realize
14 that it was actually August of 2016 when his mother had
15 died?

16 A Yes. I went back and looked at Facebook.

17 Q And did you also find an obituary?

18 A I did.

19 Q And it showed that it was August 20th of 2016?

20 A Yes.

21 Q Did **Child** tell you anything about how long this went on?

22 A She just said it had been since his mom died. That's all
23 I knew.

24 Q What did she tell you about where the sexual assault had
25 happened?

1 A At that time, she really didn't disclose much. I mean, I
2 didn't really start finding out a lot of the information
3 until it started coming out more.

4 Q Did she say anything to you about it happening at
5 residences where you guys had lived?

6 A Yes.

7 Q We'll get more into this in a minute, but after this came
8 out on April 22nd, did **Child** go and live with her
9 grandparents?

10 A She did.

11 Q While **Child** was gone, did you end up searching her
12 bedroom?

13 A I did.

14 Q What were you looking for?

15 A Whatever I could find because she was dishonest with me,
16 and I was just looking for whatever to see if I could
17 find anything else that she may have lied to me about or
18 she was trying to hide.

19 Q Let me ask you a question: Who were you angrier at?
20 Were you angrier at **Child** or were you angrier at Cody
21 Hudson?

22 A I was angrier at **Child**

23 Q Explain that to me.

24 A I can't. I was just so disappointed, and then so -- I
25 felt so betrayed. She was my baby, so I needed -- and it

1 just -- I don't know. I was just filled with rage and
2 anger towards her and hatred.

3 Q You hated your daughter?

4 A I did.

5 Q While you were looking for stuff, did you look in her
6 closet?

7 A I did.

8 Q Did you find anything in her closet?

9 A She had some journals in there and some panties and a
10 washcloth.

11 Q And were the panties and washcloth inside one of the
12 journals?

13 A Yeah. They were stuck in one of the pages.

14 Q Did you look through the journals a little bit?

15 A I did.

16 Q Okay. And in one of them, did you find a loose piece of
17 notebook paper?

18 A Yes.

19 Q I'm handing you what's been marked State's Exhibit 8 for
20 identification. Do you recognize that?

21 A I do.

22 Q Is that something that you found in [REDACTED] journals?

23 A Yeah.

24 Q Okay. Whose handwriting is that?

25 A That's [REDACTED]

1 Q Did you also --

2 MS. HALLFORD: Your Honor, may I have just a moment?

3 (WHEREUPON, a bench conference was held.)

4 THE COURT: Madam Forelady, and ladies and gentlemen
5 of the jury, we're gonna take a break. I think we're
6 gonna get some gloves. And we're right on top of
7 our break. I promised you we --we would take
8 breaks. About every 90 minutes is what I like to do,
9 so we are right on top of -- of that. So this is
10 gonna be the morning break, and I have a question
11 that I have to ask: Is there a smoker on the jury,
12 and do you wish to smoke because we have to send
13 somebody outside with you. No smoking in the
14 courthouse. Anyone?

15 THE JURY PANEL: (No response.)

16 THE COURT: Very good, very good. My law clerk gets
17 tired of hearing this, but I'm glad nobody smokes.
18 It's personal to me. My sister of 48 years of age
19 died of lung cancer from smoking. So, anyway, I'm
20 glad nobody smokes.

21 Madam Forelady, we're gonna take a break --
22 take a break, use the restrooms, get some water,
23 coffee, whatever you might want. These folks will
24 be happy to help you, and this will be a good 15-to-
25 20-minute break. Madam Forelady.

1 (WHEREUPON, the jury exits the courtroom at 10:29
2 a.m.)

3 THE COURT: Ms. Jumper, you may leave the witness stand.
4 You cannot talk to anyone, okay? Don't -- don't
5 have a conversation with anyone, and in about 15 to
6 20 minutes, if you would be kind enough to come
7 right back there. Thank you. We'll be in recess.

8 MS. HALLFORD: Thank you, Your Honor. I'm
9 sorry.

10 THE COURT: No. You're good.

11 (Off the record from 10:29 a.m. until 10:58
12 a.m.)

13 THE BAILIFF: All rise, please. Court will come to
14 order.

15 THE COURT: Thank you. Please be seated. You ready for
16 the jury?

17 MS. HALLFORD: Yes, sir, Your Honor. Thank you.

18 THE COURT: Mr. Grose, go ahead.

19 MR. GROSE: We did -- during the break, the clerk's
20 office located the records, and they'd already been
21 marked as Court's Exhibit 1 and 2, as suggested by
22 Judge Knie's order. So we have a question: Whatcha
23 you wanna do with the voir dire? Do we want to just
24 have two Court's Exhibit Number 1's or make that
25 Number 3?

1 THE COURT: It -- Amber, what's the best way to do that?

2 I could change it to three or --

3 THE COURT REPORTER: I'd rather change it to three, if

4 that's okay with you?

5 THE COURT: Yes.

6 THE COURT REPORTER: Okay. All right.

7 THE COURT: We'll change it to three.

8 THE COURT REPORTER: Will do.

9 MR. GROSE: Thank you, Your Honor.

10 (WHEREUPON, Defendant's request for voir dire, it is

11 changed from Court's Exhibit No. 1 to Court's

12 Exhibit No. 3.)

13 THE COURT: Okay. Yes. Gail brought the record down and

14 (inaudible.)

15 MR. GROSE: Thank you. Appreciate it.

16 THE COURT: Yes, sir. Okay. We'll have the jury.

17 (WHEREUPON, Sealed exhibits, is marked into evidence as

18 Court's Exhibit Nos. 1 and 2.)

19 (WHEREUPON, the jury came into open court at 10:59

20 a.m.)

21 THE COURT: Madam Forelady, everything good with the

22 jury?

23 MADAM FORELADY: Yes, sir.

24 THE COURT: Okay.

25 MS. HALLFORD: Thank you, Your Honor.

1 **THE DIRECT EXAMINATION OF SARAH JUMPER CONTINUES.**

2 BY MS. HALLFORD:

3 Q So before we took the break, I believe I had gotten to
4 the point where I'd asked you if you had found something
5 in [REDACTED] journals, an item of clothing and a washcloth;
6 is that correct?

7 A Yes.

8 Q I'm showing you what's been marked for identification --
9 oh -- hold on -- came out of this bag that has been
10 marked for identification as State's Exhibit 2. Did you
11 guys have matching washcloths and towels at your
12 residence?

13 A We did not.

14 Q Okay. Did you have some that were navy blue?

15 A Navy blue, gray, black.

16 Q And was it a navy-blue washcloth that you found in
17 [REDACTED] journal?

18 A It was.

19 Q And looking at this, there have been some cuts made in it
20 by SLED, but does this appear to be the washcloth that
21 you found, and this -- does it look substantially like
22 that one?

23 A Yes.

24 Q And then did you take that to the sheriff's office and
25 turn it in to a deputy that was working at the desk at

1 the time you went there?

2 A Yes.

3 Q Okay. And that actually has come out of the envelope
4 that's labeled "Female/Juvenile underwear." That was a
5 washcloth, correct?

6 A Yes.

7 Q Okay. And then the other envelope that came out of
8 State's Exhibit 2 for identification, this one being
9 labeled "A blue washcloth." Do you recognize these?

10 A I do.

11 Q And what are these?

12 A Those are [REDACTED] panties.

13 Q And how do you know they're [REDACTED]'s panties?

14 A I'm the one who bought her clothes and did her laundry.

15 Q Okay. And are those the panties that you found in the
16 journal --

17 A Yes.

18 Q -- in her closet?

19 And did you also take those panties to the sheriff's
20 office when you turned this stuff into Deputy Hensley?

21 A Yes.

22 Q Okay. Did you tamper with them or alter them in any way?

23 A No.

24 Q I can't remember if I asked you this or not, but what was
25 the state of [REDACTED] closet?

1 A It was a mess. She had some dirty clothes in there.
2 there was some ripped up paper, paper balled up, clothes
3 everywhere, books everywhere.

4 Q So sort of the closet of a typical teenager?

5 A Yeah.

6 Q Okay. We touched on this a little bit, but when you
7 found out that Cody Hudson had been having sex with
8 **Child** what was your attitude towards **Child**

9 A I literally hated my child.

10 Q Who did you blame for what happened?

11 A I blamed her.

12 Q She was a kid, 11 when it started. Why did you blame
13 her, Sarah?

14 A Because she should have knew better to me --

15 MR. GROSE: Objection. We're getting into some
16 improper bolstering at this point.

17 THE COURT: Let's see the lawyers.

18 (WHEREUPON, a bench conference was held.)

19 MR. GROSE: Thank you, Your Honor.

20 THE COURT: Thank you.

21 Q Did you ever say anything to **Child** about blaming her?
22 Did **Child** know?

23 A Yes.

24 Q Besides things you said to her, over the course of time
25 since 2019 to now, how have you treated **Child** in

1 general?

2 A Like crap.

3 Q Right after you found out about this, did you make **Child**

4 -- or did **Child** go live with her grandparents?

5 A Yes.

6 Q Why did she go live with them?

7 A Because I didn't even want to look at her.

8 Q Did you tell her that?

9 A I did.

10 Q Do you remember how long she lived with them?

11 A Maybe around three to four months.

12 Q Very recently, within the last couple of weeks, what have
13 you, again, told **Child**

14 A That I blamed her for everything.

15 Q Would it be safe to say that you have made life
16 absolutely miserable?

17 A I have.

18 Q At any point, despite the way you have treated her, did
19 **Child** ever recant and say this did not happen?

20 A No.

21 MR. GROSE: Objection: Improper bolstering.

22 THE COURT: That's overruled. Go ahead.

23 MS. HALLFORD: (To the Court) No further questions.
24 Please answer anything he has.

25 THE COURT: No further questions. Okay. Very good.

1 CROSS-EXAMINATION OF SARAH JUMPER

2 BY MR. GROSE:

3 Q Ms. Hudson, you have a criminal conviction, don't you?

4 A I do.

5 Q And that's for breach of trust with fraudulent intent,
6 value of more than 2,000, but less than \$10,000?

7 A Yes.

8 Q All right. And when you pled guilty, you promised to pay
9 restitution?

10 A Yes.

11 Q And you have a judgment against you for \$3,852.06 for not
12 paying that restitution; is that correct?

13 A Yes. Because I got tired of paying it all. I wasn't the
14 only one.

15 Q Right. But Cody was the other one. Are you aware that he
16 paid your share of the restitution?

17 A Okay.

18 Q Okay. Now, I want to -- I want to talk about your
19 daughter, **Child** a little bit, okay? And I think you
20 said she was born in 2005?

21 A Yes.

22 Q All right. And so in 2016, when Cody's mother died,
23 **Child** would have been 11 at that point?

24 A Yes.

25 Q Okay. Now, when you were -- when they were asking you

1 questions a minute ago, they asked you if you had
2 originally said something different to the police about
3 when the allegations of abuse began?

4 A Yes.

5 Q And, in fact, you had given a statement to law
6 enforcement, I believe; is that right?

7 A Yes.

8 Q And in that statement that you made to law enforcement,
9 you said that it -- that **Child** told you it had been since
10 2015; is that right?

11 A I don't recall that, no.

12 Q You don't. Let me see if this -- does this look like a
13 copy of your statement?

14 A Yes.

15 Q Okay. I mean, that's your name at the top?

16 A Yes.

17 Q And that's your signature at the bottom?

18 A Yes.

19 Q And you knew that this was being given to a law
20 enforcement agent?

21 A Yes.

22 Q And it was done -- it's hard to read, but it looks like
23 it was April 22nd of -- or April 23rd is the date up
24 here; is that right?

25 A It shouldn't have been the date, no. It should have been

1 the 22nd.

2 Q All right. And -- and here it says, "April 22nd, 2019"?

3 A Yes.

4 Q So this was on the day that you made -- or filed these
5 reports; is that right?

6 A Yes.

7 Q And in there, you said, "2015," correct?

8 A Yes.

9 Q And **Child** was only ten; is that correct?

10 A Yes.

11 Q There's nothing in this statement that links it to Cody's
12 mother, is there?

13 A No.

14 Q Cody's mother is not mentioned in that statement, at all?

15 A No.

16 Q Okay. All right. These -- these are a little cloudy up
17 here. Let me do this. Looking at State's Exhibit Number
18 6, these are the Gmails that they introduced. Every one
19 of them is dated April 22nd; is that correct?

20 A That's correct.

21 Q And the printout date is April 22nd; is that correct?

22 A That's correct?

23 Q All right. And none of these e-mails show there's an
24 attachment?

25 A No.

1 Q Okay. Now, I want to kind of go back over some of the
2 things that you testified to earlier. You indicated that
3 you had Cody's e-mail on your phone?

4 A Yes.

5 Q Okay. Samsung?

6 A On my phone?

7 Q Yeah.

8 A No. My phone is not a Samsung.

9 Q What was yours.

10 A I had an iPhone.

11 Q Okay. You had an iPhone. And so these e-mails were --
12 when you say that you had Cody's e-mail on your phone,
13 you actually had his -- his account where his e-mails
14 would come to your phone?

15 A I wasn't logged into his account, so his e-mails came
16 automatically to my phone. I wasn't signed in. I was
17 still signed up underneath my account, in my Gmail
18 account.

19 Q Okay. Was it a Gmail app on the phone?

20 A Yes.

21 Q Okay. All right. And so your -- if I understood your
22 testimony, it was on the phone where you saw these e-
23 mails on your phone?

24 A No. It was not. I was logged onto my computer at work
25 when I found these e-mails.

1 Q Okay. All right. So then you didn't mean to say earlier
2 that you found them on your phone?

3 A I don't recall saying I found them on my phone earlier.

4 Q Okay. Now, you said you were at work?

5 A Yes. I was at work.

6 Q All right. And where were you working at the time?

7 A Sequoia Motor Group.

8 Q And were you using one of the computers at your workplace
9 to log in?

10 A I was.

11 Q All right. And I mean the reason that I ask you is -- is
12 this little Gmail logo up here, that's what -- when --
13 when you print out e-mails, it prints it -- Gmails prints
14 out with that on it, doesn't it?

15 A I mean, I guess. I don't really print out e-mails a lot,
16 so I don't know.

17 Q Okay. All right. What -- what time did you log in at
18 your office to look at these?

19 A I don't recall the time. It was after, maybe around
20 lunch, maybe afternoon, one or two.

21 Q All right. One or two, lunch?

22 A Somewhere around there, yes.

23 Q Okay. And what was -- what was lunch -- when was your
24 lunch normally at work?

25 A I don't really have a set lunchtime to go.

1 Q What time -- now, this was a -- a school day. This was a
2 Monday, I believe.

3 A Okay.

4 Q All right. Oh, you said -- you testified earlier that
5 **Child** was at school.

6 A She was at school.

7 Q Okay. What time -- back in April of 2019, what time did
8 she get out of school?

9 A She got out, I think, it was around 3:10.

10 Q All right. And how did she get home?

11 A My mother picked her up from school.

12 Q All right. And so you had asked your mother to take
13 **████████** phone.

14 A I did.

15 Q And as far as you know, she took **████████** phone
16 immediately?

17 A No. She did not take her phone immediately.

18 Q All right. When -- do you know when --

19 A **Child** still had her phone, probably, maybe 20 minutes,
20 tops, after that.

21 Q Okay. Twenty minutes after she got out of school?

22 A Twenty minutes, thirty minutes tops **Child** still had her
23 phone.

24 Q Okay. All right. Did you ever -- well, you would agree
25 that you never gave Cody's login -- login information to

1 law enforcement?

2 A Did I ever give them the login information?

3 Q Yes, ma'am.

4 A I don't recall giving them that, no.

5 Q Okay. All right. And you would agree that you never
6 gave law enforcement your cell phone?

7 A No. They could have gladly took it at any point in time.
8 I had nothing to hide.

9 Q All right. They didn't ask for it; you didn't offer it?

10 A No.

11 Q All right.

12 A I wasn't the defendant in the case.

13 Q Well, I -- I understand, but you -- you've -- you've
14 testified that -- that you could log into Cody's e-mail
15 from your phone. Had you ever logged into his e-mail
16 from his -- from your phone?

17 A Maybe a few times in the past.

18 Q Okay. All right. The only e-mail that you printed out
19 from work is this three-page string of e-mails that's
20 dated April 22nd, 2019; is that correct?

21 A That's correct.

22 Q All right. And when -- when you used Cody's screen name
23 and password to -- to log in, you had access to
24 everything in his Gmail account?

25 A I did.

1 Q All right. And that was on the computer at work?

2 A Yes.

3 Q All right. Did you ever suggest to law enforcement,
4 "Hey, maybe you should go and look at that work computer
5 to see if you can find anything that I pulled up there"?

6 A No. If they had their doubts, they could have done that,
7 as well.

8 Q All right. They never asked?

9 A No.

10 Q You never offered?

11 A No.

12 Q But you won't -- would admit that you were the one who
13 brought the e-mails to law enforcement on that first day?

14 A Yeah. Because that's basically all I had at that point
15 in time.

16 Q All right. You were the one that later on brought the
17 journals?

18 A Yes.

19 Q And the underwear?

20 A Yes.

21 Q And the washcloth?

22 A Yes.

23 Q All right. Now, when you and Cody were living together,
24 you and Cody would have sex, wouldn't you?

25 A Yes.

1 Q And when you and Cody would have sex, he would clean
2 himself afterwards, wouldn't he?

3 A Yes.

4 Q And he would use a washcloth --

5 A No. He would not, he would use a towel that was laying
6 on our bedroom floor, because I would always get out of
7 the shower, go to get dressed in my bedroom.

8 Q Isn't that convenient. You didn't even let me finish
9 that question. So you disagree with me that Cody would
10 use a washcloth to wipe himself off after sex?

11 A Not when he and I had sex, no.

12 Q All right. I want to go back to -- to **Child** Now, **Child**
13 is a child who's had some health problems, hasn't she?

14 A All her life.

15 Q All right. She has cystic fibrosis?

16 A She had issues with asthma, has to -- had to see
17 pulmonologist.

18 Q Okay. Does she have cystic fibrosis?

19 A No.

20 Q She doesn't?

21 A No.

22 Q All right. There was times in -- in her life that it was
23 thought that she might not live, wasn't there?

24 A There was, because her lung condition was so bad when she
25 was smaller.

1 Q Okay. All right. And there was times that you took
2 Child to counseling?

3 A It -- not until all this came abrupt.

4 Q Okay. Well, I mean, you've taken her to counseling to
5 the Child Advocacy Center. Is that what you're talking
6 about?

7 A No. She actually attended Gateway Children's -- Gateway
8 Mental Health, as well.

9 Q Right. And she started Gateway Mental Health in early
10 2017, right?

11 A I think so, yeah.

12 Q And, at -- at some point -- all right. And they put her
13 on medication?

14 A Yes.

15 Q And, at some point, she was having hallucinations?

16 A She was.

17 Q All right. And they -- at some point, she was admitted
18 to the hospital, --

19 A Yes.

20 Q -- correct?

21 And then she went to -- she was -- had inpatient
22 treatment in Pavilion?

23 A Yes.

24 Q Okay. All right. And -- and she continued on medication?

25 A Yes. For a little bit.

1 Q Okay. All right. Now, you talked about the fact that
2 Cody has children from a prior relationship; is that
3 right?

4 A Did I talk about the fact?

5 Q So you -- you acknowledged that in your testimony?

6 A Oh, yes. I acknowledged he has three children.

7 Q All right. He has three children and their mother is
8 Lauren Fields?

9 A Yes.

10 Q And you indicated -- you testified earlier that you would
11 pick up or return his kids after visitation?

12 A Yes.

13 Q But in reality, most of the time, it was Cody that took
14 the kids back and forth?

15 A No. It was not.

16 Q Okay. In reality, you didn't have a very good
17 relationship with Lauren?

18 A I did not.

19 Q And you -- you didn't have a good relationship with her
20 because she had children with Cody?

21 A No. That was not the reason.

22 Q Okay. There came a point where you didn't really want to
23 have Lauren's children and Cody's children at your house?

24 A You're exactly correct.

25 Q All right. And so you wanted Cody to quit having his

1 visitation with his children?

2 A I did never ask him to do that.

3 Q All right. Well, you didn't want him to have his
4 visitation with his children at -- where you were --

5 A At my home.

6 Q -- at your home?

7 A Exactly.

8 Q And that became a source of contention between you and
9 Cody?

10 A It did.

11 Q Yeah. And that was one of the things that led to your
12 and Cody's breakup?

13 A It was one of them, yes.

14 Q Okay. And on this Easter -- around Easter in 2019, you
15 did become aware of social media where Cody and Lauren
16 were with his children?

17 A Yes. Someone had sent me something.

18 Q Yes. All right. And -- and that -- was that on the
19 Saturday or the Sunday of Easter?

20 A I don't remember.

21 Q Okay. But on that next day, the 22nd, is when you went
22 to the police for -- for the first time; is that right?

23 A Yes.

24 MR. GROSE: Beg the Court's indulgence.

25 Your Honor, that's all I have at this time.

1 Thank you.

2 THE COURT: Thank you. (To the State) Anything
3 after that little bit?

4 MS. HALLFORD: No, sir, Your Honor.

5 THE COURT: Thank you. Ma'am, you may step down.
6 Please be careful.

7 (WHEREUPON, the witness was excused.)

8 MS. HALLFORD: The State calls Levi Marlowe.

9 (WHEREUPON, the witness was sworn.)

10 THE COURT: Sir, tell us who you are and spell your
11 last name for Madam Court Reporter, please.

12 THE WITNESS: Deputy Levi Marlowe with the
13 Spartanburg County Sheriff's Office. The last name
14 is M-a-r-l-o-w-e.

15 THE COURT: Thank you.

16 **DIRECT EXAMINATION OF DEPUTY LEVI MARLOWE**

17 BY MS. HALLFORD:

18 Q How long have you been in law enforcement?

19 A A little over ten years, now.

20 Q Currently, what do you do at the sheriff's office?

21 A I'm currently a school resource officer at an elementary
22 school.

23 Q Previously to becoming an SRO, were you an investigator
24 with the -- the Special Victim's Unit, SVU, at the
25 sheriff's office?

- 1 A Yes, ma'am.
- 2 Q How long were you in SVU?
- 3 A A little over six years.
- 4 Q Was it your idea to change from SVU to being an SRO?
- 5 A Yes, ma'am.
- 6 Q And why was that?
- 7 A Sexual assault and child maltreatment cases can start to
8 wear on you emotionally after some time, and after six
9 years, it was time for me to -- to make a change.
- 10 Q In 2019, were you working in SVU?
- 11 A Yes, ma'am.
- 12 Q Were you assigned the case involving Child [REDACTED]
- 13 A I was.
- 14 Q And that would be in April of 2019 or shortly thereafter?
- 15 A Yes, ma'am.
- 16 Q After you were assigned the case, did you contact Sarah
17 Jumper and talk to her about doing a referral to the
18 Children's Advocacy Center so Child [REDACTED] could have a forensic
19 interview?
- 20 A Yes, ma'am. I did.
- 21 Q And we're not going to get into the specifics of the
22 forensic interview, but is one of the purposes of having
23 a forensic done so that the child does not have to talk
24 to multiple people?
- 25 A Yes, ma'am.

1 Q Did you attend the forensic interview on May 7th of 2019?

2 A I did.

3 Q When **Child** was interviewed, where were you? Were you in

4 the room or observing?

5 A No, ma'am. Forensic interviews are standardized and

6 allowed to -- for law enforcement or the department --

7 MR. GROSE: Objection.

8 Q Just where were you?

9 A Okay. I apologize. In a separate room available to

10 watch on a video --

11 Q Okay.

12 A -- and audio.

13 Q Were you able to hear what the forensic interviewer and

14 **Child** were saying?

15 A Yes, ma'am.

16 Q Again, you cannot get into any of the specifics about

17 what **Child** said happened because that's hearsay, but

18 during that interview did you hear her say that she had -

19 - confirmed that she had been sexually assaulted?

20 A Yes, ma'am.

21 Q Did she say when it started happening?

22 A She did.

23 Q What did she say about when it started happening?

24 A She said it was right after Cody's mother had passed

25 away.

1 Q During the course of her forensic interview, were you
2 able to observe her emotions while she was talking?

3 A I was.

4 Q And describe what you observed.

5 A On multiple occasions, she became tearful and upset.

6 Q After the forensic interview, did Sarah Jumper give you
7 [REDACTED] cell phone?

8 A She did.

9 Q What was the purpose for you getting [REDACTED] cell phone?

10 A To be able to conduct a search of the phone to see if
11 there were any other messages or photographs or videos or
12 any other evidence on the phone between the two of them.

13 Q Did you look at the images that were stored on the phone?

14 A I did.

15 Q And did you see anything that was related to this case
16 when you looked through it?

17 A No, ma'am. Not in the gallery.

18 Q Were there pictures and text messages that you did see,
19 just not -- did not appear to have anything to do with
20 this?

21 A Yes, ma'am.

22 Q Were you personally able to look -- did you have the
23 ability to find things that had been deleted from that
24 phone?

25 A No, ma'am.

1 Q After you looked through the phone, what did you do with
2 it?

3 A I placed it in a sealed envelope -- evidence envelope,
4 and I filled out an envelope and placed it in the locked
5 bottom drawer of my desk.

6 Q What did you intend to have done with the phone?

7 A I intended to have Sergeant Brandon Letterman conduct a
8 forensic -- a forensic review of the phone through his
9 computer.

10 Q And was he available at that time to do it?

11 A He wasn't.

12 Q On June 10th of 2019, what did you do with the phone?

13 A I created a referral for the phone to be searched by
14 Sergeant Brandon Letterman and then placed it into
15 evidence for when he was ready to get it.

16 Q And was it sealed?

17 A Yes, ma'am.

18 Q I'm handing you what has been marked State's Exhibit
19 Number 7 for identification. I'm not going to fight that
20 evidence tape. Do you recognize -- have a look at that
21 and see if that appears to be the phone that you
22 collected?

23 A Yes, ma'am.

24 Q Okay. And is this the envelope that you put it into?

25 A Yes, ma'am. It is.

1 Q Okay. And is this your handwriting here?

2 A It is.

3 Q Describes this as a Samsung Galaxy S8 plus, and then
4 gives the IMEI?

5 A IMEI -- IMEI number.

6 Q Do you know what the "IMEI" means?

7 A It's -- I don't know what it stands for. It's a
8 specialized number --

9 Q Okay.

10 A -- each electronic device gets.

11 Q So this would be the only device that would have --

12 A (Nods head up and down.)

13 Q -- okay.

14 A Yes, ma'am.

15 Q Okay. And then you sealed this bag --

16 A Correct.

17 Q -- and put it in -- you testified you put in your drawer
18 first, and then you turned into evidence?

19 A Correct.

20 Q Okay. And was it sealed when you turned it into
21 evidence?

22 A Yes, ma'am.

23 Q Okay. And other than just looking through the phone, did
24 you do anything to delete or add anything to that phone?

25 A No, ma'am. The only thing that I would have done is

1 placed it in airplane mode so that no outside source
2 could alter anything inside the phone.

3 Q What does that mean?

4 A Airplane mode for phones, basically turns off all
5 connecting possibilities for that phone, so there could
6 be no other device that accesses it remotely and removes
7 anything from that phone.

8 Q Oh, okay. I gotcha. At some point, did you become aware
9 that Sarah had brought underwear and a washcloth to the
10 sheriff's office?

11 A Yes, ma'am.

12 Q Okay. And based upon that, did you request that **Child**
13 come to the sheriff's office so y'all could get a buccal
14 swab?

15 A Yes, ma'am.

16 Q Can you explain to the jury what a buccal swab --

17 A Sure.

18 Q -- is?

19 A It is basically a -- an elongated Q-tip that we use to
20 swab the interior of your cheek on either side to get a
21 sample of your saliva to send with anything -- any other
22 evidence so they have a -- something to compare it
23 against and see whose DNA that is.

24 Q Okay. And did you actually collect **██████████** buccal swab
25 sample.

1 A Yes, ma'am. I did.

2 Q And did you do that on September 4th of 2019?

3 A If you'll pardon me and let me check my notes in my
4 report. (Reviews documents.) Yes, ma'am.

5 Q Okay. Describe the process that you used in order to
6 keep it from being contaminated; what the kit looks like,
7 all of that stuff --

8 A Sure.

9 Q -- when you do that collection?

10 A I use latex gloves before I open any of the containers.
11 Each Q-tip swab is packaged separately. When you open
12 the packet, it comes with two Q-tips in each packet. I
13 usually will take one Q-tip on one side of the cheek and
14 then a Q-tip for the other side of the cheek and then
15 down the gum on each side. Then I'll place those back
16 into a new folded-up cardboard small box. You unfold it,
17 put it together, and then you put those Q-tips in the
18 box, close it up. Then I'll write on the -- the box the
19 name of the person that I collected that from. Place
20 that in an envelope and seal that with evidence tape
21 before being placed into evidence to later be sent to
22 South Carolina Law Enforcement.

23 Q Before you put them in and then sealed them, did you let
24 them dry for the requisite amount of time?

25 A Yes, ma'am.

1 Q Okay. All right. Do you recognize this manilla envelope
2 that came out of the item marked State's Exhibit Number
3 1?

4 A I do.

5 Q And how do you recognize that?

6 A It's my handwriting.

7 Q Okay. And is this the envelope that you prepared to put
8 [REDACTED] buccal swabs into evidence at the sheriff's
9 office?

10 A Yes, ma'am.

11 Q And then after you put it in there, did you seal it with
12 evidence tape?

13 A I did.

14 Q And is that your name and the date that you sealed it?

15 A Yes, ma'am.

16 Q Okay. And when you sealed this up, did it contain the
17 buccal swabs that you had just collected from Child [REDACTED]

18 A It did.

19 Q Did you tamper with them in any way?

20 A No, ma'am.

21 Q And when you turned it into evidence, again, was that
22 sealed?

23 A Yes, ma'am.

24 Q Okay.

25 MS. HALLFORD: (To the Court) I have no further

1 questions.

2 THE COURT: Mr. Grose?

3 MR. GROSE: Thank you, Your Honor. May it please
4 the Court.

5 THE COURT: Yes, sir.

6 **CROSS-EXAMINATION OF DEPUTY LEVI MARLOWE**

7 BY MR. GROSE:

8 Q She was asking you questions about the State's Exhibit
9 Number 7. This is the cell phone, right?

10 A Yes, ma'am -- yes, sir.

11 Q And this was the cell phone that Sarah Hudson, that she
12 went by at the time, brought to you; is that correct?

13 A Yes, sir.

14 Q Okay. And on here, it says, "Date and time of recovery."
15 I think you already testified this was May 7th of 2019?

16 A Yes, sir.

17 Q All right. And you're aware that the original report to
18 law enforcement was on April 22nd of 2019?

19 A Yes, sir.

20 Q Okay. And so between April 22nd and May 7th, Sarah
21 Hudson is the one who had custody of this phone; is that
22 right?

23 A I'm not sure who had custody of it before I got it.

24 Q Okay. That's fair. You don't know who had custody of it
25 before you received it on -- on May 7th?

1 A Correct.

2 Q All right. What is this taped to the front? Is that
3 what they call the "SIM card"?

4 A Yes, sir.

5 Q Okay. And May 7th, if I understand your testimony
6 correctly, was the same day that there was an interview
7 at the Children's Advocacy Center; is that right?

8 A Yes, sir.

9 Q Okay. All right. On -- the cell phone that we were just
10 talking about is the only electronic device in evidence,
11 correct?

12 A I believe so.

13 Q And when I say "evidence," I'm just not talking about
14 here in the courtroom. I'm talking about into the
15 evidence room for this case.

16 A Yes, sir.

17 Q Okay. All right. So Sarah Hudson's phone -- Sarah
18 Jumper's phone has not been collected?

19 A No, sir.

20 Q You didn't ask for it?

21 A No, sir.

22 Q She didn't offer it to you?

23 A No, sir.

24 Q It's never been examined?

25 A Not that I'm aware of.

1 Q Cody Hudson's phone has never been examined?

2 A No, sir.

3 Q All right. The computer where these e-mails were
4 printed, that's never been examined?

5 A No, sir.

6 Q Okay. I -- I noticed on the envelope for State's Exhibit
7 Number 7, where you identified the Samsung Galaxy phone,
8 there's a -- a passcode written there; is that right?

9 A Yes, sir.

10 Q All right. That's how to get into the -- the phone?

11 A Yes, sir.

12 Q All right. You don't have the passcode for Cody Hudson's
13 Gmail account?

14 A No, sir.

15 Q All right. I believe -- I believe that at some point in
16 -- it looks like -- well, let me -- let me withdraw that
17 and rephrase.

18 You -- you never obtained any search warrants in
19 this case, have you?

20 A No, sir.

21 Q So you never got a search warrant for Google for Cody
22 Hudson's e-mail account?

23 A No, sir.

24 Q You never got a search warrant for Google for **Child**
25 **Child**'s -- I mean, **Child** **Child**'s e-mail account --

1 A No, sir.

2 Q -- with Google?

3 There -- there is a procedure where you can do that,
4 though, isn't there? You're aware of that?

5 A Yes, sir.

6 Q Okay. In your investigation, you never went to any of
7 the residences, did you?

8 A No, sir.

9 Q Including the residence where **Child** and Sarah were living
10 at the time that the allegations were reported?

11 A No, sir.

12 Q All right. And often times, if law enforcement goes to
13 the -- the residence, you can do an inspection or
14 photographs of the residence?

15 A Yes, sir.

16 Q And if you go a residence, that's one way to -- to look
17 for -- for evidence; is that right?

18 A Yes, sir.

19 Q All right. But you didn't do that here?

20 A No, sir.

21 Q All right. So there's no photograph of these journals at
22 that residence, is there?

23 A Not that I'm aware of.

24 Q No photograph -- well, your -- your the investigator, --

25 A Right.

1 Q -- You would be aware of it if it existed, right?

2 A If I had taken it or -- or one of our -- if the case --
3 if somebody in the case has taken it, yes.

4 Q Right. I mean, you -- you're aware of everything that
5 happened in the case even if you didn't do it?

6 A Correct.

7 Q Okay. So you're not aware of any photograph of the
8 journals at the residence?

9 A No, sir.

10 Q Nor are you aware of any photograph of the washcloth at
11 the residence?

12 A No, sir.

13 Q You're not aware of how many blue towels/blue washcloths
14 Ms. Hudson had in the residence in 2019?

15 A No, sir.

16 Q All right. You never took a picture of the closet?

17 A No, sir.

18 Q So you never laid eyes on to see what that closet looked
19 like?

20 A No, sir.

21 Q Or to be able to take pictures so these jurors can see
22 what the closet looked like?

23 A No, sir.

24 Q All right. No photograph of where the underwear was
25 located in the -- the residence?

1 A No, sir.

2 Q Okay. I mean, in other investigations, I trust you have
3 gone to residences and collected evidence?

4 A Depending on the case details, yes.

5 Q Yeah. But -- but you didn't do that here?

6 A No, sir.

7 Q Okay.

8 MR. GROSE: Beg the Court's indulgence for a moment.

9 Q It looks like your first involvement in this case was
10 April 23rd; is that right?

11 A I believe so.

12 Q And you're welcome to look at your copy, but that's a
13 copy of your report, isn't it?

14 A Yes, sir.

15 Q All right. And that's when you contacted Sarah Hudson?

16 A Yes, sir.

17 Q All right. And that was when you advised her about the
18 Children Advocacy Center interview?

19 A Right.

20 Q All right. And so on April 23rd, Sarah was aware that
21 you wanted to have an interview done?

22 A Yes, sir.

23 Q And the interview didn't take place for another, roughly
24 two weeks?

25 A I believe so.

1 Q Okay.

2 MR. GROSE: That's all I have at this time. Thank
3 you, Your Honor.

4 THE COURT: Thank you.

5 **REDIRECT EXAMINATION OF DEPUTY LEVI MARLOWE**

6 BY MS. HALLFORD:

7 Q At the time you were investigating this, were you aware
8 that the defendant had moved out of that residence on
9 **Address 2** in either late February or early March?

10 A Yes.

11 Q Okay. So he would have been gone from that residence for
12 a month? Six weeks? Something like that?

13 A Yes, ma'am.

14 Q Okay. Would that have an effect on whether or not you
15 felt there would be physical evidence that you may be
16 able to locate at that residence?

17 A Absolutely.

18 Q Okay. He asked you why the underwear -- or if the
19 underwear and washcloth were photographed in the closet.
20 Those were brought to the sheriff's office, to your
21 knowledge, correct?

22 A Yes, ma'am.

23 Q Okay.

24 MS. HALLFORD: (To the Court) I have no further
25 questions.

1 THE COURT: (To Mr. Grose) Anything else to do with
2 a couple of questions?

3 **RECROSS-EXAMINATION OF DEPUTY LEVI MARLOWE**

4 BY MR. GROSE:

5 Q Well, what date were they brought to the sheriff's
6 office? Do you have that?

7 A (Reviews documents.) I believe that was on May 1st,
8 2019.

9 Q All right.

10 MR. GROSE: (To the Court) Thank you.

11 THE COURT: (To the witness) Thank you. Sir, you
12 may step down. Please be careful.

13 THE WITNESS: Thank you, Your Honor.

14 MS. HALLFORD: May he be subject to recall, Your
15 Honor?

16 MR. GROSE: No objection.

17 THE COURT: Okay. (To the witness) Sir, you're
18 released from your subpoena subject to being
19 recalled.

20 THE WITNESS: Thank you, sir.

21 (WHEREUPON, the witness was excused.)

22 THE COURT: I need to talk to the lawyers.

23 MS. HALLFORD: Okay.

24 (WHEREUPON, a bench conference was held.)

25 THE COURT: Solicitor?

1 MS. HALLFORD: The State calls Jeremy Hensley.

2 (WHEREUPON, the witness was sworn.)

3 THE COURT: (To the witness) Sir, if you would, adjust
4 the microphone to suit yourself. Tell us who you
5 are and spell your last name for the court reporter.

6 THE WITNESS: All right. It's Jeremy Hensley. My last
7 name is H-e-n-s-l-e-y.

8 THE COURT: Thank you.

9 THE WITNESS: Deputy with the sheriff's office.

10 THE COURT: Thank you. Solicitor?

11 **DIRECT EXAMINATION OF DEPUTY JEREMY HENSLEY**

12 BY MS. HALLFORD:

13 Q What division do you currently work in?

14 A With warrants.

15 Q How long have you been in law enforcement?

16 A Fifteen years.

17 Q And at the sheriff's office, how long?

18 A Seven.

19 Q Prior to that, where did you work?

20 A City of Spartanburg.

21 Q Were you working on May 1st of 2019?

22 A Yes, ma'am.

23 Q And what specifically were your duties that day?

24 A I was at the sheriff's office front desk where you
25 monitor a 24/7 NCIC terminal, speak with anyone coming in

1 the door, and answer all phone calls.

2 Q Would it be accurate to say that the front desk can be
3 incredibly hectic at times?

4 A Yes, ma'am.

5 Q Late in the afternoon of May 1st of 2019, did Sarah
6 Hudson, at the time, now Sarah Jumper, come to the front
7 desk at the sheriff's office?

8 A Yes, ma'am.

9 Q Can't get into any of the specifics of what she told you
10 because that's hearsay, but did she bring some items with
11 her when she came to talk to you?

12 A Yes, ma'am. She brought a blue washcloth,
13 female/juvenile underwear, and four journals.

14 Q Did you take those items from Sarah Hudson and put them
15 into evidence?

16 A Yes, ma'am.

17 Q Okay. Specifically, related to the panties and the
18 washcloth, what did you do with the panties after you got
19 them from Sarah Hudson?

20 A They would have been placed into an evidence envelope and
21 sealed.

22 Q Okay. And what did you do with the washcloth?

23 A You know, same thing, placed them into an evidence
24 envelope and sealed.

25 Q Okay. I'm going to show you -- the last thing I find --

1 This is what has been marked State's Exhibit Number 2 for
2 identification. You did not do this. These two items in
3 the courtroom I took out of this bag.

4 A Okay.

5 Q Do you recognize this bag?

6 A Yes.

7 Q And it is -- is this the bag that you created when Sarah
8 Jumper brought these items to the sheriff's office?

9 A Correct. It is.

10 Q Do you recognize your handwriting on there?

11 A Yes.

12 Q Okay. And what is this labeled as?

13 A Female/juvenile underwear.

14 Q Okay. And where were you present in the courtroom when I
15 opened this up, and we found a washcloth in here?

16 A Yes.

17 Q Okay. And I know it's been a long time, and there's not
18 --

19 A Yeah.

20 Q -- any particular identifying features about this, but to
21 your recollection, does that appear to be what she --
22 what she brought --

23 A Yes, ma'am.

24 Q -- though, SLED's done some stuff to it, but --

25 A Okay. Yeah.

1 Q Okay. So if you were told that when the item was opened
2 at SLED, the washcloth was in the underwear bag and vice
3 versa, would you agree that this had been sealed from the
4 time you sealed it until it got there that you had --

5 MR. GROSE: Objection. He doesn't -- he doesn't
6 know how it arrived at SLED.

7 THE COURT: Okay. Ask him -- ask him --

8 MS. HALLFORD: Okay.

9 Q When --

10 THE COURT: -- the correct wording.

11 Q -- you -- when you put this in here, did you seal it?

12 A Yes. I did.

13 Q Okay. If the next person who opened it, and it had never
14 been opened since you sealed it, found --

15 MR. GROSE: Objection. That's speculation because
16 he doesn't -- he doesn't have personal knowledge of
17 the person who opened the envelope unless he was
18 there when it was opened.

19 MS. HALLFORD: He -- he can say based upon the
20 circumstances if it had been sealed and --

21 THE COURT: All right.

22 (WHEREUPON, a bench conference was held.)

23 Q Did you put the underwear in the bag labeled "Washcloth"?

24 A Yes, ma'am.

25 Q Did you put the washcloth in the bag labeled "Underwear"?

1 A Correct.

2 Q Okay. Did you do that on purpose?

3 A No.

4 Q Do you remember whether the desk was busy at the time?

5 A No. This is several years ago, and it's very easy, she
6 would have been one of, probably, at least 20 plus people
7 I talked to just that day, so . . .

8 Q And I'm handing you -- or showing you --

9 A Uh-huh.

10 Q -- these. Do you recognize these? Do they appear to
11 be --

12 A It does. And those appears to be.

13 Q Okay. And other than putting them into the envelopes,
14 did you do anything with them?

15 A No. That was my only role in that.

16 Q And this one that is labeled "blue washcloth"; is that
17 your handwriting?

18 A Correct.

19 Q Okay. And on the back of both of these, what does that
20 say right there (indicates)?

21 A "Spartanburg County Forensic Evidence."

22 Q Okay. And is that the type of tape that you guys use
23 when you seal something --

24 A Correct.

25 Q -- into evidence?

1 And on this one, as well? not aware

2 A Correct.

3 Q Okay. So what should be right here (indicates)?

4 A Typically, we sign and put the date on it.

5 Q Okay. And did you fail to sign and date them?

6 A Yes.

7 Q Okay. So after you sealed them with the evidence tape,
8 what did you do with them?

9 A Placed them into the evidence locker.

10 Q Okay. And did you tamper with them in any way until --

11 A No.

12 Q Okay. And they were sealed when they left your
13 possession?

14 A Correct.

15 Q And you collected some journals?

16 A I believe there was four journals, yes, ma'am.

17 Q Okay. Did you look through them --

18 A No.

19 Q -- when you collected them? Okay.

20 MS. HALLFORD: (To the Court) I have no further
21 questions.

22 THE COURT: (To Mr. Grose) Counselor?

23 MR. GROSE: Thank you, Your Honor. May it please
24 the Court.

25 **CROSS-EXAMINATION OF DEPUTY JEREMY HENSLEY**

1 BY MR. GROSE:

2 Q When Ms. Hudson came to the sheriff's office, she said
3 she had some items that might be helpful to the case; is
4 that right?

5 A Correct.

6 Q And you documented that in your incident report?

7 A Correct.

8 Q Okay. Now, as I understand it, the washcloth and
9 panties/underwear were inside one of the notebooks?

10 A Yes.

11 Q They were inside the same notebook?

12 A I -- I believe that, yes. She unfolded a notebook -- or
13 one of the journals and showed them to me.

14 Q Okay. So they were -- were in the -- inside the same one
15 then?

16 A I -- this is several years ago, so I can't exact on that.

17 Q All right. Does this look like a copy of your portion of
18 the incident report?

19 A (Reviews document.) Yes.

20 Q Okay. I'll make that a little bit bigger. And it says,
21 "Inside one of the journals" --

22 A Yeah.

23 Q -- "were a pair of her daughter's underwear and a blue
24 washcloth."

25 A "Cloth," yes, sir.

1 Q And they were -- and did you like open the cover and they
2 were right inside?

3 A I -- I'd -- I'd --

4 Q But they -- they were together next to each other?

5 A I would have had her -- I would have probably had the
6 envelope and let her --

7 Q Yeah.

8 A -- go directly to it.

9 Q I -- I gotcha. But I'm -- I'm asking -- I guess, not so
10 much what you did, but what you saw.

11 A Yeah.

12 Q You -- you saw the underwear, and you saw the washcloth?

13 A Inside of a journal. Exacts on it, like I said, it's
14 several years ago, so . . .

15 Q Okay. But there's nothing indicating that they were
16 separated from each other in any way?

17 A I didn't -- if I didn't document it, no.

18 Q Okay. All right. As I understand it, this was your --
19 your only involvement in this --

20 A Correct.

21 Q -- investigation?

22 All right. And just -- just picking up on something
23 that you said just a second ago, about if you didn't
24 document it. It's important to document things, isn't
25 it?

1 A Yes.

2 Q In fact, that's part of your training when you go to the
3 police academy?

4 A Yeah.

5 Q And as part of your training -- well, at least the
6 expectations from the sheriff when you're filling out
7 reports in cases?

8 A Yes.

9 Q And -- and that's because -- and you've alluded to this
10 several times, with the passage of time, it may be a
11 little harder to remember anything; is that right?

12 A Yes.

13 Q And you use these reports to refresh your memory?

14 A Correct.

15 Q And it's important to document all the important details,
16 is that --

17 A Yes.

18 Q -- fair to say?

19 A Yep. It's still correct.

20 MR. GROSE: (To the witness) Thank you for being
21 here.

22 THE WITNESS: Okay.

23 THE COURT: Hold on a second. (To the State) Let's
24 see if you got anything else?

25 MS. HALLFORD: No. Just may he be subject to

1 recall?

2 MR. GROSE: No objection.

3 THE COURT: Yes, sir. Sir, you may step down, and
4 you're released to subject to recall.

5 (WHEREUPON, the witness was excused.)

6 THE COURT: Break.

7 MS. HALLFORD: Okay.

8 THE COURT: Madam Forelady and ladies and gentlemen of
9 the jury, we are right on twelve -- right on twelve
10 o'clock, so I try to break about twelve every day
11 for a good hour and half/hour and 40 minutes or so.
12 Let's be back at -- let's be ready to work at 1:45.
13 At 1:45. That gives you a good hour and about 40
14 minutes, actually, or so. But I know you got to go
15 to your cars and that sort of thing, too, so it will
16 give you a good -- good break there, but 1:45,
17 please. 1:45.

18 Don't talk about the case. Don't try to learn
19 anything about the case. And Madam Forelady, if
20 you'll take the jury out.

21 (WHEREUPON, the jury leaves the courtroom at 11:57
22 a.m.)

23 THE COURT: Okay. Let's be in recess until 1:45. 1:45.

24 (Off the record from 11:58 a.m. until 2:12
25 p.m.)

1 AFTERNOON SESSION

2 THE BAILIFF: All rise, please. Court come to
3 order.

4 THE COURT: Thank you. Thank you. Please be
5 seated. (To the bailiff) Jury's here and ready?

6 THE BAILIFF: Yes, sir.

7 THE COURT: Jury's here and ready.

8 MS. HALLFORD: Your Honor, my next witness is Kelli
9 Clune, and she's gonna be testifying about the
10 medical exam. And I believe, Mr. Grose -- I'm sorry
11 -- I -- I drew a blank on his name. Mr. -- sorry --
12 Charles. Mr. Grose has an objection.

13 THE COURT: Okay.

14 MR. GROSE: Well, the -- the objection is, is that
15 Dr. Henderson did the medical exam. And so our
16 objection would be under the confrontation clause.
17 And we would cite "Melendez-Diaz vs. Massachusetts,"
18 that's M-e-l-e-n-d-e-z - D-i-a-z vs. Massachusetts.
19 And that's 557 U.S. 305 (2009).

20 THE COURT: Okay.

21 MS. HALLFORD: Your Honor, the State's position is
22 that Rule 703 allows it: "Facts or data in a
23 particular case upon which an expert bases an
24 opinion, may be those perceived by or made known to
25 the expert before or at the hearing." So she has

1 reviewed the medical records. Dr. Henderson is not
2 available anymore. She has retired, and is -- my
3 understanding, is having health issues.

4 THE COURT: What is --is the -- what's the doctor
5 gonna testify to? I really don't know.

6 MS. HALLFORD: Child had a medical exam, and it's
7 normal, and she's going to testify about how that is
8 normal for kids to be normal. That the myth about
9 the hymen -- people who commonly think the hymen
10 gets ruptured if there's any kind of penetrating
11 injury. Your Honor, we -- I've had a chance to look
12 at Melendez-Diaz, and in that case, they were
13 entering certificates of analysis.

14 So there was no one to cross-examine. He could
15 certainly cross-examine her, and then he can argue
16 to the jury, "Hey, we didn't see -- hear from the
17 doctor who did this evaluation or the exam of her."
18 But this would be somewhat akin to a coroner
19 reviewing medical records and coming in and -- and
20 testifying or -- or another. I guess happens a lot.
21 Doctors who review volumes of medical records from
22 other doctors and then testifying.

23 MR. GROSE: So several responses. First, you know,
24 the -- the witness who did the exam that we would
25 want to cross-examine is Dr. Henderson. And while

1 they cite the Rule 703, as well establish that State
2 statutes and court rules have to take -- they --
3 they can't -- they can't allow something that the
4 confrontation clause doesn't allow.

5 For example, you know, there's a whole
6 "Crawford vs. Washington" line of cases regarding
7 hearsay. Some things that are admissible under the
8 exceptions to the hearsay rule in a civil trial are
9 not admissible against an accused in a criminal
10 trial because they violate the confrontation clause.

11 And, you know, we believe that that is what is
12 -- is gonna happen here. And we believe that that's
13 what Melendez-Diaz stands for. I think there's also
14 been some subsequent cases where - that the courts
15 have dealt with unavailability, and retirement is
16 just not, you know, a -- an adequate excuse or an
17 adequate reason for -- for unavailability.

18 Now, perhaps, you know, there -- there may be -
19 - it sounds like some of what they're wanting to say
20 doesn't have anything to do with these records in
21 particular. I can see that there's -- there would
22 be things in these records that if they were gonna
23 come into - to the case, that I would want to be
24 able to ask Dr. Henderson about.

25 So if they want to go to this route, I think

1 that they should proffer the witness.

2 They brought up the autopsy exams. I've had this
3 come up twice where a -- a pathologist has reviewed
4 another forensics pathologist's autopsies. The
5 first time was an acquittal, and the second time the
6 case didn't go to trial. So we haven't had a chance
7 to deal with this on appeal.

8 But when I've looked at other jurisdictions,
9 what other jurisdictions have said in the autopsy
10 context is that it is permissible provided that the
11 witness who did not do the autopsy actually reviews,
12 not just the autopsy report, but all the slides and
13 the photographs and everything that was done and the
14 autopsy, and makes their opinion based on their
15 review of that evidence, and not of the report that
16 was written by the other person.

17 So there -- there is sort of a distinction, and
18 there's a way -- there's a way for it to be done,
19 but I haven't heard anything that -- that we've
20 satisfied that here. At least I haven't heard that
21 yet.

22 THE COURT: Okay. So what -- what the real
23 objection is, is -- is you -- you don't want her to
24 give Dr. Henderson's opinion, but in your analysis
25 of what -- what you were just telling me there, if

1 she reviewed everything and -- and if it's her
2 opinion, that's -- that's different.

3 MR. GROSE: Well, but in the -- in the context of an
4 autopsy, you have the -- the photographs that were
5 taken. Oftentimes, those include measurements. So
6 you can -- you -- you can view those on your own.

7 THE COURT: Right.

8 MR. GROSE: And slides that are taken. And -- and
9 then of course the report's done. Here, all I've
10 heard is -- is that they've reviewed the report.
11 And I don't think that that rises to the level of
12 what you have for an independent pathologist to
13 testify in a homicide case.

14 THE COURT: Solicitor, is she gonna testify that she
15 reviewed later on?

16 MS. HALLFORD: She's gonna testify that she reviewed
17 the records. There is no finding in this case, so
18 there's really nothing further to look at other than
19 Dr. Henderson said it was a normal exam. I could
20 see if there was a tear, and we were trying to bring
21 in evidence to say, "Yes. There was a physical
22 finding of sexual abuse, and this is proof that he
23 sexually abused the child." But all she's gonna do
24 is say she reviewed this; it was normal exam; here's
25 why we could anticipate that there could be a normal

1 exam even in the case of sexual abuse.

2 I -- I completely concur if there was evidence
3 that we were bringing in to try to prove his guilt.
4 The reason we're doing this is because if we don't,
5 the defense attorneys will get up in closing and
6 say, "Y'all know, there's a hymen, it gets broken."
7 So this is to forestall that because that's a
8 common-sense argument that he would be entitled to
9 make.

10 And I can't then stand up and try to educate
11 the jury about what I know to be factual about
12 children's sexual abuse exams. How most of the time
13 they are normal, even in cases when you have
14 pregnant teenage girls who clearly have had sex, but
15 there is no physical evidence of that.

16 MR. GROSE: But in -- in via Melendez-Diaz that --
17 they were trying to introduce the documents
18 themselves, and that's not what we're doing here.

19 THE COURT: Well, and I think that that line of
20 cases has been applied to the context we're talking
21 about.

22 Now, if maybe I can help us get through this if
23 -- what I don't want them coming in here is - is
24 going through the medical history that was given and
25 all of those types of things. If -- if it is just

1 going to be as a normal exam, and then they're gonna
2 offer this explanation that they offer in every
3 case, we'll stipulate that there was a normal exam.

4 And -- and so I think we can -- we can
5 truncate, you know, everything that needs to be done
6 about the exam ,and then they would just be
7 providing testimony that could come from, you know,
8 in any -- any medical doctor that works at one of
9 these agencies.

10 MS. HALLFORD: She did review the photos. I'm
11 sorry.

12 THE CLERK: Thank you. You're welcome.

13 THE COURT: She did review the photographs.

14 MR. GROSE: Okay. Well, I think if all they're
15 wanting to do is say it's a normal exam, let's say
16 it's a normal exam, and then get into that other
17 testimony. Then we won't have a problem. Otherwise,
18 we need to proffer her testimony in advance.

19 MS. HALLFORD: I'm just gonna ask, "Did you review
20 records from Dr. Henderson's exam? Explain about
21 the hymen just in general terms about how the
22 vaginal area will heal quickly. Why would you not
23 necessarily expect to find evidence of penetration
24 in a case where a child's been repeatedly
25 penetrated?" And then -- okay. So I will strike.

1 So she reported bleeding from her vaginal area
2 and anal area. Is that what you're trying to --
3 because [REDACTED] gonna testify to that.

4 MR. GROSE: Well, she can testify to that, but
5 there's -- I -- I mean, if -- if you're going to get
6 into that kind of stuff that was an exchange between
7 a doctor and a patient, then I think I need to be
8 able to -- to cross-examine the doctor that
9 actually . . .

10 MS. HALLFORD: Okay. I'll strike that question.
11 "And then if a child delayed disclosing, would you
12 necessarily expect to find evidence -- physical
13 evidence of the abuse? What was the result of her
14 exam?" She's just gonna say, "Normal rectal tone,
15 no tears and -- and scars seen." And then I'll ask
16 her, "If that can -- if the presence of a normal
17 exam rules out the possibility of prior sexual
18 abuse." I don't ask the question is that consistent
19 with, because that's really -- I mean, everything
20 could be consistent with that.

21 MR. GROSE: Yeah. I mean, if you're not careful,
22 you're getting crossed. Some of the vouching cases
23 do. If that's what we do, I'm okay with that.

24 THE COURT: Okay.

25 MS. HALLFORD: Okay.

1 MR. GROSE: I was concerned it was gonna be more.

2 THE COURT: Okay. Thank you, everyone. Ready for
3 the jury?

4 MS. HALLFORD: Yes, Your Honor.

5 THE COURT: Okay.

6 (WHEREUPON, the jury enters open court at 2:30
7 p.m.)

8 THE COURT: Okay. Madam Forelady, the jury good?

9 MADAM FORELADY: Yes, sir.

10 THE COURT: Ready to work?

11 MADAM FORELADY: Yes, sir.

12 THE COURT: Solicitor?

13 MS. HALLFORD: State calls Kelli Clune.

14 (WHEREUPON, the witness was sworn.)

15 THE COURT: (To the witness) All right. If you'll
16 adjust that microphone to suit yourself and use your
17 outside voice, please, and tell us who you are and
18 spell your last name.

19 THE WITNESS: I'm Kelli Clune, C-l-u-n-e.

20 THE COURT: Thank you.

21 **DIRECT EXAMINATION OF KELLI CLUNE**

22 BY MS. HALLFORD:

23 Q What's your educational background?

24 A I have a master's in science and family nurse
25 practicing.

1 Q Where are you currently employed?

2 A Prisma Health, Child Abuse Pediatrics.

3 Q How long have you been with them?

4 A Since 2019.

5 Q Can you just briefly tell us some of your previous
6 employment in the medical field?

7 A Yes. I was a coordinator for emergency room at both Mary
8 Black and Spartanburg Regional. I was an ER nurse for 30
9 years. I was -- then I went back and got my bachelor's.
10 I became a sexual assault nurse examiner for
11 adolescents/adults in 2007, I believe.

12 And then in 2009, I went back and got my pediatric
13 sexual assault nurse examiner.

14 2017, I had gone back to school and graduated with
15 my nurse practitioner. And then I went to work with
16 child abuse pediatrics in Florence. I went through an
17 extensive training with Columbia Richland.

18 Q Do you have a military background, as well?

19 A Yes. I do. I was in the United States Air Force.

20 Q And what years was that?

21 A Oh, gosh. 1982 to 1988.

22 Q Do you have a field in which you now specialize?

23 A Yes.

24 Q And what is that?

25 A Child abuse.

1 Q And are you board certified in any areas?

2 A Yes. I still have my sexual assault nurse examiners
3 certification and pediatric sexual assault nurse examiner
4 certification.

5 Q Can you just briefly explain what the sexual assault
6 nurse examine --

7 A Examiner?

8 Q Thank you. Thank you.

9 A PSANE for -- we call it "SANE" and "PSANE" to make it
10 easier. What a PSANE is is a specially trained nurse
11 that has been additional hours -- like I think I'm
12 probably over 1500 additional hours now - in learning
13 about sexual assaults, the dynamic of sexual assaults,
14 how to conduct a sexual assault exam, what findings look
15 like, what findings you can expect, and how to deliver
16 trauma-informed care.

17 Q Do you have any teaching experience?

18 A Yes. I do.

19 Q Can you describe that for us?

20 A Yes. I've been teaching nurses to become sexual assault
21 nurse examiners since around 2012 to present.

22 Q How many -- how many years, and you may have already said
23 this, have you practiced specifically in the area of
24 child abuse pediatrics?

25 A Since 2017.

1 Q And you mentioned you have special training, the -- the
2 PSANE you called it? That would --

3 A Yes.

4 Q -- be training concerning -- conducting sexual assault
5 exams of children?

6 A Yes. That's correct.

7 Q So what age would you consider up to child and teenager?
8 Because you said you got teenager and adult, and then
9 you've got --

10 A Right. Usually, it's the onset of puberty around 12
11 years of age.

12 Q Okay. How many years' experience do you have
13 specifically conducting sexual assault examinations on
14 children?

15 A I have to do math. Sorry. 2009. Around 15 [sic] years.

16 Q Okay. And teenagers?

17 A Around 18 to 20 years.

18 Q So if someone is examined at 14, they -- they would be
19 considered a teenager at that point?

20 A Right. Adolescents, yeah.

21 Q Okay. Have you previously testified in court as an
22 expert in the area of child abuse pediatrics?

23 A Yes. I have.

24 Q Do you know how many times you've testified?

25 A Probably around six.

1 MS. HALLFORD: Your Honor, at this time, State moves
2 to have Kelli Clune qualified as an expert in child
3 abuse pediatrics.

4 THE COURT: Any questions?

5 MR. GROSE: No objection.

6 THE COURT: No objection, she is now qualified.

7 Ladies and gentlemen and Madam Forelady,
8 usually, a -- an opinion testimony is not -- is not
9 allowed, but it is permitted where someone is
10 qualified as an expert by their education experience
11 or special skill and training. This witness is
12 being offered as an expert of child abuse
13 pediatrics. That does not mean that you must accept
14 her opinion. You give it whatever weight you deem
15 appropriate. Solicitor?

16 MS. HALLFORD: Thank you.

17 Q Do you know Dr. Nancy Anderson?

18 A I do.

19 Q How do you know her?

20 A She was our medical director of Child Abuse Pediatrics
21 before she retired.

22 Q To your knowledge, she's retired, no longer practicing
23 medicine?

24 A Correct.

25 Q Did she examine Child on May 14th of 2019?

1 A Yes. She did.

2 Q Did you review the medical records from her examination
3 prior to coming here to testify today?

4 A Yes. I did.

5 Q Did you also look at some photographs that had been taken
6 during that exam?

7 A Yes. I did.

8 MS. HALLFORD: Before we get into the specifics of
9 her exam, Your Honor, may I have the witness step
10 down?

11 THE COURT: Sure.

12 Q If you wanna come over here so you can point.

13 A Okay.

14 THE COURT: (To the witness) I'll ask you to keep
15 your voice up so my court reporter can capture,
16 please.

17 Q This is a diagram that you have provided me previously.
18 I believe you provided it to me. But can you just
19 explain using that to the jury, the vaginal area of the
20 child from a medical perspective?

21 A Sure. So this area here and here is the labia majora.
22 That is the outer part of the vaginal area that covers
23 it. If you open that up, you have smaller little wings,
24 if you would. That's the labia minora. Up here is the
25 clitoris. Right there is the urethra where you urinate

1 from. And here is the hymen.

2 Q Okay. Can -- you can go back and sit if you want to.
3 Can you just explain to the jury what the hymen is?

4 A The hymen is a piece of tissue. It has a natural
5 opening. That is on the -- usually, some hymens can go
6 all around -- all the way around the vaginal opening,
7 some -- but most of them go from like the one o'clock
8 position around to the eleven o'clock position of the
9 vaginal opening.

10 Q Are you familiar with the very common fallacy that the
11 hymen is intact and penetration will always show --
12 you'll always be able to tell if there's been penetration
13 of the vaginal area?

14 A Yes. Uh-huh.

15 Q Is that true that that --

16 A No. Is not true.

17 Q Explain that to the jury?

18 A The tissue in the vaginal area is the same tissue that's
19 in your cheek, is very pliable. It's very movable. And
20 you know when you bite your cheek, within a day or two,
21 it's all healed up. Vaginal tissue can heal up without
22 showing any injury if there was present before.

23 Q If a child's vaginal area is penetrated by a penis,
24 fingers, object, anything, even if the penetration occurs
25 on multiple occasions, would you expect to see physical

1 evidence of that when you -- when the exam is done?

2 A No. I would not.

3 Q And why would you not necessarily expect to find physical
4 evidence?

5 A There's been numerous research studies. One of them, the
6 earlier ones, was in 2000 with Dr. Berenson where he took
7 192 children with the penile vaginal penetration and less
8 than 5 percent of them had any physical exams --

9 Q Now, is that --

10 A -- by clinical findings.

11 Q Oh, I'm sorry.

12 A There's a more recent study with the non-acute exams,
13 which is what I do and what Dr. Henderson did. That
14 number is 2.2 percent.

15 Q Okay. Now, explain to the jury what you mean by non-
16 acute?

17 A When a victim's been sexually assaulted, if it's been
18 reported within 72 hours for children of the last
19 contact, if you will, you can do an acute exam. That's
20 where they go to the emergency room and do the DNA
21 evidence collection. We'll give them medications to
22 prevent sexually transmitted diseases, that sort of
23 thing.

24 What we do is we do the follow-up after that, even
25 if they're seen by the SANE, they're also seen by us

1 because we put all the pieces together. We'll do the
2 exams if there were findings; we'll look to verify the
3 findings. We also look at their photos. If there
4 weren't any findings, we still will do the exam because
5 we're looking for signs of any sexually transmitted
6 diseases.

7 We'll do the sexually transmitted disease testing.
8 And then we also put all the -- what the child needs such
9 as counseling, if there's any follow-up with any medical
10 providers, that type of thing.

11 Q So if the last abuse was around mid-March of 2019 and the
12 exam was May 14th, that would definitely be considered
13 non-acute?

14 A Yes. That's correct.

15 Q So would the delay in disclosing -- and you -- you kind
16 of covered this, but with the delay in disclosing will
17 affect whether or not you'll find any physical --
18 there'll be any physical findings?

19 A Yes. An injury to the hymen can heal within 24 to 48
20 hours and leave no sign.

21 Q What was the result of Child's medical exam?

22 A She had a normal exam.

23 Q Was that both for her vaginal area and her rectal area?

24 A Yes. It was.

25 Q In your medical opinion, and based on accepted medical

1 literature and studies, some of which you have just
2 mentioned, does the presence of a normal exam rule out
3 the possibility of prior sexual abuse that involve
4 repeated acts of penetration of the vagina?

5 A No. It does not.

6 Q Does the presence of a normal exam rule out the
7 possibility of prior sexual abuse that involved
8 penetration or attempted penetration of the anus?

9 A No. It does not.

10 MS. HALLFORD: (To the Court) I have no further
11 questions.

12 THE COURT: Yes, sir?

13 **CROSS-EXAMINATION OF KELLI CLUNE**

14 BY MR. GROSE:

15 Q With -- with regard to your testimony in this case, I
16 understand that -- that you're here to tell these jurors
17 that Child had a normal exam?

18 A That's correct.

19 MR. GROSE: (To the Court) That's all I have.

20 THE COURT: Thank you. You may --

21 MS. HALLFORD: And -- I'm sorry.

22 THE COURT: You got one question?

23 MS. HALLFORD: No. Just wanted to know if she could
24 be excused, and you were covering it.

25 THE COURT: Ma'am, you may step down. Please be

1 careful. And you may be excused. Stay or go,
2 whichever you choose.

3 (WHEREUPON, the witness was excused.)

4 MS. HALLFORD: State calls Thomas McAbee.

5 (WHEREUPON, the witness was sworn.)

6 THE COURT: Sir, if you'll adjust the microphone to
7 -- to suit yourself. Tell us who you are and spell
8 your last name, please.

9 THE WITNESS: Deputy Thomas McAbee. Last name
10 spelled M-c-a-b-e-e. Spartanburg County Sheriff's
11 Office.

12 THE COURT: Thank you.

13 **DIRECT EXAMINATION OF THOMAS MCABEE**

14 BY MS. HALLFORD:

15 Q How long have you been in Spartanburg County?

16 A Since 2018.

17 Q And what is your current position with the county?

18 A Currently, I'm with the Spartanburg County traffic unit.

19 Q Were you working on July 30th of 2020?

20 A Yes, ma'am.

21 Q And on that date, did you collect buccal swabs from Cody
22 Hudson?

23 A Yes, ma'am.

24 Q Where was that collection done?

25 A It was collected in the ID office. ID office is what we

1 call the forensic investigator's office at the sheriff's
2 office.

3 Q Was his attorney present with him when that was
4 collected?

5 A Yes, ma'am.

6 Q Do you see the individual from whom you got the buccal
7 swabs in the courtroom today?

8 A Yes, ma'am. I do.

9 Q And where is he?

10 A Next to the attorney.

11 Q You -- okay. Pointed to the person sitting next to the
12 attorney. All right. Here we go. I am showing you what
13 has been marked State's Exhibit 4 for identification and
14 -- let me get this open. Well, that didn't work. Do you
15 recognize this?

16 A Yes, ma'am. I do.

17 Q Okay. And what is that?

18 A That is the evidence envelope in which the buccal swab
19 kit that was collected from Mr. -- Mr. Hudson on that
20 day. And this is the evidence envelope in which it was
21 sealed.

22 Q Okay. And when you -- after you collected it, you put it
23 in here?

24 A Yes, ma'am.

25 Q And did you seal it with this evidence tape?

1 A Yes, ma'am.

2 Q And those are your initials?

3 A Yes, ma'am.

4 Q And the date 7/30/2020?

5 A Yes, ma'am.

6 Q And then inside, explain what these are?

7 A Okay. So this is gonna be a buccal swab collection kit.

8 And --

9 Q You can open it.

10 A You want me to open it? Okay.

11 Q Yeah.

12 A So it's a buccal swab collection kit. Obviously, there
13 is a evidence seal that's on it. That seal is inside
14 what I'm gonna show you, a white buccal swab collection
15 envelope. Now, this envelope has information obviously
16 on the outside that we would fill out, you know, just put
17 the defendant's information, things of that nature.

18 On the backside of this envelope, there's a tamper
19 resistant what we like to call a -- a "seal." All right.
20 You have to make sure that that seal is intact, because
21 if that seal is broken in any way, shape, or form, the
22 integrity of it at that point in time is -- is bad. You
23 have to discard it; you don't want to use it. So you
24 make sure that it is sealed, and it was sealed.

25 And as you can see, there's another piece of

1 evidence tape that's here. This is also included in the
2 evidence kit. So there should be, I believe, three --
3 three stickers -- evidence stickers. Two like this, and
4 the one in which you saw just a moment ago with the other
5 envelope. All right. We will open this. Okay. So
6 inside this kit you'll find, normally, directions on how
7 to fill out the kit. It's literally a step-by-step
8 process.

9 So in this kit, you'll have, normally, a pair of --
10 they call it "biohazard protection gloves." That -- all
11 it is is gloves -- latex gloves that you would use, you
12 know, medically. So you would have that, you would have
13 another piece of evidence tape that goes in to seal this.
14 But you've got a vacuum. You -- well, you've got a
15 Ziploc bag. And this buccal swab collection kit -- and
16 this is known as the collection kit card, but it also has
17 two swabs that are in a sealed sterile plastic-like
18 sealed pack, just two elongated Q-tip swabs.

19 The best way I can describe it -- everybody knows
20 what a Q-tip is, but like this is a -- like a Q-tip at
21 the very end of a long wooden stick, similar to what
22 you'd see in a doctor's office in the old jars, something
23 like that. But they're sealed, and those come with the
24 kit. You fill out information that's on this card and on
25 the back, as well. Inside there's a swab envelope.

1 As you can see, there's tape here that comes into
2 play later on once you seal it. So what happens is you
3 take the -- the two swabs. You make sure again that that
4 sealed packaging is -- is sealed and secured. You open
5 it; it has two swabs on the inside of it. You take one
6 swab, and you go inside the cheek on the inside of the --
7 of the individual who's having the test done, and you
8 just swab the DNA on the inside of the cheek about five
9 to ten seconds worth.

10 You take that swab and what I normally do is I set
11 it on the sealed packaging of that swab package. You
12 take the second one out, and you do the other cheek, and
13 you swab it about five to ten seconds. You take that,
14 and you set it on the -- on the packaging again. And you
15 wanna let it sit there for about five minutes at least to
16 let it air dry.

17 Once that dries, those swabs go into this swab
18 evidence envelope. Well -- yeah. What this swab -- swab
19 envelope here. And the evidence, there's -- you just --
20 you literally pull it apart. Is -- this piece of tape
21 comes on a backing like a -- like a postage stamp. You
22 just take it, you peel it off, and you place it here to
23 seal this and make sure the integrity is good. And then
24 you initial, and you make sure you mark it because you're
25 the one who has collected it.

1 All the information is filled out at that point, and
2 it is signed by me; it is signed by the defendant or
3 whoever it is that's getting the test. Normally, you
4 take this, -- once that's done, you place it in the
5 Ziploc bag; you seal it. You seal that. And all of this
6 is done because within the kit you have gloves. So you
7 are wearing gloves while this is done. You're not
8 touching the tip of the swab because that -- you can't do
9 that. You're wearing gloves the whole time. You put it
10 in there, seal it up.

11 Once that's done, you place it back into this
12 envelope. That second piece of evidence tape, again, you
13 take it, you seal it to make sure that that integrity is
14 there. Then you take this and place it in another
15 envelope, but it comes with the kit. All of it's
16 together. You seal that with the third piece of kit
17 shipping seal.

18 Then I normally take this, and place it in the
19 sheriff's office evidence envelope. It's completely
20 filled out with what the item is, time and date of the
21 recovery, location of the recovery, name, suspect,
22 victim, and alleged offense.

23 Q And did you do all those things for this?

24 A Yes, ma'am.

25 Q And what did you do with this after you collected it,

1 sealed everything appropriately, and then sealed this and
2 initialed?

3 A Entered it into evidence. Collected a chain of custody
4 and entered into evidence.

5 Q And was it sealed when it left -- left your possession?

6 A Yes, ma'am.

7 Q And did you do anything to tamper with it in any way?

8 A No, ma'am.

9 MS. HALLFORD: (To the Court) I have no further
10 questions.

11 MR. GROSE: (To the witness) No questions. Thank
12 you for being here.

13 THE WITNESS: Yes, sir.

14 THE COURT: Sir, you may step down. Please be
15 careful.

16 THE WITNESS: Yes, sir.

17 (WHEREUPON, the witness was excused.)

18 MS. HALLFORD: State calls Kiley Tyler.

19 (WHEREUPON, the witness was sworn.)

20 THE COURT: Officer, if you'll adjust the
21 microphone, please tell us who you are, and spell
22 your last name.

23 THE WITNESS: My name is Kiley Tyler, T-y-l-e-r.

24 **DIRECT EXAMINATION OF KILEY TYLER**

25 BY MS. HALLFORD:

1 Q How long have you been at the sheriff's office?

2 A Since 2016.

3 Q What are your general duties there?

4 A I am in the ID forensics unit. So on daily operations, I
5 will respond to crime scenes to process crime scenes.

6 Q Were you working on February 11th of 2022?

7 A Yes, ma'am.

8 Q On that date, did you collect a buccal swab from Sarah
9 Jumper? Sarah -- was Sarah Hudson, I think she was going
10 by Hudson at the time, but Sarah Jumper?

11 A Yes, ma'am. I did.

12 Q Okay. Take a look at this. It's always the last thing I
13 look at. All right. Do you recognize this? It's
14 State's Exhibit 5 for identification.

15 A Yes, ma'am. It's a evidence envelope that I used in
16 reference to a collection.

17 Q And is that your name and initials there -- or name and
18 date there?

19 A Yes, ma'am.

20 Q And "February 11th of 2022?"

21 A Yes, ma'am.

22 Q All right. You just heard the explanation for this?

23 A Yes.

24 Q Did you conduct the -- collect the buccal swabs in the
25 same way that Mr. McAbee -- or Deputy McAbee did them?

1 A Yes. That would be the normal process to collect the
2 buccal swabs.

3 Q Okay. And did you seal this?

4 A Yes, ma'am. I sealed that.

5 Q Okay. And then is this the collection kit that you used?

6 A Yes. And then --

7 Q And your handwriting?

8 A -- that's my name, the agency, case number, and Ms.

9 Jumper's name.

10 Q Okay. I'm not gonna make you go through the whole
11 process again. After you collected this from Ms. Jumper,
12 did you seal appropriately the inner bags and this one,
13 as well?

14 A Yes, ma'am.

15 Q And then put it in here and sealed it and initialed
16 and/or put your name and dated it?

17 A Yes, ma'am.

18 Q And did -- other than collecting them, did you tamper
19 with it in any way?

20 A No, ma'am.

21 Q And what did you do with it after you collected and
22 sealed it?

23 A Once collected, sealed, initialed, and dated, it's placed
24 into evidence locker if the evidence department is not
25 open.

1 Q Okay. And -- and do you remember if you placed it in the
2 evidence locker, or --

3 A I would have submitted it directly to evidence because it
4 was around 9:06 -- 9:15 in the morning.

5 Q Okay. And, again, it was sealed when it left your
6 possession?

7 A Yes, ma'am. It was.

8 MS. HALLFORD: (To the Court) No further questions.

9 MR. GROSE: No questions. (To the witness) Thank
10 you for being here.

11 THE COURT: Thank you. You may step down. Please
12 be careful.

13 (WHEREUPON, the witness was excused.)

14 MS. HALLFORD: State calls Robert Rosenberg.

15 (WHEREUPON, the witness was sworn.)

16 THE COURT: Sir, if you tell us who you are, and
17 spell your last name, please.

18 THE WITNESS: My name is Robert Rosenberg, and it's
19 R-o-s-e-n-b-e-r-g.

20 THE COURT: Solicitor?

21 **DIRECT EXAMINATION OF ROBERT ROSENBERG**

22 BY MS. HALLFORD:

23 Q And until very recently were you employed by the
24 sheriff's office?

25 A Yes, ma'am.

1 Q And did you just retire?

2 A Yes. I did.

3 Q Related to this case -- well, before you retired, did you
4 work in evidence?

5 A Yes. I did.

6 Q And can you just kind of explain to the jury what your
7 job was there?

8 A My job was: Officers would collect evidence on the
9 street and bring it in. If we were closed, we had a
10 secure locke;; they could put it in and lock it. The
11 only officers that had access to these lockers were the
12 evidence custodians. We are -- we're the only ones that
13 had a key to it. If we were open, they would come in and
14 drop it off into our evidence room.

15 Q Okay. And then are you responsible for taking evidence
16 down to SLED that needs to be evaluated down there?

17 A Yes. I am.

18 Q Okay. Well . . . Here we go. I'm handing you what's
19 been marked State's Exhibit Number 1. Do you recognize
20 this?

21 A Yes. Yes. I do.

22 Q And did you fill -- fill out this bag? Oh, hand me that.
23 Sorry. Did you fill out this bag when you got to SLED?

24 A Yes. I did.

25 Q And did you take that down on October 15th of 2019?

1 A Yes. I did.

2 Q When you first got this, it was in the manila envelope;
3 is that correct?

4 A Yes, ma'am.

5 Q And would it have been sealed when you took possession of
6 it?

7 A Yes. It would've been.

8 Q And would you have opened it in any way -- opened it at
9 all before you took it to SLED?

10 A No. I would not.

11 Q And was the manila envelopes -- manila evidence envelope
12 sealed when you put it in the heat?

13 A Yes. It was.

14 Q And this is called a "heat-sealed pouch"?

15 A Yes.

16 Q SLED provides these?

17 A Yes, ma'am.

18 Q Okay. And was it -- and it was sealed -- the heat-sealed
19 pouch was sealed when you left it at SLED?

20 A Yes.

21 Q Are those your initials?

22 A Those are my initials and the date I --

23 Q And showing where you had sealed it?

24 A Yes.

25 Q Okay. Now, I am showing you what has been marked as

1 State's Exhibit Number 2, and it contained this manila
2 envelope labeled "blue washcloth," and this one labeled
3 "female juvenile underwear." Is this Spartanburg County
4 evidence tape?

5 A Yes. It is.

6 Q Okay. When you took possession of these two items, were
7 they in the manila envelopes?

8 A Yes. They were.

9 Q Were they sealed with evidence tape?

10 A Yes. They were.

11 Q If they had not been sealed, would you have taken
12 possession of them?

13 A No. I would not.

14 Q What would you have done?

15 A We would've contacted the officer and tell him to come in
16 and take care of the issues.

17 Q When you took possession of this, did you notice that he
18 had not initialed and dated it?

19 A I did not.

20 Q Did you take these items to SLED on the same date
21 10/15/19?

22 A I . . .

23 Q Do you need to see your --

24 A That property sheet, and I . . .

25 MS. HALLFORD: Your Honor, excuse me just a minute.

1 I don't know where I set these.

2 A I think you set them right here.

3 Q Oh. I can't find my hand. Okay. Sorry. All right. So
4 this is --

5 A Okay. That is not the --

6 Q That is not the completed one?

7 A No. It's not.

8 MS. HALLFORD: Your Honor, I'm sorry. I have
9 shuffled some paperwork somewhere. Can we have a
10 moment to get this organized? Would it be possible
11 for us to take a brief break?

12 THE COURT: We can do that.

13 MS. HALLFORD: Thank you.

14 THE COURT: Madam Forelady and ladies and gentlemen,
15 we'll take a short break here and give the lawyers
16 the time to collect -- collect their thoughts there.
17 Don't talk about the case. Madam Forelady, take the
18 jury out, please.

19 (WHEREUPON, the jury was excused at 3:01 p.m.)

20 (Off the record from 3:01 p.m. until 3:16
21 p.m.)

22 THE BAILIFF: Remain seated. Come to order, please.

23 THE COURT: Thank you. Thank you. Thank you. Be
24 seated. Everybody ready?

25 MS. HALLFORD: Yes, sir, Your Honor. Thank you.

1 THE COURT: Everybody had a chance to refresh
2 themselves, I hope?

3 MR. SMITH: Yes, sir.

4 THE COURT: (To the bailiff) We'll have the jury,
5 okay?

6 (WHEREUPON, the jury enters open court at 3:16
7 p.m.)

8 THE COURT: Madam Forelady, everybody good?

9 MADAM FORELADY: Yes, sir.

10 THE COURT: Thank you. Solicitor?

11 MS. HALLFORD: Thank you, Your Honor.

12 **DIRECT EXAMINATION OF ROBERT ROSENBERG CONTINUES.**

13 BY MS. HALLFORD:

14 Q Okay. I think I've got my ducks in a row. Going back
15 just one second to the buccal swab for **Child** did you
16 pick this up from SLED and bring it back?

17 A I'd have to look at my property sheet.

18 Q Okay. Here are your property sheets.

19 A Yes. I did on May 1st, 2020.

20 Q And would that have been sealed when you brought it back?

21 A Yes, ma'am.

22 Q Okay. And then we're going back to State's Exhibit
23 Number 2. And that was the female -- female juvenile
24 underwear and the blue washcloth. Did you take these to
25 SLED?

1 A Yes. I took them to SLED on October 15th, 2019.

2 Q All right. And, as we discussed, they were sealed when
3 you took them there?

4 A Yes.

5 Q All right. Do you remember if you put them in a heat-
6 sealed pouch or if you put them into evidence?

7 A I put them in the SLED locker ...

8 Q Okay.

9 A ... is what I did. They were sealed.

10 Q Okay.

11 A I just placed two evidence envelopes in -- in the SLED
12 locker.

13 Q All right. And did you bring these back after they were
14 tested?

15 A Yes. I brought them back January 22nd, 2020.

16 Q And when they came back, were they in this heat-sealed
17 pouch?

18 A Yes. They were.

19 Q And who was the sealing agent official on the heat-seal
20 pouch?

21 A It says -- I believe it reads, "C. Pitts."

22 Q Okay. Are you familiar with Charlotte Pitts? Do you
23 know her?

24 A I don't remember. I mean --

25 Q Okay.

1 A -- I may -- if I saw her, I probably would be.

2 Q Based on your experience working with SLED, do you know
3 why she would have put them -- put those two manila
4 envelopes in a heat-seal pouch?

5 A I do not know.

6 Q Okay. But they were sealed when they left your
7 possession with the sheriff's office tape?

8 A Yes.

9 Q And when you got them back, they were in the heat-sealed
10 pouch, and it was sealed?

11 A Yes.

12 Q Okay. All right. I am showing you what has been marked
13 State's Exhibit Number 3. Did this come into your
14 possession from SLED on May 1st of 2020?

15 A "Cutting this blue cloth." They -- yes. They came in
16 May 1st, 2020.

17 Q Is this something that was created at SLED?

18 A Yes. When evidence is turned in, they take a -- well,
19 SLED representative should explain, they'll take a sample
20 of it to test, and they return it in the pouch.

21 Q And was it sealed when you got it back?

22 A Yes. It was.

23 Q And then did you put it back into evidence here at the
24 sheriff's office when you received it?

25 A Yes. I did.

1 Q Okay. All right. And I'm showing you what's marked
2 State's Exhibit Number 4. Do you recognize this?

3 A Yes. I do.

4 Q Okay. And what is it?

5 A It is a -- a buccal -- or -- or a standard -- a blood
6 standard, probably, of Cody Allen Hudson.

7 Q All right. And was it in this manila envelope evidence?

8 MR. GROSE: Objection. (To Ms. Hallford) Did he
9 say blood standard?

10 A I -- I may have.

11 MR. GROSE: I don't --

12 MS. HALLFORD: He may have said blood standard, but
13 that's not it.

14 THE WITNESS: It's -- it's -- I wrote standard down,
15 but it says, "buccal swab."

16 MR. GROSE: Okay. Thank you.

17 MS. HALLFORD: Sorry.

18 THE WITNESS: Yes. I'm sorry.

19 Q Okay. And when it went to SLED -- when you transported
20 it to SLED, would it have been in this envelope?

21 A Yes. It would've been.

22 Q Would've been sealed when you took it down there?

23 A Yes. It would've been.

24 Q And then did you put it in the heat-sealed pouch?

25 A Yes. I did.

1 Q And did you seal it and leave it -- what do they call it,
2 "evidence"? When you leave stuff down at SLED, where --
3 where --

4 A They have a evidence locker.

5 Q Okay. And then did you end up getting this back from
6 SLED at some point?

7 A Yes. I did.

8 Q Do you need to look at your --

9 A Which one is this?

10 Q This is gonna be the standard of Cody Allen Hudson,
11 buccal swab.

12 A I transported it on "08/06/2020." It was returned on
13 "January 20th, 2021."

14 Q And was it sealed when it came back?

15 A Yes. It was.

16 Q Okay. At the sheriff's office when -- oh, wait. One
17 more. Do you recognize this?

18 A Yes, ma'am.

19 Q All right. And is this something that you took down to
20 SLED?

21 A Let's see.

22 Q It's a buccal swab from Sarah Lynn Jumper?

23 A Yes, sir -- yes, ma'am. I did.

24 Q And what date did you take that to SLED?

25 A It looks like "March 23rd, '22."

1 Q And would it have been sealed with this evidence tape by
2 Kiley Tyler?

3 A Yes.

4 Q And was it sealed when you turned it into SLED?

5 A Yes.

6 Q Did you receive it back from SLED on another date?

7 A I received it on "April 21st, 2022."

8 Q And would it have been sealed when you got it back?

9 A Yes.

10 Q Okay. So you are looking at some sheets to refresh your
11 memory. What are these referred to as?

12 A Property sheets. It's also known as a "chain."

13 Q Okay. And what's the purpose of a chain of custody?

14 A It shows who handled the evidence and what order it was
15 taken to places and returned.

16 Q Okay. So are these -- do people put down -- like when
17 you receive something, do you write it down
18 contemporaneously or very near to the same time as when
19 you receive the item?

20 A Yes.

21 Q Okay. And does everyone who touches that item/has any
22 involvement with it after it's received into evidence,
23 put their names on here and indicate when they had
24 possession of it?

25 A Yes.

1 Q Okay. So I am having you look at the evidence sheet for
2 the buccal swab collection kit from Sarah Lynn Jumper.
3 Who does it show turned it into evidence?

4 A Officer Kiler Tyler -- Kiley Tyler.

5 Q And she would've put that into the evidence locker?

6 A It was -- looks like Officer Nelson received it on -- at
7 eleven o'clock.

8 Q Okay.

9 A So I would not think so.

10 Q Okay. So it would go -- that's right. She testified it
11 went directly to Nelson. And then you transported these
12 to SLED and brought it back?

13 A Yes.

14 Q Okay. And then the buccal swab kit for Cody Hudson
15 collected by Thomas McAbee?

16 A Yes.

17 Q And who was it that received it?

18 A Officer Angela Nelson.

19 Q And that would've been sealed when she received it?

20 A Yes.

21 Q And there was no evidence that she had tampered with it
22 in any way?

23 A No.

24 Q And then did you transport this to SLED?

25 A Yes. I did.

1 MS. HALLFORD: Okay. All right. (To the Court) I
2 have no further questions.

3 MR. GROSE: (To Ms. Hallford) You have all your
4 evidence sheets there? These his?

5 MS. HALLFORD: Uh-huh.

6 **CROSS-EXAMINATION OF ROBERT ROSENBERG**

7 BY MR. GROSE:

8 Q Okay. So if I understand it right, these chain of
9 custodies, you -- you have a form that you use to -- to
10 keep track of everything?

11 A Yes.

12 Q And you've been -- I guess when you've been talking about
13 dates you took it to SLED, you're looking at where you
14 signed it and the date?

15 A Yes, sir.

16 Q Okay. These forms at the top, they have time -- a date
17 and time that something was taken into custody; is that
18 right?

19 A Yes, sir.

20 Q Okay. Now, the -- the purpose of being so careful with
21 all of this is obviously to make sure that nothing's
22 tampered with it beforehand?

23 A Correct.

24 Q All right. But, obviously, you can only do that and make
25 certain of that after it comes into your possession?

1 A Yes, sir.

2 Q Okay. For example, I'm looking at one of your forms from
3 the sheriff's department, and this one's 5/7 of 2019 at
4 2:30 in the afternoon; is that right?

5 A Yes.

6 Q And that's the Samsung Galaxy phone; is that right?

7 A Yes, sir.

8 Q Okay. And it actually has the name of the person who --
9 who gave the phone, right?

10 A Yes, sir.

11 Q And then that's Sarah Hudson?

12 A Okay. Yes, sir.

13 Q You would agree with that?

14 A Yes, sir.

15 Q Okay. And that was on May 7th of 2019; is that right?

16 A Yes, sir.

17 Q Okay. This is one that was created on May 1st of 2019 at
18 4:25 in the afternoon. And it's regarding some notebooks
19 or journals and the washcloth and the underwear?

20 A Yes, sir.

21 Q And -- and, again, the -- the person who -- who brought
22 that in was Sarah Hudson?

23 A Yes, sir.

24 Q Okay. Be right back. I didn't see this form in your
25 stack, but that is -- well, your signature's not on that,

1 is it?

2 A No, sir.

3 Q All right. Never mind.

4 MR. GROSE: (To the witness) Thank you for being
5 here.

6 THE COURT: (To the State) Anything else?

7 MS. HALLFORD: Nothing from the State.

8 THE COURT: Sir, you may step down. Please be
9 careful.

10 THE WITNESS: Thank you.

11 (WHEREUPON, the witness was excused.)

12 MS. HALLFORD: State calls Brandon Letterman.

13 (WHEREUPON, the witness was sworn.)

14 THE COURT: Sir, adjust microphone to suit yourself
15 and tell us who you are and spell your last name,
16 please.

17 THE WITNESS: Yes, sir. Brandon Letterman.

18 Spelling, L-e-t-t-e-r-m-a-n.

19 THE COURT: Thank you. Solicitor?

20 **DIRECT EXAMINATION OF BRANDON LETTERMAN**

21 BY MS. HALLFORD:

22 Q Where do you currently work?

23 A Spartanburg County Sheriff's Office.

24 Q How long have you been at the sheriff's office?

25 A I've been at the sheriff's office approximately 18 years.

1 Q What is your current position?

2 A I'm currently lieutenant over the violent crimes unit.

3 Q When did you become lieutenant over violent crimes?

4 A July of last year.

5 Q What were you doing just prior to that at the sheriff's
6 office?

7 A Prior to that, I was the computer forensics investigator.

8 Q How long were you in computer forensic investigations?

9 A 2017 to 2022.

10 Q Can you just give us a back the -- your educational
11 background?

12 A Yes. Of course, graduated high school in 1998. Went to
13 Gardner-Webb University from '98 to '02. Upon completion
14 of studies there, I got into law enforcement shortly
15 thereafter.

16 THE COURT REPORTER: I'm sorry. Sir, can you --

17 THE WITNESS: I'm sorry.

18 THE COURT REPORTER: -- slow down just a little?

19 THE WITNESS: I'm sorry. I'm a fast talker. I'm
20 sorry.

21 THE COURT REPORTER: All right. Thank you.

22 Q You sure are. Do you have specific training in the area
23 of cell phone forensics?

24 A Yes. I do.

25 Q And can you tell us what that training is?

1 A Yes. For the five years that I worked in cell phone
2 computer forensics, I was a member of the United States
3 Secret Service Electronic Crimes Task Force, which
4 allowed me to take advantage of their National Criminal -
5 - Correction National Computer Forensic Institute in
6 Hoover, Alabama.

7 There I attended several classes: class on boat --
8 basic mobile data investigations which was a week-long
9 class on social networking investigation, which was a --
10 a week long, and a class on basic computer evidence
11 recovery training that was approximately five and a half
12 weeks long.

13 Q What programs does the sheriff's office use to conduct
14 forensic cell phone examinations?

15 A We have two main programs that we use. We use one called
16 Grey Key, which is utilized mainly for Apple devices, --

17 Q Yes.

18 A -- and we use Cellebrite, which is utilized mainly for
19 droid devices. Cellebrite is also used to analyze both
20 extractions from iPhones/Androids.

21 Q You're still going a little fast.

22 A I'm sorry.

23 Q Do you have specific training from Cellebrite in using
24 their programs?

25 A Yes. It's a week-long class on how to utilize their

1 software that I -- that I attended probably back in, I
2 think, 2017, I believe.

3 Q Do you have an estimate of how many cell phone forensic
4 exams you have performed using Cellebrite --

5 A A - well over two --

6 Q -- or total?

7 A Well over 2,000.

8 Q Have you ever qualified in -- as an expert in cell phone
9 forensics?

10 A Yes. I have.

11 MS. HALLFORD: Your Honor, at this time, the State
12 offers Lieutenant Letterman as an expert in cell
13 phone forensics.

14 MR. GROSE: No objection.

15 THE COURT: Without objection. Once again, ladies
16 and gentlemen, he's been offered as an expert in
17 this field due to his training and skill. You may
18 reject or -- his -- his testimony or whatever way
19 you deem appropriate. Solicitor?

20 Q In June of 2019, were you asked to conduct a cell phone
21 exam on Child Child's cell phone?

22 A Yes. I was.

23 Q All right. And do you recognize this?

24 A Yes. It's Samsung Galaxy S8 Plus cell phone device that
25 I would've extracted in June of 2019.

1 Q And was it you who taped the -- is that the SIM card?

2 A Yes. That is a SIM card. We removed the SIM card from
3 the device, so it doesn't speak with the network to allow
4 remote destruction of the device. So we remove it, and
5 then once we analyze and dump the phone, we tape it to
6 the front of the phone.

7 Q When you received that cell phone, was it sealed in that
8 evidence envelope that had been prepared by Levi Marlowe?

9 A Yes.

10 Q What day did you do the extraction on that phone
11 initially?

12 A I would have to refer to my report.

13 Q Okay.

14 A I didn't bring a copy of it with me.

15 Q It's in here, isn't it?

16 A No. Not the cell phone extraction.

17 Q Oh. Yeah. This is the -- yeah. That's it, right?

18 A Yes. Yes.

19 THE COURT REPORTER: (To the witness) How do you
20 spell the Grey Key?

21 THE WITNESS: I beg your pardon?

22 THE COURT REPORTER: How do you spell the Grey Key
23 for the record?

24 THE WITNESS: Grey Key, G-r-e-y-K-e-y (as spoken).

25 THE COURT REPORTER: Thank you.

1 THE WITNESS: You're welcome.

2 Q All right. And this was coming from State's Exhibit
3 Number 9. And did you prepare this envelope?

4 A Yes. I did.

5 Q And when did you prepare that?

6 A Appears to be "June the 19th of 2019."

7 Q And was that the date that you did, or around the time
8 that you did the extraction?

9 A Yes. I would've done the extraction the day before on
10 the 18th.

11 Q After you concluded your extraction, did you put the
12 phone back in the manila envelope and seal it up?

13 A Yes. I did.

14 Q And did you return it to evidence?

15 A Yes.

16 Q Other than doing the cell phone analysis, did you tamper
17 with the phone in any way?

18 A No.

19 Q Did you remove anything from it or add anything to it?

20 A No.

21 Q Did you retrieve the phone from evidence again in January
22 of 2023?

23 A I believe I did, yes.

24 Q And was it sealed at the time that you retrieved it?

25 A Yes.

1 Q Did you perform another cell extraction on the phone?

2 A Yes. I did.

3 Q And then did you seal it back up and return it back into
4 evidence?

5 A Yes. I did.

6 Q Other than doing another extraction, did you tamper with
7 the phone in any way?

8 A No. I did not.

9 Q Did you add anything to it or take any -- or remove
10 anything from it?

11 A No. I did not.

12 MS. HALLFORD: Your Honor, at this time, State moves
13 State's Exhibit Number 7, which is the Galaxy phone
14 into evidence.

15 MR. GROSE: No objection.

16 THE COURT: Without objection, it's admitted.

17 (WHEREUPON, a Samsung phone, it is marked into
18 evidence as State's Exhibit No. 7.)

19 Q Does the Samsung run on the Android operating systems?

20 A Yes. They do.

21 Q Okay. From having talked to me, you know that I have no
22 clue about any of this. Can you just kind of explain to
23 the jury what an operating system is?

24 A So the operating system, of course, is the proprietary
25 software provided by the manufacturer of the operating

1 system on the device. So Google -- so if you have an
2 Android phone, it's provided by Google. If you have an
3 iPhone, it's provided by Apple.

4 And if you -- if you're old school, and you have a
5 Microsoft phone, -- it's -- it's a -- it's a collector
6 now -- it would be Microsoft operating system installed
7 on that. It's the proprietary software that allows the
8 device to function.

9 Q When you analyzed [REDACTED] phone in 2019, the initial
10 extraction, did you use the Cellebrite software?

11 A Yes. I would have.

12 Q And I think at some point you called that "Advanced
13 Logical?"

14 A Right. So you have a Cellebrite physical analyzer, and
15 you have a Cell -- Cellebrite UFED, which is universal
16 forensic extraction device. Sorry. I'm gonna slow down.
17 So you would use the UFED program from Cellebrite to do
18 the physical extraction from the device. So the UFED
19 program would communicate with the phone and then tell
20 you what type of extraction you can pull from the phone.
21 You have three types of extractions. You have an
22 Advanced Logical, you have a file system, and then you
23 have a physical.

24 An Advanced Logical is pretty much whatever the user
25 -- user can see on their phone or what they can

1 physically go through and see on their phone. A file
2 system extraction is going to find file folders, just
3 like you would look on a hard drive, you would see all
4 the subfolders. A file folder would go in and pull all
5 those subfolders. And then a physical extraction does a
6 bit-by-bit copy of the cellular device. And so
7 whatever's on that cell device in the memory, would do a
8 bit-by-bit copy of it.

9 So, at that point, whenever I hooked this device up,
10 it was only supported at that time to do an Advanced
11 Logical extraction.

12 Q And you said that the Advanced Logical would only let you
13 see what somebody could see on their phone just scrolling
14 through it; is that correct?

15 A In layman's terms, correct, yes.

16 Q Well, I'm a layman. So Advanced Logical could not pull
17 up anything that had been deleted from the phone, --

18 A Correct.

19 Q -- is that accurate?

20 A Correct.

21 Q So if **Child** or someone else had deleted things from that
22 phone prior to you running the Advanced Logical program
23 on that, at that time, you could not recover those
24 things?

25 A That's correct.

1 Q Was there any other program at that time that you were
2 aware of that you could have used to recover deleted
3 items from an Android operating system?

4 A There -- there is an operating -- there is a program that
5 would, but it would require you to send it off to Grey
6 Key in Tel Aviv, Israel, which cost about \$3,000 at the
7 time.

8 Q Okay. So this is -- in front of you, this is the report
9 from the first extraction?

10 A That's correct.

11 Q And then this disc, what is -- what is that?

12 A This disc would be the -- the extraction itself, the
13 report, the extraction that Cellebrite created from the
14 extracting of the cellular device.

15 Q And after you did this, did you put that in this manila
16 envelope and seal it up?

17 A Yes. I did.

18 Q Okay. And put it into evidence?

19 A Yes.

20 MS. HALLFORD: Your Honor, at this time we move the
21 -- what is State's Number 9 into evidence.

22 MR. GROSE: What -- what is the number right there?

23 MS. HALLFORD: Oh, I'm sorry. It's the initial
24 extraction report and disc.

25 MR. GROSE: No objections.

1 THE COURT: Without objection, State 9 admitted.

2 (WHEREUPON, cell phone examination, it is

3 marked into evidence as State's Exhibit No. 9.)

4 Q At the time that you did the extraction on [REDACTED] phone,
5 were you able to recover some images?

6 A Yes. I was.

7 Q And can you tell us what type of in -- in -- images you
8 recovered?

9 A There were images on the phone that included images of
10 female genitalia to include the vaginal area and the
11 breasts.

12 Q I'm showing you what's been marked State's Exhibit Number
13 14. If you wanna hold those down there --

14 A Okay.

15 Q -- so that they can't be seen and look through those. Do
16 those appear to be the -- or are those the photos that
17 you recovered from [REDACTED] phone?

18 A Yes.

19 Q In some of those photos was the face visible?

20 A Yes. The face was visible in some of the photos.

21 Q And did the photos appear to be of a juvenile?

22 A Yes.

23 Q And these photos that you have looked through, have they
24 been edited or altered in any way?

25 A No.

1 MS. HALLFORD: Your Honor, at this time, State moves
2 State's 14 into evidence.

3 MR. GROSE: No objection.

4 THE COURT: Without objection, State 14 admitted.

5 (WHEREUPON, photographs, it is marked into
6 evidence as State's Exhibit No. 14.)

7 Q Where on the phone were those images recovered?

8 A I believe those devices were found in the cache files.

9 Q So explain to us what cache files are?

10 A So a cache file is -- say, you're scrolling through on
11 your cell phone or even on your computer, and you go to a
12 website, or you open up a photo. You know, sometimes it
13 may take a minute to load that website because that's the
14 first time you went to it.

15 Once you visit that website or open up a photo, it
16 will then condense that photo or those artifacts from
17 that website and save it on your phone or computer
18 without you knowing to allow you the next time you open
19 it up, to open it up faster. And so that is what's
20 considered the cache.

21 Q So you said, "without you knowing." So the cache is not
22 like where you would keep your regular photo gallery?

23 A No. No. It's on the operating system. It's a file
24 system -- file folder on the operating system.

25 Q Okay. Were you able to determine anything about what

1 device was used to take those pictures when they were
2 taken or where they were taken?

3 A No. The cache doesn't store any metadata.

4 Q Explain "metadata."

5 A Metadata is a collection of the type of device, possible
6 location, date, and time that that photo was taken.
7 That's considered metadata, and that'll be captured
8 whenever the photo is taken normally on a lot of
9 operating systems.

10 Q If those were images that were taken with that phone, why
11 would they not show up in the gallery, as well?

12 A They could have been deleted.

13 Q Did you, in your initial extraction, find any videos of
14 people having sex or **Child** having sex with someone?

15 A No. I did not.

16 Q If a video of that nature had been recorded around
17 February or March of 2019 and then deleted, would you not
18 have been able to find it because Advanced Logical
19 couldn't find deleted videos?

20 A Correct. Correct.

21 Q Did you find any videos on her phone that were
22 pornographic in nature? Like, that somebody else made,
23 and then had been watched on that phone?

24 A No. I did not.

25 Q If her phone had been used to watch pornographic videos,

1 and they were subsequently deleted from the phone, why
2 would you not be able to locate those?

3 A Because the Advanced Logical does not allow recovery of
4 deleted items.

5 Q If there had been pictures that -- of a -- of penises
6 that had been sent to that phone or somehow gotten on
7 that phone, and -- you didn't find any of those, correct?
8 When you did the first phone extraction?

9 A Correct. Did not find any on the first extraction.

10 Q If pictures of a penis had been sent to that phone and
11 were deleted, is it because Advanced Logical couldn't
12 find deleted things that you did not locate them?

13 A That's correct. Advanced logical will not recover
14 deleted.

15 Q Did you find any video chats from Google Duo between the
16 defendant and the victim?

17 A I did not.

18 Q If **Child** deleted video chats, why would you not be able
19 to find them?

20 A Because the Advanced Logical doesn't support the recovery
21 of deleted items.

22 Q Did you find Google Duo on the -- it's an app, right?

23 A Correct.

24 Q Google Duo's an app. Did you find that on **██████████** phone?

25 A I did not.

1 Q And can you delete apps?

2 A Correct. Yes.

3 Q Did you find any e-mails exchanged between Child and the
4 defendant on her phone?

5 A I did not.

6 Q If there had been e-mails on her phone, and they were
7 deleted, again, why would you not have been able to find
8 them?

9 A Advanced Logical doesn't support the recovery of deleted
10 items.

11 Q And is that the same thing with any text messages that
12 would've been on that phone?

13 A Correct.

14 Q Did you find a Facebook app on phone?

15 A Yes.

16 Q Did you find anything on Facebook that was related to
17 Cody Hudson?

18 A I did not.

19 Q If there had been Facebook messages, and they were
20 deleted, would it have -- would you not be able to find
21 them because Advanced Logical didn't support that?

22 A That's correct.

23 Q So you said that you did -- in January of 2023, you did a
24 second extraction on that phone?

25 A That is correct.

1 Q What was the reason for doing a second extraction?

2 A Since the time of doing the extraction in 2019,
3 Cellebrite had come out with a new product called
4 "Cellebrite Premium" that allowed the end user like
5 myself and other forensic investigators to get a physical
6 extraction off of the device.

7 Q And what does "a physical extraction" mean?

8 A A physical extraction is a bit-by-bit copy of the memory
9 of the phone.

10 Q So would that allow you to recover data that -- things
11 that had been deleted?

12 A Possibly, yes.

13 Q Okay. What did you do with the phone when you did your
14 second extraction?

15 A The device was removed from evidence and then connected
16 to the Cellebrite Premium hardware, where Cellebrite
17 Premium software was run to complete an extraction from
18 the device.

19 Q And did you find some deleted artifact -- I think you
20 call them "artifacts"?

21 A Correct.

22 Q Did you find some deleted artifacts?

23 A I found some artifacts that were in file folders that
24 were not accessible by Advanced Logical.

25 Q Okay. I am handing you what's been marked State's

1 Exhibit Number 11 and State's Exhibit Number 10 for
2 identification. Can you tell me what those are?

3 A Those are images of a male penis.

4 Q And did you recover those when you did the second
5 extraction?

6 A I did.

7 Q And have those pictures been edited or altered in any
8 way?

9 A No. They have not.

10 MS. HALLFORD: Your Honor, at this time, State moves
11 State's 10 and 11 into evidence.

12 MR. GROSE: No objection.

13 THE COURT: Without objection, State's 10 and 11
14 admitted.

15 (WHEREUPON, sensitive photos, are marked into
16 evidence as State's Exhibits Nos. 10 and 11.)

17 Q Okay. So what was the date -- the picture with the green
18 shirt there, what was the date that that was recovered?

19 A Off the top of --

20 Q Or what was the date that you found -- let me backup.

21 A Okay.

22 Q Was there any information on the phone related to when
23 that picture would have come in? Is what I'm trying to
24 say.

25 A Yes. There was metadata attached to the -- these photos.

1 Q Okay. And so on the photo with the lime-green shirt,
2 what date did that come in?

3 A Off the top of my head, I can't remember. There were two
4 dates that these devices -- these times came in -- these
5 photos came in.

6 Q Okay. Let me show you this. That has been marked
7 State's Exhibit 12 for identification. Do you know what
8 that is?

9 A Yes. This is my report and the second extraction on the
10 device.

11 Q And after you did that extraction, did you put it in --
12 oh, no. You brought that with you today?

13 A Correct. Yes.

14 Q And has that been in your custody since you created that?

15 A Oh, yes.

16 Q Okay.

17 MS. HALLFORD: Your Honor, at this time, State moves
18 State's Exhibit 12 for identification into evidence.

19 MR. GROSE: No objection.

20 THE COURT: Without objection, State's 12 is
21 admitted.

22 (WHEREUPON, Digital Evidence Forensic
23 Examination Report, it is marked into evidence
24 as State's Exhibit No. 12.)

25 Q Okay. All right. So we're talking about the lime-green

1 shirt.

2 A Okay.

3 Q And the porta-john?

4 A Correct.

5 Q Can you tell us what date that -- what date was
6 associated with that in the metadata?

7 A The date associated with that one in the metadata -- and
8 I'm looking back over my report -- so in my report, I
9 just have the title of the -- of the image, so I'm not
10 exactly (as spoken) which one of those images that title
11 is, but one image was on April 22nd of 2019, and the
12 other one was April 12th, 2019.

13 Q And you don't remember which one was which?

14 A Not looking -- not looking at the photos. I'd have to
15 look at the extraction to see exactly which was which.

16 Q Okay. Do you recall telling me that the lime-green shirt
17 came in on April 12th?

18 MR. GROSE: Objection. And it's -- that's leading.

19 MS. HALLFORD: I'll withdraw.

20 THE COURT: Withdrawn.

21 Q Where did you locate those pictures in [REDACTED] phone with
22 the second extraction?

23 A Well, they were found in a folder -- a download folder
24 with a subfolder of attachments.

25 Q Based on the images being found in a download folder,

1 what were you able to conclude about how they came to be
2 on the phone?

3 A Those devices were -- in my opinion, delivered the device
4 via e-mail.

5 Q Is this something you know for sure, or . . .

6 Q Based on looking at the file path of the -- of the photos
7 and what folder they were found in with the folder being
8 the downloads and a subfolder of attachments, in my
9 opinion, they came through e-mails because you don't have
10 attachments on text messages or chats or anything along
11 those lines. Attachments are for e-mails.

12 Q Were you able to determine anything about the type of
13 device that took that picture?

14 A Yes.

15 Q And what were you able to determine?

16 A The device that took the images of the -- the two male
17 penis images was a Samsung Galaxy S8 Plus, just like the
18 victim's, but it was a different model. So the photos
19 that was extracted from the victim's device was not taken
20 by the victim's device. It was taken by another phone.

21 Q Were you able to determine anything about when the times
22 -- when either of those pictures would've come in?

23 A I believe one came in at like 6:30 in the morning and the
24 other one was like 3:20 in the afternoon on the
25 respective dates.

1 Q So the photo that came in on April 22nd, can you tell me
2 what time that came in?

3 A I believe that was, the best of my recollection, I
4 believe it was 3:20 in the afternoon.

5 Q Is there anything that you could use to refresh your
6 memory on this?

7 A The extraction.

8 Q And how would we access the extraction?

9 A Through a computer.

10 Q Okay.

11 MS. HALLFORD: (To unknown) Can we borrow your
12 computer? Thank you.

13 A (Complies.) This is a rather large extraction. It may
14 take a few minutes to load.

15 Q Okay.

16 THE WITNESS: In my opinion, about ten minutes would
17 be how long it'll take to load, Your Honor.

18 MS. HALLFORD: Your Honor, may we approach.

19 (WHEREUPON, a bench conference was held.)

20 THE COURT: Madam Forelady and ladies and gentlemen,
21 I'm assured it's going to take at least ten minutes
22 or maybe just a few minutes more. So rather than
23 you sit there, we're gonna -- we'll take another
24 break so you can refresh yourselves this afternoon,
25 and then we'll come back and work till end of the

1 day. Madam Forelady, if you'd take the jury out,
2 please.

3 (WHEREUPON, the jury was excused at 3:54 p.m.)

4 (Off the record from 3:54 p.m. until 4:09
5 p.m.)

6 THE BAILIFF: Be seated. Come to order please.

7 THE COURT: Thank you. Thank you. (To the bailiff)
8 Tell them we're ready.

9 MS. HALLFORD: May -- may we -- we approach about
10 the evidence real fast?

11 MR. GROSE: Yeah. For sure.

12 MS. HALLFORD: Okay.

13 MR. SMITH: (To the Court) Do you have a list of
14 what exhibits have been admitted? Do you know?

15 THE COURT: I do.

16 MR. GROSE: We had a discrepancy with the court
17 reporter. I just wanted to clear up before we --

18 THE COURT: I have State's 6 as an e-mail of the
19 defendant to the victim. State's 7 is the phone,
20 State's 9 is an extraction report, State's 10 and 11
21 are the pictures of the male penis, State 12 is the
22 second report.

23 THE CLERK: And 14.

24 MS. HALLFORD: And 14.

25 MR. SMITH: Fourteen.

1 THE CLERK: Yeah.

2 MS. HALLFORD: The pictures of the victim.

3 THE CLERK: Add 14.

4 MR. GROSE: All right. We are good then.

5 MS. HALLFORD: Okay. So --

6 THE COURT REPORTER: Okay.

7 MS. HALLFORD: Okay.

8 MR. SMITH: All right. And I don't know if we wanna
9 put this on the record, Your Honor. During the
10 break --

11 THE COURT: Yes. I do.

12 MR. GROSE: -- the picture that was referred to by -
13 - (To Ms. Hallford) what's her name?

14 MS. HALLFORD: Kelli Clune.

15 MR. SMITH: -- the expert in child abuse, we -- we
16 would make that a court's exhibit since you did
17 refer to it, and it won't be there for the jury, but
18 just if somebody wants to look at it later --

19 THE COURT: Sure.

20 MR. SMITH: It's Court's Exhibit 4.

21 (WHEREUPON, diagram of vagina, it is admitted into
22 evidence as Court's Exhibit No. 4.)

23 THE COURT: State's 14 is the -- the defendant's
24 cache file. Okay.

25 MR. SMITH: All right.

1 MS. HALLFORD: And while we're waiting them -- for
2 them to come in, we have the permission to search
3 persons that was signed by the defendant and the
4 defense attorney, and it specifies that this was
5 done at the Spartanburg County Jail Annex. And
6 we're just making this a court's exhibit and not --
7 as the jury won't see it.

8 THE COURT: Right. (To Mr. Grose) Without
9 objection?

10 MR. GROSE: Without objection.

11 (WHEREUPON, permission to search persons, it is
12 admitted into evidence as Court's Exhibit No. 5.)

13 THE COURT: Okay. Are we ready now?

14 MR. SMITH: Yes, Your Honor.

15 THE COURT: Okay. (To the bailiff) We'll have the
16 jury.

17 THE BAILIFF: Yes, sir.

18 (WHEREUPON, the jury enters open court at 4:12
19 p.m.)

20 THE COURT: Okay. Yeah. Sure. Madam Forelady,
21 everybody good?

22 MADAM FORELADY: Yes.

23 THE COURT: Thank you. Solicitor?

24 MS. HALLFORD: Thank you, Your Honor.

25 **DIRECT EXAMINATION OF BRANDON LETTERMAN CONTINUES.**

1 BY MS. HALFORD:

2 Q Okay. Going back to State's 10.

3 A Yes.

4 Q Okay. You got your extraction report up now?

5 A Yes. I do.

6 Q Okay. You already testified, I believe, that you could
7 tell that that device was -- that picture was taken by a
8 Samsung device; is that --

9 A Yes. That was --

10 Q -- correct?

11 A -- taken by a Samsung Model SM-G955U1.

12 Q Okay. And were you able to determine anything from
13 looking at that report about how that ended up on [REDACTED]
14 phone?

15 A Yes. It was in the downloads folder with a subfolder of
16 attachments.

17 Q Okay. So it -- she -- does that mean she had to download
18 it to her phone, and it came in as an attachment to
19 something?

20 A Correct. That is correct.

21 Q Okay. Were you able to determine when that picture,
22 State's Exhibit 10, was sent to [REDACTED] phone?

23 A The device -- the -- the device that took the picture,
24 the picture was taken by that device on April the 12th,
25 2019, at 3:20 in the afternoon. It was downloaded on her

1 phone on the same day, April 12th, 2019, at 3:41 in the
2 afternoon.

3 Q Okay.

4 A So approximately 20 -- 21 minutes later.

5 Q So why weren't you able to recover this picture when you
6 did your initial extraction?

7 A It was located in the download attachment folder, which
8 was not accessible -- accessible with the Advanced
9 Logical at that time.

10 Q Okay. And I'm showing you what's been marked State's
11 Exhibit 11.

12 A Okay. All right.

13 Q And, again, I believe you testified that to this picture,
14 you were able to determine that a Samsung device took
15 this picture?

16 A Yes. It's the same type of model that took the prior
17 picture took this photo, as well.

18 Q Okay. Were you able to determine anything about how this
19 picture came to be on [REDACTED] phone?

20 A Just as the same photo prior, it was in the download's
21 attachment folder. So it had been -- had to have been
22 downloaded to her device.

23 Q Were you able to determine when the picture was actually
24 taken?

25 A Yes. This picture was taken on April the 22nd, 2019, at

1 6:30 in the morning.

2 Q And, again, why weren't you able to recover this picture
3 when you first analyzed the phone?

4 A Well, it was in the download's attachment folder, which
5 was not accessible by the Advanced Logical extraction.

6 Q If there were other videos, e-mails, texts that had been
7 deleted, and you were able to recover these two deleted
8 pictures, why would you not have been able to recover
9 other things initially?

10 A Without trying to bore you quite as much with the -- all
11 the technological stuff, there's two types of programs
12 that are installed on the -- on the memory system of the
13 cell phone. You have wear leveling, and you have what
14 they call "garbage collection." Wear leveling and
15 garbage collection are proprietary software by the
16 manufacturers of the operating system.

17 So whenever you delete -- imagine your -- your
18 memory's like a game of Tetris. When you delete
19 something, it goes as a block on that panel. And it just
20 sits there taking up space on your phone that your phone
21 wants to use to save stuff, but it's just sitting there.
22 And it won't go anywhere until a program called "wear
23 leveling" is run by the device. We don't know the rhyme
24 or reasons as to why it runs, it just runs however the
25 operating system has it running.

1 So it'll come in and take all those blocks that are
2 just sitting there taking up space on the memory and will
3 take all those blocks and move them to a nice neat little
4 block in the very bottom corner. So all that space is
5 open back up for your phone to use as memory. And it'll
6 stay down there in that part of the memory until a
7 program called "garbage collection" is run. And garbage
8 collection is just like a bulldozer coming in, taking all
9 that neat stuff that wear leveling stacked up -- the
10 deleted stuff, and then wipes it completely off your
11 phone forever. There's no more traces of it on your
12 phone at that point.

13 So, hypothetically, if you have a device that has
14 deleted something and where leveling has not run or
15 garbage collection has not run, you can recover it. But
16 if garbage collection has run since they deleted it,
17 you're not going to recover it.

18 MS. HALLFORD: (To the Court) I have no further
19 questions.

20 THE COURT: Counsel?

21 **CROSS-EXAMINATION OF BRANDON LETTERMAN**

22 BY MR. GROSE:

23 Q Where is the other -- the --

24 A The first extraction is right there.

25 Q This one?

1 A Yes, sir. It should be.

2 Q Here we go. And that's State's Exhibit Number 9. On --
3 in -- in this -- in -- in this report, on Page 3, this is
4 where you talk about the photographs of the female
5 showing genitalia: vagina and breast; is that right?

6 A Yes. Yes, sir.

7 Q All right. And you said that these were cache files?

8 A Yes, sir.

9 Q And so there was no metadata on those?

10 A That's correct.

11 Q Okay. Now, of course, these -- these photographs you
12 keep in the secure area in the sheriff's department?

13 A That's correct, yes.

14 Q Okay. But you do allow the people connected with the
15 case to come in and look at them?

16 A As far as like the lead investigator and solicitors,
17 that's correct.

18 Q Well, and -- and before we came to trial, I met with you
19 about this, as well?

20 A That's correct.

21 Q Okay. Now, these pictures appear to be selfies?

22 A Yes.

23 Q Okay. And by "selfie," we obviously mean taken by the
24 person --

25 A That's in the image, correct.

1 Q -- that's in the image? Now, in here, you also say that
2 these images could have been sent via an app, and the
3 images were stored in the -- by -- stored by default in
4 the cache?

5 A Correct.

6 Q All right. And is this State's 14? I think it's the
7 folder with the images in them; is that right?

8 A Let me take a look. Yes, sir. That is correct.

9 Q All right. And -- and there is evidence in that folder
10 of at least one application being involved?

11 A There is one, yes.

12 Q And -- and that's the TikTok application?

13 A Yes. There's a screen capture from a TikTok of a young
14 white female with -- exposing her chest area with a bra
15 on, correct.

16 Q Okay. And from your examination, you don't know whether
17 that image was sent or who it might have been sent
18 through TikTok, do you?

19 A Correct. No. I do not.

20 Q Okay. State's Exhibit Number 6, which is already into
21 evidence, is a string of e-mails.

22 A Okay.

23 Q And -- and you've -- you've seen that before because we
24 looked at that in your office a couple weeks ago.

25 A We were in my office, but I did not remember seeing this

1 piece of paper, no.

2 Q Oh, you don't remember looking for -- to see whether that
3 e-mail was on the extraction?

4 A During our meeting, I was asked to look for e-mails on
5 the extraction, but I have not seen this document.

6 Q Okay. You haven't seen that document, but you looked for
7 e-mails, and you were not able to find those e-mails on
8 the extraction?

9 A That's correct.

10 Q Okay. That -- that's what I was trying to get at. In
11 your direct examination, there was a question about
12 Facebook. Do you remember that?

13 A Yes.

14 Q All right. So -- so, at this point, we -- we -- we're
15 talking about Gmail, we're talking about TikTok, we're
16 talking about Facebook; is that right?

17 A Okay. Yes, sir.

18 Q There are procedures that you're familiar with where you
19 can get evidence directly from one of those providers;
20 isn't that right?

21 A That is correct, yes, sir.

22 Q All right. You -- you just need to know the name of the
23 account, right?

24 A You'll need the -- yes. Not just the username, but
25 you'll need the account identifier, correct. Yes.

1 Q Right. Right. So -- and -- and, certainly, y'all had
2 access to Child and you could get her account
3 information for Gmail, right?

4 A Correct. Yes.

5 Q And you have access to Child and you could have gotten
6 her account information for TikTok?

7 A Correct. Yes.

8 Q And you had access to Child and you could have gotten
9 her account information for Facebook?

10 A That's correct.

11 Q And you could have gotten her account information for any
12 other apps that you thought were relevant?

13 A That's correct.

14 Q Okay. But you didn't get the account information from
15 Facebook?

16 A I did not, no. My job was to do a cell phone forensics
17 extraction.

18 Q And sitting here today, you're not aware of any
19 information that was obtained from Facebook related --

20 A No. I'm not.

21 Q -- to this case?

22 A I'm not.

23 Q All right. And sitting here today, you're not aware of
24 any information that was obtained from Gmail related to
25 this case, are you?

1 A No. I am not.

2 Q And sitting here today, you're not interested -- you're
3 not familiar with any information that was obtained from
4 TikTok that's related to this case, are you?

5 A No. I'm not.

6 Q Okay. And the only device that you've been asked to
7 examine is the cell phone -- [REDACTED] cell phone that
8 we're talking about?

9 A That's correct.

10 Q All right. You've not been asked to examine [REDACTED]
11 mother's cell phone?

12 A No. I have not.

13 Q You've not been asked to examine Cody's cell phone?

14 A No. I was not.

15 Q All right. And does it look like these e-mails were
16 printed from a -- a computer?

17 A Yes.

18 Q Okay. In your investigation, have you ever had it
19 identify which computer printed those e-mails?

20 A No. I have not.

21 Q And, therefore, I guess in your investigation, you've not
22 been asked to examine the computer that printed those e-
23 mails?

24 A That's correct. I was not.

25 Q Okay.

1 MR. GROSS: I beg the Court's indulgence?

2 THE COURT: Yes, sir.

3 MR. GROSE: (To the Court) That -- that's all the
4 questions I have at this time. (To the witness)
5 Thank you for being here and thank you for letting
6 us meet with you -- or let me meet with you a couple
7 weeks ago.

8 THE WITNESS: Sure.

9 THE COURT: Solicitor, anything else to those
10 questions?

11 MS. HALLFORD: Nothing, Your Honor.

12 THE COURT: Nothing?

13 MS. HALLFORD: No, sir.

14 THE COURT: Okay. Sir, you may step down. Please
15 be careful.

16 (WHEREUPON, the witness was excused.)

17 MR. GROSE: Put all this back together.

18 MS. HALLFORD: May Defense Counsel and I approach,
19 Your Honor.

20 THE COURT: Sure.

21 (WHEREUPON, a bench conference was held.)

22 MS. HALLFORD: State calls -- State calls Jake
23 Brewster.

24 (WHEREUPON, the witness was sworn.)

25 THE COURT: Sir, adjust the microphone and tell us

1 who you are and spell your last name for my court
2 reporter.

3 THE WITNESS: My name is Jake Brewster. Last name
4 is B-r-e-w-s-t-e-r.

5 **DIRECT EXAMINATION OF JAKE BREWSTER**

6 BY MS. HALLFORD:

7 Q You're -- you're employed at the Spartanburg County
8 Sheriff's Office?

9 A Yes, ma'am.

10 Q And what are your responsibilities there?

11 A I'm a crime scene investigator in the forensics unit. I
12 do everything from take photo document cases,
13 fingerprints, collect evidence, DNA.

14 Q How long have you been at the sheriff's office?

15 A Four years.

16 Q Where were you employed prior to coming to the sheriff's
17 office?

18 A Amarillo Police Department in Texas.

19 Q Prior to that, what did you do?

20 A I was a correctional officer for 18 months.

21 Q And were you previously in the military?

22 A Yes, ma'am. I served eight years in the United States
23 Air Force.

24 Q Were you working on July 12th of 2023?

25 A Yes, ma'am. I was.

1 Q Were you tasked with taking photographs of the
2 defendant's genitalia on that day?

3 A Yes, ma'am. I was.

4 Q Did the defendant and his attorney both sign a permission
5 to search person's form in your presence?

6 A They did.

7 Q And after that form was signed, did you end up taking
8 some pictures of the defendant's penis?

9 A Yes, ma'am.

10 Q Prior to taking the photographs, was the defendant given
11 a room by himself so that he could get an erection?

12 A Yes, ma'am. He was.

13 Q And once his attorney told you that the defendant was
14 ready, what did you do?

15 A I then proceeded into the room and took four photographs
16 of his erect penis.

17 Q What, if anything, did he say to you when you started
18 taking the photographs?

19 A "Hurry up. I'm losing it. It's going down."

20 Q How long were you in the room with the defendant while
21 you were taking the pictures?

22 A Less than 30 seconds.

23 Q Is the person whose pictures you took on July 12th of
24 2023, in the courtroom today?

25 A Yes, ma'am. He is.

1 Q Can you identify him please?

2 A (Indicates.) He's wearing a white shirt; sitting at that
3 table.

4 Q I am showing you what's been marked State's Exhibit 13
5 for identification. Do you recognize that?

6 A Yes, ma'am. I do.

7 Q Other than being zoomed in to kind of take out the
8 background information, is that a fair and accurate
9 depiction of his penis as you photographed it on July
10 12th of 2023?

11 A Yes, ma'am.

12 Q All right. Has that photograph been edited or altered in
13 any way?

14 A No, ma'am.

15 MS. HALLFORD: Your Honor, at this time, State moves
16 State's Exhibit 13 into evidence.

17 MR. GROSE: No objection.

18 THE COURT: Without objection.

19 (WHEREUPON, sensitive photo, it is marked into
20 evidence as State's Exhibit No. 13.)

21 Q Other than taking the -- the picture of Mr. Hudson's
22 penis, did you have any other involvement in this case?

23 A No, ma'am. I did not.

24 MS. HALLFORD: (To the Court) I have no further
25 questions.

1 THE COURT: Counselor?

2 MR. GROSE: (To the witness) Thank you for your
3 service and being here. I don't have any questions.

4 THE WITNESS: Yes, sir. Thank you.

5 THE COURT: Thank you, sir. You may step down.
6 Please be careful.

7 (WHEREUPON, the witness was excused.)

8 THE COURT: (To Ms. Hallford) This is a SLED agent?

9 MS. HALLFORD: Formerly SLED.

10 THE COURT: Former. Madam Forelady and ladies and
11 gentlemen, we have one more witness that I
12 understand will be a short witness. And she is on
13 her way. Formerly from SLED, is coming from
14 Columbia. (To Ms. Hallford) Is that where she's
15 coming from?

16 MS. HALLFORD: Yes. Yes, sir.

17 THE COURT: She's on the road now, but it's going --
18 she has indicated that it's going to be about a
19 quarter till or ten till before she makes it here,
20 but I'm still told that -- that we'll probably be
21 done by 5 p.m. She's a very short witness, but we
22 gotta wait on her.

23 So with that in mind, we're going to just give
24 you a recess here for a few minutes and we'll
25 collect back up as soon as she walks in the door.

1 Madam Forelady, if you can take the jury out.

2 (WHEREUPON, the jury was excused at 4:30 p.m.)

3 THE COURT: Okay. We'll stand at ease until our
4 next witness gets here.

5 MS. HALLFORD: Thank you, Your Honor.

6 (Off the record from 4:31 p.m. until 4:56
7 p.m.)

8 THE BAILIFF: Remain seated. Come to order, please.

9 THE COURT: Thank you.

10 (WHEREUPON, a bench conference was held.)

11 THE COURT: Okay. Everybody ready?

12 MS. HALLFORD: Yes, sir. Your Honor.

13 THE COURT: (To the bailiff) We'll have the jury.

14 (WHEREUPON, the jury enters open court at 4:57
15 p.m.)

16 THE COURT: Madam Forelady, everybody good? Missing
17 somebody?

18 MADAM FORELADY: Yes. Are we missing?

19 THE COURT: It's all good. I believe we are.

20 UNKNOWN JUROR: (To the Court) We just shifted.

21 THE COURT: Oh, okay. Start counting. We supposed
22 to have 14.

23 MS. SMITH: (To the Court) You said they could sit
24 wherever.

25 THE COURT: Yeah. You can sit wherever. Okay.

1 Solicitor?

2 MS. HALLFORD: State calls Brandon Letterman.

3 THE CLERK: Your Honor, do you want me to swear him?

4 THE COURT: He's already sworn. Thank you. Sir,
5 you were previously sworn, you remain sworn.

6 THE WITNESS: Yes, sir.

7 THE COURT: Solicitor?

8 **REDIRECT EXAMINATION OF BRANDON LETTERMAN**

9 BY MS. HALLFORD:

10 Q The second photo that was extracted from April 22nd, when
11 was that downloaded to [REDACTED] phone?

12 A It appears here that it was downloaded on the 22nd at
13 7:09 a.m.

14 MS. HALLFORD: (To the Court) No further questions.

15 THE COURT: Thank you. Anything to that question?

16 MR. GROSE: No questions.

17 THE COURT: Thank you, sir. You may step down.
18 Please be careful.

19 (WHEREUPON, the witness was excused.)

20 MS. HALLFORD: State calls Charlotte Pitts.

21 THE WITNESS: Thank you.

22 (WHEREUPON, the witness was sworn.)

23 THE COURT: Ma'am, if you'll adjust the microphone
24 and tell us who you are and spell your last name,
25 please.

1 THE WITNESS: My name is Charlotte Pitts, P-i-t-t-s.

2 THE COURT: Thank you. Solicitor?

3 **DIRECT EXAMINATION OF CHARLOTTE PITTS**

4 BY MS. HALLFORD:

5 Q What's your current occupation?

6 A I'm an HR manager.

7 Q Were you formerly employed at SLED?

8 A Yes.

9 Q How long were you with SLED?

10 A About two and a half years.

11 Q Were you working on October 15th of 2019?

12 A Yes.

13 Q I am handing you what has been marked State's Exhibit

14 Number 1. Do you recognize that?

15 A Yes.

16 Q Okay. And is this an item that you received into
17 evidence from Robert Rosenberg from the sheriff's office?

18 A Do you have a copy of the chain of custody?

19 Q Yes. Here you go.

20 A Thank you.

21 Q SLED Item 1?

22 A Okay. Yeah. Yes. The Item 1 was received by me out of
23 the evidence submission lockers.

24 Q Okay. And would that have been sealed by Robert
25 Rosenberg on 10/15/2019?

1 A Yes.

2 Q And is that when you received it?

3 A Yes.

4 Q And where did you put it when you received it?

5 A After it was given a lab number, it was placed on a DNA
6 Intake Shelf Number 92.

7 Q Okay. And was it sealed when it left your possession?

8 A Yes.

9 Q Did you tamper with it in any way?

10 A No.

11 Q Okay. And I'm handing you what's been marked State's
12 Exhibit Number 2 for identification. Do you recognize
13 this?

14 A Yes.

15 Q And is this a heat-sealed pack that you prepared?

16 A Yes.

17 Q That -- that's your name?

18 A Correct.

19 Q And that was dated 10/15/2019?

20 A Yes.

21 Q And do you -- does your internal trainer tell you what
22 was inside the heat-sealed pouch when you created it?

23 A The heat-sealed pouch contained panties described as
24 "panties of victim."

25 Q Okay. And did you also put this one in the same heat-

1 sealed pouch, this manila . . . It's gonna be --

2 A Yeah. Is that Item Number 3?

3 Q Yes. I believe so. Is it a washcloth?

4 A Yes.

5 Q Okay. Why did you have to create the heat-sealed pouch?

6 A Do you mind if I take a look at that? This?

7 Q This?

8 A Yeah.

9 Q No. Not at all.

10 A Whenever the package was received from the evidence
11 submission lockers, the seal tape did not have initials
12 or a date in the day that it was sealed.

13 Q But it was sealed when you received it?

14 A Yes. It was sealed.

15 Q And when you put it into the heat-sealed pouch and sealed
16 that, were they still sealed --

17 A Yes.

18 Q -- when you put them in there?

19 A Yes.

20 Q Did you open them up or tamper with them in any way?

21 A I did not.

22 Q Okay.

23 MS. HALLFORD: (To the Court) I have no further
24 questions.

25 MR. GROSE: Briefly.

1 CROSS-EXAMINATION OF CHARLOTTE PITTS

2 BY MR. GROSE:

3 Q So if I understand you correctly, you're saying that
4 whoever initially sealed that envelope should have dated
5 it and initialed it?

6 A Correct.

7 Q And -- and that heat-sealed envelope had the washcloth
8 and the panties in it?

9 A It appears that one of the envelopes had the panties, and
10 one of them was a blue washcloth.

11 Q Okay. And so since they hadn't done it the right way,
12 you opened that envelope of the heat-sealed envelope and
13 resealed it in an -- in an envelope?

14 A No. I did not open the package.

15 Q Well, how -- what did you end up putting your initials
16 on?

17 A Both of those envelopes were condensed into a container,
18 Container Number A. Just for movement purposes, they
19 were both sealed at the time for laboratory regulations.
20 It has to be in a envelope or adhesive pouch that is
21 initialed and dated. So I followed protocol and put them
22 in a heat-sealed pouch together and initialed and dated.

23 Q I mean, so you -- you had to repackage them to at least
24 some extent?

25 A I just placed them in another heat-sealed pouch, yes.

1 Q Okay. Is this your -- the report?

2 A Yes.

3 Q And it does use the word "repackaged"?

4 A It does use the word "repackaged," yes.

5 Q Okay. So, basically, whoever delivered it to SLED,
6 somebody before you didn't follow the procedures exactly
7 right?

8 A It was not received initialed and dated.

9 Q Which is required by the procedures?

10 A Correct.

11 MR. GROSE: (To the Court) Thank you.

12 THE COURT: Anything else?

13 MS. HALLFORD: Nothing, Your Honor.

14 THE COURT: Thank you. Ma'am, you may step down.
15 Please be careful.

16 (WHEREUPON, the witness was excused.)

17 MS. HALLFORD: (To the witness) Thank you.

18 THE COURT: Madam Forelady and ladies and gentlemen,
19 that will -- we're gonna recess now for the rest of
20 the day and resume tomorrow. We're gonna -- we're
21 gonna resume at 1 p.m. tomorrow. And I'm gonna tell
22 you why. A couple of the SLED agents are gonna
23 testify, and they are in other counties tomorrow
24 morning. So we can't get them here until in the
25 afternoon. So I'm gonna ask you to be in place at 1

1 p.m. At 1 p.m.

2 Please eat lunch before you come. And we'll --
3 we'll take the bench at one, and -- and we'll go
4 from there for the rest of the day. Okay? One p.m.
5 till the rest of the day. Don't talk about the
6 case. Don't try and learn anything about it.

7 Madam Forelady, take your jury out and be
8 excused for the evening.

9 (WHEREUPON, the jury was excused at 5:05 p.m.)

10 THE COURT: Madam Clerk, I'm gonna give these back
11 to you --

12 THE CLERK: Yes, sir.

13 THE COURT: -- for safe keeping.

14 THE CLERK: Thank you.

15 THE COURT: (To the State) Can you think of anyone
16 before the recess will be back at one?

17 MS. HALLFORD: No, sir, Your Honor.

18 THE COURT: Okay. I'll be here in the morning about
19 eight o'clock if anybody needs me.

20 MR. GROSE: Thank you, Judge.

21 THE COURT: Thank you.

22 (Off the record from at 5:06 p.m.)

23 **END OF DAY 2**

24 **DAY 3 OF TRIAL - JULY 19, 2023**

25 THE BAILIFF: All rise, please. Court come to

1 order.

2 THE COURT: Thank you. Thank you. Please be
3 seated. Good afternoon, everyone. All right. (To
4 the bailiff) We'll have the jury.

5 MS. HALLFORD: Oh, just -- do you wish to qualify
6 her outside the presence --

7 MR. GROSE: Yeah.

8 MS. HALLFORD: -- of the jury? Okay.

9 THE COURT: Oh, okay. Okay.

10 THE BAILIFF: Wait, Judge?

11 THE COURT: Yeah. He's gonna -- he wants to qualify
12 outside the presence of the jurors.

13 MS. HALLFORD: State calls Rebecca Grounsell.

14 (WHEREUPON, the witness was sworn.)

15 THE COURT: (To the witness) Ma'am, tell us who you
16 are and spell your last name, please?

17 THE WITNESS: My name is Rebecca Grounsell, G-r-o-u-
18 n-s-e-l-l.

19 THE COURT: Solicitor?

20 **(PROFFER) DIRECT EXAMINATION OF REBECCA GROUNSELL**

21 BY MS. HALLFORD:

22 Q Where are you currently employed?

23 A I am with the Children's Advocacy Center of Spartanburg,
24 Cherokee --

25 Q How long --

1 A -- and Union.

2 Q How long have you worked for the CAC?

3 A I have been there collectively for, I think, 14 years.

4 Q Can you just briefly explain what your duties are there?

5 A Yes. I am a child forensic interviewer, or sometimes
6 we're called a forensic evaluator. And my role is to
7 conduct forensic assessments with children who are in the
8 process of an investigation for suspected child abuse.

9 Q What's your educational background?

10 A I have a bachelor's degree from Winthrop University, and
11 a master's degree from the University of Tennessee in
12 Knoxville.

13 Q Beyond your bachelor's and master's, do you have any
14 specialized training? Professional licensing?
15 Certifications? Things of that nature?

16 A Yes. I am licensed by the State of South Carolina as a
17 independent social worker of clinical practice.

18 Q Do you have additional training beyond your regular
19 education in the field of child abuse and sexual assault?

20 A Yes. Specifically with forensic interviewing, I
21 completed training, and I believe it was 2006, at the
22 National Children's Advocacy Center in Huntsville for
23 forensic interviewing. And to maintain my licensure, I
24 have to have 40 continuing hours of education every two
25 years. And most of that has been focused on - - in the

1 area of child abuse, forensic interviewing, or mental
2 health.

3 Q Are you the member of any professional associations
4 related to child abuse, child sexual assault?

5 A Yes. I am a member of APSAC, which is the acronym for
6 the American Professional Society Against the Abuse of
7 Children.

8 Q Teaching experience?

9 A I have presented -- I have presented at some small
10 conferences.

11 Q Okay. And you may have already addressed this, but you -
12 - with the 40 hours bi-yearly, that's like continuing
13 education courses?

14 A Yes.

15 Q Okay. The methods that you rely upon, are they uniformly
16 accepted and recognized in your field?

17 A Yes.

18 Q Are those methods subject to peer review?

19 A Yes.

20 Q Can you explain what peer review means?

21 A Peer review is what I like to just call basically
22 "quality control," where other professionals that are in
23 the same areas and -- and close to the same level of
24 licensure and are also very experienced in this field,
25 that we meet up at least quarterly to review -- to

1 review, you know, cases and what we're doing to see if
2 there's anything we should be doing differently, to
3 address any emerging research, and just to get feedback
4 on things we can do to improve upon.

5 Q Do you also keep up with the field by reading journals
6 and -- and various publications?

7 A Yes.

8 Q And can you find the methods and principles that you rely
9 upon in articles, journals, and textbooks related to
10 child abuse/child sexual abuse?

11 A Yes.

12 Q Have you previously testified as an expert in child abuse
13 dynamics?

14 A Yes.

15 Q How many times?

16 A Roughly -- and I'm thinking child abuse dynamics or
17 forensic interviewing or something along those lines. I
18 would say, roughly, 50 to 75 times now.

19 Q And you qualified with me twice? Or --

20 A I think it's been more than that, but --

21 Q Okay.

22 A -- yeah.

23 MS. HALLFORD: Your Honor, at this time, the State
24 moves to qualify Ms. Grounsell as an expert in the
25 field of child abuse dynamics.

1 THE COURT: (To Mr. Grose) Counsel?

2 MR. GROSE: Just a couple questions.

3 **(PROFFER) CROSS-EXAMINATION OF REBECCA GROUNSELL**

4 BY MR. GROSE:

5 Q You said that you had presented at smaller presentations?

6 A Yes, sir.

7 Q Looking at your resumé, one looks like it was at a -- a
8 high school.

9 A Yes.

10 Q And the YMCA?

11 A Yes.

12 Q And a church?

13 A Yes.

14 Q And a children's home?

15 A It was a -- it's not added. Well, I have done staff
16 trainings at Thornwell Children's Home, but that was for
17 a bigger foster care conference for the state.

18 Q Okay. And Meridian Behavioral Health, what is that?

19 A That is a mental health agency in North Carolina.

20 MR. GROSE: Okay. (To the Court) That's all I
21 have.

22 THE COURT: Okay. Any objection to her
23 qualification?

24 MR. GROSE: No, sir.

25 THE COURT: Okay. She'll be so qualified.

1 MS. HALLFORD: Okay. (To the Court) So we're
2 gonna bring the jury?

3 THE COURT: Yep.

4 MS. HALLFORD: Or -- or you want me to proffer all
5 my testimony?

6 THE COURT: No. no.

7 MS. HALLFORD: Okay.

8 THE COURT: I'm gonna -- I'm gonna just get her off
9 the stand, --

10 MS. HALLFORD: Okay.

11 THE COURT: -- and let you call her in front of the
12 jury.

13 MS. HALLFORD: Oh, yeah. I --

14 THE COURT: And then -- and then I suppose you want
15 to offer her, and then without objection, and
16 I'll --

17 MS. HALLFORD: Yes. I'll go through her
18 qualifications again and offer her because I want
19 the jury to be seated.

20 THE COURT: (To the witness) Ma'am, step down. And
21 you're gonna -- you're gonna be -- MR. GROSE: (To
22 the Court) I thought we were doing this to avoid
23 going through all of this in front of the -- the
24 jury. Because I don't -- once we start getting
25 into, you know, her qualifications and talking

1 about, you know, interviewing children, forensic
2 assessments, and different things like that, I think
3 that we're starting to, you know, come closer to
4 that line that the Supreme Court doesn't want us to
5 -- to cross.

6 So I don't -- I don't think we need to go -- I
7 don't mind if we truncate it somehow. You know,
8 but, you know, most -- almost everything that she
9 says in her -- you know, in her training, has to do
10 with either child abuse or forensic interviewing.

11 And if -- if we get too far into the forensic
12 interviewing, then I think we're going to get to
13 where she's beginning to endorse an opinion that
14 abuse occurred in the case.

15 MS. HALLFORD: Your Honor, she is not going to say
16 anything other than what she said here. And
17 improper bolstering is testimony that indicates that
18 the witness believes the victim. She said nothing
19 in her qualifications about this victim or any other
20 victim. Just that that's one of the things that she
21 does at the Children's Advocacy Center.

22 She will testify that she knows nothing about
23 this case. She's never met this victim, never
24 talked to this victim, but the State certainly has
25 the right to put her qualifications in front of the

1 jury because that's relevant to whether they're
2 going to accept or reject her testimony.

3 THE COURT: Well, I'm let -- I'm gonna let her put
4 some qualifications in.

5 MR. GROSE: (To the Court) Can I -- can I add one
6 other thing?

7 THE COURT: Yes, sir.

8 MR. GROSE: These jurors know that this child was
9 referred to the Child Advocacy Center, which is her
10 agency, for an interview. And our Supreme Court has
11 been real clear that we don't go into talking about
12 what a forensic interview is.

13 In fact, they've said, "It's an investigative
14 tool that is not something scientific." And if we
15 get into, you know, - - particularly since it's the
16 same agency, - - usually when I have this come up in
17 -- in the Eighth Circuit, they bring somebody from
18 an entirely different agency, so there's not even an
19 appearance that they could have had access to the
20 same records. We're getting dangerously close to --
21 it depends on how her testimony goes, but
22 dangerously close to her putting the stamp of
23 approval on this forensic interview that discloses
24 child abuse.

25 THE COURT: She's -- she's not gonna do that.

1 MS. HALLFORD: Correct.

2 THE COURT: (To the witness) Step down. (To the
3 bailiff) We'll get the jury.

4 THE WITNESS: Okay.

5 (WHEREUPON, the witness was excused.)

6 MS. HALLFORD: Okay.

7 (WHEREUPON, the jury enters open court at 1:14 p.m.)

8 THE COURT: (To the jury) Good afternoon, ladies
9 and gentlemen. Madam Forelady, everything good?

10 MADAM FORELADY: Yes, sir.

11 THE COURT: Give your attention to the solicitor.

12 MADAM FORELADY: Yes, sir.

13 MS. HALLFORD: State calls Rebecca Grounsell.

14 (WHEREUPON, the witness was sworn.)

15 THE COURT: (To the witness) Ma'am, tell us who you
16 are and spell your last name, please?

17 THE WITNESS: My name is Rebecca -- Rebecca
18 Grounsell. My last name is spelled G-r-o-u-n-s-e-l-
19 l.

20 THE COURT: Thank you. Solicitor?

21 **DIRECT EXAMINATION OF REBECCA GROUNSELL**

22 BY MS. HALLFORD:

23 Q Ms. Grounsell, I know from personal -- from previous
24 experience that you are a fast talker.

25 A Yes.

1 Q So keep it slow.

2 A Yes, ma'am.

3 Q Where are you currently employed?

4 A I am with the Children's Advocacy Center of Spartanburg,
5 Cherokee, and Union.

6 Q How long have you been at the Children's Advocacy Center?

7 A I have collectively been there about 14 years.

8 Q Where did you work prior to that?

9 A I actually started there as an intern, was hired on, and
10 from there I did briefly go -- I spent a few years in
11 private practice, and then I worked -- have also worked
12 at Thornwell Children's Home in Clinton. And -- and then
13 I came back in 2016, I believe, to be a full-time
14 dedicated employee there.

15 Q And when you were in private practice, what were you
16 doing?

17 A I was mostly doing mental health treatment with children
18 and adolescents, some adults, but individual therapy.

19 Q Same thing at Thornwell?

20 A At Thornwell, it was only residents of Thornwell Home.
21 So the children and some work with their house parents
22 and that kind of thing.

23 Q But therapy?

24 A Yes.

25 Q Okay. Tell the jury what your educational background is?

1 A I have a bachelor's in social work from Winthrop
2 University; that -- that was in 2006. And then I have a
3 master's in social work from the University of Tennessee
4 in Knoxville. And I am licensed by the State of South
5 Carolina as a independent social worker of clinical
6 practice.

7 Q In addition to your bachelor's degree and your master's
8 degree, do you have additional training in the field of
9 child abuse/child sexual assault?

10 A Yes, ma'am.

11 Q And what would that be?

12 A I -- for my licensure, we are required to obtain 40 hours
13 of continuing education every two years. I cannot
14 remember -- each of those 40 hours, I think, equals ten
15 clock hours. But I'm -- I can't remember that for sure.
16 And most of that time has been dedicated to the field of
17 child abuse, child sexual abuse, child maltreatment, and
18 mental health with children.

19 Q Are you the member of any professional organizations or
20 associations that are related to the field of child
21 sexual assault and child abuse?

22 A Yes. I'm a member of APSAC, and that stands for the
23 American Professional Society Against the Abuse of
24 Children.

25 Q And you take continuing education courses in that 40

1 hours that you mentioned?

2 A Yes.

3 Q Are the methods that you rely upon uniformly accepted and
4 recognized in your field?

5 A Yes.

6 Q Are those methods subject to peer review?

7 A Yes.

8 Q Can you explain to the jury what peer review is?

9 A Yes. So I consider it to be like quality control. It is
10 where at least quarterly that different CACs from across
11 the state will meet up and discuss what's new in
12 research. And we will staff cases and review each
13 other's work to see if there's anything that needs to be
14 improved upon, done differently, or something that we are
15 doing well that we need to continue.

16 Q Do you keep up with journals and publications in your
17 field, read -- read peer review articles, things of that
18 nature?

19 A Yes, ma'am.

20 Q And do you find the methods and principles that are
21 relied upon in your field in articles, journals, and
22 textbooks?

23 A Yes, ma'am.

24 MS. HALLFORD: Your Honor, at this time, State moves
25 to qualify Rebecca Grounsell as an expert in the

1 field of child abuse dynamics.

2 MR. GROSE: No objection.

3 THE COURT: Without objection. Once again, ladies
4 and gentlemen, this witness is being qualified as an
5 expert in her field. Give her testimony what weight
6 that you deem advisable. Solicitor?

7 Q Have you had any personal involvement with the victim in
8 this case?

9 A No.

10 Q Have you had any involvement with the investigation in
11 this case?

12 A No.

13 Q Reviewed any of the documentation?

14 A No.

15 Q In short, do you know anything about this case other than
16 that you were subpoenaed to be here?

17 A No.

18 Q Are you sometimes referred to as a "blind expert"?

19 A Yes.

20 Q Are you called a "blind expert" because you are supposed
21 to have no knowledge of the particular case? In other
22 words, be blind to the facts and circumstances of it?

23 A That's correct.

24 Q And is having no knowledge about the case what is
25 required in order for you to come in and educate the jury

1 in the area of child abuse dynamics?

2 A Yes, ma'am.

3 Q What is meant by "delayed disclosure"?

4 A So a delayed disclosure is -- well, first of all,
5 disclosure is -- is the term we use in this field for
6 basically the telling when a victim or -- or suspected
7 victim comes forward to tell about the abuse. And
8 delayed disclosure refers to when they do not tell as
9 soon as there is an opportunity to do so. And that can
10 be the moment right after, it can be days after, but it's
11 when there is a delay in that.

12 Q In your training and experience and supported by the
13 research in the field, is it common or uncommon for a
14 child to delay disclosure after being sexually abused?

15 A It is extremely common. It's the norm, not the
16 exception.

17 Q What are some of the reasons why a child might delay
18 disclosure?

19 A It -- really, there's so many variables that could come
20 into play there. It can depend on the child's age,
21 developmental level, their relationship and proximity to
22 the alleged offender. If it's someone that is known and
23 trusted by them, by their family. If they are concerned
24 that they won't be believed. If they feel embarrassed.
25 Feel that they have somehow been tricked or manipulated

1 into -- into the abuse.

2 Also, just fear of -- of what it could do to their
3 family; what it could mean for them. If -- if the
4 alleged offender is somebody that the family depends on,
5 it can be that the children are worried about the
6 consequences of -- of that coming out, you know, and what
7 that would mean for their family's ability to survive and
8 have support.

9 Q Can you explain what is meant when we refer to the
10 process of disclosure?

11 A So disclosure is not usually a one-time thing. It is an
12 event. And -- and it can generally start with a little
13 bit of information. A child may tell a little bit just
14 to kind of get a feel for "How are people gonna react to
15 this? Am I going to be believed?" And just gauge that.
16 Or they may be, you know, again, the factors that lead to
17 the delay disclosure. They may be embarrassed. They may
18 be fearful.

19 So a lot of times they will share just a little bit
20 at first, and then over time, will share more as they
21 feel comfortable or as they remember more depending on --
22 depending on the frequency and the duration of the
23 alleged abuse.

24 Q Are there different types of disclosures?

25 A Yes. They're -- I may not be using exactly -- I'm gonna

1 describe them as -- as I see them. There's a -- what we
2 call "active disclosure." That is when a suspected
3 victim or child may be in a space of they're ready to
4 tell. They probably have a lot of support around them,
5 but they are ready to tell about it. They're actively
6 telling about it. And, you know, may have some of the
7 feelings of embarrassment or being guarded, but -- but
8 they're actively telling.

9 There is "tentative disclosure," which is, they're
10 gonna tell a little bit, but they are not ready to tell
11 all of it, yet. And -- and then there's reluctance or
12 sometimes that means denial. And that is when they are
13 not ready. This may have been found out somehow by
14 accident. They may not have intended for this to be
15 found out. They had intended to keep this to themselves.
16 And -- or they may be especially fearful, and that is
17 when they are, you know, very reluctant to talk about it.

18 And, also, a process of disclosure is often
19 recantation at some point if they are overwhelmed by the
20 -- the aftermath of -- of disclosing abuse, or they are
21 fearful, or for whatever reason, that sometimes they may
22 feel like it's just easiest to take it back.

23 Q Based on your experience in training and the research in
24 this field, do you expect a child to be able to report
25 every single detail of abuse -- particularly if it's been

1 long-term abuse -- the first time that they either
2 voluntarily start giving information or are caught out
3 and are compelled to give information?

4 A No. I do not expect that. And that's pretty, you know,
5 standard, too, with just how we tell about things in
6 general. And -- and I will just preface this by saying,
7 as an example - I'm not trying to compare a victim's
8 experience to a vacation. But, for example, if I go on a
9 vacation, and I come back, and someone asks me, "Tell me
10 about your vacation." I'm probably gonna just go into a
11 few of the view of the highlights, or I'm gonna try to
12 tell them what I remember, and it's not gonna be
13 everything. But, you know, after a little bit of time,
14 "Oh, I forgot to tell them about that -- that place we
15 went to eat, or this thing that happened." It's really
16 normal for things to not come out all at one time.

17 Q And, again, based on your training experience in the
18 research in the field, do you expect a child to remember
19 every single detail about abuse initially?

20 A No.

21 Q What factors would affect a child's ability to recall?

22 A And, again, there's a lot of variables here, just
23 depending on the child and the situation. The -- the
24 shame, the embarrassment. Also, maybe the confusion
25 about not understanding what has happened to them

1 depending on the age, or if they have been -- if they
2 feel some kind of responsibility for the abuse.

3 Additionally, sometimes during traumatic episodes
4 that we can -- you know, our body sort of shuts down --
5 our brain -- our mind shuts down so that we are not
6 really taking in what's happening. And it does that to -
7 - as a protective factor.

8 Q So if your brain shuts down like that, do you actually
9 create memories, or does it block the creation of those
10 memories?

11 A To my knowledge, you're not creating memories. You are
12 just -- you are -- you are separated; you are -- you're
13 focusing on something else. You're not in the here and
14 now.

15 Q Does time affect a child's ability to -- to disclose?

16 A Yes. Sometimes.

17 Q And how would that happen?

18 A Just with memory in general, there are some things we're
19 gonna remember right away; some things that we don't.
20 There are -- there are just things that are gonna be lost
21 over time that may not have been there when they
22 initially disclosed. Or also, there's again that shame,
23 embarrassment, that worry about -- you know, some -- some
24 children feel like, "Did I -- I didn't tell this at the
25 beginning. I'm gonna be in trouble for not telling it

1 now." Or, you know, they may hold off on some
2 information because they're worried about what would
3 happen if they shared it.

4 Q In your experience, and again, the accepted literature,
5 is it common or uncommon for a child who's being abused
6 by a family member or a person who's in a position of
7 authority or trust -- is it common for them not to want
8 to disclose in those circumstances?

9 A Yes. That's very common.

10 Q And why would that be?

11 A They may care for that person. There may -- for the
12 alleged offender. They may have been told not to tell
13 about it. They, again, may feel some -- that they are
14 somehow responsible in some way for it, or that they will
15 be blamed for it. But, typically, the closer that
16 alleged offender is to the child, the more difficult it
17 is to share about it, and to tell someone about it.

18 Q Can you explain to the jury what is meant by "grooming"?

19 A Grooming, in very blunt terms, is the process of -- of
20 preparing a child for abuse. And it can take -- it can -
21 - years can be invested into doing that. It can take a
22 very long time, or it may be faster than that. But it is
23 the process of slowly manipulating a child to have been
24 more comfortable with the possibility of abuse and -- and
25 also sort of testing the child to see is -- is -- you

1 know, "How -- what -- what can I do here? Is there a
2 risk they're gonna tell?" And just trying to get them
3 acclimated to that.

4 Q So when you say "testing," could that be something like a
5 minor touch on the breast or the bottom and seeing if the
6 child reacts dramatically or runs and tells?

7 A Exactly, yes.

8 Q Do children who have been sexually abused cope with
9 trauma in the same way?

10 A No.

11 Q What would be -- let me back up. Because I know we kind
12 of expect if something horrible happens, that you'll have
13 a emotional upset reaction to it. Is that something that
14 happens with all children?

15 A No.

16 Q Why would that be?

17 A Well, that's part of -- sometimes it's part of the
18 grooming process that they -- there has been time spent
19 to -- for this to feel like something that is supposed to
20 be normal or something that isn't a bad thing or maybe
21 something that they have been manipulated to believe that
22 they're willingly participating in. And it's also, it --
23 it may not always be something that is outwardly, you
24 know, violent or scary. It may -- that's part of the
25 grooming is to -- is to develop that comfort.

1 Q So there's no standard pattern of behavior for a child
2 who's been sexually abused?

3 A No.

4 Q So if someone said -- were to say, "Oh, I can tell that
5 child has not been abused because they're not acting like
6 a child who has been abused," would that be a valid
7 statement?

8 A No.

9 Q Are there certain risks that make children more
10 vulnerable to sexual abuse than other children?

11 A Well, every -- every child is at risk. It can happen to
12 anybody, but there are -- there are certain factors that
13 can -- can lead to increased vulnerable -- excuse me --
14 vulnerability.

15 Q And what would some of those factors be?

16 A If the -- again, if the child or the family is dependent
17 on the alleged offender, that can -- that can increase
18 that. Also, if the child has already been, you know,
19 labeled as a -- a child who has bad behavior or can't be
20 trusted, that makes them more vulnerable to that.

21 Also, children just in general, because they're
22 younger and -- and don't -- you know, are not able to
23 consent that -- to sexual activity, they're just
24 inherently vulnerable for that reason that they don't
25 understand what's happening. I think that's all right

1 now.

2 Q What is the "nonoffending caregiver"?

3 A That is the term we give to the -- the caregiver who
4 is --

5 MR. GROSE: Your Honor, I have an objection. May we
6 approach?

7 THE COURT: Sure.

8 (WHEREUPON, a bench conference was held.)

9 MR. GROSE: Your Honor, may we approach?

10 THE COURT: Sure.

11 (WHEREUPON, a bench conference was held.)

12 THE COURT: Madam Forelady and ladies and gentlemen,
13 I have an objection here. And I'm gonna have to
14 talk to the lawyers outside of your presence. If
15 you'll -- Madam Forelady, if you'll take them to the
16 jury room.

17 MADAM FORELADY: Yes, sir.

18 (WHEREUPON, the jury was excused at 1:36 p.m.)

19 THE COURT: Okay. Yes, sir?

20 MR. GROSE: Your Honor, if I could, I don't believe
21 our sidebars are being recorded. Are they?

22 THE COURT: They're not.

23 MR. GROSE: Okay. We -- we just had a -- a sidebar
24 following my objection where I objected to this
25 witness going into testimony about nonoffending

1 caregivers. And we haven't gotten into any
2 characteristics of that yet; just beginning to
3 explain what it is.

4 And I made an objection, Number 1, based on the
5 fact that this is -- nonoffending caregivers are
6 outside of the scope of somebody testifying based on
7 child abuse dynamics, and, also, that there's been
8 nothing offered to qualify this particular expert to
9 testify about nonoffending caregivers.

10 The -- the State responded by citing "State vs.
11 Jones," which is 423 S.C. 631, 817 S.E.2d 268. And
12 they acknowledged that prior to that case, it was
13 less clear whether this testimony would be allowed.

14 Footnote 1 of the case dealing with this
15 nonoffending caregivers issue says, "We caution,
16 this holding does not create a categorical rule
17 establishing this as a recognized area of expertise
18 in every case. If such an expert is challenged, the
19 proper course of action for the trial court remains
20 to hear a proffer of the proposed expert's testimony
21 and determine whether all the requirements of Rule
22 702 have been satisfied."

23 And -- and I had the -- the -- the end of our
24 last -- we -- we approached, went back to our
25 tables, approached again into that; I asked that we

1 have a proffer of the testimony.

2 THE COURT: Okay. Solicitor?

3 MS. HALLFORD: Yes, sir, Your Honor.

4 Q What is a "nonoffending caregiver"?

5 A Nonoffending caregiver is the person or persons that we
6 would identify as typically someone who is -- who is a
7 caregiver for a child, and that's not, to our knowledge,
8 identified as a perpetrator or an enabler of the abuse --
9 alleged abuse.

10 Q And what are some of the reasons why a nonoffending
11 caregiver may not support a child in his or her
12 disclosure?

13 A Their own denial, and part of the grooming process, as
14 well, is grooming -- is grooming families. And just
15 having that denial that this could be possible by someone
16 that they also trusted.

17 Q And what effect does having the nonoffending caregiver
18 not support the child have on the child?

19 A It is -- it can be potentially re-traumatizing or
20 traumatic to the child.

21 Q And what do you base this information from? Have you
22 received training in this area? Read peer review
23 articles? journals?

24 A Yes. That's part of our -- that's part of our forensic
25 training is -- is conducting parent interviews, as well.

1 Q And are the things that you just told us about why they
2 may not support the child and the effect that it would
3 have on the child, things that are supported by accepted
4 literature and articles and training that you received?

5 A Yes, ma'am.

6 MS. HALLFORD: That's my proffer, Your Honor.

7 THE COURT: Okay. Counselor? Gonna have some
8 questions, Mr. Grose?

9 MR. GROSE: I don't have any questions, but I might
10 have some argument. Give me just a second.

11 I think all that they endorsed in the Jones
12 case was testimony about why it would --
13 nonoffending caregiver might fail to act. And I
14 think that what they proposed here exceeds the --
15 the scope of that, and they start talking about
16 traumatization by the -- the caregiver.

17 THE COURT: Okay.

18 MS. HALLFORD: Your Honor, the child being
19 traumatized by the lack of support by the
20 nonoffending caregiver is part of child abuse
21 dynamics. And she has established that this is peer
22 reviewed, and that she has received training in the
23 area.

24 THE COURT: Yeah. I'm -- I'm gonna let her testify
25 to it.

1 MS. HALLFORD: Thank you, Your Honor.

2 THE COURT: Okay. Let's have the jury back.

3 THE WITNESS: I'm sorry. Is it possible for me to
4 get a water?

5 MS. HALLFORD: No.

6 THE BAILIFF: Water?

7 THE WITNESS: Yes, please. Thank you.

8 THE BAILIFF: I'll get a cup of ice and break it
9 back.

10 MR. SMITH: He's got waters, too.

11 THE WITNESS: I'm okay.

12 MR. SMITH: Usually.

13 THE WITNESS: (To the bailiff) Thank you.

14 THE BAILIFF: Sure.

15 (WHEREUPON, the jury enters open court at 1:43 p.m.)

16 THE COURT: Thank you, ladies and gentlemen.
17 Solicitor?

18 MS. HALLFORD: Thank you, Your Honor.

19 Q You were starting to explain what a nonoffending
20 caregiver is?

21 A Yes. A nonoffending caregiver is the person or persons
22 that is typically in a caregiving position that is, as
23 far as we know, not -- did not participate in or enable
24 the alleged abuse. And is typically someone identified
25 as a supportive person for the child.

1 Q What are some of the reasons why the nonoffending
2 caregiver may not support a child in their disclosure?

3 A It could be they're -- it's very hard to hear these
4 things. It can be their own denial. It is also -- that
5 is part of the grooming process, is that alleged
6 offenders often groom families, as well, to feel
7 comfortable with them -- for them to be in a trusted
8 position, as well. And so that is where that denial
9 comes in.

10 Q How does the response of the nonoffending caregiver
11 impact the child?

12 A Well, if we are -- if they are -- are we talking -- I'm
13 sorry.

14 Q Not -- not supporting the child.

15 A Okay.

16 Q Not, yes.

17 A Okay. If they are not in support of the child, that can
18 be very traumatic for the child; create additional trauma
19 for them.

20 Q Can you tell us why a child might become passive or
21 compliant or even willing to go along with abuse?

22 A That's usually part of a trauma response that is -- is a
23 survival method of just of -- part of, you know, what we
24 talked about, checking out and -- and just going along
25 with it to survive it, as to, you know, not have anyone

1 find out about it, for the abuse to be discovered and
2 cause, you know, all the problems that can happen after
3 disclosure. That -- it also goes back to grooming, as
4 well, that that can be part of what they have been
5 conditioned to do is to -- is to be passive about it.

6 Q Based on your professional experience and the accepted
7 literature in the field, is acceptance of the sexual
8 abuse a common reaction in children who are being
9 sexually abused?

10 A Tell me what you mean by "acceptance"?

11 Q Going along with it. Is that a common reaction?

12 A Yes. It can be.

13 MS. HALLFORD: (To the Court) I have no further
14 questions.

15 THE COURT: Thank you. Counsel?

16 **CROSS-EXAMINATION OF REBECCA GROUNSELL**

17 BY MR. GROSE:

18 Q Yes. I believe that at the beginning of your testimony,
19 you testified that you haven't been -- had any
20 involvement with the child in this case?

21 A Yes, sir.

22 Q So you haven't interviewed her?

23 A No, sir.

24 Q You haven't met her?

25 A No.

1 Q You haven't reviewed any records that exist -- exist
2 regarding her?

3 A No.

4 Q I think you also testified that you haven't had any
5 involvement in the investigation of this case?

6 A That's correct.

7 Q So you haven't reviewed any incident reports?

8 A No.

9 Q No witness statements?

10 A No.

11 Q Nothing to determine what was investigated, what wasn't
12 investigated?

13 A No.

14 Q All right. And if you haven't had any involvement --
15 investigation involved with the child, I assume you've
16 not had any involvement with any of the child's family
17 members?

18 A No. Not to my knowledge.

19 Q Okay. So you don't know anything about this child's
20 medical history?

21 A No.

22 Q You don't know anything about this child's mental health
23 history?

24 A No.

25 Q You don't know anything about the dynamics of her

1 relationship with her mother?

2 A No.

3 Q Anything about the dynamics of her relationship with her
4 brother?

5 A No.

6 Q Okay.

7 MR. GROSE: (To the witness) Thank you very much.

8 (To the Court) That's all I have.

9 THE COURT: Thank you. (To Ms. Hallford) Anything
10 to that?

11 MS. HALLFORD: Nothing further.

12 THE COURT: Thank you. (To the witness) You may
13 step down.

14 THE WITNESS: Thank you.

15 (WHEREUPON, the witness was excused.)

16 MS. HALLFORD: State calls Rachel Nguyen.

17 (WHEREUPON, the witness was sworn.)

18 THE COURT: (To the witness) If you will adjust the
19 microphone to suit yourself and using your outside
20 voice, tell us who you are and spell your last name,
21 please.

22 THE WITNESS: My name is Rachel Nguyen, N-g-u-y-e-n.

23 **DIRECT EXAMINATION OF RACHEL NGUYEN**

24 BY MS. HALLFORD:

25 Q Where are you employed?

1 A I'm currently employed at the South Carolina Law
2 Enforcement Division, most commonly known as SLED.

3 Q What are your duties there?

4 A I do forensic serology, which is body fluid
5 identification. So I run different types of tests to
6 possibly identify blood, semen, or saliva. I also do
7 evidence processing, which is collection methods to
8 potentially collect DNA off of items from wearing them or
9 from handling them. I also perform a portion of the DNA
10 analysis process, which includes extraction and
11 quantitation. I provide courtroom testimony when
12 required.

13 Q Tell the jury your educational background and training?

14 A So I have two Bachelors of Science degrees from the
15 University of New Haven, one in biology and one in
16 forensic science. Upon being employed with the DNA
17 casework department at SLED, I also received in-house
18 training for approximately a year under a court qualified
19 forensic serologist.

20 During this time, I was able to observe, as well as
21 practice the different types of testing and collection
22 methods that a serologist would do. After that training
23 portion was finished, I then entered a competency testing
24 phase, which encompasses a written exam, an oral exam, a
25 mock case, and mock courtroom testimony. I have to

1 successfully complete all these components in order to do
2 casework independently.

3 Q Can you explain to the jury what serology means?

4 A So serology is the body fluid identification. As I
5 mentioned, we test at SLED for blood, semen, and saliva.

6 Q I think you may have already testified to this. You've
7 done serology at SLED for four years; is that accurate?

8 A I have been performing serology for coming up on six
9 years.

10 Q Oh, my apologies. Do you have any idea how many items
11 you've tested while you've been at SLED?

12 A So I've -- I have approximately performed testing on
13 about 900 cases in a ballpark of 13- to 14,000 samples.

14 Q Have you ever qualified as an expert in serology before?

15 A I have.

16 Q And have you ever testified as an expert in serology
17 before?

18 A I have.

19 Q How many times?

20 A I've testified, approximately, I'd say about 17 times,
21 and ten of those times I was qualified as an expert.

22 MS. HALLFORD: Your Honor, at this time, the State
23 offers Rachel Nguyen as an expert in serology.

24 MR. GROSE: No objection.

25 THE COURT: Without objection. Ladies and

1 gentlemen, she's qualified as an expert in serology.

2 Q Can you tell the jury briefly, what is the chain of
3 custody at SLED?

4 A So the chain of custody at SLED is an electronic
5 document. Its purpose is to track items of evidence as
6 they move throughout the laboratory. So once they're
7 submitted within our evidence control department, that's
8 when the chain of custody will begin. It'll note who
9 submitted the item, which evidence control technician
10 took it with to -- into their custody, which meaning
11 their possession. And then it will travel along between
12 individuals/locations. Every individual and location has
13 a barcode, and that's how we document as it travels
14 throughout the lab.

15 Q And are those records kept in the ordinary course of
16 business at SLED?

17 A They are.

18 Q And are -- is each entry created by the individual who
19 handled that item?

20 A That's correct. So upon receiving an item of evidence,
21 you will scan it before you actually receive it from an
22 individual. If you're taking an item off of a location,
23 which would -- might be a shelf or a cabinet, you'll
24 automatically scan it to yourself.

25 Q So those records are made either at or very near the time

1 that someone takes possession and when they give up
2 possession of it?

3 A That's correct.

4 Q And is it the regular practice of SLED to keep a record
5 of everyone who has handled an item at SLED?

6 A That -- that's correct.

7 Q Are you familiar with the internal chain of custody in
8 this case?

9 A I am.

10 Q Did you bring the copy of it with you?

11 A I did.

12 Q Okay. Thank you. All right. These were a mess. Okay.
13 Item 1, which is gonna be the known standard of the
14 victim. Okay. I need to be faster at finding these than
15 I am. Oh, can you read the internal chain for that item?

16 A Okay. So for SLED Item 1, it is, "Buccal swabs from
17 Child [REDACTED]." And the chain is, it was submitted by a
18 "Robert Rosenberg from the Spartan (as spoken) County
19 Sheriff's Office into the evidence submission lockers."
20 That's basically a location where agencies will put
21 evidence within these lockers. It's secure location; it
22 will lock upon closing, and then an evidence control
23 technician will retrieve that evidence later. It was
24 then retrieved by Charlotte Pitts, who is a forensic
25 technician within the evidence control department. It

1 was placed on a DNA intake shelf. And then I requested
2 to receive the evidence.

3 So Jackie Davis, who is an evidence control
4 technician, removed it from that shelf, and then
5 transferred it to me.

6 Q Was it sealed from the time it was brought to SLED until
7 the time it came to you?

8 A Yes. Upon receiving it, it was in a sealed state.

9 Q Would you have been able --

10 MR. GROSE: Objection, Your Honor. Can we approach?

11 THE COURT: Sure.

12 (WHEREUPON, a bench conference was held.)

13 MR. GROSE: Okay. Never mind. I'll -- I'll

14 withdraw the objection. I apologize.

15 Q I think you were on -- I had just asked you if it was
16 sealed at the time you received it. And then after you
17 did your testing, -- I will get into that in a few
18 minutes -- or did what -- your preparation on it, where
19 did it go?

20 A So Item 1, after I prepared it for DNA analysis, I placed
21 it at -- in a internal location within the DNA
22 department, which is called "Prep for DNA." It was then
23 retrieved by the DNA analyst, Stephanie Stanley.

24 Q Okay. And then after Stephanie had it, what happened
25 with it?

1 A It shows that she placed it in another internal location
2 within the DNA department, which is called "DNA Return."
3 A evidence -- I'm sorry -- a DNA technician retrieved it
4 from that location and brought it back to the evidence
5 control department and gave it to Vera Martinez, who was
6 an evidence control technician. She placed it on a
7 shelf. It looks like another evidence control technician
8 retrieved it from that shelf and then returned it to the
9 agency in person.

10 Q Okay. And other than being opened by you and then sealed
11 by you, and opened by Stephanie Stanley, anyone else who
12 had handled it would have -- it would've been sealed at
13 the time?

14 A Yes. So I only see seals by myself and Stephanie
15 Stanley, and then --

16 Q Okay.

17 A -- the initial submitter.

18 Q Okay. And then SLED Items 2 and 3, which were in this
19 bag, and we had them out yesterday. Can you read the
20 chain on that item?

21 A So SLED Item 2 is "panties from victim," and SLED Item 3
22 is a "blue washcloth alleged to have been used to wipe
23 suspect semen." They were packaged together in what we
24 call a "container." A container just essentially holds
25 more than one item. So the chain of custody is going to

1 be the same for both items. These items were submitted
2 by Robert Rosenberg of the Spartan County Sheriff's
3 Office.

4 Q Spartanburg, perhaps?

5 A I'm sorry. Is that what --

6 Q You said Spartan because it's -- what does it say?

7 A It is "Spartanburg --

8 Q Okay.

9 A -- "County Sheriff's Office." Charlotte Pitts once again
10 retrieved these items. She placed them on an EP intake
11 shelf. "EP" standing for evidence processing. Then I
12 requested this item, so Jackie Davis, an evidence control
13 technician, retrieved it from the shelf and handed it to
14 me.

15 Q Okay. And who does it show packaged it in the heat-
16 sealed pouch?

17 A It shows Charlotte Pitts, the evidence control technician
18 packaged it. There is a notation on the submission form.
19 A submission form to the laboratory basically lists what
20 items are being submitted by the agency, what their
21 analysis requests are.

22 And she wrote a comment on the submission form,
23 which states, "Evidence Items 5 and 6" -- which are the
24 agency case numbers and correlate to these items that
25 I've mentioned -- "was received sealed by submitting

1 official. However, seal was not initialed and dated.
2 Evidence was repackaged in a heat-sealed pouch, sealed
3 and initialed and dated by receiving technician to meet
4 laboratory policy."

5 Q And you said that these came into your possession at some
6 point?

7 A They did.

8 Q And when you received them, were the actual manila
9 evidence envelopes sealed by the SLED evidence tape -- I
10 mean, by the Spartanburg County evidence tape?

11 A They were.

12 Q All right. And then we have -- is this 3.1? Okay.

13 A Yes.

14 Q Item 3.1. Can you read the chain on that item?

15 A Yes. So Item 3.1 is a "cutting from near tag on the blue
16 washcloth." I created this item from the blue washcloth.
17 So the chain of custody starts with me, and then I put it
18 into a internal location, the Prep for DNA, and then
19 Stephanie Stanley, the DNA analyst, retrieved it from
20 that location.

21 Q And then SLED Item 4, which I think is this one -- a
22 "Standard Cody Hudson."

23 A So SLED Item 4 is described as the, "Buccal swab as a
24 known standard for suspect Cody Hudson." This was taken
25 into the evidence control department by Doris Yarborough,

1 who was an evidence control technician. She placed it on
2 a DNA intake shelf. Then Bethany Davidson retrieved it
3 from that shelf in order to give it to Stephanie Stanley.

4 Q Okay. And looking -- let me go back here for a second to
5 this item. Can you tell from this packaging, even though
6 I ripped it pretty badly yesterday, who would've been the
7 only people to open and seal it at SLED?

8 A I am the only one who opened and sealed this item.

9 Q Okay. And then on this one?

10 A So Item 3.1, the cutting, I created the item as I
11 mentioned. So I was the first person to seal this pouch,
12 and then Stephanie Stanley opened it and also resealed
13 it.

14 Q Okay. And then on Item 5? Four -- four, and then it
15 also has five in there, I believe; is that correct?

16 A Let's see. Yes. I was also in here. And it appears --
17 I see Stephanie Stanley's initials, as well as the
18 initials of the submitter.

19 Q Robert Rosenberg?

20 A Yes. And then there's --

21 Q That was where we opened it to look at it.

22 A Okay.

23 Q Yeah. Okay. So at SLED, that would have been sealed by
24 Robert Rosenberg and then opened -- and -- and you were
25 in on that one?

1 A I was not in the chain of custody for this one.

2 Q No. That went straight to Stephanie; is that correct?

3 A Yes. That's correct.

4 Q Okay. My apologies. And then Item -- it's our State's
5 Exhibit 5 and SLED Item 6, which is the "Known standard
6 of Sarah Jumper." That's where I opened it yesterday.
7 What would the chain on that be? I slid it down in
8 there.

9 A I'm just trying to look for a case identifier to see if
10 it's actually six.

11 Q Does that help?

12 A Yes. That helps.

13 Q Cut that off. Sorry.

14 A So yes. This is SLED Item 6, which is described as a
15 "buccal swab for the known standard of the mother of the
16 victim." It was, "Submitted by Robert Rosenberg of the
17 Spartanburg County Sheriff's Office." It was, "Received
18 by Hannah Jefferson," who is an evidence control
19 technician. And she placed it on a DNA intake shelf.
20 Madison Willis, who is an evidence control technician,
21 removed it from that shelf and then transferred it to
22 Donna Money, who is a DNA analyst.

23 Q And after that came to SLED, who would have opened it?
24 Only people who would've opened it at SLED?

25 A Donna would've opened it.

1 Q Okay. And I'm gonna let you find these as I ask you
2 about them because you're much better at it than I am.
3 Can you go back to Item 1, which is Child [REDACTED]
4 buccal swab.

5 A Okay. I have it.

6 Q Okay. And you've already testified that it was sealed
7 when it came to you and that you opened it. Can you tell
8 the jury what you did with that item?

9 A So Item 1, I prepared for DNA analysis, which means I
10 just took a small cutting from the swab; I placed it in a
11 tube; labeled the tube with the case number and the item
12 number; and then placed it in a small heat-sealed pouch
13 within this larger heat-sealed pouch for further
14 analysis.

15 Q And was it sealed when it left you?

16 A Yes.

17 Q Did you also prepare a smaller bag that is in there now?

18 A Yes.

19 Q And what is that?

20 A So that would contain the tube with the cutting that I
21 mentioned.

22 Q Okay. And, again, that would've been sealed and inside
23 that bag when it left your possession?

24 A Yes. That would've also been sealed.

25 Q Okay. And then Item 2 and 3, which are the panties and

1 the washcloth?

2 A Yes.

3 Q Those -- you testified that you received those, and they
4 were sealed when you received them. When you opened up
5 the plastic heat-sealed pouch, did it contain two --
6 those two manila envelopes?

7 A It did.

8 Q And did you open the manila envelopes together or one at
9 a time?

10 A So upon opening the first envelope, I noticed -- so one
11 envelope was labeled "underwear", and the other one was
12 labeled "washcloth." Upon opening the washcloth, I
13 realized that it contained underwear. So I -- we have
14 separate sections in our evidence processing room with
15 multiple tables.

16 I left that on one table and then proceeded to go to
17 the other table to open this one just to peek inside to
18 see what's inside. The envelope labeled underwear
19 contained the blue washcloth. So I notated that on my
20 evidence worksheet, the discrepancy, but I continued with
21 processing only one item at a time since the -- both
22 items were present.

23 Q Okay. And, again, those manila envelopes were sealed at
24 the time you received them with the sheriff's office
25 evidence tape?

1 A Yes.

2 Q Okay. Did you do some testing on the panties?

3 A Yes. So the panties from the victim, I screened for the
4 possible presence of semen with our acid phosphatase
5 test. The results for that test were negative.

6 Q And did you do testing for the washcloth?

7 A Yes. I performed the same presumptive testing for semen
8 on the washcloth. There was an area that indicated it
9 was positive for the possible presence of semen. So that
10 area, as I mentioned, Item 3.1, described as cutting from
11 near tag of the blue washcloth, was removed from the
12 washcloth for further analysis. I did further testing on
13 this item because it was presumptively positive for --
14 for semen.

15 I did further seminal testing. I did what's called
16 a "p30 card test." It's similar to your pregnancy
17 test/your COVID test. I'm gonna cut a small portion; I'm
18 going to extract any material -- biological material from
19 that; and then run that on this card test. That was also
20 positive.

21 It got a third test, which was a microscopic
22 examination for the presence of sperm cells. The result
23 of that was -- it was positive for sperm cells.
24 Therefore, the results for Item 3.1, cutting from near
25 tag on blue washcloth, is examinations for the components

1 of semen acid phosphatase, p30, and spermatozoa were
2 positive. Semen was identified.

3 So, therefore, this item was also prepared for
4 further analysis, so I cut a small portion of the
5 cutting, placed it in a tube, labeled that tube, and then
6 forwarded it for further analysis.

7 Q Okay. And was it you who put the underwear and the
8 washcloth in that white kind of paper that they're
9 wrapped in?

10 A Yes. So we -- at SLED, we process evidence on this white
11 butcher paper. It's to collect any debris that comes off
12 while we're processing the item, and then wrapping it in
13 that butcher paper to maintain it in the event that there
14 was any additional analysis requested.

15 Q And once you had tested the underwear and the washcloth,
16 did you put them back into their manila envelopes?

17 A I did.

18 Q And did you put those back into the heat-sealed pouch?

19 A I did.

20 Q And then did you seal that heat-sealed pouch?

21 A I did.

22 Q What did you do with those items after that?

23 A So after I was done processing these items, I then marked
24 these items for return, and then would bring them back to
25 the evidence control department to be returned to the

1 agency.

2 Q And would they have been sealed when they left your
3 possession?

4 A Yes.

5 MS. HALLFORD: Your Honor, at this time, State moves
6 State's Exhibit Number 2 into evidence.

7 MR. GROSE: Your Honor, I wanna object. We've had
8 testimony from multiple witnesses that the ordinary
9 customary procedures were not followed.

10 THE COURT: Okay. Overrule objection of Defense.
11 (WHEREUPON, washcloth and panties, it is admitted into
12 evidence as State's Exhibit No. 2.)

13 MS. HALLFORD: Thank you, Your Honor.

14 Q Did you have any further involvement in this case?

15 A No. That was all my involvement for this case.

16 Q Okay.

17 MS. HALLFORD: (To the Court) I have no further
18 questions.

19 THE COURT: Thank you. Counsel?

20 **CROSS-EXAMINATION OF RACHEL NGUYEN**

21 BY MR. GROSE:

22 Q Just to kind of summarize, I understand you examined the
23 -- the underwear for semen?

24 A That's correct.

25 Q And you found no evidence of semen?

1 A No. It was negative for our presumptive test --

2 Q All right. The washcloth was positive for semen?

3 A It was presumptively positive in a location, so it got
4 further testing, and that specific cutting from the
5 washcloth was positive for semen.

6 Q Okay. Through your testing, you can't tell how long that
7 semen has been on that washcloth, can you?

8 A I cannot age a stain.

9 Q Okay. And you were asked a lot of questions about the
10 chain of custody and how it was handled inside of SLED.

11 A That's correct.

12 Q And I believe that the -- the packages that you have
13 there show when it was taken into evidence?

14 A I'm sorry. What -- what do you mean?

15 Q I'm sorry. That wasn't a very good question.

16 MR. GROSE: (To Ms. Hallford) Exhibit 2 still up
17 here?

18 THE COURT: It might be right there.

19 MS. HALLFORD: It should be right here, I think. Is
20 this the one you're looking for?

21 MR. GROSE: Oh, I'm sorry. Yeah. Thank you.

22 Q All right. The Spartanburg envelope -- Spartanburg
23 County envelope shows that this was taken into their
24 possession on May 1st of 2019; is that right?

25 A Yes. On the envelope it says, "May 1st of 2019."

1 Q All right. And that's the one that's labeled the
2 "washcloth"?

3 A It is labeled "washcloth."

4 Q Okay. And the one that's labeled -- oh, that's the --
5 this one's also labeled "May 1st of 2019," isn't it?

6 A Yes. On the envelope, it says, "Date of recovery May 1st
7 of 2019."

8 Q All right. So when they're asking you all these
9 questions about the chain of custody, you're not able to
10 answer anything about what happened to those washcloths
11 or underwear prior to them being taken into evidence by
12 the sheriff's department?

13 A So I only have the knowledge of the chain of custody for
14 the records that are maintained within the SLED
15 laboratory.

16 Q Okay. So not only can you not talk about what happened
17 before it was taken into custody; you really can't tell
18 what happened after the sheriff's office had it and
19 brought to you -- brought to SLED?

20 A So I don't -- I don't know what happened to the items
21 before they were submitted to SLED, and I don't have
22 knowledge of what happened to them after they were turned
23 -- we returned to the agency.

24 Q All right. So you have no idea how those two envelopes
25 got mixed up?

1 A I do not.

2 Q All right.

3 MR. GROSE: (To the Court) Thank you.

4 MS. HALLFORD: (To the Court) No further questions.

5 THE COURT: (To the witness) Thank you. You may
6 step down, Agent.

7 (WHEREUPON, the witness was excused.)

8 MS. HALLFORD: State calls Stephanie Stanley.

9 (WHEREUPON, the witness was sworn.)

10 THE COURT: (To the witness) If you will tell us
11 who you are, and spell your last name, please.

12 THE WITNESS: My name is Stephanie Stanley, S-t-a-n-
13 l-e-y.

14 **DIRECT EXAMINATION OF STEPHANIE STANLEY**

15 BY MS. HALLFORD:

16 Q Where are you employed?

17 A I'm employed by the South Carolina Law Enforcement
18 Division, more commonly referred to as "SLED."

19 Q What is your position at SLED right now?

20 A Right now, I'm the lieutenant over at the Quality and
21 Safety Department, where I serve as the laboratory's
22 quality manager.

23 Q And kind of what does that mean that you do?

24 A So for the laboratory quality manager position, I'm
25 responsible for our accreditation status. I'm

1 responsible for our proficiency testing program, and our
2 competency testing program, and the training of all
3 employees that come to the laboratory. So before anybody
4 is signed off to perform analysis in a particular
5 discipline, they will complete a series of tests after
6 their training program, and we oversee that testing
7 process.

8 Once a person is online, we still test that person
9 to make sure that they can still perform the same tests
10 that they could when they were deemed competent. And
11 that is called "proficiency testing." So the proficiency
12 testing program, an outside vendor will supply tests for
13 the laboratory personnel that are in different
14 disciplines.

15 Q You mentioned you're in charge of accreditation. Is SLED
16 an accredited lab?

17 A Yes. We are.

18 Q By who?

19 A We're accredited by ANAB, which is the American National
20 Standards Institute National Accreditation Board . We go
21 through a type of surveillance assessment or assessment
22 activity every single year, and every fourth year, we
23 have a full onsite accreditation process that we will
24 participate in where all disciplines in the laboratory
25 are looked at to make sure that we're meeting the

1 standards set forth by that accrediting body.

2 Q What's your -- oh, let me back up.

3 Prior to being the lieutenant over quality and
4 safety, what was your position?

5 A I was a DNA analyst assigned to the DNA casework
6 department at SLED for about 16 and a half years.

7 Q What's your educational background?

8 A I have a Bachelor of Science degree in biological
9 sciences from Clemson University.

10 Q Do you have specific training that's related to your work
11 at SLED as a DNA analyst?

12 A Yes. I do.

13 Q And explain that to the jury?

14 A I completed an in-house training program with a qualified
15 analyst that took approximately a year, where I learned
16 serology analysis, which is the identification of body
17 fluids; evidence handling, the steps for DNA analysis,
18 the extraction, the quantitation, the amplification, and
19 the capillary electrophoresis. I studied on statistics.
20 I completed serology training at the National Forensic
21 Science Technology Center. I completed training with
22 Marshall University, and, also, the maker of our
23 equipment and instruments that we use in the laboratory.

24 Q So they have given you training on how to use them?

25 A Yes.

1 Q Okay. If you know, about how many items have you tested
2 at SLED, DNA tested?

3 A Many thousands. I don't have an accurate number for you.
4 I'm sorry.

5 Q Have you ever qualified as an expert in the fields of
6 serology and forensic DNA testing?

7 A Yes. I have.

8 Q Have you ever testified as an expert in the fields of
9 serology and forensic DNA testing?

10 A Yes. I have.

11 Q Do you know approximately how many times you have
12 testified?

13 A Approximately, 50 times in State courts and U.S. military
14 court.

15 MS. HALLFORD: Your Honor, at this time, the State
16 offers Stephanie Stanley as an expert in the fields
17 of serology and forensic DNA testing.

18 THE COURT: Any oppose?

19 MR. GROSE: No objection.

20 THE COURT: Without objection. She is so qualified.
21 Ladies and gentlemen, give what weight to -- you
22 deem advisable to her testimony.

23 MS. HALLFORD: Thank you, Your Honor.

24 Q Can you explain to the jury what "DNA" is?

25 A So DNA is an abbreviation for deoxyribonucleic acid.

1 That's a chemical that's found in all of our cells, with
2 the exception of your red blood cells. [sic] DNA is
3 shared among families. You get half of your DNA from
4 your mother and half of your DNA from your father. The
5 DNA is shared among humans. But in forensics, we're
6 interested in a very small portion of our DNA that makes
7 us different. That allows us to tell individuals apart
8 from one another.

9 In our laboratory, we test these locations, and the
10 information from those locations combined gives us what
11 is known as a DNA profile. And no two people will share
12 the same DNA profile with the exception of identical
13 twins.

14 Q Okay. And can you tell the jury what a "known standard"
15 is?

16 A A known standard is usually collected in the form of a
17 buccal swab or a blood standard. And this is a known
18 sample of DNA taken from an individual. So a buccal
19 sample will be sterile swabs that are rubbed on the
20 inside of somebody's mouth in order to collect cells.

21 Q In this case, when you initially received items for
22 testing, did you have only the victim's known standard?

23 A Yes, ma'am.

24 Q Okay. And I'm handing you -- it might be this item, SLED
25 Item 1. Yes. Do you recognize that?

1 A I do.

2 Q And what is that?

3 A I can see our laboratory case number on here and my Item
4 Number 1, and these inside of here is "Buccal swabs from
5 **Child**

6 Q Okay. And did you take possession of that at some point?

7 A Yes, ma'am. I did.

8 Q When did you do that?

9 A I received this item, I believe November 18th of 2019,
10 from the Prep for DNA storage area in the DNA of the
11 casework department.

12 Q And was the bag sealed when you received it?

13 A Yes. It was.

14 Q And did you do some testing on it?

15 A I did.

16 Q Okay. Can you tell the jury what you did?

17 A I performed our DNA process on this item. I took a
18 cutting from the swabs in an attempt to develop a DNA
19 profile. And I developed a DNA profile that will be used
20 for comparison to any evidentiary items because this is a
21 known standard.

22 Q And I'm handing you SLED 3.1. And what is that?

23 A Item 3.1 is the cutting that I received from Rachel
24 Nguyen from the washcloth.

25 Q Okay. And was it sealed when you received it?

1 A Yes. It was.

2 Q And what did you do with that item?

3 A I would've taken the extract tube. So the small cutting
4 that she took and placed in this inner heat-sealable
5 pouch. I would've performed DNA analysis on that item in
6 an attempt to develop a DNA profile.

7 Q And did you in fact develop a DNA profile?

8 A Yes, ma'am.

9 Q And what were your results?

10 A Because this was a semen-positive sample, I performed
11 what is known as a differential extraction. A
12 differential extraction is just what we're calling our
13 attempt to separate sperm DNA from non-sperm DNA, or male
14 DNA from female DNA. So the non-sperm fraction, a DNA
15 profile suitable for comparison was developed.

16 The DNA profile was interpreted as, "A mixture
17 originating from two individuals. And the DNA profile is
18 approximately two times more likely if Child [REDACTED] and
19 an unidentified, unrelated individual contributed to the
20 mixture than if two unidentified, unrelated individuals
21 contributed to the mixture."

22 Q And what is the statistic that you calculated for the
23 non-sperm fraction of 3.1?

24 A That is, "The likelihood ratio that is the DNA profile is
25 approximately two times more likely if Child [REDACTED] and

1 an unidentified, unrelated individual contributed to this
2 mixture than if an two unidentified, unrelated
3 contributed to the mixture."

4 Q Can you give -- because you're talking about likelihood
5 ratios. And can you kind of explain what you mean by
6 that, and give an example of what that would mean?

7 A Yes, ma'am. So a likelihood ratio is just the comparison
8 of two scenarios to see which one is more likely to
9 occur. We use likelihood ratios in our everyday lives;
10 your doctors are using them for medical research. But an
11 easy example would be, I won a marathon. Is it more
12 likely that I won the marathon because I've trained for
13 weeks and weeks? Or the other scenario would be that I
14 sat on the couch and ate cookies. So if I won the
15 marathon, the scenario that would be more likely to occur
16 would probably be the training event.

17 So, in this case, our DNA profile is that event, and
18 our two scenarios are that somebody contributed to a
19 mixture or somebody didn't. A DNA mixture simply means
20 more than one person's DNA is on that item.

21 Q Can you discuss the level of support that "being two
22 times more likely that it's Child [REDACTED] and an unknown
23 than that it's two unknowns" means?

24 A Yes, ma'am. So we will give a verbal equivalent to a
25 likelihood ratio. And that is just for your

1 consideration on helping you determine how -- what the
2 strength of that likelihood ratio is. So for this case,
3 "two" is gonna offer weak support for the first scenario
4 where **Child** and an unidentified, unrelated
5 individual contributed to a mixture than if it was two
6 unidentified, unrelated individuals contributing to that
7 mixture.

8 Q Okay. So it's two times more likely that it's **Child**
9 and someone else than it is two unknown people?

10 A It's two times more likely that -- the DNA profile is two
11 times more likely if **Child** and an unidentified
12 than if two unidentified.

13 Q Okay. And on Item 3.1, after you were finished with it,
14 what did you do with it?

15 A I also compared Cody Hudson to that item.

16 Q Okay. We'll get to that in a second.

17 A Okay.

18 Q I apologize. So on the victim's standard, which is
19 Number 1 -- SLED Number 1, what did you do with that item
20 after you were finished with it?

21 A It would've been sealed back into this container and
22 placed in our DNA return area --

23 Q Okay.

24 A -- for return to the agency.

25 MS. HALLFORD: Okay. Your Honor, at this time,

1 State moves State's Exhibit Number 1 for
2 identification into evidence.

3 MR. GROSE: No objection.

4 THE COURT: Without objection, it's admitted.

5 (WHEREUPON, buccal swab of Child [REDACTED] it's admitted
6 into evidence as State's Exhibit No. 1.)

7 MS. HALLFORD: Thank you.

8 Q Okay. Did -- you started to talk about doing a
9 comparison with Cody Hudson. Do you see his -- oh, okay.
10 We're looking at State's Exhibit Number 4, and that is
11 what?

12 A This heat-sealed pouch contains the buccal swabs from
13 Cody Hudson.

14 Q Okay. And is there also an Item 5 inside there?

15 A Yes. There is.

16 Q And who would've created that?

17 A Item 5 was created by me. It contains the DNA extracts
18 that were generated from analysis in this case.

19 Q Was that heat-sealed pouch sealed when you received it?

20 A Yes.

21 Q Okay. And can you explain to the jury exactly what you
22 did with that?

23 A I -- similar to the Item 1, the victim standard, I
24 would've taken a small cutting and performed our DNA
25 process in order to develop a DNA profile from that item.

1 And I was able to develop a DNA profile for use as a
2 known standard from Cody Hudson.

3 Q Okay. And then did you compare it to 3.1?

4 A Yes. I did.

5 Q All right. And what were the results?

6 A The DNA profile was interpreted as, "A mixture from the
7 non-sperm fraction of two individuals. The DNA profile
8 is approximately 11 septillion times more likely if Cody
9 Hudson and an unidentified, unrelated individual
10 contributed to the mixture than if two unidentified,
11 unrelated individuals contributed to that mixture."

12 Q Can you give me an idea of how many zeros come after that
13 11 to be 11 septillion?

14 A Oh, well, it would be a 1.1 and 25.

15 Q Zeros after that?

16 A Uh-huh.

17 Q Okay. Can you discuss the level of support a likelihood
18 ratio value like that provides?

19 A So the likelihood ratio support for those, the verbal
20 equivalent would be very strong support. And that starts
21 anything a likelihood ratio greater than or equal to 1
22 million.

23 Q Did you also conduct DNA testing on the sperm fraction of
24 3.1?

25 A Yes. I did.

1 Q And what was your result?

2 A The DNA profile was interpreted as single source from a
3 single individual. The DNA profile is approximately 25
4 septillion times more likely if Cody Hudson contributed
5 to the DNA profile than if an unidentified, unrelated
6 individual contributed to the DNA profile.

7 Q And can you discuss the likelihood ratio support level on
8 that one?

9 A The support level for this one would also be in the very
10 strong support category.

11 Q Okay. And related to Item 3.1, after you did the
12 comparison to Cody Hudson's standard, what did you do
13 with that item?

14 A It would've been sealed and returned to that DNA return
15 section for a return to the agency.

16 MS. HALLFORD: Okay. Your Honor, at this time,
17 State moves three -- no. That's SLED's number not -
18 - not mine. State's Exhibit 3 into evidence.

19 MR. GROSE: (To Ms. Hallford) Which was three?

20 MS. HALLFORD: Three is the --

21 MR. GROSE: Is that --

22 MS. HALLFORD: -- the cuttings.

23 MR. GROSE: -- Cody's?

24 MS. HALLFORD: Unh-unh.

25 MR. GROSE: I know.

1 MR. HALLFORD: The --

2 MR. GROSE: The cuttings?

3 MS. HALLFORD: Yes.

4 MR. GROSE: I have the same objection as to Number
5 2, Your Honor.

6 THE COURT: Okay. Overrule the objection. --

7 MS. HALLFORD: Okay.

8 THE COURT: -- Three is entered.

9 (WHEREUPON, cuttings, was admitted into evidence as
10 State's Exhibit No. 3.)

11 MS. HALLFORD: Thank you, Your Honor.

12 Q And then State's Exhibit Number 2, what did you do with
13 that?

14 A (No response.)

15 Q Or did you not have --

16 A I would not have had these items.

17 Q Okay. Let me -- are there any other items that you
18 would've had? Make sure I'm getting all of these.

19 A Item 4, this one.

20 Q Oh, this one?

21 A Uh-huh.

22 Q Okay. What did you do with that after you were finished
23 as to it?

24 A It would've been sealed and placed in the DNA return
25 section for return to the agency.

1 MS. HALLFORD: Okay. And, Your Honor, at this time,
2 State moves State's Exhibit 4, which is the known
3 standard of Cody Allen Hudson, into evidence.

4 MR. GROSE: No objection.

5 THE COURT: Without objection.

6 (WHEREUPON, standard of Cody Allen Hudson was admitted
7 into evidence State's Exhibit No. 4.)

8 MS. HALLFORD: (To the Court) I have no further
9 questions.

10 MR. GROSE: Beg the Court's indulgence, Your Honor?

11 THE COURT: Yes, sir.

12 **CROSS-EXAMINATION OF STEPHANIE STANLEY**

13 BY MR. GROSE:

14 Q With regard to Cody Hudson's DNA on that cutting, you
15 can't tell how long that's been on that object, can you?

16 A With DNA analysis, we are not able to date a stain or
17 age, how long somebody's DNA would've been on an item,
18 no.

19 Q Okay. And so it could have been on there for weeks or
20 months or even longer?

21 A I -- I just know that there was DNA on the item. I can't
22 tell you how long.

23 Q All right. But it could be weeks or months or more?

24 A Sure. Yes.

25 Q Okay. All right. And as I understand it, you said it is

1 a pretty strong probability that that's Cody's DNA on the
2 semen?

3 A Well, with likelihood ratios, some of the terminology,
4 you have to be very careful how we state it. So it's
5 always stated in terms of the evidence profile. So the
6 evidence profile is approximately the septillion times
7 more likely if it was that individual versus --

8 Q All right.

9 A -- the unidentified.

10 Q All right. With regard to **Child** 's, I think you said
11 there was weak support that likelihood -- that -- that
12 likelihood ratio provided weak support?

13 A Yes. The verbal equivalent of that is in the weak
14 support category.

15 Q And you don't know -- can't tell us anything about what
16 happened to that cutting before it came into law
17 enforcement's possession, can you?

18 A If you're referring to these items that were handled by
19 Ms. Nguyen, I don't know of anything that happened before
20 I got the item or versus our internal chain.

21 Q All right. That's -- that's what I was getting at.

22 MR. GROSE: (To the Court) Thank you.

23 MS. HALLFORD: (To the Court) No further questions.

24 THE COURT: Thank you. (To the witness) Thank you.

25 You may step down.

1 MR. GROSE: Thank you.

2 THE COURT: Please be careful.

3 (WHEREUPON, the witness was excused.)

4 THE COURT: Madam Forelady and ladies and gentlemen
5 of the jury, we've been running about 90 minutes.

6 Actually, we were here just a few minutes before
7 you. So we're gonna take our afternoon break. This
8 will be a good 15-20-minute time to -- to refresh
9 yourselves, get some water, get some coffee,

10 whatever you need. Let the bailiffs know. Madam
11 Forelady, if you'll take the jury out, please.

12 (WHEREUPON, the jury was excused at 2:29 p.m.)

13 THE COURT: Okay. Let's stand in recess for 15 to
14 20 minutes.

15 MS. HALLFORD: Thank you, Your Honor.

16 THE COURT: Thank you.

17 (Off the record from 2:30 p.m. until 2:52 p.m.)

18 THE BAILIFF: All rise, please. Court come to
19 order.

20 THE COURT: Thank you. Thank you. Please be
21 seated. Everybody ready? We'll have the jury.

22 (WHEREUPON, the jury enters open court at 2:54 p.m.)

23 THE COURT: Madam Forelady, everything good with the
24 jury?

25 MADAM FORELADY: Yes.

1 THE COURT: Very good. Solicitor?

2 MS. HALLFORD: State calls Donna Money.

3 (WHEREUPON, the witness was sworn.)

4 THE COURT: (To the witness) Okay. If you'll
5 adjust the microphone to suit yourself, tell us who
6 you are, and spell your last name, please.

7 THE WITNESS: Donna Money, M-o-n-e-y.

8 THE COURT: Thank you. Solicitor?

9 **DIRECT EXAMINATION OF DONNA MONEY**

10 BY MS. HALLFORD:

11 Q Where are you employed?

12 A I'm currently employed at the South Carolina Law
13 Enforcement Division, also known as SLED.

14 Q How long have you been there?

15 A I have been employed there since 2012.

16 Q And what is your position at SLED?

17 A I am a forensic scientist in the DNA casework department.

18 Q Can you tell the jury about your educational background,
19 please?

20 A I received a bachelor's in science degree from the
21 Pennsylvania State University in forensic science.

22 Q Do you have any specific training relating to your work
23 at SLED as a DNA analyst?

24 A Yes. When I started my employment in 2012, I
25 participated in an in-house training program under a

1 court qualified analyst that lasted approximately a year
2 and a half. During this training program, I performed
3 analysis on various practice samples. I had training
4 samples. I had a competency exam, which included a
5 practical, written, and oral components.

6 I also had a mock court, as well, before being
7 signed off to work independently on casework. Once being
8 signed off for casework, I'm required to have at least
9 eight hours of continuing education in addition to
10 participating in a proficiency testing program.

11 Q Do you know about how many items you've tested while
12 you've been at SLED?

13 A It would be several thousand.

14 Q Have you ever qualified as an expert in the fields of
15 serology and forensic DNA testing?

16 A Yes.

17 Q And have you ever testified as an expert in those fields?

18 A Yes.

19 Q Approximately, how many times have you testified as an
20 expert?

21 A Over 50.

22 MS. HALLFORD: Your Honor, at this time, State
23 offers Donna Money as an expert in the fields of
24 serology and forensic DNA testing.

25 THE COURT: Counsel?

1 MR. GROSE: No objection.

2 THE COURT: Without objection. Once again, Madam
3 Forelady, ladies and gentlemen, she's qualified as
4 an expert. Give such weight as you deem appropriate
5 to her testimony.

6 MS. HALLFORD: Thank you, Your Honor.

7 Q I am handing you what has been marked State's Exhibit
8 Number 5 for identification. Do you recognize that?

9 A Yes.

10 Q And what is it?

11 A State Exhibit 5 is SLED Item Number 6, which was a buccal
12 swab collected from Sarah Lynn Jumper.

13 Q And was it in that manila envelope when you received it?

14 A Yes.

15 Q Was it sealed when it came into your possession?

16 A Yes.

17 Q Was it sealed with that sheriff's -- Spartanburg County
18 Sheriff's Office evidence tape?

19 A Yes. The red tape at the top.

20 Q Okay. And we'll talk about the testing in a minute, but
21 after you had that in your possession to do the testing,
22 did you seal it back up?

23 A Yes.

24 Q And what did you do with it when you sealed it back up?

25 A When the evidence was sealed back up, I placed it into an

1 internal location, DNA return, so it could be brought
2 down to the evidence control department at SLED before
3 being returned to the submitting agency.

4 MS. HALLFORD: Your Honor, at this time, State moves
5 State's Exhibit 5 into evidence.

6 MR. GROSE: No objection.

7 THE COURT: Without objection, it's admitted.

8 (WHEREUPON, buccal swab collection kit, it is admitted
9 into evidence as State's Exhibit No. 5.)

10 Q What did you do with that item when you received it?

11 A I performed DNA analysis on this item in an attempt to
12 develop a DNA profile for Sarah Lynn Jumper.

13 Q Can you just briefly explain to the jury how you do that?

14 A The DNA analysis process is essentially a four-step
15 process. The first step is that you are going to take a
16 cutting from the item to extract DNA once you apply
17 chemicals to that cutting. The goal is to pull DNA from
18 the cells that may be present. The next step is to put
19 it through what is referred to as quantitation or
20 determine how much DNA is present before moving on.

21 The next step after that is amplification or making
22 more copies of the DNA. That sample is then run through
23 an instrument, and that step is referred to as "capillary
24 electrophoresis." The DNA will be separated based on
25 size, and the information that is generated during this

1 step will be combined into what is commonly referred to
2 as a "DNA profile."

3 Q Were you able to develop a DNA profile from that sample?

4 A Yes.

5 Q Okay. And that would be Sarah Jumper's DNA profile; that
6 was the buccal swab that was sent to you?

7 A Yes.

8 Q Did you compare the DNA profile from Sarah Jumper's known
9 standard with the non-sperm and sperm fractions in Item
10 3.1?

11 A Yes.

12 Q And 3.1 is the cutting from the washcloth; is that
13 correct?

14 A That is correct.

15 Q And to do that comparison, did you ever actually have
16 Item 3.1 in your possession?

17 A I did not.

18 Q And why would you not need that if you're gonna do a
19 comparison?

20 A Since a DNA profile had already been developed and
21 reported out by the previous scientists that are assigned
22 to this case, the evidence itself did not need to be
23 resubmitted.

24 Q What were your results on the non-sperm fractions of that
25 Item 3.1?

1 A When comparing the DNA profile developed from Sarah Lynn
2 Jumper to the DNA profile that had been developed for the
3 non-sperm fraction of that item, Sarah Lynn Jumper was
4 excluded as a contributor to the mixture.

5 Q And the sperm fraction?

6 A For the sperm fraction of that same item, Sarah Lynn
7 Jumper was also excluded as a contributor.

8 Q Were you in here during the testimony about the support
9 for Child [REDACTED] being a contributor?

10 A Yes.

11 Q And that was two times more likely that it's Child [REDACTED]
12 Child [REDACTED] and an unknown person than that it is just two
13 unknown persons; is that accurate?

14 A The DNA profile is two times more likely if it's Child [REDACTED]
15 Child [REDACTED] and an unidentified, unrelated individual than two
16 unidentified, unrelated individuals.

17 Q So what could be some of the reasons for that low level
18 of support for Child [REDACTED] on Item 3.1?

19 A I'm not exactly sure.

20 Q So like if that was an item that Child [REDACTED] had used at some
21 point or -- or some --

22 MR. GROSE: Objection.

23 Q -- unknown.

24 MR. GROSE: Objection. She's said she can't testify
25 to that. She said she's not sure.

1 MS. HALLFORD: She didn't understand my question is
2 what --

3 THE COURT: I think she's asking a different
4 question. (To Ms. Hallford) You're asking a
5 different question?

6 MS. HALLFORD: I -- I don't think she understood
7 what I was trying to ask because I'm not sure how to
8 phrase it because I'm not scientific.

9 THE COURT: All right. Ask the question. (To the
10 witness) Don't -- don't answer it, though.

11 Q What could some of the reasons be for a low level of
12 support for either an unknown person or Child [REDACTED]
13 being on that washcloth?

14 THE COURT: Any objection to that question?

15 MR. GROSE: I think that's the question she said --
16 said she wasn't sure she could answer.

17 THE COURT: Well, let me see what her answer is. Go
18 ahead.

19 A If you're referring to low level DNA being on an item, --

20 Q Yes.

21 A -- then possibilities is for items that are routinely
22 handled by individuals; if an individual doesn't handle
23 it on a routine basis, or if an item is washed or
24 subjected to extreme elements like heat, cold, chemicals,
25 for instance, those could potentially remove DNA from an

1 item or degrade DNA on an item over time.

2 Q So if I wash with a washcloth, and then I wash it in the
3 washing machine, that's not necessarily going to remove
4 all of my DNA if I've left DNA on that washcloth?

5 A Not necessarily. Laundry items differ from person to
6 person.

7 Q Okay.

8 MS. HALLFORD: (To the Court) I have no further
9 questions.

10 THE COURT: Counselor?

11 **CROSS-EXAMINATION OF DONNA MONEY**

12 BY MR. GROSE:

13 Q And I believe you would agree with two times as weak
14 support? Is that likely the ratio?

15 A I agree with the result that was reported by Stephanie
16 Stanley.

17 Q Okay. Including that the -- that that's weak support?

18 A Yes.

19 Q Okay. And I think you would also agree that when you
20 have a -- an item of DNA on it, you can't tell how long
21 that DNA has been there?

22 A I cannot age a stain or how long DNA has been present on
23 an item.

24 Q And I think you just testified that an item could even be
25 washed and still have DNA on it?

1 A It's possible.

2 MR. GROSE: (To the Court) Thank you.

3 THE COURT: Thank you. (To Ms. Hallford) Anything
4 else to those couple of questions?

5 MS. HALLFORD: Nothing from the State.

6 THE COURT: Thank you. Agent, you may step down.

7 MS. HALLFORD: Can these -- can the SLED witnesses
8 be excused?

9 MR. GROSE: No objection.

10 THE COURT: Any objection? Mr. Grose, any objection
11 to the SLED --

12 MR. GROSE: I have no objection.

13 THE COURT: -- SLED being -- okay. They may be
14 excused.

15 MR. GROSE: Can we approach about scheduling just
16 quickly?

17 THE COURT: Yes, sir.

18 MR. GROSE: Okay.

19 (WHEREUPON, a bench conference was held.)

20 THE COURT: Madam Forelady and ladies and gentlemen,
21 the next witness is -- is not going to be a short
22 witness. And I know there's a little time left
23 here, but one thing that lawyers hate, and -- and I
24 did, too, when practicing, is to break up testimony.

25 Meaning that you hear one side of the testimony

1 and -- and maybe they get done or almost done by
2 five o'clock and then come back tomorrow to finish
3 that. So I've agreed with the lawyers not to do
4 that. We've got some things that we can do outside
5 of a jury's presence here. Not on this case, but I
6 got some other things I can do the rest of the
7 afternoon.

8 So we're gonna send you home a little early
9 today. Don't talk about the case. Do not try to do
10 any investigation of the case. And then we're gonna
11 ask you to be back ready to work in the morning at
12 nine, at 9 a.m. So the courthouse again opens at
13 8:30. The bailiffs will have coffee for you, water,
14 whatever you might need. And anything that you
15 need, just please let the bailiffs know.

16 All right. With that, we're gonna release you
17 for the rest of the day, and I'm gonna switch gears
18 and do some non-jury stuff for a little while.

19 (WHEREUPON, the jury was excused at 3:06 p.m.)

20 THE COURT: Okay. We'll be in recess until nine
21 tomorrow morning.

22 (Off the record at 3:07 p.m.)

23 **END OF DAY 3**

24 **DAY 4 OF TRIAL - JULY 20, 2023**

25 THE BAILIFF: All rise, please. Court come to

1 order.

2 THE COURT: Thank you. Please be seated. Good
3 morning, everyone.

4 THE CLERK: Good morning.

5 THE COURT: Good morning, everyone. Okay. I am
6 told every -- the jury's here. So everybody ready?

7 MS. HALLFORD: State -- State's ready.

8 MR. GROSE: Yes, sir.

9 THE COURT: Yes, sir. Good morning, everyone.
10 Let's have the jury.

11 (WHEREUPON, the jury enters open court at 9:10 a.m.)

12 THE COURT: Good morning, ladies and gentlemen.
13 Madam Forelady, everything good?

14 MADAM FORELADY: Yes, sir.

15 THE COURT: Thank you. Give your attention to her.

16 MS. HALLFORD: State calls **Child**

17 (WHEREUPON, the witness was sworn.)

18 THE COURT: Ma'am, if you'll adjust the microphone
19 to suit yourself, using your outside voice, tell us
20 who you are, and spell your last name, please.

21 THE WITNESS: **Child** A-b-b-o-t-t.

22 THE COURT: Thank you.

23 **DIRECT EXAMINATION OF** **Child**

24 BY MS. HALLFORD:

25 Q Do you go by **Child** or **Child**

- 1 A [REDACTED]
- 2 Q And spell the way you spell "[REDACTED]" for the court
- 3 reporter.
- 4 A A-l-l-y.
- 5 Q What's your date of birth?
- 6 A 2/1/05.
- 7 Q That makes you how old today?
- 8 A Eighteen.
- 9 Q Are you currently in school? Well, will you be in school
- 10 when school starts back up?
- 11 A Yes.
- 12 Q Where do you go?
- 13 A I do online school.
- 14 Q How did you end up doing online school?
- 15 A When COVID happened and we all went to online school, I
- 16 just never went back to regular school.
- 17 Q Are you currently employed anywhere?
- 18 A I am.
- 19 Q Where are you working?
- 20 A I'm a server at a restaurant.
- 21 Q How long have you been doing that?
- 22 A Three years.
- 23 Q Do you have any hobbies?
- 24 A I like to write, and I do photography, too.
- 25 Q What are your plans for the -- well, let me back up for a

1 second.

2 What grade are you in this year or that you'll be
3 going in?

4 A I'll be going into 12th and graduate in December.

5 Q Okay. After you graduate, do you have any plans for the
6 future?

7 A I do. I want to become an esthetician and go to nail
8 school.

9 Q Kind of explain what an esthetician is? And some people
10 don't know.

11 A So it's basically people who work with your face. They
12 can do waxing, facials, stuff like that.

13 Q What is your mother's name?

14 A Sarah Jumper.

15 Q Do you have a relationship with your biological father?

16 A I don't.

17 Q Do you have brothers and sisters?

18 A I do.

19 Q Can you give me their names and dates of -- or -- or
20 their ages, not dates of birth, but their ages?

21 A My brother's name is Brother . And did you say give the
22 ages?

23 Q Age. Uh-huh.

24 A He is 19. And my sister is -- name is Sister and she
25 is 11.

1 Q Does Sister go by or does she go by something
2 else?

3 A She goes by Child

4 Q And how does she spell "Child

5 A A-d-d-y.

6 Q Where do you currently live?

7 A In Boiling Springs.

8 Q Who do you live with?

9 A My mom, brother, sister, and my mama's fiancé.

10 Q How long have you lived in the Spartanburg area?

11 A My whole life.

12 Q Child do you know Cody Hudson?

13 A I do.

14 Q How do you know him?

15 A He used to be married to my mom.

16 Q Speak up.

17 A He used to be married to my mom.

18 Q Did you see him in the courtroom today?

19 A I do.

20 Q Can you point him out, please?

21 A (Indicates.) He's sitting over there with the blue shirt
22 on.

23 Q Did he and your mom live together with your family once
24 they got married?

25 A Yes.

1 Q And did he end up moving out sometime in February or
2 March of 2019?

3 A Yes.

4 Q While y'all were all living together, did you live at one
5 location or multiple locations?

6 A Multiple.

7 Q Okay. To your knowledge, did his mom pass away on August
8 20th of 2016?

9 A Yes.

10 Q What was her name?

11 A Lisa.

12 Q What did you call her?

13 A I just called her "Nanny Lisa."

14 Q What kind of relationship did you have with her?

15 A We had a decent relationship. It wasn't bad. I kind of
16 had a relationship with her just like a grandmother and
17 granddaughter is supposed to have.

18 Q You said you were born -- did I ask you your birthday? I
19 did, didn't I?

20 A Yes.

21 Q February 1st, 2005, correct?

22 A Yes.

23 Q Okay. So would that make you 11 in August of 2016 when
24 she passed away?

25 A Yes.

1 Q Up until the time that his mother died, what kind of
2 relationship did you have with Cody Hudson?

3 A We did not have a relationship at all. We both didn't
4 like each other, and that was very known.

5 Q And how -- why was it very known?

6 A Because we couldn't even talk to each other without
7 getting smart with one another. We really never did talk
8 to each other because it would always lead to an
9 argument.

10 Q Before his mom passed, did you and Cody Hudson spend --
11 voluntarily spend time together?

12 A No.

13 Q Very shortly after his mom died, did you and your family
14 go down to his dad's house to spend time with the family
15 to kind of comfort his father?

16 A Yes.

17 Q Do you remember how long after her death it was that that
18 happened?

19 A Probably like three days later.

20 Q Do you remember if it was before or after the funeral?

21 A I think it was after the funeral.

22 Q I know it's been a long time, but can you recall who all
23 was there?

24 A Yes. It was me, my mom, him, his dad, his brothers, and
25 his nieces and nephews.

1 Q While you guys were down there, did you and some of the
2 other people who were there end up playing a game of hide
3 and seek?

4 A Yes. We did.

5 Q Do you remember who all was playing?

6 A It was me, him, his daughter, CH's, his niece, Jade and
7 Hannah, and his nephew, Adam.

8 Q Okay. Was it light or dark out when you guys were
9 playing?

10 A It was dark.

11 Q At some point during that game, did you and Cody Hudson
12 end up hiding together?

13 A We did.

14 Q Okay. Was anybody else with you?

15 A It was Adam.

16 Q And where did y'all end up when you were hiding?

17 A We hid behind the building at his dad's house.

18 Q So in your own words, with as much detail as you can
19 remember, describe to the jury what happened while you
20 were hiding behind that building?

21 A So when we got behind the building, he told me to get in
22 front of him because we were supposed squatted down on
23 our knees, and he told me to get in front of him. So I
24 got in front of him, and when I got in front of him, he
25 started rubbing on my butt.

1 And then I asked him what he was doing, and he
2 really didn't say much. He just told me didn't it feel
3 good, and then I told him to stop. So he finally stopped
4 after that. But he was rubbing on my butt while I was in
5 front of him, the whole time.

6 Q When you guys were talking to each other, when you were
7 telling him to stop, in -- in that conversation, were
8 y'all talking out loud or were you whispering?

9 A We was whispering.

10 Q You said that Adam was hiding with you guys. Where was
11 he in relation to where you and Cody Hudson were squatted
12 down?

13 A He was like kind of at the front of the building, and we
14 was like to the side of the building.

15 Q Was it dark in the area where you guys were?

16 A Yes.

17 Q Later that night, did you and your family go back to the
18 house where you guys were living?

19 A Yes.

20 Q Was that residence at **Address 3**?

21 A Yes.

22 Q What town is that located in?

23 A It's like the Chesnee/Boiling Springs area.

24 Q Spartanburg County?

25 A Yeah.

1 Q Do you remember who all was at your house that night?

2 A It was me, his daughter, CH's and my mom, him, and his
3 niece and nephew.

4 Q At some point after you all got home, did you go out onto
5 the front porch?

6 A I did.

7 Q What were you doing out there?

8 A I was outside looking at my telescope.

9 Q While you were outside looking through your telescope,
10 did anyone else come outside?

11 A Yes.

12 Q And who was that?

13 A Cody.

14 Q What happened after he came outside?

15 A When he came outside, he sat down in a chair, and he told
16 me to come get in the chair with him. He told me to sit
17 on his lap. And so -- so I went over there and sat on
18 his lap. When I sat on his lap, he started rubbing on my
19 breast, and he was under my shirt. He went under my
20 shirt and started rubbing on my breast, and then he held
21 my head, and he pulled my head close to him, and he
22 started kissing on me.

23 Q Did he say anything to you?

24 A He told me it would be all right, and it would feel good.

25 Q It would what?

1 A It would feel good.

2 Q Okay. What did you tell him?

3 A I told him I didn't feel comfortable with this.

4 Q When you say, "he started kissing on you," what -- how
5 would you describe that type of kissing?

6 A It was a pretty intense kiss. He -- he had grabbed my
7 chin and pulled my face towards him, and it was almost
8 like a boyfriend and girlfriend kiss.

9 Q After how he had touched you at his dad's house, why did
10 you sit in his lap, **Child**

11 A Because I didn't know, I -- I considered him my stepdad,
12 so I thought I could -- I didn't know. I really don't
13 know. I didn't -- what I did, but I thought he was my
14 stepdad, and I thought I could trust him.

15 Q Did you understand kind of what was going on?

16 A No.

17 Q What happened after he finished touching you, **Child**

18 A He went back inside, but he didn't say a word.

19 Q What did you do?

20 A I went to my bedroom.

21 Q Was anybody else staying in the room with you that night?

22 A His daughter.

23 Q And I think you said her name earlier, is Alex (as
24 spoken)?

25 A **CH's**

1 Q CH's Is she the same age as you? Older? Younger?

2 A She's younger.

3 Q Do you know how much younger?

4 A No.

5 Q Okay. And you were 11 at this time?

6 A Yes.

7 Q Where were you and CH's sleeping in that bedroom?

8 A We had a bunk bed.

9 Q Okay. Who was on top and who was on the bottom?

10 A I was on the top bed, and she was on the bottom.

11 Q Was it common for CH's to stay at you guys' house?

12 A She came almost every weekend.

13 Q Did she generally stay in your room?

14 A Yes.

15 Q Did she also sometimes stay in Child's room?

16 A Yes.

17 Q But that night she's in your room?

18 A Yeah.

19 Q Okay. While you guys were in the bed, did Cody Hudson
20 come into that room?

21 A Yes.

22 Q And tell the jury what happened when he came into the
23 bedroom?

24 A When he came into the room, he gave his daughter a hug
25 and kiss goodnight. And never before this would he give

1 me a hug and kiss, but that night he gave me a hug and
2 kiss goodnight and told me he loved me.

3 Q What kind of kiss did he give you that night?

4 A It was a regular kiss, just a basic goodnight kiss.

5 Q Okay. To your knowledge -- let me back up.

6 Do you know whether or not CH's saw that happen?

7 A I don't because I was on the top bed, and there's a board
8 that kind of covered the bed.

9 Q Did she say anything to you that would make you think
10 that she saw that her -- her dad had kissed you
11 goodnight?

12 A She did not.

13 Q Did you say anything to her about her dad kissing you
14 goodnight?

15 A No.

16 Q And it's not your testimony now that that kiss was like a
17 boyfriend/girlfriend kiss; that was an obvious goodnight
18 kiss?

19 A Correct.

20 Q But was it on the lips?

21 A Yes.

22 Q Okay. And I think you said he had never done this before?

23 A Never.

24 Q Child what was your reaction to him rubbing your butt and
25 rubbing your breasts and giving you a

1 boyfriend/girlfriend kind of kiss?

2 A I was scared because I didn't know what was gonna happen.
3 I didn't know what was going on because never before this
4 did we even have a relationship.

5 Q If you were scared, and it felt uncomfortable to you,
6 then why didn't you tell your mom about him touching you
7 sexually?

8 A Because I didn't think she would believe me.

9 Q And why didn't you think she would believe you?

10 A Because she really loved him, because really my whole
11 family did. So I didn't think nobody would believe me.

12 Q And when you say the whole family loved him, are you
13 talking about yourself at that point?

14 A No. My whole family, like my mom's mom --

15 Q Okay.

16 A -- my brother.

17 Q Okay. Had your mom previously made it clear to you guys
18 that she would take Cody's side if something came up?

19 A Yes.

20 Q And had you experienced that with her before?

21 A Yes.

22 Q So if you didn't feel comfortable telling your mom, then
23 why didn't you tell someone else when you started school
24 or -- or were already in school, I assume?

25 A Because I didn't know how people was gonna react to it.

1 I didn't know what was gonna happen to me because he told
2 me, you know, if it ever did come out, the blame would
3 get put back on me.

4 Q How did he act towards you the following day?

5 A He acted normal.

6 Q So around the same time that this happened, the funeral
7 and going to play hide and seek and stuff, was your
8 family in the process of moving from the Address 3
9 Addr house to a house on Address 1?

10 A Yes.

11 Q And where -- what town is the Address 1 house
12 located?

13 A It's Campobello.

14 Q And is that in Spartanburg County?

15 A Yes.

16 Q A few days after he touched you sexually that first time,
17 did he ask you to go with him to get stuff out of the
18 house that you guys were moving out of?

19 A Yes.

20 Q Did you end up going with him to the Addres (as spoken)
21 Address 3 House?

22 A Yes.

23 Q Was anyone else in the vehicle besides you and him?

24 A No.

25 Q Do you remember where your mom and your brother were

1 while you guys were going to Address 3 ?

2 A They was at the house we moved into -- or we were moving
3 into.

4 Q Do you remember where your little sister was?

5 A She was with my grandparents.

6 Q During the drive back to the old house, describe what
7 happened?

8 A So he was driving in -- he had a truck, and I was sitting
9 in the passenger seat, and then he told me to scoot
10 closer to him, so I scooted closer to him. When I
11 scooted closer to him, he grabbed my hand and put it on
12 his penis.

13 Q And when he grabbed your hand and put it on his penis,
14 was his penis in his clothes or out of his clothes?

15 A He had unzipped (as spoken) his pants; out of his
16 clothes.

17 Q Did he ask you to do anything other than touch his penis
18 with your hand?

19 A He wanted me to suck it.

20 Q And how do you know that he wanted you to suck it?

21 A Because he asked me.

22 Q Do you remember what words he used?

23 A (Shakes head from side to side.)

24 Q What did you tell him?

25 A Oh, I didn't feel comfortable doing that.

1 Q So what happened after that?

2 A After that, he put it back in his pants.

3 Q And as y'all continued on your drive to Address 3

4 Addr, how was he acting at that point?

5 A It was a very silent drive.

6 Q When you guys got to the Address 3 house, what
7 did he tell you to do?

8 A When we got there, there was his bed in the living room,
9 and he put the bed down and he told me to get on top of
10 that bed.

11 Q Now, when you're talking about the bed, are you talking
12 bed frame or are you talking a mattress?

13 A A mattress.

14 Q Okay. And why was the mattress in the living room?

15 A Because we was moving, so we had put everything in our
16 living room to make it easier to bring out.

17 Q Okay. So did you in fact lay down on the mattress?

18 A I did.

19 Q Can you tell the jury with as much detail as you can
20 remember what happened after you laid down on the
21 mattress?

22 A When I laid down on the mattress -- I laid down on the
23 mattress, he pulled my pants down, and then he started
24 rubbing -- rubbing on me on my vagina, and then he tried
25 to stick his penis in me.

1 Q What happened when he tried to stick his penis in you?

2 A I told him it was hurting me really bad.

3 Q Did his penis go inside of you at all?

4 A He didn't go all the way inside of me.

5 Q But did it penetrate your vagina?

6 A Yes.

7 Q Did he do anything else to your private area, **Child**

8 A He started licking it, too.

9 Q **Child** did you understand what was going on when this was
10 happening?

11 A No.

12 Q What did you say to him? Did you say anything?

13 A I told him to stop because it was hurting me.

14 Q And what was his response?

15 A He wouldn't stop at first, but after I told him it
16 really, really, really hurt me, he eventually stopped.

17 Q Did he say anything to you about how it would make you
18 feel if you let him do that?

19 A He told me it would make me feel good.

20 Q When he was putting his penis inside you, **Child** were his
21 clothes completely off?

22 A No.

23 Q Describe what he did with his clothes?

24 A He still had his clothes on. He just unzipped his
25 pants.

1 Q So he was able to penetrate, but it was not full sexual
2 intercourse that time?

3 A Yes.

4 Q After you told him to stop, and he did in fact stop, how
5 did he act with you?

6 A He acted really mad at me.

7 Q And what made you believe that he was mad at you?

8 A Because he was, like, huffing and puffing when he got up,
9 and he just -- just had an angry look on his face.

10 Q What did you do for the rest of the time that you guys
11 were at the Address 3 house?

12 A I really didn't do nothing. I just sat there.

13 Q When you got back to the house, was your mom there?

14 A Yes.

15 Q Did you say anything to her to let her know what had
16 happened?

17 A No.

18 Q And, again, why -- if he had just put his penis inside
19 you and licked you on your private area, why didn't you
20 tell your mom?

21 A Because I was still scared.

22 Q And why didn't you tell some other adult when you saw
23 another adult?

24 A I didn't think nobody would believe me.

25 Q By late August, early September, did you guys get fully

1 moved into the Address 1 house?

2 A Yes.

3 Q And you're still 11 at that point?

4 A Uh-huh.

5 Q Who all moved into the Address 1 house?

6 A It was me, my brother, sister, and mom, and him.

7 Q Where were you going to school?

8 A New Prospect Elementary.

9 Q Describe how the bedrooms were in that house?

10 A So it was upstairs and down here -- downstairs. I -- so
11 downstairs, you walk in -- in -- well, it was a -- like a
12 -- so if you keep on going straight down the hallway, and
13 to the left was my bedroom. And then right in front of
14 my bedroom, it was my sister's bedroom. And then in
15 front of her bedroom, it was my brother's bedroom. And
16 then right in front of his bedroom door, was the bathroom
17 door, and it was the living room, and their -- my mom and
18 his bedroom was upstairs.

19 Q Who would usually wake you up for school?

20 A Cody.

21 Q Why didn't your mom wake you up?

22 A Because she would still be sleeping.

23 Q Did your mom know that he was getting you up for school?

24 A Yes.

25 Q When he would wake you up, did he sometimes get into bed

1 with you?

2 A Yes.

3 Q And what would he do when he got into bed with you?

4 A Sometimes he would come in there and just lay with me;
5 it'd be like a cuddling thing. And then sometimes he
6 would kiss on me. And then there would be other times he
7 would like -- there'd be other times he would like make
8 me put my hand on his penis or other stuff, too.

9 Q So you testified earlier that he wanted you, when y'all
10 were driving to Address 3, to put your mouth on
11 his penis and give him -- we'll just call it "oral sex."
12 When you guys moved to the Address 1 house, did he
13 want you to give him oral sex there?

14 A Yes.

15 Q And how do you know that he wanted you to do that?

16 A Because sometimes he -- if he would be in my room, he
17 would push my head down to that area -- to his penis.

18 Q And did you end up performing oral sex on him?

19 A Yes.

20 Q Did he ever -- I'm sorry. Did he ever ejaculate in your
21 mouth?

22 A Yes.

23 Q What did you tell him about what he was making you do?

24 A I told him it was making me really uncomfortable because
25 I didn't like that. Like I -- it -- it was nasty to me.

1 Q And what did he tell you about what you should do when he
2 ejaculated?

3 A He told me I should swallow it.

4 Q Was the oral sex, fellatio something that happened one
5 time or more than one time at the Address 1 house?

6 A More than one time.

7 Q During the time that you lived at the Address 1
8 house, was the sexual abuse ongoing and regular?

9 A Yes.

10 Q After you moved to Address 1, did he do anything
11 to your vagina with his hands?

12 A Yes.

13 Q What would he do?

14 A Sometimes when he would come in there in the morning
15 times, he would rub on my vagina with his hands.

16 Q Would that be over the clothes, under the clothes, or
17 both?

18 A Both.

19 Q Did he rub your vagina with his hands one time or more
20 than one time in the house on Address 1?

21 A More than one time.

22 Q When he would rub your vagina, did his fingers ever go
23 inside?

24 A Sometimes they would, but sometimes it would just be like
25 kind of at the top.

1 Q Okay. So let's make sure that we understand this. He
2 would sometimes penetrate your vagina with his fingers?

3 A Yes.

4 Q Okay. Was there ever a time that he used something on
5 his hands before he touched you with his fingers?

6 A No.

7 Q Did he ever use a substance at any time when he was
8 sexually abusing you at the Address 1 house?

9 A Yes.

10 Q And what was that?

11 A It was a purple bottle of lube.

12 Q And what would he do with that?

13 A He would put it on his penis.

14 Q While you were living at the Address 1 house, did
15 he make you do anything to his body with your hands?

16 A Yes.

17 Q And what would he make you do to him?

18 A He would make me put my hand on his penis and go --

19 Q And do what?

20 A Go up and down with it; jack it off.

21 Q And did he show you what he wanted you to do?

22 A Yes. Because sometimes he would place -- he would get my
23 hand and place my hand with his hand on his penis.

24 Q And would he sometimes ejaculate when this was going on?

25 A Yes.

1 Q And where -- where would that go?

2 A Sometimes it would go on the floor; sometimes it would go
3 on my bed; sometimes he would get a washcloth.

4 Q If it went on the floor or on your bed rather than
5 directly onto a washcloth, who would normally clean that
6 up?

7 A It would normally be me.

8 Q Okay. And what would you use to clean that up?

9 A A washcloth or like a towel.

10 Q Did he make you rub his penis one time or more than one
11 time at the Address 1 house?

12 A More than one time.

13 Q You talked about him penetrating you at the Address 3
14 house, but not full sexual intercourse. At some
15 time after you guys moved to the Address 1 house,
16 did he put his penis inside your vagina again?

17 A Yes.

18 Q On some occasions before he did that, would he do
19 anything with his genitals to your genitals that did not
20 involve penetration?

21 A Yes.

22 Q And what did you refer to that as? Do you remember what
23 you called that?

24 A No.

25 Q Can you describe what his body was doing?

1 A Sometimes he would get on top of me with his clothes
2 still on and my clothes would still be on, too, and he
3 would just be going up and down.

4 Q Do you remember referring to that as "humping back" in
5 the (inaudible)?

6 MR. GROSE: Objection: leading.

7 THE COURT: (To the State) Rephrase, please.

8 Q What, if anything, do you remember about what you called
9 that back in 2019?

10 A I called it "humping."

11 Q Okay. And you said your clothes were on sometimes?
12 Would he also hump you when your clothes were off
13 sometimes?

14 A Yes.

15 Q After he started humping you at the Address 1
16 house, or some time in that same time frame, did he
17 progress to sexual intercourse?

18 A Yes.

19 Q Was anybody else at the house the first time he had
20 sexual intercourse with you at Address 1?

21 A I don't recall.

22 Q Do you remember what you were doing just before the first
23 time he had intercourse with you?

24 A I was coloring.

25 Q Where were you coloring?

1 A In my bedroom.

2 Q You were 11 at the time?

3 A Yes.

4 Q What happened when you were coloring in your bedroom?

5 A He came in there and asked to color with me.

6 Q Did -- did you give him a coloring sheet?

7 A Yes.

8 Q Did he color for a little bit?

9 A For a little bit, and he put it down.

10 Q Describe to the jury what you remember in as much detail
11 as you can about that first time when you were coloring?

12 A So I was coloring, and he came in there. He started -- I
13 gave him some crayons, and he colored a sheet, and then
14 he started coloring. And then he put it down, and then
15 he started kissing me, and he placed his hand on my head
16 and started kissing me. And once he did that, he took my
17 clothes off; he got on top of me; and he spit on his hand
18 and then put that on his penis, and then he put it inside
19 of me.

20 Q Can you describe anything you remember about how he was
21 moving his body?

22 A He was going like -- like back and forth.

23 Q Did you say anything to him?

24 A I told him it hurt. It was hurting me really bad, and I
25 was really uncomfortable.

1 Q Did you start crying?

2 A Yes.

3 Q When you started crying and told him it hurt, what did he
4 say to you?

5 A He told me it would feel good.

6 Q Did it feel good?

7 A No.

8 Q On that occasion, do you remember if anything came out of
9 his penis?

10 A I believe it did.

11 Q After that first time that he had sexual intercourse with
12 you at the Address 1 house, did he continue to
13 have sexual intercourse with you at that house?

14 A Yes.

15 Q Do you remember, as best you can, about how often sexual
16 abuse would happen?

17 A This would be like almost a everyday thing/every other
18 day.

19 Q What are the locations at the Address 1 house?
20 Like the rooms or areas where he had sexual intercourse
21 with you?

22 A It was in my room, the living room, my mom and hers --
23 his room, in the laundry room.

24 Q What would make y'all have sex in different rooms? Do
25 you know why it would be in one location as opposed to

1 another on a particular day?

2 A I don't.

3 Q You said he had sex with you in the laundry room. So

4 describe what would happen in the laundry room?

5 A There is this table, and he would bend me over the table.

6 Q Was there ever an occasion at the Address 1 house

7 where something sexual happened outside?

8 A Yes.

9 Q Can you describe to the jury what you remember about
10 that?

11 A It was late at night; it was dark; and we had a car.

12 Cars were parked out front. Me and him was out there,

13 and he told me to bend over on their car, so I did.

14 Q And what happened after you bent over on the car?

15 A Then he started penetrating me.

16 A Was that vaginally?

17 Q Yes.

18 Q Okay. Would anybody have been able to see if they been
19 driving by?

20 A It was -- I don't think so, but I also don't know.

21 Q Do you remember if any cars did come by?

22 A No.

23 Q Were any of your -- the neighboring houses close enough
24 that someone from one of the houses would've been able to
25 see?

1 A The closest house was behind us where -- and there was a
2 fence to block that view, so --

3 Q So no?

4 A No.

5 Q And you're getting really quiet again.

6 A Okay. I'm sorry.

7 Q So speak up. Do you know where your mom was when that
8 happened?

9 A She was in her room.

10 Q And I think you testified her -- her bedroom, is that
11 what you're talking about when you say "her room? Her
12 bedroom"?

13 A Yeah.

14 Q And that was upstairs?

15 A Yes.

16 Q Were there sometimes occasions other than this one where
17 he would do something sexual to you, and your mom would
18 be at home?

19 A Yes.

20 Q And what would he do to make sure that your mom wouldn't
21 find out?

22 A He would make sure she would be asleep first, and then he
23 would continuously check, make sure she was still asleep.

24 Q So during the period that you lived at the Address 1
25 Address 1, I think we've established that you moved in

1 there August -- late August/early September of 2016, do
2 you remember when approximately you guys moved out of
3 that house?

4 A I wanna say it was probably like in the middle -- towards
5 the end of 2018.

6 Q Of the Address 1 ?

7 A I think so.

8 Q Okay. Do you remember moving into a house at 232 Scruggs
9 Road in Chesnee and being there for about a month?

10 A I hardly remember that.

11 Q And then subsequent to the Scruggs Road house, do you
12 remember moving to Address 2 ?

13 A Yes. I do remember that house.

14 Q And where is that one located?

15 A It's in the Mayo area.

16 Q And is that in Spartanburg County?

17 A Yes.

18 Q Did he have sexual intercourse with you at the Addres
19 Addr house?

20 A Yes.

21 Q What rooms at the Address 2 House did he have sexual
22 intercourse with you in?

23 A It would be in my room, the living room, this little --
24 it's like a playroom, my sister's playroom, their room,
25 bathroom.

- 1 Q Where in the bathroom would he have sex with you, **Child**
- 2 A Make me bend over in the bathtub.
- 3 Q And the playroom -- **Child**'s playroom what would --
- 4 A There's a table in it.
- 5 Q And what would happen in that room?
- 6 A He'd make me bend over on that one, too.
- 7 Q When you guys were living at the **Address 2** House, were
- 8 there ever times that he made you perform oral sex on
- 9 him?
- 10 A Yes.
- 11 Q Did oral sex happen once or more than once at the **Address**
- 12 **Addr** house?
- 13 A More than once.
- 14 Q And let's go back for a second. Did sexual -- well,
- 15 obviously, sexual intercourse happened more than once, if
- 16 it happened in multiple locations.
- 17 A Yes.
- 18 Q Was there ever a time when he attempted to have anal
- 19 intercourse with you?
- 20 A Yes.
- 21 Q Tell us what happened then?
- 22 A He tried to stick his penis in my butt, and it started
- 23 hurting really bad, and I like flinched up, and I told
- 24 him I'm not doing that. I told him it hurt.
- 25 Q Did he try to have anal sex with you once or more than

1 once?

2 A Just once.

3 Q Just once. Did you ever have any injury to your vaginal
4 or anal area after he had intercourse with you or that
5 time that he attempted to have anal intercourse?

6 A Yes. When I wiped there was blood.

7 Q And did that happen once or more than once?

8 A It happened more than once.

9 Q Is it possible that that was period blood?

10 A No. Because I -- my -- my -- I've had my period since I
11 was nine, so my period is pretty much set now, so I know.

12 Q At some point, did your mom and Cody Hudson split up, and
13 he moved out of the residence on Address 2 house?

14 A Yes.

15 Q To the best of your recollection, what was the time frame
16 for that? What -- winch -- when do you remember him
17 moving out of the house on Address 2?

18 A It was towards the end of March or -- yeah.

19 Q When you were interviewed at the CAC -- never mind.

20 So is that move out date accurate to the best of
21 your memory?

22 A Yes.

23 Q Okay. When you had your forensic interview, do you
24 remember the interviewer asking you to describe the last
25 sexual contact that he had with you before he moved out?

1 A Yes.

2 Q Do you remember where your mom was when that happened?

3 A She was at the gym.

4 Q Do you know where your brother was?

5 A I think he was with my grand -- nanny and papa.

6 Q Do you know how long before he actually moved out of the

7 **Address 2** house it was that this last sexual

8 intercourse act or sex act occurred?

9 A It was not -- it was probably three or four days before.

10 Q To the best of your recollection, what happened the last

11 time he sexually abused you?

12 A The last time it happened, he got me to watch porn before

13 he --

14 Q On what?

15 A My phone.

16 Q And then did you want to look up porn on your phone?

17 A No.

18 Q Why was that?

19 A Because I didn't feel comfortable looking at that stuff.

20 I thought it was nasty. I didn't wanna have nothing to

21 do with it.

22 Q Was there also an issue with your mom going through your

23 phone?

24 A Yes.

25 Q Did you end up watching a little bit of porn that day?

1 A Yes.

2 Q What was he doing while that was going on?

3 A He was jacking off.

4 Q What happened after y'all watched a little bit of porn?

5 A After the -- he cut the video off. He pulled out my
6 phone. He got -- he already had my phone. And he pulled
7 up the camera and he told me to bend over.

8 Q And then what happened?

9 A He started recording it.

10 Q And what was he recording?

11 A He was recording me. I was bent over on the couch, and he
12 was recording the penetration part.

13 Q Did he say anything to you while he was --

14 A He told me to call him daddy.

15 Q After he finished, what did he tell you to do?

16 A Like finish the video, or --

17 Q After -- after he finished having sex with you, what, if
18 anything, did he tell you to do with your phone?

19 A He told me to watch the video.

20 Q What did you actually do?

21 A I deleted it.

22 Q And what was his reaction when you deleted it?

23 A He -- he asked why I deleted it for.

24 Q What did you tell him?

25 A Because I didn't want that on my phone.

1 Q To your knowledge, was that the only time he made a
2 recording of you doing something sexual on the phone?

3 A Yes.

4 Q And to your knowledge, is that the only time anybody
5 watched porn on your phone?

6 A Yes.

7 Q So we'll get more into therapy later, but after people
8 found out that he was sexually abusing you, did you end
9 up going to a therapist named Erica Whitt?

10 A Yes.

11 Q As part of her therapy, did she have you write what she
12 called "the trauma narrative" to kind of explain the
13 sexual abuse and process it?

14 A Yes.

15 Q Was the trauma narrative done in one session or over the
16 course of several sessions?

17 A Over the course of several.

18 Q And did you include every single detail about the sexual
19 abuse in the trauma narrative?

20 A I don't think I included every single detail, but the
21 most important ones.

22 Q Over the -- so if he started abusing you in August of
23 2016, and then he moved out in March of 2019, so that's
24 like two years and seven months, I think. Did he
25 continually and regularly abuse you over that whole

1 period of time?

2 A Yes.

3 Q Do you have any idea how many times you were sexually
4 assaulted over that period of time?

5 A Way over a hundred, probably close to two/three.

6 Q In your trauma narrative, did you write about the last
7 time he had sexually assaulted you?

8 A I believe I did.

9 Q And do you remember what you put in your trauma
10 narrative?

11 A I don't recall.

12 Q If what you put in your trauma narrative was different
13 from what you told Heather Flassing about the phone and
14 the recording, was that an attempt on your part to be
15 deliberately misleading?

16 A No. If I put something in the trauma narrative that
17 wasn't what I -- was in the recording or my CAC
18 interview, it's probably because I didn't remember it at
19 the time.

20 Q Okay. Is this something that you try to go over and over
21 in your mind, or is this something that you try to
22 suppress, **Child**

23 A This is something I try to suppress.

24 Q Did you spend a lot of time back then and -- and when you
25 were in therapy, did you sit around and try to remember

1 all the details?

2 A No. I wanted to forget them.

3 Q Did you and Cody Hudson ever send each other pictures of
4 a sexual nature?

5 A Yes.

6 Q And how would that happen?

7 A He would ask me for pictures.

8 Q Okay. What kind of pictures did he want you to send?

9 A Of my breast and then my vagina.

10 Q Did you ever send him pictures?

11 A Yes.

12 Q What did you take the pictures with?

13 A My phone.

14 Q And did you in fact send him pictures of your breasts and
15 vagina?

16 A Yes.

17 Q What did you send them to him -- what did he receive them
18 on? I guess --

19 A His phone.

20 Q Okay. When you would send pictures to him, did you
21 normally delete them after you sent them?

22 A Yes.

23 Q Did he send pictures to you sometimes?

24 A Yes.

25 Q And what would you do with them after you received them?

1 A Delete them.

2 Q And why was it that you were deleting this stuff?

3 A Because I really didn't care to have them. I didn't want
4 them on my phone.

5 Q Was your mom still checking your phone, as well?

6 A Not as much as she did, but, yes.

7 Q Do you know what kind of phone he had?

8 A The same exact phone I did, a Galaxy S8 plus.

9 Q What kind of pictures did he send you?

10 A Pictures of his penis.

11 Q When he would send you pictures of his penis, how would
12 his clothes typically be?

13 A They would still be on.

14 Q If his clothes were on, how were you able to see his
15 penis?

16 A Because he would unzip his pants and just, you know,
17 hold.

18 Q Did you send sexual pictures to him once or more than
19 once?

20 A More than once.

21 Q Do you remember writing in your trauma narrative, "I did
22 send one in 2018"?

23 A No.

24 Q You don't remember that?

25 A No.

1 Q If you did write that in your trauma narrative, would
2 that have been the truth?

3 A I don't -- I don't really know if I sent one in 2019, but
4 -- I mean, 2018.

5 Q But if you were making it sound like you had only ever
6 sent one picture, would that have been the truth?

7 A No.

8 Q Okay. What was your feeling about yourself having sent
9 the pictures to Cody Hudson?

10 A Kind of felt disgusted with myself a little bit.

11 Q Do you remember when you were working on your trauma
12 narrative that you first told her that you had never sent
13 any nudes?

14 A Yeah. Because I never did before that.

15 Q Huh?

16 A I said, "Yes. Because I never did before that."

17 Q Okay. But it wasn't true. You had sent nudes or -- or --

18 A Not before it started happening.

19 Q Okay. No, no, no. But you had sent nudes to him?

20 A Yes.

21 Q Okay. Why did you try to soft-pedal that in your trauma
22 narrative and make it sound like you had only done it one
23 time?

24 A I don't know.

25 Q After law enforcement found out about him sexually

1 abusing you, did your mom end up turning your phone over
2 to the sheriff's office?

3 A Yes.

4 Q Do you remember when you had gotten that phone?

5 A I just got it at Christmas in December.

6 Q So that would be -- so if your mom turned it over in
7 2019, that would be Christmas of 2018 --

8 A Twenty-eighteen, yeah.

9 Q -- is that correct?

10 A Yes.

11 Q Who got you that phone?

12 A She did.

13 Q To your knowledge, did she also get Cody Hudson a phone?

14 A Yes.

15 Q Did you and Cody Hudson communicate via social media,
16 text, e-mail, before he moved out?

17 A Just through my phone, like the phone number text.

18 Q Okay. Did you communicate via social media, text, e-
19 mail, after he moved out?

20 A Through e-mail after he moved out.

21 Q Did you exchange sexual photos with him before he moved
22 out, after he moved out, or both?

23 A After.

24 Q I am showing you what has been marked as State's Exhibit
25 7 into evidence. Do you recognize this?

1 A Uh-huh. That is my phone.

2 Q What kind of phone is this?

3 A Galaxy S8 plus.

4 Q Okay. And is that the phone that you used to send and
5 receive pictures?

6 A Yes.

7 Q Okay. I am showing you photos from what's been marked
8 into evidence as State's Exhibit 14. Hold this down
9 there, and tell me what those are.

10 A These are pictures of him.

11 Q Look at them individually, yeah.

12 A (Reviews documents.)

13 Q Okay. If you'll hand those to me. So one of these
14 pictures had -- says "TikTok" and "Child [REDACTED]." And
15 that's a picture of you with your shirt pulled up, but
16 you've got a bra on. Do you remember taking that
17 picture?

18 A I honestly don't.

19 Q Do you remember how it got on -- do you remember sending
20 it on TikTok? I don't understand how --

21 A I suppose it would've been a screenshot of just a video.

22 Q So did you send videos on TikTok?

23 A Nope. I never sent videos, only pictures.

24 Q Okay. And then we've got other pictures that show your
25 bare breasts and then some that show your vaginal area.

1 Who took all of these pictures?

2 A I did.

3 Q And what was the purpose of taking these pictures, **Child**

4 A To send to him.

5 Q Did you ever take pictures of your breasts or your
6 vaginal area for any other purpose than to send them to
7 him?

8 A No.

9 Q Okay. I'm showing you what has been marked State's
10 Exhibit 10. Do you recognize that?

11 A I do.

12 Q What is that a photograph of?

13 A A picture of his penis.

14 Q And do you recognize this shirt?

15 A I do.

16 Q And how do you recognize that shirt?

17 A Because that was his work shirt.

18 Q How do you know -- sorry. How do you know that's Cody
19 Hudson's penis?

20 A I can tell by his hands, the way he is holding it, and by
21 the way it looks.

22 Q Do you have any idea how many times you saw Cody Hudson's
23 penis?

24 A It was a lot. I can't even recall.

25 Q Do you remember what was going on that -- okay. Let me

1 back up.

2 Did you get this picture on your phone?

3 A I did.

4 Q Okay. Do you know who sent it to you?

5 A He did.

6 Q Do you know what was going on just prior to you receiving
7 that picture?

8 A Unh-unh. We was on video chat.

9 Q And what happened?

10 A We was just having a normal conversation, so . . .

11 Q So how did you end up getting a penis picture from him?

12 A He sent it to me after we would get on video chat.

13 Q Okay. And do you remember if it came as an e-mail
14 attachment or text? Do you remember how?

15 A E-mail.

16 Q Okay. Is that how he would typically send pictures?

17 A Yes.

18 Q And do you know why that would be?

19 A Because he knew my mama could see my text messages on my
20 phone, so he wanted to be more secretive and do it
21 through Gmail.

22 Q Okay. And now I'm handing you what's been marked State's
23 Exhibit 11 into evidence. Do you recognize that?

24 A I do.

25 Q Okay. And what is that a photo of?

1 A Picture of his penis.

2 Q All right. Do you remember -- is -- when it was that
3 you received that picture?

4 A I don't recall when I received it. I don't know the
5 exact date.

6 Q Okay. Do you remember receiving it?

7 A Yes.

8 Q Okay. Do you recognize these boxers?

9 A I do.

10 Q And whose boxers do those appear to be?

11 A Cody's.

12 Q Do you remember what was going on just prior to you
13 receiving that picture?

14 A I don't recall.

15 Q Would that have come to you as an e-mail attachment?

16 A Yes.

17 Q Okay. Did he ever use condoms when he sexually abused
18 you, **Child**?

19 A He used one like one time.

20 Q Okay. When you were interviewed at the Children's
21 Advocacy Center, do you remember telling Ms. Flassing
22 that he used them maybe three times the -- out of the
23 whole three years?

24 A No.

25 Q You don't remember telling her that?

1 A (Shakes head from side to side.)

2 Q If you told her that, were you trying to be deceptive
3 about how many times he used condoms?

4 A No.

5 Q What did he tell you about why he wanted to use a condom?

6 A He told me he didn't wanna end up getting me pregnant.

7 Q Did he tell you anything about what might happen if he
8 did get pregnant -- did - if he got you pregnant? Excuse
9 me.

10 A If he got me pregnant, he said that eventually somebody
11 would have to find out that it was his baby, and he said
12 that he would go to jail because he got me pregnant.

13 Q Did he ever have you take a pregnancy test?

14 A Yes.

15 Q Did that happen once or more than once?

16 A I believe it was more than once.

17 Q And was the results of those tests always negative?

18 A Yes.

19 Q Were there ever times that you were afraid that you might
20 be pregnant?

21 A Yes.

22 Q You talked about him making you masturbate him and him
23 masturbating himself. You said that sometimes he would
24 ejaculate on the floor/on the bed. And you've also said
25 that he would have sex with you in other rooms other than

1 just your bedroom. Would he also ejaculate on the floor
2 in other rooms?

3 A Yes.

4 Q And would he sometimes clean up that ejaculate?

5 A Yes.

6 Q What was typically used to clean up after him?

7 A A washcloth.

8 Q What would usually happen with the washcloths or the
9 washrags?

10 A It would just get thrown in the dirty clothes basket, but
11 he would make sure he put it way at the bottom.

12 Q And where was the dirty clothes basket?

13 A It was in the bathroom.

14 Q Okay. Do you remember if one ever got put in your
15 closet?

16 A Yes. One did get put in my --

17 Q And how did that happen?

18 A I think I might have been the one to put it in there
19 because I was cleaning up my room. It was kind of one of
20 the things where I was throwing everything in my closet.

21 Q Child shortly after this all came out, did you go live
22 somewhere else?

23 A Yes. I went to go stay with my nanny and papa.

24 Q Why were you living there?

25 A Because me and my mom was not getting along at the time.

1 Q Why weren't you getting along?

2 A Because of everything that had happened.

3 Q Do you remember how long you lived with your grandma and
4 grandpa?

5 A It was a few months.

6 Q Were you and your mom talking much at that time?

7 A No.

8 Q When you were interviewed at the CAC on May 7th, were you
9 aware at that time that your mom had kind of gone through
10 your room and found some stuff?

11 A No.

12 Q Did your mom take you to that interview at the CAC?

13 A Yes.

14 Q When your mom took you, did she tell you anything about
15 having taken some journals, a washcloth, and underwear to
16 the sheriff's office?

17 A I don't recall.

18 Q If your mom found panties and washcloth inside the closet
19 in one of your journals, do you know how it got into your
20 journal?

21 A I don't know how it got there, no.

22 Q But do you remember putting panties and a washcloth
23 inside one of your journals?

24 A No.

25 Q I am showing you what's in evidence as State's Exhibit

1 Number 2. Do you recognize these?

2 A Yes.

3 Q And what are they?

4 A It was one of my panties.

5 Q Okay. When you guys -- let me back up.

6 Did you guys have matching towels and washcloth or
7 just random stuff?

8 A It was kind of random, but we did have -- some of it was
9 matching because they came in a pack.

10 Q Okay.

11 A All the colors were just random.

12 Q But all your towels and wash cloths weren't a single
13 color?

14 A Yeah.

15 Q Did you have some that were maybe blue to your
16 recollection?

17 A Yes.

18 Q And I know this is just a random washcloth, but did you
19 have washcloths that looked like this?

20 A Yes.

21 Q Okay. Do you have any recollection if -- if this was
22 found in your journal, how it would've gotten in your
23 journal?

24 A I don't.

25 Q We talked about this briefly before. When your mom and

1 Cody Hudson first got together, you said you did not have
2 a good relationship with him.

3 A Correct.

4 Q And I think you said that prior to his mom passing away,
5 that you and he didn't spend any time together.

6 A Correct.

7 Q At that time, before his mom passed away, did you enjoy
8 being around him?

9 A Not at all.

10 Q Did you feel like he had kind of replaced you in your
11 mom's estimation? Like was he more important to your mom
12 than you were?

13 A Yes.

14 Q After he began sexually abusing you, did the relationship
15 between you and Cody Hudson start to change?

16 A It did.

17 Q Can you kind of tell us how it began to change?

18 A Well, we just started getting along with each other;
19 being civil with each other. We could actually talk
20 without trying to argue. He would actually try to have
21 something to do with me.

22 Q Were there times as the sexual abuse progressed that he
23 would talk to you about having a future with him?

24 A Yes.

25 Q What kind of things did he say?

1 A He would tell me that he was gonna marry me one day.

2 Q Now, you can't say what your mom said because that's
3 hearsay, but around December of 2018, did your mom start
4 questioning you about the change in your relationship
5 with Cody Hudson?

6 A Yes.

7 Q What did you tell your mom when she started questioning
8 you about how that had changed?

9 A I told her I was just trying to get along with him since
10 he was gonna be here anyways.

11 Q Since you got the subject up, why didn't you take that
12 opportunity to tell her about what had been going on with
13 you guys?

14 A Because I was still scared.

15 Q By the time Cody -- Cody Hudson moved out of the house on
16 **Address 2**, did you consider yourself to be in a
17 romantic relationship with him?

18 A I did.

19 Q Did you consider him your boyfriend?

20 A Yes.

21 Q Did you believe yourself to be in love with him?

22 A Yes.

23 Q Did you expect to have a future with him?

24 A Yes.

25 Q Knowing what he had told you about how he would get in

1 trouble, did you want people to find out what was going
2 on between the two of you?

3 A Not towards the end of it.

4 Q Is that because you thought y'all were together at that
5 point?

6 A Yes.

7 Q After he moved out, did you and he continue to contact
8 each other?

9 A Yes.

10 Q Why did you want to stay in touch with him?

11 A Because I thought I loved him.

12 Q Did your mom tell you to stop having contact with him?

13 A Yes.

14 Q What did she tell you to do?

15 A She told me, "Don't contact him no more."

16 Q Did she tell you to block him on social media?

17 A Yes.

18 Q Did you block him like she told you to?

19 A I blocked him. I -- I actually did block him on social
20 media, but like not through Gmail.

21 Q You did what?

22 A I actually did block him through social media. I just
23 didn't block him through social -- Gmail.

24 Q Okay. So you communicated through Gmail?

25 A Yeah.

1 Q Did your mom know that you and he were e-mailing each
2 other?

3 A No.

4 Q So you were disobeying what your mom told you and having
5 contact with him; is that correct?

6 A That's correct.

7 Q What platforms -- or did you do anything other than e-
8 mailing?

9 A No. That was it.

10 Q A little while ago, you said that y'all were FaceTiming?

11 A Yeah. On Google Duo.

12 Q Oh, okay. What's Google Duo?

13 A It's like --

14 Q Can you explain that?

15 A -- a video chat app.

16 Q Okay. So that I'm holding the phone, and whoever I'm
17 talking to can see me, and I can see them?

18 A Yes.

19 Q Okay. When you guys were video chatting, what would he
20 sometimes ask you to do?

21 A He would ask me to take my clothes off and play with
22 myself.

23 Q And did you sometimes do that?

24 A Yes.

25 Q And to your knowledge, did he do anything to save the

1 pictures while you were video chatting?

2 A He would take screenshots.

3 Q Did he ever ask you to take screenshots?

4 A Yes. But I didn't.

5 Q What device did you e-mail him on?

6 A My phone.

7 Q And what was your e-mail address?

8 A It was Child [REDACTED].

9 Q And what was his e-mail address? Do you remember it?

10 A Codyhudson2013 or '14@gmail.com.

11 Q Codyhudson2014?

12 A Uh-huh.

13 Q Okay. I'm handing you what has been marked for
14 identification -- no -- marked into evidence as State's
15 Exhibit 6. Have a look at that. Tell me if you
16 recognize that.

17 A (Reviews document.) Yes.

18 Q Okay.

19 A Yes.

20 Q And are the -- what date did these e-mails -- were these
21 e-mails exchanged?

22 A April 22nd.

23 Q Okay.

24 MS. HALLFORD: (To Mr. Smith) Can you get --

25 MR. SMITH: Yeah.

1 Q Can you see that?

2 A Yes.

3 Q Okay. So it looks like the first exchange that is
4 captured on that printout is from "Sunday, April 21st,
5 2019." And it says that, "Child [REDACTED] --" that's you?

6 A Yes.

7 Q Okay. -- "wrote, 'Okay. F-U, too. You'll never hear
8 from me again.'" Do you know what that was about?

9 A I don't recall what that was about.

10 Q Okay. And then the next communication was at "6:31 a.m.
11 on April 22nd." And he says, "Good morning, baby girl."
12 Is "baby girl" something that he frequently called you?

13 A Yes.

14 Q Did he ever call you baby girl in front of your mom or
15 anyone else?

16 A Nope.

17 Q Did you ever hear him call your little sister baby girl?

18 A No.

19 Q Did you ever hear him call his daughter baby girl?

20 A No.

21 Q Okay. So do you remember whether or not there was any
22 attachment to this e-mail exchange?

23 A I believe there was.

24 Q What do you -- to the best of your recollection, what do
25 you think was attached?

1 A A penis picture.

2 Q Of?

3 A His penis.

4 Q And why do you think there was a penis picture attached?
5 Because it doesn't show an attachment here. Why do you
6 think there was one?

7 A Because of the comment I made.

8 Q And what comment are you talking about?

9 A "God, that thing has gotten hairy, LOL."

10 Q And do you remember that being in response to getting a
11 penis picture from him?

12 A Yes.

13 Q Okay. And that came in -- or -- or you responded at
14 "7:13 a.m. on April 22nd, 'God, that thing has gotten
15 hairy, LOL.'" And then the next communication looks like
16 it's "April 22nd, 7:30 a.m.," and what is the response
17 from Cody Hudson in 2014 to you?

18 A "Oh, well, LOL."

19 Q Is there any doubt in your mind that you were
20 communicating with Cody Hudson in this e-mail exchange?

21 A That was him.

22 Q And had you communicated with him previously in e-mail
23 exchanges at that e-mail address?

24 A Yes.

25 Q And with that e-mail address?

1 A Yes.

2 Q Okay. Can you push back a little bit? So a little
3 later, "8:22 a.m.," he says, "I just seen y'all's family
4 Easter pics. LOL." Do you know what that was about?

5 A It's these Easter pictures I've posted on Facebook or my
6 mama did, or somebody posted Easter pictures of us.

7 Q Okay. Do you remember who was in the Easter pictures?

8 A Some of them, it was just me, my mama, my brother, and
9 sister. And then the other ones, it was my sister's Mimi
10 and uncle.

11 Q Okay.

12 A And --

13 Q And then you --

14 A -- then my nanny and papa.

15 Q -- you texted him, and you said, "Okay. I told you I was
16 tired of arguing." So do you remember what that was
17 about?

18 A Because he had an issue every time we was around my
19 sister's family.

20 Q Why was that?

21 A He didn't like her dad.

22 Q Okay. And you're talking about **Child**'s dad?

23 A Yeah. **Child**'s dad.

24 Q Okay. And to -- to your recollection, did he have always
25 a good relationship with **Child** when he lived with you

1 guys?

2 A He did.

3 Q Okay. And then "8:37 a.m.," he responds, "I'm not
4 arguing. I was just saying I seen it this morning." Can
5 you push that over? And was that continuing to be about
6 the Easter pictures?

7 A Yes.

8 Q Okay. Did y'all frequently argue about -- if pictures
9 were posted on Facebook, did that frequently upset him?

10 A The only time I can recall is the Easter pictures.

11 Q Okay. And then you said, "You act like I'm the one who
12 invited them or something. Nanny was the one who told
13 them to get in the picture." So why did you feel like
14 you needed to explain yourself to him?

15 A I don't know.

16 Q Did you think he was legitimately upset?

17 A Yeah. Because like even when he was -- was still living
18 with us, and **Child**'s dad would come around, he would be
19 mad about that, too, so . . .

20 Q Okay. Okay. And so y'all continued talking, it looks
21 like about the Easter pictures. "April 22nd, 2019, at
22 8:41 a.m.," what did you send to Cody Hudson?

23 A "I love you."

24 Q And then "8:42 a.m.," what did you send to Cody Hudson?

25 A "I love you."

1 Q And at "8:44 a.m.," what did you receive from Cody
2 Hudson?

3 A "I love you so much."

4 Q Okay. And then "8:45," Cody e-mails you, "Your mama
5 keeps asking me am I coming home. The shit she been
6 doing? Hell, no. I'm not." Had you and he been talking
7 about the possibility of him moving back? Did he -- do
8 you know what that was about?

9 A I don't recall.

10 Q And then you responded, "You wasn't anyway"; is that
11 correct?

12 A That's correct.

13 Q Okay. And what was his response to that at 10:52?

14 A "Yeah. Because of her, so . . . "

15 Q Okay. At that time, did your mom and Cody Hudson have
16 any sort of a good relationship?

17 A No.

18 Q Okay. And, again, is there any doubt in your mind that
19 this is an e-mail exchange that you had with Cody Hudson?

20 A No. That was definitely him.

21 Q Okay. Is this something that you and your mom cooked up?

22 A No.

23 Q On that day, "April 22nd," what's -- what's the last --
24 flip that over here? Looks like the last exchange there
25 is -- that's printed out is "2:07." That's a Monday in

1 April. Unless it's a holiday, you would've still been in
2 school at 2:07, right?

3 A Yes.

4 Q Okay. After you got out of school, who would pick you
5 up?

6 A My nanny.

7 Q And what did your nanny tell you when you got into the
8 car?

9 A She told me to give her my phone.

10 Q What was your reaction to her telling you?

11 A I asked her why --

12 Q And you did --

13 A -- and I didn't give her my phone.

14 Q You did what?

15 A I didn't give her my phone.

16 Q Did you find out why she wanted the phone?

17 A Eventually, when we got back to her house, she told me
18 it's because my mama had seen some e-mails exchanged
19 between me and Cody, and that's why she wanted my phone.

20 Q When you found out that grandma wanted to take your
21 phone, did you do anything to communicate with Cody?

22 A Yes. I called him and asked him if he knew what was
23 going on.

24 Q Did he respond?

25 A He said -- he basically told me the same thing my nanny

1 told me. He said that my mama had gotten into his e-
2 mails and saw some e-mails exchange between us two.
3 That's pretty much it.

4 Q So did you end up at some point giving grandma the phone?

5 A I did.

6 Q But you hung onto it for a while?

7 A I did.

8 Q While you had that phone, what were you doing?

9 A Deleting some stuff.

10 Q What kind of stuff were you deleting?

11 A E-mails.

12 Q E-mails of what? E-mails between you and your friends?

13 A E-mails between me and Cody.

14 Q Why were you trying to delete that, or why were you
15 deleting those?

16 A Because I didn't know. I didn't want nobody to see that
17 part. Because at that part, I was -- the way it was
18 looking, it looked like I was in love with him because I
19 was at that part. And so I just knew if somebody saw
20 that, then, like, nobody would really believe me if I
21 told them he --

22 Q And I can't remember if I asked you this, but when you
23 would get pictures from him of his genitalia, did you
24 keep them on your phone, or did you delete them?

25 A I deleted them.

- 1 Q Okay. So when that picture came in or whatever picture
2 came in, and you said, "God, that thing's gotten hairy,"
3 would you have deleted that?
- 4 A Yes.
- 5 Q And was the purpose to keep your mom from finding it?
- 6 A Yes.
- 7 Q So did your mom come home after your phone had gotten
8 taken?
- 9 A Yes.
- 10 Q Do you remember y'all going to a function for **Child**
- 11 A Yeah.
- 12 Q Subsequent to that, did your mom confront you about what
13 she had -- the e-mails that she had seen?
- 14 A No. She didn't talk to me.
- 15 Q She didn't talk to you. What happened?
- 16 A We just went to **Child**'s little school thing.
- 17 Q Okay. After that?
- 18 A After that, we got home, and she was like, "So tell me
19 what's going on." So --
- 20 Q Okay. How was your mom acting?
- 21 A She was very, very mad.
- 22 Q Did she do anything to you physically?
- 23 A Yes.
- 24 Q What did she do?
- 25 A She wrapped her hands around my throat.

1 Q And?

2 A And started squeezing it really hard.

3 Q What were you doing?

4 A I was crying.

5 Q Was she saying anything to you?

6 A No.

7 Q Did you tell her what was going on between you and Cody
8 Hudson?

9 A I only told her a little bit of it.

10 Q Why didn't you just tell her all of it at that point?

11 A Because the way she was already acting towards me, I was
12 scared.

13 Q Did y'all end up going to your Uncle Bo's house --

14 A Yes.

15 Q -- later on? Let me back up for a second. When you and
16 your mom were talking, did you tell her about when the
17 sexual abuse started?

18 A I did, and I lied, and I told her it started in 2018.

19 Q And why did you --

20 A Or no. I told her that's when it ended in 2018.

21 Q Okay. What did you tell her about when it started?

22 A I told her it started right after his mom died.

23 Q Did you use a year, or did you just say "after his mom
24 died"?

25 A I just said after his mom died.

1 Q Okay. Was this something that was easy to talk to your
2 mother about?

3 A No.

4 Q So now y'all go to Uncle Bo's house, if -- and I think
5 he's passed away, correct?

6 A Correct.

7 Q Okay. Was you there when law enforcement showed up?

8 A Yes.

9 Q What was your emotional state when you were at your Uncle
10 Bo's house?

11 A I was crying a lot. My anxiety was getting to me and
12 stuff, and I was kind of coughing and stuff, and I was
13 shaking real bad.

14 Q At some point, did you throw up?

15 A Yes.

16 Q What was it that made you throw up?

17 A My anxiety.

18 Q What were you anxious about?

19 A About everything that was going on.

20 Q What at -- in -- in that moment, what did you think was
21 gonna happen now that what had been happening to you with
22 Cody Hudson was coming out?

23 A I really didn't know what was gonna happen, but I --
24 honestly, I still didn't think nobody was gonna believe
25 me because of the e-mails my mama had handed to the

1 officer.

2 Q What do you mean you didn't think they would believe you?
3 You didn't think they'd believe that he was having sex
4 with you, or they wouldn't believe that it was something
5 that started against your will?

6 A It wouldn't -- both of them, really.

7 Q Okay. So a minute ago you said that you told your mom
8 that it stopped in December of 2018, and you said that
9 was a lie.

10 A Yes.

11 Q So you have lied sometimes, --

12 A Yes.

13 Q -- correct?

14 A But this was because I just didn't want her to know it
15 was literally happening a week -- like a week before he
16 left, or -- yeah. A week before he left.

17 Q And why -- why would that make a difference to you, did
18 you think?

19 A I don't know really.

20 Q But you do acknowledge that that was not the truth?

21 A Yeah. I do acknowledge that.

22 Q Okay. Did you end up having to have a gynecological exam
23 by Dr. Henderson?

24 A Yes.

25 Q And I think they -- that was mid-May of 2019, so it

1 would've been about three weeks after this got reported
2 to law enforcement; is that correct?

3 A Correct.

4 Q Is that -- is that correct?

5 A Correct.

6 Q Yeah. You -- you've got to answer out loud. Did you
7 find that to be a pleasant experience?

8 A No.

9 Q Did you have to talk to Dr. Henderson about what had
10 happened to you?

11 A Yes.

12 Q Did you think that you were still in love with Cody
13 Hudson at that time?

14 A No.

15 Q No? What had changed?

16 A At that time, I kind of realized -- I realized that he
17 groomed me at that point.

18 Q So you're using the word "groomed." How did you learn
19 the word groom? What -- what does that mean to you?

20 A Well, at the time, I didn't know what the word groom
21 meant, but as I'm older now, I do know what the word
22 means.

23 Q Okay. So at the time, what -- not using the word
24 grooming because you didn't know that word, what did you
25 believe? Explain what you meant by that?

1 A Like, I realized what happened was wrong, and I knew I --
2 it wasn't my fault because I was a child. I was 11.

3 Q Okay. Did he ever say anything to you about whether or
4 not you ought to tell anyone about what was going on?

5 A He told me not to tell anybody, and he told me that if we
6 ever got caught, that he would put the blame back on me
7 and make it -- put me out to be the liar.

8 Q And did you believe that he would in fact do that if
9 somebody found out?

10 A I did.

11 Q And did you think that people would believe that you were
12 at fault?

13 A Yes. Because he was a person everybody liked, so he was
14 an easy person to believe.

15 Q Did he ever tell you that he would do something to
16 physically harm himself if -- if -- if this came out?

17 A Yes. He told me he was gonna kill himself.

18 Q Were you concerned about that?

19 A Yes. I was.

20 Q And why would that be something that would concern you?

21 A Because I didn't wanna have the conscience of him killing
22 himself sitting on me. And because my sister did love
23 him. Like, my sister looked at him as a dad, so I kind
24 of felt bad for her.

25 Q A couple of months after the sexual abuse started, did

1 you begin seeing a therapist and a psychiatrist at
2 Gateway Children's?

3 A Yes.

4 Q At the time you started therapy, is he still sexually
5 abusing you?

6 A Yes.

7 Q Do you know what it was that made your mom put you in
8 therapy?

9 A Because I was really depressed all the time, and I was
10 cutting myself, and I was suicidal.

11 Q I missed the middle. You said depressed something and --

12 A I was depressed, cutting myself, and suicidal.

13 Q Okay. Had you been depressed prior to Cody Hudson
14 beginning to sexually abuse you?

15 A No. I was a happy kid.

16 Q Had you ever engaged in any cutting behaviors prior to
17 him beginning to sexually abuse you?

18 A No.

19 Q Had you ever been suicidal prior to him beginning to
20 sexually abuse you?

21 A No.

22 Q At some point, **Child** were you having hallucinations?

23 A Yes.

24 Q Can you kind of explain to the jury what was going on?

25 A I would just hear people like a thousand voices in my

1 head. And then sometimes, if I was in my room, something
2 I would see like little black shadows and stuff.

3 Q Did you understand what was happening when that would
4 occur?

5 A No.

6 Q Prior to being sexually abused, had you ever had
7 hallucinations before, **Child**

8 A No.

9 Q Did they scare you?

10 A No.

11 Q The hallucinations didn't scare you?

12 A Oh, the -- the -- the ones that -- yeah. They did.

13 Q Okay. In March of 2017, were you sent to the emergency
14 room at Prisma in Greenville and then sent to Aurora
15 Behavioral Health in Augusta because of suicidal threat,
16 because you were suicidal, and because you were
17 hallucinating?

18 A Yes.

19 Q Do you remember telling the people at Prisma that the
20 reason why you were so upset and depressed was because
21 your grandmother had died?

22 A Yes.

23 Q Is that why you were depressed and upset?

24 A No.

25 Q Why did you tell them that?

1 A Because I didn't want to disclose my abuse with them
2 because him and my mama was present there every day, and
3 he was making sure that I wouldn't tell nobody.

4 Q What was the real reason that you were struggling
5 mentally, **Child**

6 A Because of him.

7 Q Can you explain to the jury what effect being sexually
8 abused by him was having on you?

9 A It was causing me to cut myself. I wasn't eating; I
10 wasn't sleeping. I tried to kill myself, and I did not
11 wanna live anymore.

12 Q Did you have concerns about the fact that it was your
13 mom's husband who was doing this to you?

14 A Yes.

15 Q Explain that?

16 A I knew like -- because like I said, they was there every
17 day, so I didn't want to tell them. And because he was
18 there; he was there all the time. When he could come see
19 me, he was there.

20 Q Why didn't you tell the people in therapy or the people
21 at Prisma or the people at Aurora Behavioral Health about
22 being sexually abused?

23 A Because I was scared.

24 Q If the Prisma -- so the Prisma Health records say that
25 you told Prisma you were having auditory and visual

1 hallucinations. Do you remember telling them that?

2 A Yes.

3 Q Okay. The Aurora Pavilion records indicate that you told
4 them that you were not having any hallucinations.

5 A I do recall that because they told me they had this room,
6 they put people in who sees and hears stuff, and they put
7 them in there by theirself.

8 Q So were you being deliberately dishonest about the
9 hallucinations?

10 A Yes.

11 Q Are you being dishonest today about these allegations
12 against Cody Hudson?

13 A No. This is the truth.

14 Q Do you still have hallucinations?

15 A No.

16 Q Are you taking medications for any kind of mental health
17 issue now?

18 A Not at all.

19 Q When you were asked by your therapist and the people at
20 Aurora about your relationship with Cody Hudson, did you
21 tell them that you had a good relationship with him?

22 A I did.

23 Q If he was sexually abusing you, and this was causing you
24 all this mental trauma, **Child** why would you tell them
25 that you had a good relationship with him?

1 A Because I didn't want to tell them I had a bad
2 relationship; and then them see him there; and me and him
3 cutting up together and everything; and then they would
4 probably be questioning me as to, "But you told us y'all
5 had a bad relationship."

6 Q At the time you went to Aurora in March of 2017, had you
7 already developed feelings for him?

8 A I don't -- I don't really recall when I -- but at that
9 point, when I was at the hospital, I was still kind of
10 scared.

11 Q Okay. I'm handing you what's been marked State's Exhibit
12 8 for identification. Do you recognize that?

13 A Yes. Yes.

14 Q And what is that?

15 A It's a letter from my journal.

16 Q And is that your handwriting?

17 A Yes.

18 Q And what's the date on that one?

19 A "1/18/18."

20 Q Look at that very carefully, and tell me if it has been
21 edited or altered in any way since you wrote it?

22 A (Reviews document.) No.

23 MS. HALLFORD: Your Honor, at this time, State moves
24 State's Exhibit 8 into evidence.

25 MR. GROSE: No objection.

1 THE COURT: Without objection, State's 8 is
2 admitted.

3 (WHEREUPON, a handwritten journal, it's admitted into
4 evidence as State's Exhibit No. 8.)

5 Q Okay. I -- I know it's hard. Can you read that to us?

6 A It says, "I'm tired. I'm so freaking tired. I can't
7 take it anymore. I can't keep pretending like I -- like
8 I don't know anything. I'm tired of being tired, just
9 taking it all, I got to hold it back. And I know it will
10 ruin my and your life, so I'm trying to keep it quiet.

11 "Going onto another topic. I'm not hungry. Is that
12 even how you spell it? And I have no motivation to eat
13 anymore. I just can't eat anymore without wanting to
14 throw it all back up. I don't look at food the same
15 anymore. It all just looks nasty. You're right. I do
16 wanna starve myself. Why eat? I have no motivation or
17 anything anymore. I literally just can't live life
18 anymore. They say it gets better, but it doesn't. It
19 just gets worse.

20 "I don't give a damn about life anymore. You're
21 right. I said it because that's how much I don't like
22 life right now. It gets worse. It tricks you into -- it
23 tricks you to think you're doing okay, but you're not.
24 It hits you like a train all at once. Then that's when --
25 then that's when you realize you are not needed anymore.

1 That's all. 9:27, 1/18/18. "You will be forever an
2 angel."

3 Q Is that something that you wrote to express how you were
4 feeling because of the sexual abuse, **Child**

5 A Yes.

6 Q We talked a little bit about this already, but when your
7 mom found out on April 22nd, 2019, her reaction was very
8 negative; is that accurate?

9 A Yes.

10 Q How did she treat you after that, and how has she
11 continued to treat you at times after that?

12 A Almost like she still blames me a little bit or blamed
13 me.

14 Q Is it hard for you to be around your mother when -- when
15 you know those are her feelings for you?

16 A Sometimes.

17 Q Did you have issues with other family members after they
18 found out?

19 A Yes.

20 Q And what were some of those issues?

21 A Some of my family basically thought the same thing my
22 mama was thinking because I feel like that's what she had
23 them believing in the first part of it.

24 Q Did people make comments to you?

25 A Yes.

1 Q And what kind of things would they say?

2 A Sometimes I would be called a "whore," or just that I was
3 being dramatic about it, stuff like that.

4 Q How did that make you feel?

5 A It made me feel bad. It hurt me.

6 Q Were you ever tempted to say, "I was lying about all of
7 this" so that you could get your relationship restored
8 with your mom and your other family members?

9 A No.

10 Q Would it have made your life easier if you had done that?

11 A It would have, but I didn't do that.

12 Q **Child** you admitted a couple of times that you've been
13 dishonest about different things. Are the things that
14 you told the jury today that Cody Hudson did to you, are
15 they true?

16 A This is nothing but the truth.

17 Q Did anyone tell you what to say today?

18 A No.

19 Q Did you and your mom get together and decide to accuse
20 Cody Hudson of sexually abusing you?

21 A No.

22 Q Would you be willing to lie and accuse anyone of a crime,
23 serious or not?

24 A Never.

25 Q Cody, I want -- excuse me -- **Child** -- I'm sorry.

1 A It's okay.

2 Q -- I want you to look at this jury and tell them what
3 effect being sexually abused by Cody Hudson has had on
4 you?

5 A I'm literally not the same person. Like, I feel like I
6 had my own childhood just taken from me. Like, I had to
7 go through - not only did I have to grow up, but I also
8 had to go through trauma at the same time. And I feel
9 like it made me be a person I don't wanna be. I feel
10 like I could've done a lot of more things different if I
11 didn't just go through what I had to go through.

12 I don't even eat the same anymore. I can't sleep.
13 I still have nightmares and stuff. I just woke up the
14 other night, gasping for air because I couldn't breathe.
15 It still affects me a lot, you know, and I try to like
16 push it off. You know, like it don't bother me, but it
17 really does bother me because certain things, like the
18 smell of his cologne that he used to wear, if I smell it
19 from anybody in public, it automatically makes me start
20 breathing really hard and feel like I'm about to have a
21 panic attack or something. And it really messes with me
22 every day of my entire life. And I -- I wanna heal from
23 it, but there's -- there's certain parts I can't get past
24 yet.

25 MS. HALLFORD: (To the Court) I have no further

1 questions.

2 THE COURT: Madam Forelady and ladies and gentlemen,
3 we -- we've had you here now for 90 minutes or so.
4 We were here a few minutes before that, but you've
5 been here the good flat 90 minutes. And that's time
6 for our morning break.

7 So we're gonna break until the top of the hour.
8 To the top of the hour. So refresh yourselves. If
9 you need some coffee, water, whatever you might
10 need, you let the bailiffs know. Madam Forelady?
11 (WHEREUPON, the jury was excused at 10:41 a.m.)

12 THE COURT: Ms. **Child** you may step down to the
13 stand, and -- and get some water, use the facility,
14 whatever you do. But you can't talk to anyone about
15 the case, okay?

16 THE WITNESS: Okay.

17 THE COURT: Thank you.

18 THE WITNESS: Thank you.

19 THE COURT: Be back at the top of the hour. Okay.
20 Let's be at recess until the top of the hour.

21 (Off the record from 10:42 a.m. until 11:03
22 a.m.)

23 THE BAILIFF: All rise, please. Court come to
24 order.

25 THE COURT: Thank you. Please be seated. Everybody

1 ready for the jury?

2 MS. HALLFORD: Oh, State's ready. I'm sorry.

3 MR. COURT: Yes.

4 MR. GROSE: We're ready, also.

5 THE COURT: Yes. Okay.

6 THE BAILIFF: Do you -- do you want -- do you want

7 the witness back on the --

8 THE COURT: Oh, yes.

9 MR. GROSE: -- witness stand now or wait?

10 THE COURT: Oh, yes. Where is the -- yes. Ms.

11 **Child** if you'll come right on up here. Yes. Thank

12 you, Mr. Grose. (To the witness) Thank you.

13 THE WITNESS: You're welcome.

14 (WHEREUPON, the jury enters open court at 11:04

15 a.m.)

16 THE COURT: Madam Forelady, jury ready to work?

17 MADAM FORELADY: Yes, sir.

18 THE COURT: Thank you. Give your attention to the
19 counsel.

20 MR. GROSE: Thank you, Your Honor. May it please
21 the Court.

22 CROSS-EXAMINATION OF **Child**

23 BY MR. GROSE:

24 Q Ms. **Child**, my name is Charles Grose, and you probably
25 know that I'm a lawyer that's representing --

1 A Yes.

2 Q -- Cody.

3 A I do.

4 Q Okay. Is that working all right?

5 A Can you hear? Okay.

6 Q Yeah. We wanna make sure everybody can hear what you
7 say, okay? Also, if at any time I ask you a question
8 that you don't understand, would you let me know?

9 A Yes.

10 Q Because I want to make certain that you understand the
11 questions before you try to answer.

12 A Okay.

13 Q And -- and I -- on occasion, can ask a confusing
14 question, so just speak up and let me know.

15 A Okay.

16 Q Okay. On the same side of that, if you answer a
17 question, is it okay for me to assume that you understood
18 what the question -- that you understood the question
19 that was asked?

20 A Yes. I'll let you know if I don't understand it.

21 Q All right. I appreciate that. And I know it's been a --
22 a long morning. You remember when they were talking to
23 you, the -- the prosecutor was talking to you about sort
24 of how you thought your mother viewed Cody. Do you
25 remember when she was asking you those questions?

1 A Yes.

2 Q And you said something like that you felt like he,
3 meaning Cody, was more important to your mother than you
4 were?

5 A Yes.

6 Q Okay. And this was something, I think, that you felt
7 from the -- the time that your mother started seeing
8 Cody?

9 A Yes.

10 Q Okay. Is it fair to say that it's important to you that
11 your mother considers you important to her?

12 A Like, what do you mean?

13 Q All right. Do you -- do you -- is it -- thank you.
14 That's a good example. You want to be important to your
15 mother, don't you?

16 A Yes.

17 Q You want to have your mother's approval?

18 A Yes.

19 Q But you haven't always had a good relationship with your
20 mother, have you?

21 A No.

22 Q And that actually kind of goes back a long way, doesn't
23 it?

24 A Just to when she met him.

25 Q Just to when she met him. Your -- your mother is

1 somebody who -- who can get upset or has gotten upset
2 with you when you have an opinion that didn't agree with
3 hers?

4 A Yes.

5 Q All right. And that's something that you even told one
6 of the counselors, wasn't it?

7 A That my mother and I don't agree -- like, I'm sorry?

8 Q When you were going to the Gateway in Children's, do you
9 remember telling them that you and your mother will get
10 into some arguments because your mom will get mad if she
11 has a different opinion?

12 A Yes.

13 Q Okay. And that's the same thing that I'm asking you
14 about today.

15 A Okay.

16 Q And when they were asking you questions, they asked you
17 some questions about the -- the therapy that you were
18 going to. You also have had -- and I'm not trying to
19 embarrass you, but you've also had a history of having,
20 too, like a lot of medical appointments.

21 A Yeah.

22 Q Huh?

23 A Yeah.

24 Q Yeah. Since you were -- were fairly young?

25 A Yes.

1 Q Okay. And if I understand it right, one of your
2 diagnosis is cystic fibrosis?

3 A They never confirmed that. I just had a gene that
4 carried like a cystic fibrosis gene with it.

5 Q They asked about the narrative that you did at the
6 Children's Advocacy Center.

7 A Yes.

8 Q Okay. I want to show you a copy of -- of that. Does
9 that look like -- and I know this just the first page,
10 but does that look like your handwriting?

11 A I did not write that. My therapist wrote that.

12 Q Your therapist wrote this?

13 A Yes.

14 Q Okay. The whole thing?

15 A The whole thing.

16 Q Okay. All right. We'll come back to that in a little
17 bit. But it says in here that you had cystic fibrosis.

18 A Like I said, it was a gene I --

19 Q Okay.

20 A -- carried.

21 Q Okay. Well, as a result of that, at -- at one point,
22 they -- the doctors didn't think you were gonna make it,
23 did they?

24 A Correct.

25 Q All right. And as a result of this, you had to go to

1 lots of doctor's appointments?

2 A Correct.

3 Q And who would usually take you to those appointments?

4 A My mother.

5 Q Your mother. Would your grandmother ever take you?

6 A No.

7 Q Okay. And, you know, at -- at some point, you understood
8 that they told your mother that she probably wouldn't
9 make it past five years?

10 A Yes.

11 Q All right. And this is a -- a -- an illness that can
12 affect the lungs or the respiratory system?

13 A Yes.

14 Q And it can also affect other organs of the body?

15 A Yes. Like my digestive.

16 Q I'm sorry?

17 A My digestive system --

18 Q Digestive system?

19 A -- my tract and all that, yeah.

20 Q Okay.

21 A And my pancreas.

22 Q Okay. And -- and so you -- you've had -- you -- you --
23 you've had where they treated you for the symptoms that
24 had to do with your -- your breathing, right?

25 A Yes.

1 Q Okay. And you would have to -- to get special
2 treatments, and they would have to make sure that you
3 could breathe in and breathe out enough air?

4 A Yes.

5 Q All right. And I think at one time you even had a -- a
6 vest or something that you had to wear at home?

7 A Yep. It would make me shake and bring up all of the
8 mucus and stuff.

9 Q Right. And so even though they never necessarily
10 confirmed that you have cystic fibrosis, they did treat -
11 -

12 A Treat me.

13 Q -- you for symptoms that are -- can be caused by that?

14 A Yes.

15 Q All right. And I think they also treated you for
16 symptoms related to your digestive system?

17 A They just told me I had IBS.

18 Q Huh?

19 A They just told me I had IBS, and a stomach --

20 Q All right. And -- and did they think that that was
21 connected to this gene?

22 A I don't know.

23 Q You don't know?

24 A I don't know.

25 Q But you do know -- you do know that there were -- that

1 there were symptoms --

2 A Yes.

3 Q -- that whatever was caused by it, that they were
4 treating you for it?

5 A Yes.

6 Q And this has really gone on all your life?

7 A Yep.

8 Q Okay. Now, as I understand your -- your testimony from
9 earlier this morning, you didn't -- you -- you said that
10 you didn't like Cody when your mom first started dating
11 him?

12 A That is correct.

13 Q And you didn't like Cody up until the time that his
14 mother died in August of 2016?

15 A I still didn't like him when his mother died.

16 Q Okay. All right. So from the time they met until when
17 his mother died, you didn't like him, and that continued
18 on after that --

19 A Correct.

20 Q -- is -- is what you're telling me?

21 A Yep. That's what I'm telling you.

22 Q Yeah. All right. And you talked about the house that
23 you were living in at the time and the -- the game of
24 hide and seek, right?

25 A Yes.

1 Q All right. And as I understand it, when you say that
2 Cody first touched you inappropriately, that Adam was
3 hiding with you all?

4 A Adam was there.

5 Q Adam was there.

6 A He was there.

7 Q What's Adam's last name?

8 A They called him "Adam Ray." I don't know his last name.

9 Q You don't know his last name? But you say that he was
10 there?

11 A He was definitely there.

12 Q All right.

13 A Yes.

14 Q And then you say that you -- you -- you talked about what
15 happened on the porch later on. Do you remember doing
16 that that? To talking with the prosecutor about that?

17 A Yes.

18 Q And then you talked about -- you -- you testified that
19 Cody kissed you in the bedroom on the lips?

20 A Yes.

21 Q And you -- and you testified that was different than the
22 one on the porch?

23 A Yes.

24 Q Okay. That it wasn't the romantic passionate-type kiss?

25 A Correct.

1 Q And, again, I understand that your therapist wrote this
2 for you. But you see where it says, "I got up and went
3 to bed. His daughter came in for bed. He came in and
4 gave her a kiss, but not like the kiss he gave me. He
5 told her goodnight and gave me a big kiss like he had
6 done before." Do you see that?

7 A I see that.

8 Q And so in the -- the narrative that you did with your
9 therapist, you said it was the same type of kiss that was
10 on the porch?

11 A I don't recall telling her that.

12 Q But -- but that's what's in the paper?

13 A If that's what she wrote, yes. Correct.

14 Q All right. Well -- and -- and that -- I mean, that's --
15 that's a good point. She wrote this, and -- and you
16 don't necessarily recall that. You -- you've talked with
17 a lot of people over the last four years or so; is that
18 right?

19 A Yep.

20 Q In fact, I guess the -- the first time you talked with
21 people about it was on that April 22nd, 2019, when your
22 mom and your grandmother took your phone away?

23 A Yeah. I talked to my mother that night, but she -- I did
24 not tell her everything.

25 Q All right. But -- but you talked to her then, is the

1 point, though?

2 A That is correct.

3 Q Okay. And I think you also talked to your Uncle or Great
4 Uncle Bo, that night?

5 A I did not talk to him about what happened. He was just
6 comforting me.

7 Q Okay. You've had a interview at the Child Advocacy
8 Center --

9 A Correct.

10 Q -- where they -- they took you in and videotaped your
11 interview, right?

12 A Yep.

13 Q All right. And I think you testified earlier that this
14 narrative that you wrote with or -- or that your
15 therapist wrote, that happened over multiple sessions?

16 A Yes.

17 Q All right. And, in fact, do you know how many sessions -
18 - sessions that you had with her?

19 A We would have a session every week.

20 Q And how long did that go on for?

21 A For about six months or so.

22 Q Okay. All right. And -- and so when you would have
23 those sessions, one of the things that you would talk
24 about was the -- the allegations against Cody, right?

25 A What he did to me, yes.

1 Q Okay. And -- and you -- you were doing this in pretty
2 much all of these sessions, right?

3 A Yes.

4 Q All right. And she was the therapist -- it was a she,
5 right? Ms. Whitt, I believe?

6 A Yep.

7 Q She was trying to get the -- the information for you to
8 write this narrative, right?

9 A Yes.

10 Q And she went over it with you, and she wanted it to be
11 accurate?

12 A We -- I would read it at the end of our session.

13 Q All right. And would she want to know if it was accurate
14 or not?

15 A She never did ask me that.

16 Q Okay. Well, you understood that you were supposed to be
17 telling her the truth, I guess?

18 A I told everybody the truth.

19 Q Okay. But you've acknowledged, though, earlier today
20 that you had some inconsistent statements at times?

21 A Yes. Because it's hard to remember three years of abuse
22 --

23 Q Okay.

24 A -- and trying to tell everybody.

25 Q Okay. And then when people have asked you to talk about

1 this a lot, haven't they?

2 A Yes. They have.

3 Q All right. And you talked about it a lot in therapy?

4 A Yes. I did.

5 Q All right. And today is not the first day that you
6 talked to the prosecutor about it, is it?

7 A Correct.

8 Q All right. You've met with her in her office on numerous
9 occasions, I would think?

10 A Not numerous. Just a --

11 Q Huh?

12 A Not numerous.

13 Q Well, how --

14 A Just a couple times before.

15 Q -- how many?

16 A I don't know. Well, last week we met like two times.

17 Q All right. So you met two times last week. And -- and
18 when you met last week, was it just in her office, or did
19 you come to the courtroom?

20 A She showed me the courtroom.

21 Q Okay. Did -- this particular courtroom, or do you
22 remember?

23 A It wasn't -- it wasn't this one.

24 Q All right. All right. And -- and when you met with her
25 the two times last week, did you go over what the

1 questions that she was gonna ask you?

2 A Yes.

3 Q Okay. And I -- it looked like she had some papers like I
4 had when she was asking you questions. Did she have those
5 with her last week?

6 A Yes.

7 Q Okay. And did you go through the questions with her sort
8 of the same way last week, the same way that you did this
9 morning?

10 A Yes.

11 Q Okay. All right. And did y'all go through those
12 questions once or more than once?

13 A Just once.

14 Q Just once. She also talked with you about the various
15 documents and photographs in the case, correct?

16 A Correct.

17 Q All right. So today was not the first time that you saw
18 the photographs that she handed to you?

19 A No.

20 Q All right. For example, she handed you the envelope
21 that's labeled "State's Exhibit Number 14." Do you
22 remember looking at that earlier?

23 A I don't know what the numbers were.

24 Q Okay.

25 A Can you show me what it was?

1 Q Yeah. Well --

2 A Yes.

3 Q Okay. Those were the photographs of -- of you, right?

4 A Yes.

5 Q And so you had -- you had seen those before today?

6 A Yes.

7 Q And, in fact, when she handed you the envelope and asked
8 you to pull them out and look at them, you were ready to
9 identify them as photographs of you without looking
10 through all of them this morning?

11 A I knew they were of me.

12 Q Yeah.

13 A So yes.

14 Q All right. So what I'm getting at is, is you already
15 knew what was in that envelope when she told you to take
16 your time and look through it?

17 A I knew where they were when she pulled them out, not when
18 she was just saying what the envelope was.

19 Q Okay. All right. And she asked you about one of the
20 photographs has the TikTok logo on it?

21 A Yes.

22 Q All right. And I thought you said that that was a
23 screenshot of a video?

24 A I said, "I suppose it would be a screenshot because I
25 never did make like any videos and post them," so --

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Q Okay. All right. Are you saying that you made a video of yourself and that that photo was a screenshot?

A I guess so.

Q Okay. TikTok is an application -- an app of -- of social media platform that you use; isn't that correct?

A Yes.

Q All right. I believe you have 800 followers, something like that?

A Yeah.

Q Okay.

A Yeah. I do. And most of them followers are fake people.

Q Okay.

A So most of them people don't even know me.

Q Okay. And -- and you follow 6,000 people, roughly?

A Yeah. Because most of them is just random quote pages or funny -- funny videos.

Q All right. But it's -- it's something -- it's something that you use frequently, and you do post some videos on it?

A How would you know?

Q Well, because you can find your --

A My account's private.

Q Well, you can go online --

A So --

1 Q -- and find it, if you might want to check on that.

2 A Well, somebody must be stalking me then because my
3 account's private. I made sure it was private.

4 Q Okay. Well, if you want, I'll show you how I can pull it
5 up later on, okay? But that is a platform that you're
6 active on?

7 A Correct.

8 Q Okay. Now, I want to go back to what I was asking you
9 about earlier around the time that Cody's mother died.
10 When -- when you said that even after that, you still
11 didn't like Cody?

12 A No.

13 Q Okay.

14 A I do not.

15 Q All right. But yet during this period of time is -- you
16 -- you testified that you went with him alone from the
17 house on Address 1 back to the house you were
18 moving out of?

19 A Because I had stuff of my own to grab from there.

20 Q Okay. But other people were moving stuff, too, weren't
21 they?

22 A They wasn't grabbing my stuff. I had my stuff in my room
23 packed up in the way I wanted it to go and with
24 everything I needed to get.

25 Q Okay. Your -- your mom wasn't helping you move stuff?

1 A I mean, it was my stuff. They had their own stuff to
2 move.

3 Q Okay. But -- but are you saying that your mom wasn't
4 helping you move the stuff --

5 A No.

6 Q -- in the room the way you wanted it?

7 A Correct.

8 Q Okay. All right. That was probably a source of -- of
9 frustration for you, wasn't it?

10 A What?

11 Q That -- that your mom wasn't helping you move?

12 A No. I was --

13 Q Okay.

14 A -- planning on taking my own stuff anyways.

15 Q Okay. I know that the numbers don't mean anything to
16 you, but this is just so you'll know, we're talking about
17 State's Exhibit Number 7. And I think that you already
18 earlier said that this is your cell phone?

19 A Correct.

20 Q Okay. Okay. So as -- as I understand it, you went to
21 school off the -- the -- the day they took your cell
22 phone, you went to school that day?

23 A Yes.

24 Q And this was April 22nd. Does that sound right?

25 A That's correct.

1 Q Okay. And -- you know, and that's the -- the date on the
2 -- well, I'm not sure where they are, but on the e-mails
3 -- the Gmails that you were talking about earlier, right?

4 A Correct.

5 Q Okay. And that's one of the things that you talked
6 about, some of the evidence that you went over with the
7 prosecutor when you were meeting with her, was those --

8 A Correct.

9 Q -- those Gmails? Okay. And the -- the cell phone, I
10 understand that your grandmother picked you up from
11 school that day?

12 A Correct.

13 Q And was it just you and her in the car?

14 A My sister was in there, too.

15 Q Sister. Okay.

16 A And my brother.

17 Q And, at that point, your grandmother said that your mom
18 wanted her to take your cell phone?

19 A Yes.

20 Q Okay. And you didn't give it to her right away?

21 A No.

22 Q You -- but you did give it to her when you got home?

23 A A little bit after.

24 Q A little bit after. How long do you think it was between
25 the time that your grandmother said she wanted you to

1 give your phone until you gave it to her?

2 A Probably about 20 -- 20 minutes.

3 Q Twenty minutes. Okay. So when -- as I understand it,
4 once your cell phone went to your grandmother, you've not
5 had it since then?

6 A That is correct.

7 Q All right. So what time did school get out?

8 A I think it got out at 3:10.

9 Q Three-ten. And so by 3:30, your grandmother had the cell
10 phone?

11 A I guess. I don't recall.

12 Q Well, the school gets out at 3:10, did --

13 A But that was the estimate. I said I think it's 20
14 minutes. I wasn't sure it's 20 minutes.

15 Q Okay. But -- but still within a half an hour?

16 A Yes.

17 Q Within a half an hour. And so I -- and I just want to be
18 clear about this. This phone has not been in your
19 possession since around 3:30 or 3:40 on April 2nd (as
20 spoken), 2014?

21 A That is correct.

22 Q Absolutely? You're certain about that?

23 A That is absolutely correct.

24 Q Okay. Now, when they were asking you questions earlier,
25 they asked you some questions about whether or not Cody

1 used a condom. Do you --

2 A Correct.

3 Q Do you remember that?

4 A Yes.

5 Q And I think you acknowledged that you had given
6 inconsistent answers over time?

7 A Yes.

8 Q One time you said that he'd only worn it one -- on one
9 occasion?

10 A Yes.

11 Q Today you were saying that he had worn it three times?

12 A No, it was only one occasion.

13 Q Huh?

14 A It was only one occasion.

15 Q You never said more than one time?

16 A I did say more than one time, but it was only one
17 occasion.

18 Q Okay. And, in fact, at one point, you said he never used
19 a condom or anything, didn't you?

20 A I see it.

21 Q Yeah. You see it. It's right -- that's the narrative
22 that your --

23 A That --

24 Q -- therapist helped --

25 A That what she wrote.

1 Q -- you write or wrote for you. All right. They also
2 asked you some questions about sending photographs of
3 yourself. Remember --

4 A Correct.

5 Q -- those questions?

6 A Correct.

7 Q And, again, you said that you were -- had been
8 inconsistent about whether or not -- how many photographs
9 that you said you had sent of yourself?

10 A Correct.

11 Q And at one time, you told people it was only one, right?

12 A And that was in 2018. Yes. I remember that.

13 Q It was in 2018.

14 THE COURT: (To the witness) Ma'am, we're -- THE

15 COURT REPORTER: (To the Court) I can't hear her.

16 THE COURT: Can you keep your voice up, please?

17 She's having trouble hearing you.

18 A Yeah. It was in 2018 that I said I sent the one.

19 Q Okay. But you now say you sent more than one?

20 A Yes.

21 Q And I think at -- at some point, somebody from law
22 enforcement or solicitor's office met with you and
23 confronted you about the number of photos you had sent?

24 A Wendy did.

25 Q Wendy did?

1 A Not law enforcement.

2 Q Huh?

3 A Not law enforcement.

4 Q All right. When you say "Wendy," you mean, Wendy, the
5 prosecutor?

6 A Yes. Solicitor, yes.

7 Q Wearing the blue jacket over here?

8 A Yes.

9 Q Okay. All right. And -- and you said that you met with
10 Wendy the prosecutor twice last week. How long before
11 those two meetings last? How long ago was it? Last
12 week? Before last -- I'm not asking a very good question.
13 I told you I'd probably do that.

14 Before last week, when was the last time that you
15 met with the prosecutor?

16 A I think the last time before we started meeting for this
17 was back in January when we thought the trial was gonna
18 be happening.

19 Q Okay. All right. And -- and did you go over the same
20 questions back in January?

21 A I believe so.

22 Q Okay. And when was the first time that you met with
23 Wendy and talked about the -- the photographs that are in
24 this -- this envelope?

25 A I don't recall.

1 Q Was it 2023?

2 A I -- we've talked about these photos this year, but this
3 has been ongoing since 2019. So I've met with her
4 multiple times --

5 Q All right.

6 A -- since 2019.

7 Q All right. Well, how many times did you meet with her in
8 2022?

9 A I can't recall.

10 Q Okay. Five? more than five?

11 A I don't recall.

12 Q Okay. How many times did you meet with her in 2021?

13 A I don't recall.

14 Q All right. But you didn't meet with her in 2021?

15 A I suppose I did.

16 Q You suppose you did. Do you remember the first time that
17 you met with her?

18 A No. I don't.

19 Q Okay. Do you remember how many times that she showed you
20 the -- the evidence in the case, the things that she
21 showed you today?

22 A She's only showed me all the evidence a few times.

23 Q Okay. Who was the first person that you told that you
24 had sent photos more than one time? Was that Wendy?

25 A I don't remember.

1 Q Okay. Do you remember how many people you've talked to
2 about this case?

3 A A lot.

4 Q And say "a lot." You talked to Wendy?

5 A I think there was at least seven people.

6 Q At least seven people?

7 A Yeah.

8 Q All right. We know about the prosecutor.

9 A Yes.

10 Q We know about Ms. Whitt. We know about the lady who did
11 the videotaped interview.

12 A Yes.

13 Q That's -- that's three. Who else?

14 A The doctor who did my exam.

15 Q The -- Dr. Henderson. Four.

16 A Yes. I talked to -- there was another therapist that I
17 had.

18 Q Who was that?

19 A She was some lady; my therapist was like an intern or
20 something.

21 Q Okay.

22 A Yeah. That's all I can recall, so --

23 Q Huh?

24 A That's all I can recall right now.

25 Q But that's five. So who are the -- the other two?

1 A Well, my family and stuff. I have -- I have to talk to
2 my family about this stuff. I'm not just gonna keep it
3 in.

4 Q All right. And you -- you talked with your mother a lot
5 about this, haven't you?

6 A Yes.

7 Q Okay.

8 A She's my mother.

9 Q Now, they asked you some questions about a washcloth and
10 the underwear; is that right?

11 A Correct.

12 Q Okay. If I understand your testimony from earlier, you
13 have no idea how those two items got inside one of your
14 journals; is that correct?

15 A That is correct. But I had to put them there because my
16 mama did not come in my room like that, or nobody really
17 came in my room like that, so --

18 Q Well -- well, earlier you said you didn't know.

19 A Yes. But, obviously, I had to put them there.

20 Q Okay.

21 A Because who else was gonna grab my panties and put them
22 there?

23 Q Okay. So -- so this is something that is a little
24 different than what you said earlier today, right?

25 A Well, I'm still saying the same thing. I don't know how

1 they got there, but I'm saying I had to be the one to put
2 them there.

3 Q Okay. All right. But you're not the one who turned them
4 over to law enforcement?

5 A No.

6 Q Now, they asked you some questions about the therapy that
7 you had starting in 20 -- 2018 -- or I'm sorry -- 2017.
8 Do you remember that?

9 A Correct.

10 Q And I think that you -- I think that you acknowledged
11 already that when you went to the Gateway Children's in
12 Spartanburg, that you did tell them about any allegations
13 of the sexual abuse; is that right?

14 A That's correct.

15 Q But you did -- you did tell them that -- about Cody's
16 mother dying; is that right?

17 A That's correct.

18 Q And you also told them about your -- your physical
19 illnesses, didn't you?

20 A Yep.

21 Q Huh?

22 A Yes.

23 Q And then that -- that was a source of -- or -- or was a
24 stressor for you; is that right?

25 A That's correct.

1 Q You also told them about there was being truancy meetings
2 at school, right?

3 A Yes. Because I stay sick a lot, so I could not go to
4 school.

5 Q Right. And -- and -- and that's a fair point because
6 there was a -- they were accusing you of not going to
7 school, but it was a stressor because they weren't
8 recognizing that it was all because of doctor's
9 appointments?

10 A Yeah. But I took doctor's notes and stuff, but, yes.

11 Q Okay. But they were still -- despite the fact that you
12 had taken those notes -- and I'm not accusing you of not
13 going to school, I'm just saying that that was a point of
14 stress in your life at that time.

15 A Okay.

16 Q Huh?

17 A Okay.

18 Q Okay. And they talked about -- they asked you some
19 questions about when you went to Prisma for a short
20 period of time before you went to Aurora in April; is
21 that right?

22 A That's correct.

23 Q Okay. All right. They asked you some questions about
24 hearing and seeing things, and I'm not gonna go into
25 that, but you -- you said -- you testified about that

1 earlier, that you told them at Prisma, but not at Aurora;
2 is that right?

3 A That's correct.

4 Q Okay. When you were at Aurora, they asked you some
5 questions about whether or not you had ever been sexually
6 active, didn't they?

7 A I don't recall.

8 Q All right. You don't recall telling them that you'd
9 never been sexually active?

10 A No.

11 Q You don't recall telling them that you've never been
12 abused?

13 A I did not tell them that, no.

14 Q You don't recall that?

15 A Unh-unh.

16 THE COURT REPORTER: (To the witness) I didn't hear
17 that answer. I didn't hear that answer.

18 THE WITNESS: I don't recall that.

19 THE COURT: Okay. Thank you.

20 Q You are aware that the -- the -- the Court got your
21 mental health records in this case, right?

22 A I'm aware.

23 Q And you talked with them -- you talked with Wendy about
24 those records?

25 A Not much, but I'm aware they have them, yes.

1 Q All right. Enough that you knew she was gonna ask you
2 questions about, right?

3 A I suppose, yes.

4 Q Okay. Because that's -- she asked you that this morning,
5 right?

6 A Yes.

7 Q And last week when you met?

8 A About my mental health records?

9 Q Yes.

10 A We didn't talk about my mental health records.

11 Q Okay. You didn't go over the same questions last week?
12 You didn't go over the --

13 A We went over the questions, but not on mental health
14 records.

15 Q Okay. All right. You -- you've also had some -- I guess
16 some issues getting along with your brother, haven't you?

17 A Some, but we have a relationship just like every brother
18 and sister has a relationship. Not everybody gets along.
19 Really, no brother and sister gets along --

20 Q Okay.

21 A -- at all times.

22 Q There -- there was times that you were physically
23 aggressive towards him and pulled his hair?

24 A Uh-huh. Yeah.

25 Q All right. And there was a -- a time where he had his

1 own issues with mental illness, and he had thoughts about
2 killing you?

3 A Yes.

4 Q Okay. All right. Now, at the very beginning this
5 morning, they were asking you questions about things that
6 you like to do. You remember those questions?

7 A Yes.

8 Q And you said "reading and photography"?

9 A I said writing and photography.

10 Q I'm sorry. Writing. Thank you. That's -- thank you.
11 You said "writing and photography," right?

12 A Yes.

13 Q All right. And you like doing creative writing, don't
14 you?

15 A I just kind of write what's on my mind.

16 Q Okay. But you also like doing creative writing?

17 A What do you mean by that?

18 Q Writing stories, short stories, and things like that?

19 A I write what is on my mind.

20 Q You write what's on your mind?

21 A Yep. I do.

22 Q Okay. All right. All right. And you said it's
23 important that your mother likes you. You want to be
24 important to your mother?

25 A I mean, yeah.

1 Q Okay. And I'm just going to ask this one more time just
2 to be sure. You've not had this cell phone?

3 A I have not had that cell phone since it got turned in --
4 in 2019, that is correct.

5 Q Around 3:30/3:40 on April 22nd?

6 A I can't recall the time, but I'm guessing that's what the
7 time was.

8 MR. GROSE: Okay. I beg the Court's indulgence for
9 one moment?

10 THE COURT: Yes, sir.

11 MR. GROSE: (To the Court) That's all the questions
12 I have at this time. Thank you.

13 THE COURT: Thank you. Solicitor, anything?

14 **REDIRECT EXAMINATION OF Child**

15 BY MS. HALLFORD:

16 Q When you met with me, did I tell you what happened, or
17 did you tell me what happened?

18 A I told you everything that happened.

19 Q Did I tell you how to testify to that?

20 A No. You told me to put it in my own words.

21 Q Were you looking at your watch or paying attention to how
22 much time you had that phone in your possession before
23 you turned it over into your grandma?

24 A No. I was not. That's why I don't recall what time I
25 really gave it to her because I really don't know what

1 time it was, so --

2 Q So when you say 20 minutes, is that a wild guess?

3 A That is a wild guess because --

4 Q Could it have been longer than 20 minutes?

5 A It could have been longer because I was sitting outside
6 on the front porch, and I was contacting Cody, so it
7 could have been longer than 20 minutes, but that is a
8 wild guess.

9 Q Okay. Could it have been an hour?

10 A It could have been an hour.

11 Q Again, were you paying attention going, "Ooh, I've had it
12 five minutes. Ooh, I've had it 10 minutes"?

13 A No. I was not. My mind was not focused on the time at
14 all.

15 Q What was your mind focused on?

16 A I'm trying to figure out what was going on.

17 Q Okay. Was it also focused on deleting things?

18 A Yes.

19 Q Okay.

20 MR. GROSE: (To the Court) I have no further
21 questions.

22 MR. GROSE: (To the Court) Just one brief follow-
23 up.

24 THE COURT: Yes, sir.

25 RECROSS-EXAMINATION OF Child [REDACTED]

1 BY MR. GROSE:

2 Q All right. While you may not be clear how long you had
3 the phone on April 22nd, I understand that you're
4 absolutely clear that you've not had custody of that
5 phone since April?

6 A I'm absolutely clear I have not had custody of that phone
7 since 2019. That is my final answer. I'm clear.

8 Q April 22nd?

9 A Yes.

10 Q All right.

11 MR. GROSE: (To the Court) Thank you.

12 THE COURT: Ma'am, you may step down. Please be
13 very careful.

14 (WHEREUPON, the witness was excused.)

15 THE COURT: See the lawyers real quick?

16 (WHEREUPON, a bench conference was held.)

17 THE COURT: Madam Forelady and ladies and gentleman
18 of the jury, we're gonna break at this time. Well,
19 let me see if the State has anything. Anything from
20 the State?

21 MS. HALLFORD: State rests.

22 THE COURT: State rests. Okay. Ladies and
23 gentlemen, that means that the State does not
24 include to -- does not intend to call another
25 witness or put anything else in as what's known as

1 its "case in chief," which is what you've been
2 seeing and hearing. So with that, that will bring
3 me to a couple of matters of law, and I was gonna
4 have to do outside your presence anyway.

5 So we will break for lunch at this point in
6 time. Let's see. Twelve?

7 (To the Clerk) Generally, how much time? Do
8 you get a good hour and a half? That be enough?
9 Okay.

10 I'm gonna ask you to be back in place about
11 1:15. That gives you a good -- 1:15/1:20, something
12 like that, that -- that gives you a good hour and a
13 half right there. Gives -- gives my staff enough
14 time to -- to get some -- some lunch and some food.

15 Madam Court Reporter, I brought my plates. I'm
16 -- I'm here. I'm gonna zap it right quick. But,
17 anyway, so we'll get -- we'll -- we'll get some
18 lunch here. And with that we're gonna excuse you
19 for our lunch. Be back in place about 1:15/1:20,
20 something like that. Again, I'm not going anywhere.
21 We'd be ready to go. Madam Forelady?

22 THE BAILIFF: (To the courtroom) Remain seated.

23 (WHEREUPON, the jury was excused at 11:49 a.m.)

24 THE COURT: (To Mr. Grose) Before we do anything
25 else, and I don't wanna forget it, you should have

1 some e-mails from Mattie with the charge, and she's
2 incorporated what you wanted, so -- but it should be
3 on your e-mail here.

4 MR. GROSE: All right. Thank you.

5 THE COURT: Okay.

6 MR. GROSE: We got it.

7 MS. HALLFORD: May I know what it was that he asked
8 for because I was not included on that e-mail.

9 THE COURT: You -- you --

10 MS. HALLFORD: No, no, no. That he --

11 THE COURT: He wanted --

12 MR. SMITH: It's the circumstantial list.

13 THE COURT: -- the circumstantial list.

14 MS. HALLFORD: Oh -- oh, okay. Okay.

15 THE COURT: Well, let me --

16 THE CLERK: It was only like one extra --

17 MR. SMITH: It's like --

18 THE CLERK: -- from what we usually have.

19 MR. SMITH: They almost be --

20 THE CLERK: Okay.

21 MR. SMITH: -- consistent with each other, and
22 (inaudible) just merely suspicious --

23 THE COURT: Okay.

24 MR. SMITH: -- or anything like that.

25 THE COURT: All right. The State has now rested.

1 Anything from the State?

2 MS. HALLFORD: No, sir, Your Honor.

3 THE COURT: Okay. From the Defense?

4 MR. GROSE: Your Honor, at this time, we would move
5 for a directed verdict on all indictments. Because
6 the State's failed to present any direct evidence or
7 any substantial -- or excuse me -- let me back up.
8 I'm getting tongue-tied.

9 State's failed to present any direct evidence
10 or substantial circumstantial evidence based on
11 which the jury does rely on beyond a reasonable
12 doubt to convict. I would also -- not to reargue
13 it, but I would call the Court's attention to my
14 motion to quash the indictments.

15 We still maintain that some of the indictments
16 are multiplicitous as set forth in -- in that
17 motion. And the directed verdict phase could be a
18 time where the Court could dismiss some of those
19 indictments.

20 THE COURT: Solicitor?

21 MS. HALLFORD: Your Honor, the directed verdict
22 motion, the evidence is supposed to be viewed in the
23 light most favorable to the State, and Your Honor is
24 to consider the existence and not the weight. The
25 State has presented evidence for each element of

1 each indictment, and the case should be submitted to
2 the jury.

3 THE COURT: Okay. The defense motion for a directed
4 verdict is -- is denied in that the Court does not
5 weigh the evidence but must view the evidence in the
6 light most favorable to the nonmoving party, which
7 is the State. There is evidence before the jury,
8 and -- and causes a question of fact, the Court
9 again looks for a scintilla or any evidence, not
10 waive the evidence.

11 And as to the previous motion about it being
12 multiplicitous, for the same reasons heretofore
13 enunciated, the court reaffirms the -- that, but
14 you're protected, Mr. Grose.

15 MR. GROSE: Thank you.

16 THE COURT: Anything else from the defense before we
17 break for lunch?

18 MR. GROSE: No, sir.

19 THE COURT: Okay. We'll -- we'll break for lunch
20 at this time. Again, if anybody needs me, don't ex
21 parte me, but I'm here. I'm just -- I'm gonna go
22 back here and microwave some lunch.

23 (Off the record from 11:52 a.m. until 1:19 p.m.)

24 AFTERNOON SESSION

25 THE COURT: Okay. Everybody ready?

1 MR. GROSE: Couple housekeeping things --

2 THE COURT: Sure.

3 MR. GROSE: -- real quick.

4 THE COURT REPORTER: (To the Court) On the record?

5 MR. GROSE: First --

6 THE COURT: Yeah.

7 MR. GROSE: -- with -- first, with regard to your
8 jury instructions, the solicitor and I both noticed
9 that it includes first degree criminal sexual
10 conduct with a minor, and there's no charge for
11 first degree involved in the case. I imagine that
12 that was just --

13 THE CLERK: You -- yeah.

14 MR. GROSE: -- that's --

15 THE CLERK: It's from a previous case.

16 MR. GROSE: Yeah. And the -- the second thing that
17 I noticed was the circumstantial evidence charge
18 wasn't the same one as the one that I had submitted.

19 I also realized at lunch that I had copied the
20 wrong Spenser and the wrong Wendy on my e-mail to
21 you yesterday, and I've corrected that.

22 THE COURT: Okay.

23 MR. GROSE: So they -- they have that now. And I
24 don't know that they have any objection, but if they
25 do --

1 MS. HALLFORD: No, sir.

2 THE COURT: Okay.

3 MR. GROSE: Okay.

4 THE CLERK: I thought I added --

5 MR. GROSE: Well, it -- it -- there -- there's some
6 differences.

7 THE CLERK: It's not the exact language, but I added
8 the difference on the sheet.

9 MR. GROSE: Okay. Well, my -- my -- my position is,
10 is that, what I'm requesting is -- is required if I
11 ask for it and --

12 THE CLERK: I put that, but we can talk -- well --

13 MR. GROSE: Okay.

14 THE CLERK: -- you can e-mail me. It might be
15 easier, but the language is --

16 MR. GROSE: Well, the -- the definition of direct
17 evidence and circumstantial evidence is -- is
18 slightly different than in -- in the Logan case than
19 it is in the --

20 THE CLERK: I'll double-check it.

21 MR. GROSE: -- and -- and I normally request Logan
22 anyway. But I guess the -- my view is is the charge
23 that our Supreme Court has approved for clarity,
24 and, Your Honor, did discuss circumstantial evidence
25 and direct evidence in the opening remarks. And

1 it's a little different than -- than Logan. And --
2 you know, and I don't -- I think the case law is
3 such that, you know, the Logan charge is not
4 necessarily the only language that can be charged,
5 but it's -- it's required to request it, so . . .

6 THE COURT: We'll look at it. Anything else about
7 this? Because I've got a witness.

8 MR. GROSE: One other housekeeping thing. I have a
9 -- a witness that is out of state that I would like
10 to call by video. She's going to be on standby
11 starting at about 1:30. I have two short witnesses
12 I can put up before her. I've set up my technology,
13 so I should be able to seamlessly transition into
14 that, but we may need a -- a moment to get the --

15 THE COURT: (To the State) Any objection?

16 MR. GROSE: -- log into the virtual courtroom.

17 MS. HALLFORD: When I am cross-examining her, where
18 will I sit so that she has to look at me, and I can
19 see her?

20 MR. GROSE: I -- I -- I'm open to suggestions. What
21 I've done in the past is -- is I've done the direct
22 on my iPad, and then let the cross be done on the
23 iPad.

24 MR. SMITH: Okay.

25 MR. GROSE: Or you -- or you --

1 MS. HALLFORD: All right. Spenser -- Spenser's
2 technologically a genius. I am not.

3 MR. SMITH: Well --

4 MS. HALLFORD: So --

5 MR. SMITH: -- that's wrong.

6 MR. GROSE: Spenser's ahead of me in that category,
7 so I --

8 MR. SMITH: I can put my laptop. Do you want me to
9 plug it in to the screen like we did with Ms.
10 (inaudible) and that?

11 THE COURT: Yeah. If I -- and I'm great with the
12 technology. I love the technology.

13 MR. SMITH: And I mean, I can plug the HDMI in mine.
14 That way the sound from her will come in through the
15 courtroom, and then Wendy can -- you can sit in
16 front of it, or --

17 MS. HALLFORD: Okay.

18 THE COURT: Okay. Is -- is this by Webex or is this
19 by --

20 MR. GROSE: We -- we would --

21 THE COURT: -- Zoom?

22 MR. GROSE: -- we would use your virtual courtroom
23 if you allowed it. That's what I'm --

24 THE COURT: Oh, absolutely.

25 MR. GROSE: -- Yeah.

1 THE COURT: Absolutely. But my court reporter's
2 gotta be able -- is there gonna be a problem for
3 you?

4 THE COURT REPORTER: As long as the audio is very
5 clear, and if she can state and spell her name for
6 the record --

7 MR. SMITH: Maybe we can --

8 THE COURT REPORTER: -- then I'll be okay.

9 MR. SMITH: -- test it out --

10 THE COURT REPORTER: Yeah.

11 MR. SMITH: -- before the jury comes in.

12 THE COURT REPORTER: Uh-huh.

13 MR. GROSE: Okay. So what I'll propose maybe is to
14 call my two witnesses and then break and set that
15 up, and --

16 THE COURT: Okay.

17 MR. GROSE: -- we can go with her, and we can move
18 on from there.

19 THE COURT: Yeah. And do you -- do you need my --
20 you got your computer?

21 THE COURT REPORTER: Well, I'll just listen to it
22 probably just coming out the way the jury --

23 THE COURT: Okay.

24 THE COURT REPORTER: -- hears it. That would
25 probably be the easiest for me.

1 THE COURT: Okay.

2 THE COURT REPORTER: Uh-huh.

3 THE COURT: Whatever you need.

4 THE COURT REPORTER: Okay. Thank you.

5 MR. SMITH: Yeah. If we have everything muted
6 except the TVs; there shouldn't be an echo.

7 MR. GROSE: Well, we would have to have one to talk
8 through, and that -- that would be --

9 MR. SMITH: Yeah. I just mean --

10 MR. GROSE: -- yours, I guess?

11 MR. SMITH: -- that one over there. But Judge Kelly
12 and everybody should be able to listen through
13 the --

14 MR. GROSE: Okay.

15 MR. SMITH: -- sound.

16 MR. GROSE: But we would -- we would have to
17 question through yours, too, I would think, for her
18 to be able to see us.

19 MR. SMITH: Yes.

20 MR. GROSE: Yeah. Okay.

21 THE COURT: Okay.

22 MS. HALLFORD: Just tell me where to sit.

23 THE COURT: And it may be that, Madam Clerk, you can
24 join Webex, too, because you'll have to swear.

25 THE CLERK: Yes, sir.

1 THE COURT: Okay. We can do that.

2 MR. GROSE: Okay.

3 MR. SMITH: Yeah.

4 MR. GROSE: All right. Thank you, Judge.

5 One other -- I said there was one more, but
6 there's one final thing. When Mr. Hudson testifies,
7 I want to verify what they considered to be
8 "impeachable offenses." I -- I only saw one.

9 MS. HALLFORD: That (inaudible.)

10 MR. SMITH: (Inaudible) and they said he got the
11 bigger ones.

12 MR. GROSE: What's that?

13 MR. SMITH: What happens in the testimony.

14 MR. GROSE: Okay. Yeah. We'll --

15 MS. HALLFORD: Where did his rap sheet go?

16 MR. SMITH: Mattie, do you want us to do it in the
17 sealed one or just the -- the normal one? I don't
18 know.

19 THE COURT: We'd have to do it open. We'd have to
20 do it open.

21 MR. SMITH: Open? All right.

22 THE COURT: Yeah.

23 THE CLERK: So am I opening it now?

24 MR. GROSE: This is the criminal rap sheet he had.
25 That was -- that was the juvenile one.

1 MS. HALLFORD: Yeah.

2 MR. GROSE: That's, I guess, the same juvenile.

3 MR. SMITH: Oh.

4 MS. HALLFORD: Breach of trust in 2015.

5 MR. GROSE: That's the one that --

6 MS. HALLFORD: Yeah. I have a certified conviction
7 of that.

8 MR. GROSE: Yeah. That's --

9 MS. HALLFORD: -- I just don't know what I did with
10 it.

11 MR. SMITH: She kind of testified that he pled -- I
12 mean, it's already kind of --

13 MR. GROSE: Well, I already --

14 MR. SMITH: Yeah. It's already kind of out there.

15 MR. GROSE: I know.

16 MR. SMITH: Yeah.

17 MR. GROSE: Yeah. I just wanted to make sure that
18 we -- that we're on the same page, --

19 MS. HALLFORD: Yes.

20 MR. GROSE: -- that's the only one. So -- okay.

21 MS. HALLFORD: Found it.

22 MR. GROSE: Found it?

23 MS. HALLFORD: Yes.

24 MR. SMITH: I guess Webex is open.

25 MR. GROSE: She's gonna be my third witness --

1 MR. SMITH: Okay.

2 MR. GROSE: - though, so --

3 MR. SMITH: All right. But he's got -- it's open
4 now.

5 (Sotto voce discussion between attorneys
6 discussing impeachable offenses.)

7 THE COURT: Keith might be out there. I don't know.

8 MR. GROSE: Huh?

9 THE COURT: I was talking to --

10 MR. GROSE: Oh, I'm sorry.

11 THE COURT: And so I was -- but I'm thinking Keith
12 might be out there. I don't know. All right. You
13 about ready now?

14 MR. GROSE: I think so.

15 THE COURT: Okay. So when -- after your two
16 witnesses testify, you need a minute or two? Do I --
17 - you want me to send them out while you set up?

18 MR. GROSE: I -- I say we send them out and get the
19 witness on, and then bring them back.

20 THE COURT: Okay.

21 MR. GROSE: It should -- it should be fairly quick.
22 She should be a quick witness, and we can just kind
23 of keep going.

24 THE COURT: Okay. All right. Everybody ready?

25 MR. GROSE: Yes, sir.

1 MS. HALLFORD: Yes.

2 THE COURT: (To the bailiff) We'll have the jury.

3 (WHEREUPON, the jury enters open court at 1:28

4 p.m.)

5 THE COURT: Madam Forelady, everything good with the
6 jury?

7 MADAM FORELADY: Yes, sir.

8 THE COURT: Ready to go to work?

9 MADAM FORELADY: Yes, sir.

10 THE COURT: Thank you. Okay.

11 MR. GROSE: Thank you, Your honor. May it please
12 the court?

13 THE COURT: Yes, sir.

14 MR. GROSE: At this time, I call Brad Hudson.

15 (WHEREUPON, the witness was sworn.)

16 THE COURT: Sir, if you'll adjust the microphone,
17 tell us who you are, and spell your last name,
18 please.

19 THE WITNESS: Bradley Hudson.

20 THE COURT: Okay. A common spelling last name?

21 THE WITNESS: H-u-d-s-o-n.

22 THE COURT: Thank you. (To Mr. Grose) Yes, sir?

23 **DIRECT EXAMINATION OF BRADLEY HUDSON**

24 BY MR. GROSE:

25 Q And, Mr. Hudson, do you go by Brad?

1 A Yes, sir.

2 Q Okay. And are -- are you related to Cody?

3 A Yes, sir.

4 Q All right. And how are you related?

5 A Brother.

6 Q All right. And are you originally from South Carolina?

7 A Yes, sir.

8 Q And which part of the state are you from?

9 A Greenville.

10 Q All right. So the upstate area?

11 A Yes.

12 Q Okay. And were you aware that Cody was in a relationship
13 with and married to Sarah Hudson?

14 A Yes. Yes, sir.

15 Q Okay. And did you have an opportunity to observe their
16 relationship?

17 A When they was around, yes.

18 Q What do you mean by "when they were around"?

19 A When they would seldomly come to Hickory Tavern where --
20 where I live at, they would come down occasionally.

21 Q Okay. And when you would see them, what did you observe
22 about their relationship?

23 A She's very controlling.

24 Q Okay. Can you give some examples?

25 A Well, if you wanted to contact Cody, you had to contact

1 her, and then we'd to talk to Cody through her phone.

2 Q All right. So you didn't -- go ahead. I'm sorry.

3 A No. You're good. You're good.

4 Q You -- so -- all right. Am I taking it to mean you
5 didn't have Cody's --

6 A She --

7 Q -- cell phone number?

8 A From my understanding, she did -- he didn't have a phone.

9 Q Okay. All right. Are you -- do you remember when Cody
10 and Sarah separated?

11 A I didn't know they actually separated. He come down
12 because his kids was an issue to go up there.

13 Q Okay.

14 A So he come to my house and stayed the weekend to visit
15 with his kids for the weekend. Well, then come to find
16 out they wasn't together, whatever reason, and he ended
17 up staying at my house from that time until he eventually
18 moved out and went to Easley.

19 Q Okay. When you say "eventually moved out," how long was
20 he living at your house?

21 A Two and a half years.

22 Q Okay. And are you aware of anywhere that he lived other
23 than your house between -- after he broke up with Sarah
24 or after they broke up?

25 A Yes. He moved to Easley probably -- probably about a

1 year and a half ago, he moved to Easley.

2 Q Okay. All right. Who all was living in the house where
3 Cody was living with you?

4 A Me, my wife, and my two kids.

5 Q All right. How old are your kids?

6 A Well, my daughter's 18 now; my son's 14 now.

7 Q Okay. And was Cody around your kids?

8 A Yes.

9 Q Did you observe any issues or any problems with that?

10 A Never.

11 Q Okay. Were you comfortable leaving your children alone
12 with Cody?

13 A All the time.

14 Q Okay. In April of -- if I told you that Cody and Sarah
15 broke up late February/beginning or mid to late March --
16 February/March of 2019, would Cody have been living with
17 you in April of 2019?

18 A Yes.

19 Q Okay. Now, after Cody came to live with you, do you know
20 where he was working?

21 A Before he come to live with me?

22 Q No, no. When he came to live with you?

23 A Oh, when he come to live with me, he wasn't working
24 nowhere, from my understanding.

25 Q All right. And did you arrange for him to have a job?

1 A I worked for a company; I was a manager and ended up
2 getting him -- getting him a job and my other brother a
3 job.

4 Q Okay. When you say your "other brother," who is that?

5 A Donald Hudson.

6 Q All right. And when -- does he go by Chris sometimes?

7 A No. That's -- no. That's another brother.

8 Q That's another. Okay.

9 A Yeah.

10 Q I'm sorry. All right. So what is the -- the name of the
11 company that you were working for?

12 A Piedmont Plumbers.

13 Q And that's the company that Cody and your other brother
14 were working for?

15 A Yes, sir.

16 Q Okay. And were you Cody's supervisor at that?

17 A Yeah. There was about five supervisors. So they kind of
18 -- they was service techs is what they was, so we all
19 kind of generated where they went, what needed to be
20 done.

21 Q Okay. And where -- at the beginning of the work day,
22 does everybody have to go to the same place?

23 A The beginning of the work day?

24 Q Yes, sir.

25 A Yeah. Everyone met -- met at the shop. Was, "Be there

1 by 7:30," and that was the time that everybody was
2 supposed to be there.

3 Q All right. And -- and where is the -- the shop at?

4 A Easley, South Carolina.

5 Q All right. And were you living -- where'd you say you
6 were living? Hickory Tavern?

7 A Hickory -- Hickory Tavern.

8 Q All right. So how long would it take to get from work or
9 get from home to the shop?

10 A Forty-five minutes. Forty/forty-five minutes depending
11 on traffic. Sometimes you could get there in 35 minutes
12 if you took the toll road.

13 Q And was it encouraged that everybody be there a little
14 bit early?

15 A Yeah. Everybody got there early because there's so much
16 commotion going on in the office. We try to -- as soon
17 as they come in, we're trying to get them to work and get
18 them out, so when the next person comes in, we don't got
19 a bunch of people up in the office with us.

20 Q And do you know how Cody would get from where y'all lived
21 to work?

22 A Yes. My brother.

23 Q All right. They would ride together?

24 A They would ride together, yes, sir.

25 Q And you would ride separately?

1 A Yes.

2 Q Okay. Did -- for somebody like Cody that was working,
3 did -- was there any kind of attire that they were
4 supposed to wear at work?

5 A Yes. We actually had uniforms: button-up, gray shirt,
6 had his name, Piedmont Plumbers on the side, dark blue
7 like cargo pants was their attire to wear.

8 Q And what type of shoes did Cody wear?

9 A Well, it was pretty much whatever they wanted to wear
10 from and to work. We've done a lot of houses, so a lot
11 of them would wear tennis shoes.

12 Q And do you know what kind of shoes that Cody wore?

13 A Cody wore black Pumas most of the time.

14 Q And did I ask you to look at a picture earlier?

15 A Yes, sir.

16 Q All right. I'm gonna show you what's marked as State's
17 Exhibit Number 10. Do you see that shirt in there?

18 A No, sir.

19 Q Oh, well, when you say "a shirt," do you see a -- the
20 plumbing work shirt?

21 A No, sir.

22 Q All right. Do you see clothing in there?

23 A I do see clothing, yes.

24 Q What color is that?

25 A Yellow.

1 Q All right. And do you see shoes in the bottom of the
2 picture?

3 A Yeah. Work boots.

4 Q All right. And Cody wore Pumas?

5 A Most of the time, he wore Pumas. Most time it was tennis
6 shoes he wore when he would work.

7 Q But -- but not work boots?

8 A Not work boots, no, sir.

9 Q All right.

10 MR. GROSE: (To the witness) Thank you. Please
11 answer any questions the prosecutor might have.

12 THE WITNESS: Yes, sir.

13 **CROSS-EXAMINATION OF BRADLEY HUDSON**

14 BY MS. HALLFORD:

15 Q So you saw very little of the relationship between Cody
16 and Sarah?

17 A Yes.

18 Q Okay. So you don't really know how the relationship was
19 because you saw very little of it; isn't that right?

20 A Yes.

21 Q So is it -- let me make sure I'm understanding this. Is
22 it your testimony that he didn't have a cell phone?

23 A That I knew he didn't have a cell phone?

24 Q You know he didn't have?

25 A I -- I -- I don't know he didn't have a cell phone, but

1 if we wanted to get in contact with him, we had to call
2 Sarah because we was told he didn't have a cell phone.
3 So I don't know if he did or he didn't.

4 Q Who told you he didn't have a cell phone?

5 A He did.

6 Q Huh. For the whole time he was with Sarah?

7 A No. Not -- not the whole time. The first -- probably
8 the first six to eight months we could get in contact,
9 but as the relationship progressed, then that's when it
10 was -- everything had to go through Sarah. Even when I'd
11 come to pick up the kids --

12 Q Uh-huh.

13 A -- to pick up his kids, talk to the ex-wife, everything
14 had to go through her. It was never through Cody.

15 Q Did he have a cell phone when he was living with you
16 after he and Sarah split up?

17 A Yes.

18 Q Okay. Do you know what kind of phone that was?

19 A I do not.

20 Q Did you ever see him using it?

21 A Yeah.

22 Q Could you tell if it was an iPhone or a Samsung?

23 A No.

24 Q No? Okay. What are the sexes of your children?

25 A Male and female.

1 Q Male and female. What are their ages?

2 A My daughter's 18 now and my son's 14.

3 Q So how would -- how old would your daughter have been
4 when she -- when he moved in with you?

5 A Fifteen.

6 Q Fifteen. Okay. I assume because you were asked if you
7 would be okay with him being around your kids, --

8 A Uh-huh.

9 Q -- it was to imply that this -- he's not the kind of
10 person who would do something like that; is that --

11 A No.

12 Q -- yeah.

13 A Yeah.

14 Q Have you ever said or done anything that would let your
15 brother think you would be okay with him having sex with
16 a teenager or a preteen girl?

17 A Repeat that again?

18 Q Have you ever done anything or said anything that would
19 let him think that you would be okay with him having sex
20 with a young girl?

21 A No. It's not okay.

22 Q Yeah. No. It's not okay?

23 A No.

24 Q So if he were doing that, that would be something he
25 would most definitely keep a secret from you, wouldn't

1 you agree?

2 A Yeah.

3 Q Okay. And your children are blood related to him,
4 correct?

5 A Yes.

6 Q Okay.

7 MS. HALLFORD: (To the Court) I have no further
8 questions.

9 THE COURT: Thank you. (To Mr. Grose) Anything
10 further?

11 MR. GROSE: No, sir.

12 THE COURT: (To the witness) Sir, you may step
13 down. Please be careful.

14 (WHEREUPON, the witness was excused.)

15 MR. GROSE: I call Jody Hudson.

16 (WHEREUPON, the witness was sworn.)

17 **DIRECT EXAMINATION OF JODY HUDSON**

18 BY MR. GROSE:

19 Q All right. Jody, if you could state your full name for
20 the record and spell your last name?

21 A Jody Hudson, H-u-d-s-o-n.

22 Q And are you -- you are related to Cody?

23 A Yes, sir.

24 Q All right. How are you related?

25 A My brother.

1 Q All right. Are y'all twins?

2 A Yes.

3 Q All right. You don't look alike, so you must be
4 fraternal twins?

5 A Yes, sir.

6 Q Okay. And which part of the state do you live?

7 A Greenville County, but it's a Fountain Inn address.

8 Q Okay. And have you lived all your life in South
9 Carolina?

10 A Yes, sir.

11 Q And are you married?

12 A Yes, sir.

13 Q And do you have children?

14 A Yes, sir. We have seven kids.

15 Q Seven kids?

16 A Uh-huh.

17 Q All right. And -- and what are their ages?

18 A All the way to 17. All way the -- one just -- the
19 youngest turned five today.

20 Q Okay. And are they all boys, all girls?

21 A No. They's -- they's four boys, three girls.

22 Q Okay. And have you had -- has Cody been around your
23 children?

24 A Yes, sir. Matter of fact, stayed at their house with
25 them.

1 Q Okay. And have you observed Cody around other children
2 like your brother's children?

3 A Yes, sir.

4 Q Have you observed Cody around his own children?

5 A Yes, sir.

6 Q All right. And have you ever noticed anything unusual or
7 concerning?

8 A No, sir.

9 Q Okay. Are you comfortable with Cody staying with your
10 children alone?

11 A He's watched them plenty of times. They wanted him to go
12 with him.

13 Q All right. Did you have occasion to observe Cody's
14 relationship with Sarah?

15 A Yes, sir.

16 Q All right. And what can you tell us about that?

17 A Well, I met -- she told my wife that she don't see how
18 she watches my kids; that she wouldn't do it for Cody
19 kids.

20 Q Okay. And how would you -- if you wanted to get in touch
21 with Cody, how would you get in touch with him?

22 A I had to get in touch with her.

23 Q Through Sarah?

24 A Yes.

25 Q All right. And how long was that going on?

1 A I couldn't tell you how long, but she made the comment --
2 because they come to our house a couple times. Every
3 time Cody come along, he had Brother and Natalie with him
4 every time; they was with him every time.

5 Q All right. But -- but as far as you get in touch with
6 Cody, how'd you have to --

7 A I didn't get in touch with him.

8 Q You had to go through Sarah?

9 A Uh-huh.

10 Q All right. And how long was that going on for?

11 A I couldn't tell you. I don't know how long it was.

12 Q All right. Do you know whether -- so -- whether or not
13 Cody had a cell phone?

14 A I thought -- she was told -- my wife was told that Cody
15 wasn't allowed to have a cell phone.

16 Q And if he had one, you don't know --

17 A No.

18 Q -- one way or the other?

19 A I don't know one way or another.

20 Q All right.

21 MR. GROSE: (To the witness) Thank you. Please
22 answer any questions the prosecutor might have.

23 **CROSS-EXAMINATION OF JODY HUDSON**

24 BY MS. HALLFORD:

25 Q So it's your testimony that you don't know anything about

1 Cody Hudson's cell phone?

2 A I don't know nothing about Cody Hudson's cell phone.

3 Q No? You don't know whether he had a Samsung Galaxy --

4 A I --

5 Q -- 8S (as spoken)?

6 A I sure don't.

7 Q Did you have a telephone call with him on January 19th,
8 that would be yesterday, at 10:28 a.m.?

9 A Yesterday?

10 Q Uh-huh.

11 A I had a phone call with Cody?

12 Q Uh-huh.

13 MS. HALLFORD: Your Honor, I have a matter of law to
14 take up.

15 THE COURT: Okay. See the lawyers right here.

16 (WHEREUPON, a bench conference was held.)

17 THE COURT: Madam Forelady and ladies and gentlemen,
18 I've been asked once again to make a ruling on
19 something right here, and I'm gonna have to excuse
20 you from the courtroom for just a few minutes. And
21 I wanna say I'm gonna use this time to also tell you
22 that -- I think it's the next witness, Mr. Grose; is
23 that right?

24 MR. GROSE: Yes, sir.

25 THE COURT: Okay. I'm gonna have to send you back

1 out as soon as this witness finishes anyway, for
2 just a minute because this is gonna be a new one for
3 me in a criminal case, but we are gonna have a
4 witness testify remotely through some technology
5 here, and so I'll have to send you out while we set
6 that up. Okay. Madam Forelady?

7 (WHEREUPON, the jury was excused at 1:45 p.m.)

8 THE COURT: Okay. So the jury is out. Okay. Let's

9 **CROSS-EXAMINATION OF JODY HUDSON CONTINUES.**

10 BY MS. HALLFORD:

11 Q Okay. Did you have a telephone call with Cody Hudson
12 yesterday morning at 10:28 a.m.?

13 A I couldn't tell you the time, but, yes. I did have a
14 phone call. He called.

15 Q And is your phone number 547 --

16 A Yes.

17 Q -- 6109?

18 A Yes, ma'am.

19 Q Okay. So do you remember talking with him about --

20 A Yes, ma'am. I do.

21 Q Let me -- let me --

22 A Okay.

23 Q -- ask my question. Do you remember talking with him
24 about the pictures that had come from the Samsung Galaxy
25 S8?

1 A Yes, ma'am. But you asked me did I know if he had one up
2 there, and I -- I didn't know until I talked to him
3 yesterday. So I didn't know nothing about no phone being
4 present when he was living with her.

5 Q That's not what I said, was it?

6 A Well, like I said, is this --

7 Q You said -- did you ask him this, "Did you have a Galaxy
8 S8?"

9 A Yes. Yes, ma'am. I did ask that.

10 Q And he said, "Yeah" --

11 A And --

12 Q -- did he?

13 A And I also said that, "If it was sent from" --

14 Q And he said, "Yeah," didn't he?

15 A Yes, ma'am. But it also was stated --

16 Q Okay. So when you testified --

17 THE COURT: (To the State) Let -- let him finish.

18 Let him finish. (To the witness) Go ahead.

19 A And I also stated that when something is sent to a cell
20 phone, it picks up off cell towers and could be pinged.
21 But instead of getting that evidence that would show that
22 him guilty or not guilty, was failed to get from the
23 State, and everything -- evidence they have is everything
24 that was packaged together from them. Nothing -- no real
25 evidence. Because computer supposedly she pulled up,

1 found an e-mail address, that was never took and went
2 through. Never.

3 MS. HALLFORD: That wasn't what my question was. He
4 was --

5 THE COURT: I know. And we're not - and we're not
6 gonna testify. (To the State) Go ahead.

7 MS. HALLFORD: He was very clear that he didn't know
8 anything about him having a phone. And yesterday he
9 had a conversation with him where he asked him, "Do
10 you have a Galaxy S8?"

11 And he said, "Yeah."

12 So he lied on the stand. That goes directly to
13 his credibility. The jury needs to be able to hear
14 that. And I'm not gonna ask him, where were either
15 of you? Were you calling him at the jail? Any of
16 that?

17 THE COURT: Okay. Thank you. Mr. Grose?

18 MR. GROSE: Your Honor, this is nothing -- this has
19 not been provided to us. And there's a case "State
20 vs. Vernon Leroy Lawton." It's out of Greenwood
21 County. It was actually my case at trial, not that
22 that matters, but it's 382 S.C. 122, 675 S.E.2d 454,
23 and was decided in 2009.

24 And what happened in that case was, is that the
25 accused was testifying on the witness stand, and the

1 deputy solicitor approached him with a letter that
2 he had written, but had not been disclosed to us in
3 discovery. Same thing we did here. We sent
4 everybody out and had a proffer.

5 And Judge -- I believe it was Judge Saunders
6 allowed the State to proceed to cross-examine about
7 that letter.

8 In an opinion that was written by then Chief Judge
9 Hearn of the Court of Appeals, the Court of Appeals
10 reversed that conviction because -- and they -- they
11 were looking at that under a particular part of --
12 of Rule 5 that had to do with the defendant's
13 statement. But I was at the oral argument. I
14 didn't do the oral argument; I was at the oral
15 argument.

16 And Rule 5, also, has in it -- I believe it's
17 one of the Subsection Cs, has in it that, "The State
18 is required to provide any information in their
19 possession that's necessary for preparing a
20 defense." And this information is necessary for
21 preparing a defense, and they did not provide it.

22 I always tell courts and lawyers, young lawyers
23 in particular, and lawyers I'm talking to, that --
24 that Rule 5 is our mechanism for the State complying
25 with their due process obligation. The due process

1 obligation is not just Brady; it's an obligation to
2 provide what is necessary for the defense. And so
3 this has not been provided. Vernon Lawton case is
4 directly on point.

5 The next issue, because they were hinting that
6 this was not something that was made to a law
7 enforcement agent, is what is in the possession of
8 the State. And, again, in another case I was
9 involved in; this one was on appeal; this one was
10 "Larry Durant." It was a case that was tried out of
11 Sumter County, and I can get you the cite for that
12 in a minute. And that case was decided on May 6th,
13 2020, by the Supreme Court by -- this -- this time
14 by Justice Hearn after she came on the Supreme
15 Court. Its citation is 430 S.C. 98, 884, S.E.2d 49.

16 One of the issues that was involved in that
17 case was a Brady violation. And what happened in
18 that case was, is there was a -- a witness that the
19 State called that had multiple spellings of her
20 name, and the State had run her criminal history
21 under the wrong spelling of the name.

22 And after trial was over, the defense lawyer
23 learned that there was a different spelling of the
24 name because somebody actually approached the
25 defense lawyer and said, "Hey, why didn't her