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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Jocelyn J. Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TERRY GERRARD GRIDINE,

APPELLANT

APPELLATE CASE NO. 2021-001188

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1 STATE OF SOUTH CAROLINA)
 2 COUNTY OF RICHLAND) COURT OF GENERAL SESSIONS
 2021-GS-40-02232

3
 4 State of South Carolina,)
 5 Plaintiff,)
 6 vs.) TRANSCRIPT OF RECORD
 7 Terry Gerrard Gridine,)
 8 Defendant.)

9 October 11, 13-14, 2021
 10 Columbia, South Carolina

11
 12
 13 B E F O R E:

14 THE HONORABLE JOCELYN NEWMAN, JUDGE; and a jury.
 15
 16

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OCTOBER 11, 2021

(WHEREUPON, the proceedings commenced at
2:08 p.m.)

THE COURT: Does the State have a witness
list? What I would like to do is select a jury,
then dismiss them, do some voir dire. I know that
there are some scheduling concerns that Ms. Pinnock
has tomorrow afternoon, correct?

MS. PINNOCK: Yes, ma'am.

THE COURT: No scheduling concerns for the
State tomorrow, though?

MS. PINNOCK: Correct.

THE COURT: Right? It is Wednesday?

MS. SAMPSON: Correct.

THE COURT: But mid-day?

MS. SAMPSON: Correct. I just have to be
available at 1:30 for a Facetime with my daughter's
doctor. I don't have to go anywhere, I just have
to not be in here.

THE COURT: Understood. That can happen
during a lunch break. So what I was thinking,
because I have my own scheduling concerns tomorrow
that sort of makes it difficult to address both my
and Ms. Pinnock's and still have a fruitful day, my
thought was to begin the trial on Wednesday and do

1 it Wednesday and Thursday because it is a two-day
2 trial, yes?

3 MS. SAMPSON: Okay. I don't care.

4 THE COURT: Any objection to that?

5 MS. PINNOCK: Just to offer -- I mean, mine
6 can be canceled, so I can just reschedule my other
7 issue if that will make it easier for the Court if
8 you don't want to wait until Wednesday.

9 THE COURT: No, I don't mind waiting until
10 Wednesday.

11 MS. SAMPSON: I'm fine with whatever Your
12 Honor decides. We are available regardless, I
13 believe.

14 THE COURT: Two days, you know, whatever. So
15 we'll do it Wednesday and Thursday instead of
16 Tuesday and Wednesday.

17 MS. SAMPSON: Correct, Your Honor.

18 THE COURT: Okay. And just for planning
19 purposes for other folks in y'all's office and
20 Ms. Sampson, I know there is a motion to sever in
21 another case that needs to be heard. I would want
22 to hear that tomorrow. I believe that is Zoe Bruck
23 and Kathryn, so just so y'all know, and for anyone
24 active in your office, we will work that in
25 tomorrow and then have the Stand Your Ground

1 Friday.

2 MS. SAMPSON: Okay. Yes, ma'am.

3 MS. PINNOCK: Thank you, Your Honor.

4 THE COURT: All right, good.

5 Now, as to this case, does the State have any
6 objection to the Defendant's requested voir dire?

7 MS. SAMPSON: None from the State, Your Honor.

8 THE COURT: All right. And does the Defense
9 object to any of the State's requested voir dire?

10 MS. PINNOCK: No objection, Your Honor. I
11 would just ask if Your Honor would want to add
12 Kathleen Warthen to their Question Number 3.

13 MS. SAMPSON: Oh, I'm sorry, I think when I
14 made it I wasn't sure who your co-counsel was.

15 THE COURT: Yes, of course.

16 Okay, let's bring the jury panel.

17 THE CLERK: Yes, Your Honor.

18 (WHEREUPON, the jury came into open
19 court at 2:17 p.m.)

20 THE BAILIFF: The jury has been seated, Your
21 Honor.

22 THE COURT: Thank you, sir. Good afternoon,
23 folks.

24 THE JURY PANEL: Good afternoon.

25 THE COURT: I hope you enjoyed your lunch and

1 had sufficient time for lunch. It is a little
2 difficult sometimes trying to determine what time
3 to let you come and go, and all of that, so, you
4 know, the left hand doesn't always know what the
5 right hand is doing, so I at least hope that you
6 had some time to get something to eat and are a bit
7 refreshed.

8 My name is Jocelyn Newman. I am a Circuit
9 Court judge here in Richland County. This is my
10 home. Although, we judges travel around the state,
11 this is my home. And so I'm here with you for a
12 term of Criminal Court, what we call General
13 Sessions Court. And so you are here this afternoon
14 for jury selection, voir dire and jury selection,
15 for a criminal trial. So I'm going to ask you a
16 bunch of questions about your fitness to serve as
17 jurors for the trial of this particular case. They
18 will be different from the questions that you were
19 asked this morning. Those questions were to
20 determine your qualification to serve as jurors in
21 Richland County. But before I get into my
22 questions, I'm going to have the clerk place you
23 under oath.

24 THE CLERK: Ladies and gentlemen of the jury,
25 please stand and raise your right hands to be

1 sworn.

2 (Jury complies.)

3 THE CLERK: At the end of the statement that
4 I'm about to give you, please respond by saying, I
5 do.

6 Do you swear or affirm that you shall true
7 answer make to all such questions as may be
8 directed to you by the Court or by order thereof?
9 Do you promise to speak the truth, the whole truth,
10 and nothing but the truth, so help you God?

11 THE JURY PANEL: I do.

12 THE COURT: You may be seated.

13 (Jury complies.)

14 THE COURT: All right, folks. So this is a
15 criminal trial, as I have indicated. And in South
16 Carolina we don't have district attorneys, we have
17 solicitors that are elected by the public in
18 various judicial circuits throughout the state.
19 And this case is being prosecuted by two Assistant
20 Solicitors.

21 So my first question would be whether any
22 member of the jury panel knows anyone who works at
23 the Fifth Circuit Solicitor's Office. The Fifth
24 Circuit is Richland County and Kershaw County. Any
25 employee of either of those offices -- I'm sorry, I

1 box.

2 (Juror Number 70, a white female, was
3 seated as the second alternate.)

4 THE COURT: Any objection to the jury
5 selection? From the State?

6 MS. SAMPSON: None from the State.

7 THE COURT: From the Defense?

8 MS. PINNOCK: None, Your Honor.

9 THE COURT: All right, ladies and gentlemen
10 who were not selected for service in the trial of
11 this case, please go back to the first floor jury
12 assembly room for further instructions.

13 Thank you.

14 (WHEREUPON, the remaining jury panel was
15 excused at 3:20 p.m.)

16 THE COURT: All right, folks who were selected
17 for the trial of this case, we are actually not
18 going to start this case this afternoon. There are
19 some behind-the-scene stuff that we need to do, and
20 I have got some other cases to tend to, so we are
21 actually going to start the trial of this case on
22 Wednesday, day after tomorrow. So when I excuse
23 you from the courtroom, the bailiffs are going to
24 show you to your jury room so that you know where
25 to go and how to get there when you report on

1 Wednesday morning because you are going to -- do
2 they go to the jury assembly room to check in?

3 THE CLERK: Yes, Your Honor.

4 THE COURT: After going to the jury assembly
5 room to check in, you will need to come upstairs
6 and the bailiff will show you where you need to be
7 and how you need to do that.

8 I will tell you really every time you leave my
9 presence that you are not to discuss the case
10 amongst yourselves or with anyone else. You are
11 not permitted to discuss the case at all.

12 Everything that you learn about this case must come
13 from within the four walls of this courtroom -- it
14 is a weird shaped courtroom, not so much a
15 rectangle, but from the testimony of witnesses, the
16 evidence, arguments of attorneys, et cetera. So
17 you are not permitted to discuss the case with
18 others, including your other jurors. You are not
19 permitted to read or listen to any news reports
20 about this case. I don't think there should be
21 any, but if there are any on the news, change the
22 channel. You are not permitted to read any reports
23 or listen to any reports. You are not permitted to
24 do any research that you think would be helpful in
25 deciding this case. You are not permitted to do

1 any research about the parties, about the
2 attorneys, about the Court, about me, about court
3 staff, about the bailiffs, or anyone. You are just
4 to go home and pretend like you are not on jury
5 duty. Also, don't get on social media and post
6 that you got selected for a jury trial, because
7 that just invites people to ask you questions, what
8 kind of case is it, and it will begin a discussion,
9 and you can't talk about it. And so just don't do
10 that.

11 Let me make sure I'm not leaving anything out.
12 I am going to have you be back in your jury room at
13 9:30 Wednesday morning, and we'll start the trial
14 at that time. I believe that is it.

15 So I'm going to excuse you now. You will
16 follow the bailiffs. They will show you where the
17 jury rooms are. You will be in multiple rooms for
18 social distancing purposes. Normally we have you
19 in one room, but I am going to try not to pack too
20 many people into enclosed spaces, so you will be
21 spaced out in different rooms. But they will show
22 you all of that.

23 So have a good night, have good day tomorrow,
24 and be back at 9:30 Wednesday morning. See you
25 then.

1 (WHEREUPON, the jury was excused at 3:24
2 p.m.)

3 THE COURT: Before I forget just to put it on
4 the record, we had a bench conference where I
5 informed the attorneys that based on the jurors'
6 responses to voir dire questions, the Court struck
7 Jurors Number 54, 204, 81, 210, 393, 56, and 245
8 prior to selection beginning. There was no
9 objection from the State or the Defense.

10 Do you confirm that, Ms. Sampson?

11 MS. SAMPSON: That is correct, Your Honor.

12 THE COURT: Ms. Pinnock?

13 MS. PINNOCK: Yes, Your Honor.

14 THE COURT: Okay. That takes care of that.

15 Now, we have some pretrial motions. Does the
16 State have any pretrial matters?

17 MS. SAMPSON: Your Honor, the only pretrial
18 thing that we have is, we have discussed with
19 Ms. Pinnock, this case does involve a photo lineup.
20 Just to give Your Honor some understanding, the
21 victim in this case, Ms. S.W., is the maternal
22 aunt of the Defendant, Mr. Gridine. It is my
23 understanding that they are waiving any Neil v.
24 Biggers hearing because they are related and
25 therefore she would be able to pick him out of a

1 photographic lineup. So we do not need to have a
2 Biggers hearing from my understanding from the
3 Defense.

4 The only other pretrial that I would have
5 would be to renew my Reciprocal Rule 5. I told
6 Ms. Pinnock that I would give her the rap sheets
7 prior to Wednesday. I will give it to her
8 tomorrow. I think we have some of them now, so
9 I'll give her what we have of the rap sheets. That
10 would be all from the State.

11 THE COURT: Okay. Ms. Pinnock, is it correct
12 that a Neil v. Biggers hearing does not need to
13 take place?

14 MS. PINNOCK: Yes, Your Honor.

15 THE COURT: And then I know the Defense has a
16 couple of substantive motions. We are going to
17 take a short break before we get into those. So
18 let's just take ten minutes, and then we'll start
19 with the Defense pretrial motions.

20 MS. PINNOCK: Thank you, Your Honor.

21 THE COURT: Thank you.

22 (WHEREUPON, a break was taken at 3:27
23 p.m.)

24 (WHEREUPON, the proceedings resumed at
25 3:50 p.m.)

1 THE COURT: All right, Ms. Pinnock?

2 MS. PINNOCK: Thank you, Your Honor. May it
3 please the Court? Your Honor, I guess I'll just
4 start from the beginning at the top of the list.

5 We would at this point renew our Rule 5
6 request to the State. Any information provided by
7 law enforcement, any updates, additions,
8 admissions, changes made by any of the lay
9 witnesses that the Solicitor's Office has
10 interviewed in preparation for trial. We would
11 just ask that that information be turned over to
12 us. And if not, if they certify on the record that
13 everything has been complied with outside of the
14 rap sheets that Ms. Sampson said she will provide
15 tomorrow.

16 THE COURT: All right, Ms. Sampson?

17 MS. SAMPSON: For the record, Your Honor, we
18 have provided all discovery, all information under
19 Brady or Riddle. As recently as this morning, I
20 had to submit something to Ms. Pinnock to show a
21 phone was downloaded and a sheet of paper just
22 talking about that. So I have given her everything
23 in this case, for the record.

24 THE COURT: Good enough.

25 MS. PINNOCK: Thank you, Your Honor. The

1 second motion is a motion to exclude any records of
2 prior bad acts. I don't believe there are any
3 outside of, you know, allegations by some of the
4 potential witnesses the State might call about drug
5 use, getting into physical altercations with other
6 family members. I would just ask that Your Honor
7 instruct the State, unless we open the door
8 inviting that information, to instruct their
9 witnesses not to just blurt that out and offer it
10 up in their case in chief.

11 MS. SAMPSON: Your Honor, for the record,
12 there is some -- there is a statement made by
13 Ms. **S.W.**, and in there she talks about there
14 might have been some prior drug use. We have
15 already instructed her not to speak about that.
16 They have already been instructed.

17 THE COURT: Good enough.

18 MS. PINNOCK: Your Honor, the fourth motion, I
19 guess again we would ask Your Honor to put the
20 State on notice to inform their witnesses the
21 restrictions for the exception provided in the
22 hearsay rules as far as criminal sexual conduct
23 cases go, witnesses testifying to time and place.
24 We would just like the Court to be on notice that
25 we are asking that the State clearly instruct all

1 of their witnesses, if it is not the complaining
2 party, that there should be no details provided, no
3 identity of the alleged perpetrator provided, and
4 that their testimony should be solely to time or
5 place, or time and place, when dealing with the
6 allegations, Your Honor. So we would just ask Your
7 Honor order them to instruct their witnesses to not
8 exceed what is allowed under 801.

9 THE COURT: Ms. Sampson?

10 MS. SAMPSON: My only concern, Your Honor, is
11 a blanket rule on that. Based on what Ms. Pinnock
12 just stated, that would be for all witnesses. That
13 might include law enforcement, but I think we do
14 have to say whether she told law enforcement who
15 the perpetrator was, so I would agree in terms of
16 maybe lay witnesses, but not in terms of law
17 enforcement, because otherwise the jury will
18 wonder, Well, how did they get to arresting Mr.
19 Gridine?

20 THE COURT: Ms. Pinnock?

21 MS. PINNOCK: Your Honor, I do not believe the
22 exception under 801 allows law enforcement to
23 identify perpetrator. It is my understanding the
24 State intends to put Ms. S.W. on the State to
25 testify. She can identify the person she is

1 accusing. I think anything outside of time or
2 place under 801(d), I believe, 801(d)(1), anything
3 outside those limitations would be hearsay, Your
4 Honor. They would be offering it for nothing other
5 than the truth if they are trying to identify
6 Mr. Gridine as the suspect. So their accusing
7 witness can offer that information. Every other
8 witness that they call, it would be hearsay. And,
9 again, we are just asking the Court to put them on
10 notice to instruct their witnesses to stay within
11 the parameters of what is being provided to them
12 and no further.

13 THE COURT: Anything further on this, Ms.
14 Sampson?

15 MS. SAMPSON: I would just ask that the Court,
16 as with any other thing like this, hold off to see
17 if that is the issue or an issue at the time it
18 comes up if it were to come up. I'm not saying
19 that it would or it wouldn't, but I don't think
20 doing this in a vacuum is proper without you having
21 proper foundation as to what we are even talking
22 about.

23 THE COURT: Yes, I would agree with that. I
24 have to have context and rule on the issue. Now, I
25 mean, clearly if it becomes a consistent problem

1 and we need to take a pause and, you know, I have
2 to address it more specifically or make a more
3 blanket ruling once I have got some contest, maybe
4 that is necessary, but, you know, everyone here is
5 charged with knowing the rules and doing your best
6 in questioning witnesses not to violate those
7 rules, but I think those objections have to come up
8 contemporaneously, and I will rule on them at that
9 time.

10 MS. PINNOCK: Certainly, Your Honor. We just
11 want to put everybody on notice that we are going
12 to be addressing that.

13 As to the fifth motion, Your Honor, I
14 submitted a written memorandum in support of this.
15 We are respectfully asking Your Honor to instruct
16 the Solicitor's Office to use neutral terms
17 throughout this case. The ultimate issue in this
18 case is whether or not a crime even was committed.
19 There is no corroborating evidence for anything
20 that has been alleged. It is Ms. S.W. [REDACTED]
21 making an allegation against Mr. Gridine and
22 Mr. Gridine denying this allegation. There are no
23 outside witnesses or anything else.

24 My issue with the term "victim" being used in
25 this situation comes down to the basic definition

1 of the word "victim." It implies that something
2 has happened when that decision hasn't even been
3 made by the jury yet. That is the ultimate issue
4 in this case. There are other ways of addressing
5 all parties involved. We can use Ms. S.W.'s
6 name. We can call her the accusing party, the
7 complaining witness. I am a huge fan of using
8 people's names. I think it is easier that way.
9 Your Honor, I would ask that you instruct the State
10 to not refer to Ms. S.W. as a victim because that
11 would be making a comment on an ultimate issue in
12 the case.

13 The second part of that, of my request, Your
14 Honor, is when we get to the charging of the jury,
15 I respectfully ask that you amend your jury charge
16 if it does include the word victim when referring
17 to Ms. S.W., who is the complainant. I would
18 just ask that you use her proper name or amend your
19 charge to the complainant.

20 I would also ask the same for Mr. Gridine,
21 that you refer to him as his name and not "the
22 Defendant" or "the criminal Defendant," because
23 that also has the negative connotation that he has
24 already been convicted of something. So, Your
25 Honor, I believe it does strip away the presumption

1 of innocence. It allows everybody to assume that
2 something has happened to Ms. [S.W.], and that is
3 the job of the jury to determine in this case if
4 something did in fact happen to her. And we would
5 just make that request.

6 THE COURT: I'll take that sort of piecemeal.
7 Ms. Sampson, as to the use of the term "victim",
8 outside of the jury charges, but otherwise?

9 MS. SAMPSON: I'll start with that, Your
10 Honor. First of all, I don't think it is a
11 statement on the law -- or on the facts, rather.
12 And you are going to instruct the jury that they
13 are the one that are ultimately the trier of facts.
14 The indictment itself calls her a victim. I'm not
15 going to change or not use language that is
16 actually in the indictment that we are going to
17 present to the jury. It specifically says: That
18 Terry Gridine did, in Richland County, on or about
19 October 27, 2017, engage in sexual battery with the
20 victim. That is going to be given to them. That
21 is the nature of a criminal case, Your Honor.

22 The same with calling him the Defendant. That
23 is what he is. Whether he is guilty or not, that
24 is what he is. He is the Defendant. Their own
25 paperwork where she is arguing this says Terry

1 Gridine, the Defendant. So I think it is not
2 proper to not be able to use the terms that are
3 actually used not only by the Court, but also in
4 the actual indictment and allegations, Your Honor.

5 Secondly, she can point to no case law from
6 this court or any other that says we can't call
7 them "victim." There is a victims' rights act. I
8 mean, all of this is in our own statute. So to sit
9 here and say that we can't use the term. I can
10 understand if it is overused by any of us. I don't
11 expect to be using it every single time that I
12 mention Ms. **S.W.** calling her victim. I have
13 never done that and don't intend to do that. But
14 to say that we can't use the word at all, it is
15 almost impossible in this case, especially since
16 the indictment as it is read, the case law as it
17 stands. And I would say the same for using the
18 word "Defendant."

19 THE COURT: Ms. Pinnock?

20 MS. PINNOCK: Your Honor --

21 THE COURT: Do you have any case law?

22 MS. PINNOCK: Ma'am?

23 THE COURT: Do you have any case law to
24 support your argument?

25 MS. PINNOCK: No, Your Honor, I don't have any

1 case law to rely on, but I rely on the South
2 Carolina and the United States Constitutions that
3 insure that Mr. Gridine has a right to a fair
4 trial.

5 As far as the indictment goes, we have all
6 been in situations where courts have ordered that
7 certain documents be amended or statements be
8 redacted, so if the Solicitor's Office -- if Ms.
9 Sampson is worried about reading the indictment
10 into the record, we can replace the word "victim"
11 with "Ms. S.W. ." It is not that complicated of a
12 thing to do. So I don't believe that, you know,
13 talking about the indictment having it in the body
14 should be a determining factor in that. It is a
15 word that we can amend when it is read to the jury,
16 Your Honor.

17 The problem that I have is the definition that
18 is provided in the statute. The definition itself
19 implies that something has happened. I'm fully
20 aware what the definitions are. You know, Black's
21 Law Dictionary, our state statute, they all provide
22 the definition as a guide for the Court and
23 legislature and everybody else involved in the
24 system to know what they are referring to. Just
25 because it is written in the statute does not mean

1 it should be used in the courtroom. We have had
2 these issues come up in the past. The higher
3 courts have made decisions on certain things that
4 are in statutes not being utilized in the
5 courtroom. Just because it is in a statute does
6 not mean that it is open season to use during a
7 trial, Your Honor. But it is the implication that
8 concerns me for Mr. Gridine's specific situation.

9 If it were a case where they were alleging
10 that they had any evidence that something had
11 occurred, I might not be making this motion, but
12 this is a -- is the ultimate issue in this case.
13 It is a comment on the facts. If we call
14 Ms. S.W. a victim, that is implying that
15 something -- that she has been wronged, that
16 something bad has happened to her. That is what
17 the jury is being tasked to decide. They have not
18 heard the case yet. They are the ones that will
19 determine whether or not the State has proven that
20 she is in fact a victim of something. So I do
21 believe it is a comment on the facts. And it again
22 would be improper for Mr. Gridine's specific
23 situation.

24 THE COURT: I have not located any case law on
25 the topic.

1 As to the use of the word "Defendant," I don't
2 have the dictionary in front of me, but Defendant
3 is typically used just as a courtroom designation.
4 It does not, as far as I know, suggest guilt of
5 anything. You know, as I told the jury during voir
6 dire, the person accused of the crime is the
7 Defendant. I don't think that -- and I don't have
8 anything before me that suggests that the term
9 "Defendant" implies guilt. In fact I just found
10 this in the Blacks' law dictionary, A criminal
11 defendant is someone who is accused in a criminal
12 proceeding. That is the definition. And so I
13 don't find that to be prejudicial in any way, so I
14 would not prohibit the use of the term "Defendant"
15 by the prosecution.

16 As to the term "victim," it is a little more
17 dicey, because I understand the argument, but the
18 issue that I take is, although I haven't found any
19 case law on the issue, I do see lots of articles
20 that refer to cases from other jurisdictions. And
21 the one that I printed, at least, focuses its
22 analysis on who is using the term, particularly
23 when the prosecution is using the term "victim,"
24 that it is typically found to be acceptable because
25 of jurors' knowledge of the criminal justice system

1 and the role of the prosecutors in the criminal
2 trial. Any reference by the prosecutor to a victim
3 will be viewed as merely part of the State's
4 contention that based on the State's evidence the
5 complainant was a victim of the alleged crime. And
6 I accept this analysis. I know it is not the
7 gospel, it is an article I found on the internet,
8 but that analysis makes sense to me, and I found no
9 case law to the contrary.

10 As for a witness's use of the term "victim,"
11 that is a bit different. It really sort of depends
12 on who the witness is. Of course, courts have
13 generally agreed that when a police officer uses
14 the term "victim," that there is little risk that
15 the jury will be impermissibly swayed by that
16 because the jurors, much like the prosecution, they
17 understand the role of police officers and the
18 reason for their use of the term.

19 For the alleged victim themselves -- I am sort
20 of free-styling here, that is not in the article,
21 but I believe for the alleged victim themselves to
22 refer to themselves as a victim, I don't know why
23 that would come up, but if they did, obviously they
24 are expressing their belief and not invading the
25 province of the jury. But as to other witnesses

1 using the term "victim," I think that gets to be
2 problematic. You know, I don't know who the
3 witnesses are in this case, but if there is some
4 eyewitness or, I don't know, some -- even maybe the
5 medical personnel, I don't know their role in this,
6 but for them to refer to the accuser as the victim,
7 I think it is inappropriate, and I will caution the
8 State against doing that. I don't know that it is
9 100 percent wrong, but let's not do it. A slip is
10 not going to flip my wig, but I would caution
11 against doing that. But I think as to the
12 prosecutors, as to law enforcement, as to the
13 victim themselves, I think that any potential for
14 some bias or prejudice is cured by the jurors'
15 knowledge of their position and their role in the
16 prosecution, which then leads me to the Court's use
17 of the word "victim."

18 I have heard initially from Ms. Pinnock. Ms.
19 Sampson, let me hear from you as to that issue in
20 jury charges.

21 MS. SAMPSON: I think -- I will be honest, I
22 think again this is something that as we get into
23 jury instructions, maybe we -- I assume we are
24 talking about charges on the law and not the
25 general instructions, because I can't think of any

1 general instructions where you -- normally you say
2 the parties can't speak to you, because I don't
3 think there are any discussions about victim or
4 Defendant at that point, but if she is talking
5 about charges, I think I would need to see which
6 charges she is referring to where we would even be
7 using the term "victim" before I can argue yes or
8 no to that.

9 THE COURT: Right. Is she correct in saying
10 that we are really talking about the charge? And
11 in my mind it would be the charge, as to the jury
12 charge, as to the specific crime alleged, because I
13 can't think of where else that would appear or why
14 else that would come out of my mouth.

15 MS. PINNOCK: Yes, ma'am, it would be specific
16 for the offense. I don't -- I don't recall whether
17 or not Your Honor had anything at the beginning of
18 your charge that includes the phrase, but out of
19 the abundance of caution I figured I would ask Your
20 Honor to amend everything to not include that, but
21 I am happy to revisit this when we get to the
22 charge conference, if you would like to do that.

23 THE COURT: Yes, I believe that is what we
24 should do, because I just can't recall, and my
25 computer is being funny -- maybe I can do a word

1 search. But the only place I know that that would
2 come up is in charging the specific crime, and it
3 will be an issue, could be an issue, because the
4 statute for criminal sexual conduct in the third
5 degree includes the word "victim," and typically I
6 would be charging the statutory language in a
7 criminal prosecution. But that is something we can
8 revisit on Wednesday, or at some point on Thursday,
9 depending on how the trial progresses. Okay? Good
10 enough.

11 Anything else?

12 MS. PINNOCK: My last motion, Your Honor,
13 Number 6, I believe that that probably needs to be
14 taken up when either the Patels or the treating
15 physician at the pain management office will be
16 able to testify, because I believe that proffering
17 testimony will probably be necessary before you can
18 make any decision.

19 THE COURT: Okay.

20 MS. SAMPSON: The only thing I would ask Your
21 Honor, if we are going to take it up at that time,
22 maybe we just have a timeline of -- they are not my
23 first witness, so it is not like we have got to do
24 it first thing in the morning, but I don't want to
25 sit around and wait to do that. I can tell you

1 Ms. Pinnock has all that they are going to talk
2 about. Ms. S.W. goes to the doctor on the 1st of
3 November. This happened on the 27th. And her back
4 is hurting, and she explains that her back is
5 hurting due to the assault. We have instructed
6 them that they can't say that she said that
7 Mr. Gridine is the person that did that or even
8 that her nephew did it, because that is what she
9 told them. But we have instructed them that all
10 they can talk about is that she said she was
11 sexually assaulted. And I believe she tells them
12 she fell on her back or fell on the ground, the
13 specifics of that to help them treat her. I don't
14 think there is any -- I don't know -- all the
15 hearsay objections that I'm aware of that would
16 come in as far as 401 or 403 would come in under
17 both of those as far as I'm concerned, as far as I
18 know the victim case law. I will be happy to argue
19 that at the time the case law is being presented.

20 THE COURT: And as far as timing of any
21 proffer that may be necessary, that really is
22 dependent or can be determined, because when I
23 start it on Wednesday, I have no time restrictions.
24 You know, obviously the jury needs to eat at some
25 point and, you know, when you take a lunch break

1 and you have your phone call, and all that, but as
2 to the order of witnesses or how quickly your case
3 is going, you know, I'm happy to do it whenever you
4 think it makes sense and you can instruct your
5 folks to come whenever you believe it makes sense.

6 MS. SAMPSON: I just wanted to make sure of
7 that before we left today so I would know what to
8 tell them, so that is perfect, Your Honor.

9 THE COURT: Sure. I will triple check the
10 calendar, but I don't believe I have any
11 restrictions of any kind on Wednesday or Thursday.

12 No, I am all clear, so we've got all day,
13 whatever you think is best.

14 Anything else, Ms. Pinnock?

15 MS. PINNOCK: I don't believe so, Your Honor.

16 No, that is all we have.

17 THE COURT: Anything else from the State?

18 MS. SAMPSON: No. No, ma'am, that is it.

19 THE COURT: Okay, then I'll see y'all for
20 trial 9:30 on Wednesday. Ms. Bruck should know
21 already.

22 MS. SAMPSON: And we told our office.

23 THE COURT: Okay. So court staff, we will
24 come back at 9:30 tomorrow to handle a different
25 matter, but this trial will commence at 9:30 on

1 Wednesday.

2 All right, y'all have a good afternoon.

3 MS. SAMPSON: Thank you.

4 MS. PINNOCK: Thank you.

5 MR. WALTON: Thank you.

6 (WHEREUPON, the proceedings adjourned
7 for the evening at 4:12 p.m.)

8 OCTOBER 13, 2021

9 (WHEREUPON, the proceedings commenced at
10 9:53 a.m.)

11 THE COURT: Good morning, folks. Is the State
12 ready to go?

13 MS. SAMPSON: Yes, ma'am, the State is ready
14 to proceed.

15 THE COURT: Defense?

16 MS. PINNOCK: Yes, ma'am.

17 THE COURT: Bring the jury, please.

18 MS. SAMPSON: Your Honor, before the jury
19 comes out, is it okay if our table takes our masks
20 off?

21 THE COURT: Sure, yes. And I would ask that
22 you do it when you are questioning witnesses too,
23 just because it is easier to hear and understand.

24 MS. SAMPSON: Thank you.

25 THE COURT: Bring the jury.

1 (WHEREUPON, the jury came into open
2 court at 9:55 a.m.)

3 THE BAILIFF: The jury is all present, Your
4 Honor.

5 THE COURT: Thank you, sir.

6 Good morning, ladies and gentlemen of the
7 jury.

8 THE JURY: Good morning.

9 THE COURT: We are now ready to start the
10 trial of this case. I just want to say that -- and
11 I don't want to pick on anybody, and I don't know
12 who was tardy and who was not, who was early, but,
13 you know, it is very important to be punctual
14 because when one of you is late it holds up the
15 entire process.

16 I have always sort of thought of trying a
17 case, at least from my perspective, as flying a
18 plane. There is a lot to get done just to get it
19 off the ground. Once you are in the air it is
20 mostly coasting, at least for me, as far as them
21 questioning witnesses, and all that. And then
22 there is a bunch of stuff to do to land the plane.

23 Using that analogy, though, y'all are not just
24 passengers on the plane, certainly you are not
25 pilots of the plane, but you are more like flight

1 attendants maybe, and so the plane can't take off
2 without one of you, so you are a very integral part
3 of the flight crew. And I don't know if you have
4 ever been on a flight where one of the flight
5 attendants is late but the plane is full and
6 everybody is sitting and waiting and, you know,
7 can't take off, and it makes everyone late. So I
8 just want to remind you of that because it is not
9 just you that it affects.

10 Also, if you are going to be late, if there is
11 traffic, if there is some problem with your car,
12 some problem with child care, something like that,
13 just please call the Clerk of Court's office so
14 that we know what is going on and we know when to
15 expect you.

16 So with that said, we are going to start the
17 trial of the case. I'm going to give you some
18 preliminary remarks before you begin to hear from
19 the attorneys, but before I do that, I will have
20 the clerk place you under oath.

21 THE CLERK: Ladies and gentlemen of the jury,
22 please stand and raise your right hands to be
23 sworn.

24 (Jury stands.)

25 THE CLERK: At the end of the statement that

1 I'm about to give, please respond by saying, I do.

2 Do you swear or affirm that you shall well and
3 truly try and true deliverance make between the
4 State of South Carolina and the Defendant at bar,
5 whom you shall have in charge, and a true verdict
6 give, according to the law and the evidence, so
7 help you God?

8 THE JURY: I do.

9 THE CLERK: You may be seated.

10 (Jury seated.)

11 THE COURT: Ladies and gentlemen of the jury,
12 the case we are about to try is the case of the
13 State of South Carolina v. Terry Gerrard Gridine,
14 who is the Defendant.

15 Before we begin this trial, I want to tell you
16 that the trial probably will be different from what
17 you might expect. Many people do not have a chance
18 to attend actual court sessions, as you are doing
19 now, and they think from watching television or
20 movies or reading books that trials are always full
21 of high trauma, intense action, and riveting
22 circumstances. While all these things may be true
23 at times, the trial is not for entertainment. It
24 is a fundamental part of our democracy, an effort
25 to make sure that justice is done between the

1 parties before the Court. Making sure that justice
2 is done is often slow, deliberate, and repetitive,
3 the opposite of what you may have seen on
4 television or in the movies or read in books.

5 This courtroom is a place of honor, dedicated
6 to the protection and preservation of citizens'
7 rights through what many have called the greatest
8 justice system ever created. The attorneys
9 appearing before you are advocates for the parties
10 they represent, but first and foremost they are
11 officers of the court, sworn to uphold the
12 integrity and fairness of our judicial system and
13 to help you in understanding the evidence. You
14 should expect them to be professional, competent,
15 and ethical in the representation of their client's
16 interest. Remember that you have just taken an
17 oath to try this case and reach a fair and just
18 verdict, so you are also expected to be
19 professional, reasonable, and ethical.

20 Thank you for accepting the important
21 responsibility of jury service and for your
22 contribution today to our justice system.

23 What I will now say is intended to serve as an
24 introduction to the trial of this case. These
25 remarks are not a charge on the law in this case.

1 I will instruct you on the law applicable to this
2 case at the end of the trial before you retire to
3 consider your verdict. This is merely an
4 explanation of the procedure that we will follow in
5 the trial so that you may better understand what
6 may be happening.

7 You may not take notes during the trial of
8 this case. The Defendant is charged in an
9 indictment filed in this court with the crime of
10 criminal sexual conduct in the third degree. I
11 will explain the elements of that crime to you
12 later. The indictment is simply the charge by
13 which the case is brought into court and it is not
14 in any sense evidence of the allegations it
15 contains. The Defendant has pled not guilty to
16 this indictment. The State therefore has the
17 burden of proving each of the elements of the
18 indictment beyond a reasonable doubt. It will be
19 your duty, ladies and gentlemen, to decide whether
20 the State has met that burden. Your purpose as
21 jurors is to determine the facts. You are the sole
22 judges of the facts. If at any time I make any
23 comments regarding the facts, you must disregard
24 them. You are to determine the facts from the
25 testimony you hear and any other evidence that is

1 introduced into court. It is up to you to
2 determine the inferences which you feel may
3 properly be drawn from the evidence. It is
4 especially important that you perform your duty of
5 determining the facts diligently and
6 conscientiously, because ordinarily there is no way
7 to correct an erroneous determination of the facts
8 by a jury.

9 On the other hand, and with equal emphasis,
10 the same law that makes you the judges of the facts
11 makes me the judge of the law. The law as given by
12 the Court is the only law you may consider. You
13 must accept it and follow it even though you may
14 disagree with it. I cannot tell you what the facts
15 are, and you cannot disagree with me about what the
16 law is or what the law should be. Your job is to
17 take the law as I give it to you and apply it to
18 the facts as you find them from the testimony of
19 the witnesses and any other evidence that is
20 introduced. After doing that, you will render your
21 verdict under the solemn oath that you just took as
22 jurors.

23 Until I advise you to begin your
24 deliberations, you must not discuss this case with
25 anyone, including your fellow jurors, friends,

1 family members, and anyone involved in the case.
2 This includes discussions face to face and those by
3 email, telephone, text, blog, or any other method
4 of communication. You may not use a computer, cell
5 phone, or other electronic device with
6 communication capabilities at any time while in the
7 courtroom or during deliberations. During your
8 break for meals or overnight, if necessary, of
9 course, you may use those devices. However, you
10 may not at any time use those devices to get or
11 send information about the case. This includes
12 information about a party, a witness, an attorney
13 or a court officer, news accounts about the case,
14 research on any topics raised, any topic you may
15 think would be helpful in deciding the case, or any
16 testimony presented by any witness.

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

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

1 jurors. The attorneys and parties in this case
2 have been advised they are not to talk to you at
3 all. So if you see anyone involved in the case and
4 they don't even say hello to you, they are not
5 being unfriendly, they are simply following my
6 instructions.

7 It is important that you keep an open mind and
8 not decide any issue in this case until all of the
9 evidence has been presented, the parties have made
10 their closing arguments, and I have instructed you
11 on the law in this case.

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

18 And in just a moment, the Solicitor will make
19 what is called an opening statement in which the
20 Solicitor will explain to you the issues in this
21 case, or at least what the Solicitor thinks the
22 issues are in this case. The attorney for the
23 Defendant may also make an opening statement,
24 although she is not required to do so.

25 What the attorneys tell you during their

1 opening statements is not evidence in this case.
2 It is only their contention as to what the issues
3 are. The evidence in this case will be presented
4 to you by the testimony of sworn witnesses from the
5 witness stand and by exhibits that may be
6 introduced into evidence.

7 Now, from time to time during the trial you
8 may hear one of the lawyers say something like,
9 Your Honor, I believe we have a matter of law or a
10 question of law, or, Your Honor, may we approach
11 the bench? Or sometimes I myself might find it
12 necessary to excuse you from the courtroom for a
13 short while so that the attorneys and I can discuss
14 a matter of law. The reason for this is because
15 you are the judges of the facts in this case, and
16 sometimes when I am discussing matters of law with
17 the attorneys it may be necessary for me to make
18 some comment as to the facts in connection with
19 ruling as to whether a particular law applies or
20 does not apply. I'm not supposed to tell you what
21 I think the facts are, so I will excuse you from
22 the courtroom for a short while while these
23 discussions take place so that you will not in any
24 way be influenced by anything that I might say or
25 do in connection with the facts.

1 In determining what the facts are in this
2 case, you must decide whether or not the testimony
3 of the witnesses is believable. It will be my
4 responsibility to rule as a matter of law as to
5 whether certain testimony is admissible or not, but
6 once the testimony is admitted, whether or not you
7 believe it is solely for you to determine.

8 In deciding whether to believe a witness, you
9 have the right to consider the interest of any
10 witness, the bias of any witness, the prejudice of
11 any witness, the opportunity for the witness to
12 have seen the matters and things about which the
13 witness may testify and the way the witness acts on
14 the witness stand.

15 You have a right to consider anything that is
16 in the record that will help you to evaluate the
17 testimony of the witnesses. That means that it is
18 your duty to pay close attention to the witnesses,
19 to observe the witnesses, to listen to them, and to
20 pay close attention to the attorneys and to the
21 Court.

22 Do not let your thoughts wander, but give
23 strict attention to the testimony in this case so
24 that at the end of all of the testimony, after the
25 arguments of counsel, and the charge on the law by

1 the Court, you will then be in a position to
2 determine what the facts are and apply the law to
3 those facts and thus render a true and just
4 verdict.

5 It will be the added duty of the foreperson to
6 preside in the jury room and be the jury
7 spokesperson here in court, but we will discuss
8 that more in greater detail later on.

9 Now, before we begin, to preserve everyone's
10 rights, I will give the attorneys an opportunity to
11 object to anything that I have just said to you.

12 Any objection from the State?

13 MS. SAMPSON: No, ma'am.

14 THE COURT: From the Defense?

15 MS. PINNOCK: No, Your Honor.

16 THE COURT: We will now begin the trial of the
17 case. I ask you to give the attorneys your
18 undivided attention for their opening statements.

19 Mr. Walton?

20 MR. WALTON: Yes, Your Honor.

21 OPENING STATEMENT

22 MR. WALTON: I know what I want to do, but if
23 I tell you, you are going to have to take it to
24 your grave.

25 That is a statement that the Defendant, Terry

1 Gridine, texted to his 72-year-old aunt days before
2 he sexually assaulted her.

3 On October 26, 2017, the Defendant went to
4 Ms. [S.W.]'s house in Hopkins, South Carolina.
5 When he got there, he was spending time with her
6 like he normally did. Later on that evening, the
7 Defendant revealed to Ms. [S.W.] that he was having
8 fantasies about her.

9 Ms. [S.W.] responded, I don't know what you
10 are thinking, it is not going to happen. You are
11 my nephew. No.

12 A little later on that evening, trickling into
13 the early morning hours of October 27, 2017, the
14 Defendant walked up behind Ms. [S.W.] as she was
15 watching TV. As I stated, it was early in the
16 morning, 3:00 or 4:00 in the morning, she was in
17 her nightgown, wearing a robe, getting ready for
18 bed.

19 He walked up behind her and hugged her and
20 told her, Auntie, I love you.

21 She said, I love you too.

22 When she responded, the Defendant went around
23 the couch and attempted to reach his hand
24 underneath Ms. [S.W.]'s gown and touched her
25 inappropriately.

1 She quickly closed her legs, backed away, and
2 said, Stop. You are my nephew. What are you
3 doing? Stop.

4 She switched positions, moved over to another
5 couch in the room. So the Defendant walked towards
6 her and grabbed her again and tried to lay her down
7 in attempt to sexually assault her.

8 She was ultimately knocked to the ground. The
9 Defendant got on top of her and he stuck his hand
10 inside of her vagina.

11 Now, thankfully Ms. [S.W.] had the wherewithal
12 to reach around for something, look for something
13 to make this stop. She looked over her shoulder.
14 She tried to grab something, it was too heavy.
15 Then on a cabinet she was able to find a small lamp
16 with a flower. And you can see this lamp. She
17 grabbed the lamp and began attacking the Defendant
18 and broke the lamp on him.

19 At that point the Defendant got up, fled the
20 scene.

21 In the State of South Carolina, a person
22 commits the crime of criminal sexual conduct in the
23 third degree when they commit sexual battery
24 against another and they use force to commit that
25 sexual battery.

1 Now, furthermore, a sexual battery is any
2 intrusion, however slight, into another person's
3 body.

4 Now, today you are going to hear from some
5 witnesses. You are going to hear from Timothy
6 Christian. He was the deputy that responded on the
7 night of October 27th when Ms. [S.W.] called the
8 police, or he responded. And he is going to tell
9 you about how he gathered information and the
10 discussions he had with Ms. [S.W.], the process
11 that he went through, and ultimately how the case
12 went from a call for service to law enforcement to
13 being assigned to an investigator with the Special
14 Victims Unit.

15 You are also going to hear from Ms. [S.W.]'s
16 son William. Now, William was there on
17 October 27th. And while he was not there present
18 in the house at the time of the assault, he is
19 going to be able to place the Defendant at the
20 house on the night of that assault.

21 You are also going to hear from Ms. [S.W.]
22 herself. She is going to explain to you in detail
23 what happened that night, what the Defendant did,
24 what the Defendant was doing, what the Defendant
25 said. And some of the things he said, he said some

1 very sexual, vulgar, and highly inappropriate
2 things for a nephew to say to his aunt.

3 And she is also going to describe to you
4 through photos actually approximately how this
5 actually happened. The investigator took pictures
6 and she walked them through it so you can see step
7 by step where she was sitting initially, where she
8 went, how she hit the ground. She is going to go
9 through that.

10 She is also going to tell you about text
11 messages that she had with the Defendant, text
12 message conversations that happened afterwards,
13 after the sexual assault took place.

14 You will also hear from Falguni Patel. She is
15 a physician's assistant with Palmetto Pain
16 Management. She is going to tell you Ms. **S.W.**
17 had a visit shortly after October 27th where she
18 suffered from back pain.

19 You will also hear from Investigator Torres.
20 Investigator Torres is that Special Victims Unit
21 investigator that this case was ultimately assigned
22 to. She is the lead case agent in this case, and
23 she made the ultimate charging decision. She is
24 going to walk you through her decision-making
25 process as to why she decided to charge the

1 Defendant with criminal sexual conduct.

2 Now, as the judge stated, this is a criminal
3 case, and the State does bear the burden of proof.
4 But I'm confident that after you have heard from
5 the witnesses and that you have seen all the
6 testimony, that you will be firmly convinced that
7 the Defendant is guilty of criminal sexual conduct.

8 THE COURT: From the Defense? Ms. Warthen?

9 MS. WARTHEN: Thank you, Your Honor.

10 OPENING STATEMENT

11 MS. WARNER: I do have a little cough, and I
12 apologize. It is definitely not COVID, just
13 allergies, fall allergies, fallergies, as I call
14 them.

15 Human beings are captivated by stories. We
16 tell each other many kinds, many ways, from
17 newspaper accounts, to plays, mysteries, to steamy
18 romances, and from true crimes to tall tales.

19 My grandmother used the word "story" a lot
20 when I was growing up. You don't always hear that
21 word used. And maybe it is just a Pee Dee dialect
22 thing, maybe it is how they speak in Marion ad
23 Bennettsville. But stories can mean a couple of
24 things. In one way she meant the soap operas. So
25 she would say, I have to be home at 1:00 o'clock

1 for my story. And that means Days of our Lives.
2 She can't miss that. She loved those stories so
3 much that she and her aunt would all sit around the
4 table talking about all these people. And we never
5 did know if they were talking about the neighbors
6 or they were talking about a distant cousin or they
7 are talking about people on their stories. And so
8 we never really knew until like the story line,
9 they were talking about, jump the shark, like, you
10 know, somebody came back from the dead, or like
11 Marlena started to fly and was possessed by demons.
12 The soap operas were unbelievable, but they were
13 fun. Those were harmless stories.

14 There is another kind of story, though, that
15 my grandmother did not appreciate, like if we
16 wanted ice cream and we just told her, Oh, we have
17 had nothing to eat but vegetables all day, she
18 would say, Are you telling me a story? And what
19 that meant of course is, Is this a tall tale? Are
20 you telling a story to get what you want? Or,
21 worse, when one of us might do something truly
22 exasperating and we try to divert her attention, we
23 would go, Okay, but look what my brother did, did
24 you see what he did? That is worse. And she would
25 say, Are you telling me a story? Are you trying to

1 divert me, distract me from what really happened?
2 Do you have some motivation for this tale? Keep
3 those questions in mind.

4 The State has an impossible job we think. It
5 is impossible because their burden is to prove
6 Ms. Webber's story beyond a reasonable doubt. That
7 is the highest legal standard we have. It is
8 impossible to prove because it is not true.

9 At the end of this trial the judge will give
10 you a verdict form. There will be two boxes for
11 you to check, guilty or not guilty. But there are
12 really three possible conclusions the jury can
13 reach in their mind when contemplating a criminal
14 case. There is guilty. There is innocence, so you
15 check not guilty. Then there is a big gray area
16 where you are asking yourself questions, Did the
17 State actually meet their burden beyond a
18 reasonable doubt? If the answer is no, the verdict
19 is, again, not guilty.

20 I know it is tempting in a he said/she said
21 situation where no one else is there to concentrate
22 on the question of, Who do I believe more than the
23 other? But you are not here today to weigh the
24 evidence on the scales and see whose testimony tips
25 the scales just a little bit in one direction or

1 the other. The State needs really convincing
2 evidence to tip the scales so far that the story
3 rings true beyond a reasonable doubt.

4 Reasonable doubt has also been defined as
5 anything that gives you a hesitation to act. If
6 you have hesitation, if you are in that gray area,
7 your duty requires you to check the not guilty box.

8 So I ask you as the State calls witnesses and
9 introduces evidence to look for the proof that the
10 State has to bring to convince you beyond
11 hesitation. Look and listen for yourself to decide
12 whether Ms. Webber is someone you can believe
13 without hesitation. Did she keep her story
14 straight each time she told it, or do her stories
15 vary on key details?

16 I know some people don't like spoilers, so
17 forgive me if I spoil the ending now, but the State
18 does not have the evidence they need to convict
19 today. There is no good evidence that Terry
20 Gridine did any of the things Ms. **S.W.** has
21 accused him of. And I will give you one more
22 spoiler. The reason there is no good evidence is
23 that Terry did not do this.

24 Terry sits before you an innocent man. And I
25 don't just mean that in terms of a legal

1 presumption that we all enjoy as Americans. He is
2 literally an innocent man. And it is the State's
3 burden to try and prove otherwise. Terry doesn't
4 have to prove anything to you legally. That
5 responsibility is entirely on the State, these
6 folks sitting right here. It is their burden of
7 proof, it is their responsibility to bring
8 convincing evidence, but it doesn't exist, and that
9 is because Terry is innocent.

10 Now, of the very little evidence the State
11 will provide to you today, you are going to hear
12 about the text that the Solicitor mentioned.
13 You'll hear the State's theory on what those texts
14 meant. They sound like an apology. He was
15 apologizing to her in the text. But then you'll
16 get to hear from Mr. Gridine the true story of what
17 was going on that day when he sent those texts. It
18 is certainly not about doing something nasty to his
19 aunt. The very idea that Terry would try and have
20 sex with his 72-year-old aunt, that premise has
21 already jumped the shark. It is like one of the
22 evil twin story lines in my grandmother's stories.
23 The premise just makes you step back and say, What?

24 And Ms. [S.W.] 's story becomes more and more
25 unbelievable as you hear the different versions she

1 told. She is telling you a story, the kind that
2 grandmother did not appreciate.

3 At the end of this trial, if you find yourself
4 asking yourself whose story I should believe or
5 even which version of Ms. S.W.'s story is true,
6 you are in reasonable doubt territory. You are in
7 that gray area. That means the State has failed,
8 and your duty is to find Terry not guilty.

9 Thank you.

10 THE COURT: All right, the State can call its
11 first witness.

12 MR. WALTON: The State calls Timothy
13 Christian.

14 THE BAILIFF: Come forward to be sworn, sir.

15 (Witness approaches.)

16 THE BAILIFF: Face the clerk. Place your left
17 hand on the Bible, and raise your right.

18 (Witness complies.)

19 THE CLERK: Do you solemnly swear or affirm
20 that the testimony you are about to give in this
21 case will be the truth, the whole truth, and
22 nothing but the truth, so help you God?

23 THE WITNESS: I do.

24 THE CLERK: Have a seat, and state your full
25 name for the record.

1 (Witness seated.)

2 THE WITNESS: Timothy Chase Christian.

3 THE COURT: Make sure you pull up as close to
4 that microphone as you can.

5 THE WITNESS: Yes, ma'am.

6 TIMOTHY CHRISTIAN,
7 after being duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. WALTON:

10 Q Where do you currently work?

11 A Carolina Refrigeration Services.

12 Q Tell the jury, what is that?

13 A I do commercial industrial refrigeration.

14 Q So how long have you been there?

15 A Just over three years.

16 Q Okay. So prior to working there, did you have a
17 career in law enforcement?

18 A I did.

19 Q And which agency did you work for?

20 A The Richland County Sheriff's Department.

21 Q How long did you work for Richland County Sheriff's
22 Department?

23 A Approximately four and a half, five years.

24 Q So while you were there, what was your position?

25 A Patrol deputy.

1 Q And can you just briefly tell the jury about the
2 training that you need to become a patrol deputy?

3 A At the time, I had a -- or received a --

4 THE COURT REPORTER: I'm sorry, you are going
5 to have to speak up.

6 A I'm sorry. I received a bachelor's degree in
7 criminal justice from the University of South
8 Carolina. I graduated from the criminal -- South
9 Carolina Criminal Justice Academy. I completed
10 yearly updates through my career from the academy
11 as well as in-house training.

12 Q And how long was that, the training at the Criminal
13 Justice Academy?

14 A Three months, I believe.

15 Q And can you just tell them about your general
16 responsibilities as a patrol deputy?

17 A We are assigned to an area or a region, and we
18 patrol the area for crime as well as --

19 THE COURT REPORTER: As well as what?

20 A Answering service calls.

21 THE COURT: Okay, let me interrupt. You were
22 a deputy, right? And I'm sure you had to speak
23 with some force and authority at some point. I
24 don't want you to holler like you are necessarily
25 on a crime scene or a traffic stop, but we need you

1 to project a little more because you are a bit
2 soft-spoken and it is a little difficult to hear.

3 A Yes, ma'am.

4 THE COURT: Go ahead, Mr. Walton.

5 MR. WALTON: Thank you, Your Honor.

6 BY MR. WALTON:

7 Q So you mentioned that you respond to service calls.
8 Can you tell the jury about some of those calls.
9 What types were they?

10 A Sure. We responded to domestic disputes, civil
11 disturbances, active shooter incidents, sexual
12 assault cases, pretty much anything that you can
13 imagine.

14 Q Before you really dive in, you mentioned sexual
15 assault cases. Did you have to -- did you receive
16 any training with sexual assault cases?

17 A Briefly through my time at the academy, yes, sir.

18 Q Okay. Can briefly just tell the jury about that
19 training?

20 A They instructed us to ask questions such as, Has
21 the victim taken a shower? That would remove any
22 DNA or physical evidence. Beyond that, we are
23 supposed to recommend that they go to the hospital
24 to speak to a SANE nurse, which is a Sexual
25 Examining Nurse -- Sexual Assault Examining Nurse,

1 excuse me.

2 Q So if you run across a sexual assault case, what do
3 you do specifically procedure-wise?

4 A Well, interview the victim, gather information, and
5 then pass that information along to our immediate
6 supervisor, who would then contact an on-call
7 investigator.

8 Q So you said you were a deputy for about four and a
9 half years or so. Were you a deputy in October of
10 2017?

11 A I was.

12 Q And more specifically, were you a deputy on
13 October 27th, 2017?

14 A I was.

15 Q Okay. And did you respond to a call for service at
16 ██████ Dry Branch Road?

17 A I did.

18 Q And is that Hopkins, South Carolina?

19 A It is.

20 Q Which county is that in?

21 A Richland.

22 Q And who lives at that residence?

23 A S.W. ██████ did at the time.

24 Q And you said you responded to a call. Is
25 Ms. S.W. ██████ the one who called you?

1 A She did, regarding the sexual assault.

2 Q So when you got to the scene, can you tell the jury
3 what you did?

4 A I arrived on the scene. I spoke with Ms. [S.W.],
5 interviewed her as to what had happened, gathered
6 that information. I contacted the desk sergeant,
7 which is our supervisor at the time for the
8 different regions, who would then reach out to the
9 on-call investigator.

10 Q And were you able to determine when the assault
11 took place?

12 A Approximately 2:00 to 4:00 in the morning.

13 Q You mentioned in sexual assault training the
14 question about showering. Did you ask Ms. [S.W.]
15 if she had showered?

16 A I did.

17 Q Had she showered?

18 A She had.

19 Q And just remind the jury, why is that important?
20 Why do you ask that question?

21 A With penile penetration, there is typically DNA or
22 semen as evidence. Showering and bathing can
23 remove that evidence.

24 Q So you said that she had already taken a shower.
25 Do you remember anything about her demeanor?

1 A She seemed very emotionally distraught and subdued.

2 Q To you did she appear to be impaired or
3 intoxicated?

4 A No, she appeared to be well aware of her
5 facilities.

6 Q You mentioned that you responded for a sexual
7 assault. Where did it take place?

8 A At her residence.

9 Q Did she describe to you what happened?

10 A She did.

11 Q And what happened?

12 MS. WARTHEN: Objection, Your Honor. Hearsay.

13 THE COURT: Sustained.

14 BY MR. WALTON:

15 Q Were you able to determine --

16 MS. WARTHEN: Object.

17 BY MR. WALTON:

18 Q She did describe to you what happened?

19 A Yes, sir.

20 Q Did she demonstrate it to you?

21 A She did.

22 Q And based on the information you got from her and
23 your discussion, did you -- were you able to
24 develop a suspect?

25 A Yes, sir.

1 Q And who was that suspect?

2 A Her nephew, Terry Gridine.

3 Q And is Mr. -- is Terry Gridine related to

4 Ms. S.W.?

5 A Yes, sir, her -- that is her nephew.

6 Q You said her nephew. So after you demonstrated --
7 after she demonstrated to you what took place, what
8 did you do next?

9 A I went out to my patrol vehicle, spoke with the
10 desk sergeant, and it was determined that she
11 should probably go to the hospital as we were
12 unable to reach the on-call investigator at the
13 time.

14 Q And did you recommend that she go to the hospital?

15 A I did.

16 Q Okay. And why did you -- why do you tell her to go
17 to the hospital?

18 A That is procedure.

19 Q And did you explain the process to her about what
20 would happen?

21 A Briefly I did, yes, sir.

22 Q So after you spoke with Ms. S.W., you spoke to
23 your desk sergeant and recommended going to the
24 hospital. What did you do next after that?

25 A I left the scene and typed up the incident report.

1 Q Did you ever speak with Ms. S.W. again?

2 A I did later that evening. It was probably a few
3 hours later.

4 Q Well, why?

5 A I had received a phone call from the on-call
6 investigator, and after -- and after telling him
7 what had happened, it was determined that based on
8 the lack of penile penetration, there was a very
9 low probability of there being any DNA, semen
10 evidence, the amount of time that had passed, and
11 as well as the fact she had taken a shower, it
12 might not be worth going to the hospital and going
13 through any further emotional trauma that might
14 be -- or that might happen through the SANE nurse
15 procedure, as it is invasive.

16 Q Was Ms. Webber injured due to this attack?

17 A She stated that she wasn't.

18 Q Okay. If she were, what would you have told her to
19 do?

20 A To go to the hospital, absolutely.

21 Q And why is that?

22 A So that those injuries could be documented and that
23 she could receive medical treatment.

24 Q And so after that phone call, then what happened?

25 A I called Ms. S.W. and relayed that information to

1 her.

2 Q Okay. And then after you relayed the information,
3 did you -- what did you do?

4 A I submitted my report for approval and went about
5 my day.

6 Q And are you involved in the case any further?

7 A I am not.

8 Q Is law enforcement involved any further?

9 A Law enforcement is, yes.

10 Q How so?

11 A So after the report is submitted, it is approved by
12 the supervisor, and then it is sent up to
13 headquarters where it is assigned to an
14 investigator.

15 MR. WALTON: Court's indulgence.

16 (Pause.)

17 BY MR. WALTON:

18 Q So backtracking a little bit, you mentioned that
19 there was no penile penetration. Was there
20 penetration in this case?

21 A Yes, sir.

22 Q And what type?

23 A Fingers. Vaginal penetration with fingers.

24 Q And by who to who?

25 A By Terry Gridine to S.W. .

1 Q Thank you. No further questions.

2 THE COURT: Cross-examination?

3 MS. WARTHEN: May it please the Court?

4 CROSS-EXAMINATION

5 BY MS. WARTHEN:

6 Q Deputy Christian -- or not Deputy, but
7 Mr. Christian, you reviewed your report in
8 preparation for today?

9 A I did.

10 Q And you reviewed your body worn camera in
11 preparation for today?

12 A I did.

13 Q You got a call to respond to the site, address on
14 Dry Branch about what time?

15 A I believe it was between 1800 and 2100 hours, if I
16 remember correctly. I would need to reference a
17 copy of my report to be sure.

18 Q I can provide you a copy.

19 A Sure.

20 (Pause.)

21 A Yes, ma'am, between 1800 and 1900 hours.

22 Q And so it was dark outside at that time when you
23 got to her house?

24 A I believe so.

25 Q You got to Ms. [S.W.] 's house, and the porch -- the

1 lights aren't on yet, right?

2 A Yes, ma'am.

3 Q And you rang the bell and Ms. S.W. comes to the
4 door to let you in, correct?

5 A Yes, ma'am.

6 Q And as you walk into the house, passing the dining
7 room through the hall to the back, the kitchen is
8 on the left, correct?

9 A I believe so.

10 Q It is an open floor plan with a den or TV room to
11 the right?

12 A Yes.

13 Q And a recliner is sitting with its back to the
14 kitchen, is that correct?

15 A A sofa or recliner, yes, ma'am.

16 Q And then there is a couch also, like cater-cornered
17 or perpendicular to the recliner sitting and facing
18 the TV?

19 A Yes.

20 Q And it just looked like a comfortable homey room
21 people live in, correct?

22 A Yes, ma'am.

23 Q There were a couple of tables with books and
24 decorative items in that den, correct?

25 A Yes, ma'am.

1 Q Do you recall the small end table next to the
2 loveseat facing the kitchen where the lamp may have
3 been sitting on?

4 A I believe so.

5 Q It was like three shelves held together by wooden
6 spindles?

7 A Sure. I can't recall the exact detail of it. It
8 was four years ago.

9 Q We can give you a picture.

10 A Sure.

11 Q To refresh your recollection.
12 (Pause.)

13 Q Do you recognize that room -- that picture as the
14 room that you saw on that evening?

15 A I do.

16 Q And so that table in the corner that has three
17 shelves and then like three thin spindles?

18 A Yes, ma'am.

19 Q Holding it together, right? On the top shelf there
20 appears to be pictures in frames, is that correct?

21 A There is. There is.

22 Q And on the second shelf there are some books
23 standing in a row?

24 A Yes, ma'am.

25 Q Now, at some point you say to Ms. **S.W.**, I'm going

1 to go out and get you a case number, correct?

2 A Yes, ma'am.

3 Q So you go out to your car. And while you are
4 getting that case number, you call someone. Who is
5 that you called?

6 A The desk sergeant.

7 Q The desk sergeant?

8 A Yes, ma'am.

9 Q What was his name?

10 A I do not recall.

11 Q Okay. And he did tell you to tell her to go get
12 the SANE exam?

13 A Yes, ma'am, as we weren't able to make contact with
14 the on-call investigator at that time.

15 Q And the question that you asked him was, Does she
16 need to go -- and I'm paraphrasing a bit -- does
17 she need to go to the hospital and get a SANE and
18 see a SANE nurse for that, correct?

19 A Yes, ma'am.

20 Q Does that need -- you are asking him -- does that
21 need to happen for the Richland County side of
22 things, is that correct?

23 A Yes, ma'am.

24 Q And so then you come back in the house and you gave
25 Ms. **S.W.** her case number, right?

1 A Yes, ma'am.

2 Q And you talked to her about needing to go to the
3 hospital right?

4 A Yes, ma'am.

5 Q And she did indicate to you that she had not been
6 to the hospital yet, right?

7 A Yes, ma'am, I believe so.

8 Q And so you instructed Ms. S.W. to get a SANE
9 exam, correct?

10 A Yes, ma'am.

11 Q And SANE does stand for Sexual Assault Nurse
12 Examination?

13 A It does.

14 Q So this is not something you can perform, correct?

15 A No.

16 Q It has to be performed by a trained medical
17 professional?

18 A Correct.

19 Q So when you have a report of sexual assault, it is
20 common for you to instruct the complainant to go
21 have this exam?

22 A Sexual assault typically is penile penetration,
23 yes, ma'am.

24 Q And, in fact, on the incident date when you met
25 Ms. S.W., you did tell her to go to the hospital?

1 A I did, yes.

2 Q But there hadn't been a report on penile
3 penetration at that time?

4 A No.

5 Q In fact, you told her, It would be helpful for us
6 if you went down to Richland Memorial Hospital and
7 got seen by a SANE nurse, correct?

8 A Yes, ma'am.

9 Q And you told her she needed to do it as soon as
10 possible, correct?

11 A Yes, ma'am.

12 Q And you said that was because it was important to
13 do now because there was a timeframe that you
14 needed to meet?

15 A Yes, ma'am.

16 Q You even told her it was important because, Right
17 now it is your word versus his and they might be
18 able to get some evidence or something through
19 that?

20 A Yes, ma'am.

21 Q Correct? And so then you gave her a case number,
22 correct? Right?

23 A Yes, ma'am.

24 Q And that is so she will have the correct number if
25 she needs to call and get the updates on her case?

1 A Yes, ma'am.

2 Q And on the back of that card, you actually wrote
3 the word "SANE" so that she would remember what to
4 ask for before you handed it to her, correct?

5 A Yes, ma'am.

6 Q So you take notes when talking to a potential
7 witness, and then you go back to your car and you
8 generate a report, as I believe you testified you
9 did that night?

10 A Yes, ma'am.

11 Q You write down those details so that someday at
12 trial you will be able to show everything that
13 happened?

14 A Yes, ma'am.

15 Q In fact, as you are questioning Ms. S.W., you
16 tell her, The details are important for the sake of
17 accuracy, correct?

18 A Yes, ma'am.

19 Q So you have got the incident location. What was
20 the incident location on your report?

21 A [REDACTED] Dry Branch Road.

22 Q And what was your arrival time?

23 A 1900 hours.

24 Q And the report is dated 10/27/17, correct?

25 A Yes, ma'am.

1 Q And it was approved by a Michael Nimmons on 10/28?

2 A Yes, ma'am.

3 Q And then it was assigned to Investigator Taylor on
4 October 30th?

5 A Yes, ma'am.

6 Q And there is a box for visible injuries on the
7 report, and nothing is checked, correct?

8 A Correct.

9 Q And there is a box for invisible injuries, and you
10 have not checked anything there either, correct?

11 A Correct.

12 Q And that is because she told you there were no
13 injuries?

14 A Correct.

15 Q Did you observe her limping in any way or being
16 hunched over in any way?

17 A I don't believe so.

18 Q She wasn't holding her arm on the left side of her
19 body as if she was in pain?

20 A Not great pain, no, ma'am.

21 Q Now, you have the ability to go back and amend your
22 report at any time during the case, correct?

23 A I can make a supplementary report to it. I can add
24 a page to it, but I can't amend the original text.

25 Q So you can do a supplemental report in case there

1 is anything you remember that the investigator will
2 need to know later?

3 A I suppose I could, yes.

4 Q And it has been four years since you took the
5 report?

6 A Yes, ma'am.

7 Q How many calls do you think you took after that
8 report? Would it be in the tens or hundreds or
9 thousands?

10 A Hundreds.

11 Q So you have to keep really careful records then in
12 order to be able to refresh your memory?

13 A Yes, ma'am.

14 Q Somewhere in this report you record that you called
15 her and told her not to go to the hospital?

16 A I did.

17 Q In fact, you just testified that you told her to go
18 basically immediately because time was important,
19 correct?

20 A I did.

21 Q And then you just testified on direct in the
22 State's questions that in fact you did not call
23 Ms. [S.W.] and tell her not to go until hours
24 later, correct?

25 A Yes, ma'am.

1 Q I have no further questions.

2 THE COURT: Any redirect, Mr. Walton?

3 MR. WALTON: Yes, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. WALTON:

6 Q In your report you said there were no visible
7 injuries. Did you observe Ms. Webber's vaginal
8 area?

9 A I did not.

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

11 THE COURT: Overruled.

12 BY MR. WALTON:

13 Q Did you observe Ms. [S.W.] 's vaginal area?

14 A I did not.

15 Q And why not?

16 A That is not my job. That is not appropriate for me
17 to do. I am not a trained medical professional.

18 Q Whose job -- so whose job would that be?

19 A The hospital, the SANE nurse.

20 Q So you testified earlier that you told Ms. [S.W.]
21 to go see a SANE nurse. Prior to telling her that,
22 had you spoken with the on-call investigator?

23 A I had not.

24 Q Did you try to speak with the on-call investigator?

25 A I did.

1 Q So why didn't you speak?

2 A The desk sergeant attempted to contact him. We're
3 not privy to their personal numbers. So the desk
4 sergeant will attempt to contact him and leave a
5 message.

6 Q Did you eventually speak with the SANE nurse -- I
7 mean, speak with -- did you eventually speak with
8 on-call investigator?

9 A I did.

10 Q And did you ultimately speak with Ms. [S.W.] again?

11 A I did, after speaking with the investigator.

12 Q And just to remind you, what was the nature of the
13 conversation after speaking with the on-call
14 investigator?

15 A With Ms. [S.W.]?

16 Q Yes?

17 A That due to the lack of penile penetration, the
18 time that had elapsed, and the fact that she had
19 showered, there was a very low probability of there
20 being any DNA evidence and that the SANE procedure
21 might be very traumatic for her given the fact that
22 she had just been sexually assaulted.

23 Q No further questions.

24 THE COURT: Anything further, Ms. Warthen?

25 MS. WARTHEN: Nothing further, Your Honor.

1 THE COURT: Thank you, sir. You may step
2 down.

3 (Witness steps down.)

4 THE COURT: Call your next witness.

5 MR. WALTON: The State calls William Webber.

6 THE BAILIFF: Come forward to be sworn, sir.

7 (Witness approaches.)

8 THE BAILIFF: Place your left hand on the
9 Bible, raise your right, and face the clerk.

10 (Witness complies.)

11 THE CLERK: Do you solemnly swear or affirm
12 that the testimony you are about to give in this
13 case will be the truth, the whole truth, and
14 nothing but the truth, so help you God?

15 THE WITNESS: Yes, ma'am.

16 THE CLERK: Please have a seat, and state your
17 full name for the record.

18 THE WITNESS: William T. Webber, Jr.

19 WILLIAM T. WEBBER, JR.,
20 after being duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. WALTON:

23 Q Thank you for being here, Mr. Webber. Where do you
24 work?

25 A Pure Power Technologies.

1 Q And are you related to S.W.?

2 A Yes. Mother.

3 Q Can you repeat that?

4 A Mother. She's my mother.

5 Q Where do you live?

6 A Dry Branch Road, Hopkins.

7 Q And does anyone else live at that location?

8 A No, sir.

9 Q Does S.W. live at that location?

10 A Yes, sir.

11 Q And about how long have you lived there?

12 A About eight years.

13 Q So did you live there -- so it is eight years. Did
14 you live there in October of 2017?

15 A Yes, sir.

16 Q Were you home the evening of October 26, 2017?

17 A Yes, sir.

18 Q Do you remember a man named Terry Gridine coming to
19 the house that day?

20 MS. PINNOCK: Objection, Your Honor. May we
21 approach?

22 THE COURT: Sure.

23 (WHEREUPON, a bench conference was held
24 in the presence of the jury but out of
25 the hearing of the jury.)

1 THE COURT: The objection is overruled.

2 Mr. Walton, you can proceed.

3 BY MR. WALTON:

4 Q Mr. Webber, do you remember a man named Terry
5 Gridine coming to your house on October 26, 2017?

6 A Yes.

7 Q And do you see Terry Gridine in the courtroom
8 today?

9 A Yes. Over to the left, I guess blue shirt, dark
10 blue.

11 MR. WALTON: Please let the record reflect
12 that the witness identified the Defendant.

13 BY MR. WALTON:

14 Q Are you related to Terry Gridine?

15 A Yes, sir, my first cousin.

16 Q So you said you remember him coming over.
17 Approximately what time was that?

18 A I guess 7:30, 8:00-ish.

19 Q And when he came over, what was he doing?

20 A He came to see my mother, and they were
21 conversating.

22 Q And do you know how long that he stayed there?

23 A I left later on that night around, I think around
24 11:00.

25 Q Okay. And was he still there when you left?

1 A Yes, sir.

2 Q So when did you come back home?

3 A Probably in the evening around 5:30. I'd say 5:00,
4 5:30.

5 Q And about what time -- you said 5:30. So was
6 anybody at your house when you got home?

7 A No, sir.

8 Q Was your mom home?

9 A Yes, sir.

10 Q And did anyone come to the house later that day?

11 A Probably maybe five minutes after I got there,
12 Terry's brother came, Willie Gridine.

13 Q And so his brother. And other than Willie, did
14 anyone else come by the house that you know of?

15 A A deputy came by.

16 Q Okay. That day?

17 A Yes, sir.

18 Q No further questions. Please answer any questions
19 the Defense has.

20 THE COURT: Cross-examination.

21 MS. PINNOCK: Thank you, Your Honor. May it
22 please the Court?

23 CROSS-EXAMINATION

24 BY MS. PINNOCK:

25 Q You said that Terry got to your mom's house between

1 7:30 and 8:00 o'clock?

2 A Yes, ma'am.

3 Q And you left around 11:00?

4 A Yes, ma'am.

5 Q And you got back 5:30 or so the next morning?

6 A No, that evening.

7 Q Oh, the next evening?

8 A Yes.

9 Q So you were gone from 11:00 p.m. --

10 A Yes.

11 Q -- until 5:30 p.m.?

12 A Yes.

13 Q Okay. And I just -- I think I missed -- I didn't
14 hear what you said. When you got back home, did
15 you say anybody was at the house when you got
16 there?

17 A No, ma'am.

18 Q No? But you said you remember the deputy coming?

19 A Yes, ma'am.

20 Q Were you there when he got there or did you come
21 later?

22 A The deputy?

23 Q Yes, the deputy?

24 A I was home. The deputy came after I got there.

25 Q Okay. Thank you.

1 A All right.

2 THE COURT: Anything further, Mr. Walton?

3 MR. WALTON: Briefly, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. WALTON:

6 Q Mr. Webber, you said no one was home. Was your
7 mother home?

8 A Yes, she was home.

9 Q Okay. No further questions.

10 THE COURT: Anything further, Ms. Pinnock?

11 MS. PINNOCK: No, Your Honor.

12 THE COURT: Thank you, sir. You may step
13 down.

14 (Witness steps down.)

15 THE COURT: All right, who is the State's next
16 witness?

17 MR. WALTON: Your Honor, may we approach?

18 THE COURT: Sure.

19 (WHEREUPON, a bench conference was held
20 in the presence of the jury but out of
21 the hearing of the jury.)

22 THE COURT: All right, ladies and gentlemen,
23 let's take a quick morning break. I am going to
24 send you to your jury room. Do not discuss the
25 case amongst yourselves. Just go back to the jury

1 room. They should have some snacks, some drinks,
2 some coffee, things like that. So just relax for a
3 little bit, and I will have you back shortly.

4 Thank you.

5 (WHEREUPON, the jury retires to the jury
6 room at 10:50 a.m.)

7 MR. WALTON: The State calls Falguni Patel.

8 (Witness approaches.)

9 THE BAILIFF: Place your left hand on the
10 Bible, raise your right, and face the clerk for me.

11 (Witness complies.)

12 THE CLERK: Do you solemnly swear or affirm
13 that the testimony you are about to give in this
14 case will be the truth, the whole truth, and
15 nothing but the truth, so help you God?

16 THE WITNESS: I do.

17 THE CLERK: Please have a seat, and state your
18 full name for the record.

19 THE WITNESS: I do.

20 (Witness seated.)

21 FALGUNI PATEL,
22 after being duly sworn, testified as follows:

23 DIRECT EXAMINATION(PROFFER)

24 BY MR. WALTON:

25 Q Thank you for being here. Ms. Patel, do you

1 remember if a woman named S.W. came to
2 Palmetto Pain Management on November 1st, 2017?

3 A Yes, I do.

4 Q Okay. And why did she come in?

5 A She came in for a follow-up. It was a post
6 procedure follow-up.

7 Q And what was the procedure?

8 A She had what is called a lumbar transforaminal
9 epidural steroid injection. It is an injection for
10 low back pain that goes down the leg.

11 Q Do you remember when she had that procedure?

12 A I would have to see my records, the office records,
13 for that.

14 Q Maybe October?

15 A I believe it was about a month -- three to four
16 weeks prior to that visit.

17 Q Is this your record? Would that help refresh your
18 recollection?

19 A Yes. October 3rd.

20 Q Okay. So she had the procedure on October 3rd, so
21 she came back for a follow-up. Is that typical?

22 A Yes. We -- after a patient has a procedure, we see
23 them back for a follow-up to see how they responded
24 to the procedure.

25 Q And did the procedure successfully reduce the pain?

1 A The procedure did help with her pain, but it was
2 short-term. For Ms. [S.W.], typically they last
3 for a good couple of months, for about three to six
4 months. And this time it was unusual because it
5 only lasted about a week and a half.

6 Q The drastic decrease, did you find out why it only
7 lasted a week and a half?

8 A Yes. Because, like I said, for her they typically
9 last a while, and when I asked her what happened
10 this time, what was the reason that it didn't work
11 as well, she did inform me that she was sexually
12 assaulted about two weeks prior to that.

13 Q Okay. And so --

14 A Five days prior to that.

15 Q And did she say what happened to her physically?

16 A So when I asked her what happened, she mentioned
17 that she was pushed forcibly to the ground and that
18 it injured her entire left side of the body.

19 Q Had she ever made any type of reports like this
20 before?

21 A No, she had never made that before.

22 Q And when she made the statement, was she coherent
23 to you?

24 A Yes.

25 Q After she told you this, what did you do next?

1 A I spoke with my supervisor physician and informed
2 him of what had happened.

3 Q And as far as treatment, what is the next step?

4 A So for her, in terms of her back pain that was the
5 chronic complaint that we typically see her for,
6 since she was still having some relief from the
7 procedure, we recommended once her procedure wore
8 off completely, we would repeat it, as we typically
9 do for her. So at the time I recommended that she,
10 you know, apply ice to the affected areas where she
11 was sore, refilled her medication for her, and then
12 we recommend she follow with primary care for any
13 other injuries to be evaluated.

14 Q Thank you. I have no further questions.

15 THE COURT: All right, Ms. Pinnock?

16 MS. PINNOCK: Thank you, Your Honor.

17 CROSS-EXAMINATION(PROFFER)

18 BY MS. PINNOCK:

19 Q Can you -- if you wouldn't mind, what was the
20 procedure that you said Ms. S.W. had on
21 October 3rd?

22 A Lumbar selective nerve root block.

23 Q And what is that procedure for?

24 A So it helps with the pain that radiates across the
25 lower back and goes down her leg. In her case, she

1 has left sided lower back and leg complaints, so we
2 performed that procedure on her left leg.

3 Q Okay. And you say that is a chronic problem for
4 Ms. S.W.?

5 A Yes.

6 Q And how long had you been treating her at that
7 practice?

8 A Prior to that, about a year before. In 2016 I
9 started seeing Ms. S.W.

10 Q Okay. That is when you started personally seeing
11 her?

12 A That's when I started seeing her.

13 Q Okay. When did she first become a patient at
14 Palmetto Pain Management?

15 A She has been a patient at our clinic since 2002.

16 Q 2002?

17 A Yes.

18 Q So about 19 years since she has been a patient?

19 A Yes.

20 Q And you don't have her full medical file with you,
21 do you?

22 A No.

23 Q Do you recall when she became a patient what the
24 chief complaint was when she -- back in 2002?

25 A It was low lumber -- lower back pain complaint.

1 Q And that is on the left side again?

2 A Yes.

3 Q So you mentioned that the procedure you did was
4 100 percent effective at the beginning, right,
5 according to Ms. S.W.?

6 A Yes. At the time she had it, it was 100 percent
7 relief, which lasted for about a week and a half.

8 Q Okay. And the week and a half -- she had the
9 procedure October 3rd. That would put a week and a
10 half about the 16th or so of October?

11 A Possibly, yes.

12 Q Okay. And at that point, that is when she said the
13 100 percent pain relief reduced down to 50, right?

14 A Yes.

15 Q Okay. And she was in the office with you on
16 November 1st?

17 A That's correct.

18 Q Okay. What are -- can you inform the Court, what
19 are some of the symptoms that can stem from I guess
20 the L3-L4, L4-L5 area that you treated Ms. S.W.
21 for?

22 A So the specific lumbar level, the L3-4 is when you
23 have the pain that goes across the front of the
24 leg. It goes down the front of the leg. And the
25 L4-5 would be pain across the side of the leg,

1 going all the way down the side of the leg.

2 Q Okay. And that is where you put the injections in
3 to block the nerve endings pretty much, right? Is
4 that fair?

5 A Yes. The exiting nerve that comes off the spinal
6 cord would be at those levels, the L3-4 and L4-5
7 levels.

8 Q And you said it is not the first time you performed
9 this procedure on Ms. S.W.?

10 A Dr. Riber performs her procedures. He has done
11 these for her since she started coming to the
12 clinic.

13 Q Okay. Would you agree with me that I guess
14 inflammation is a possible side effect of the
15 procedure she got? Inflammation of that area?

16 A It is possible to have inflammation, but the
17 procedure does help with relieving that.

18 Q Okay. So it is possible to have inflammation in
19 that same area?

20 A Yes.

21 THE COURT: Pause there for just a minute, Ms.
22 Pinnock. I don't know what your next set of
23 questioning is, but I don't know if you intended to
24 proffer all of her testimony or just what could be
25 objectionable, and I thought that probably it was

1 Mr. Walton's question that would have been
2 objectionable, I feel like we are going a little
3 far afield as though the jury was in here, you
4 know, to get a preview of testimony that may not be
5 objectionable. I mean, certainly I wouldn't think
6 that you would ask an objectionable question,
7 right?

8 MS. PINNOCK: No, not at all.

9 THE COURT: Right, right. Which is why,
10 again, I don't know where you are going, but this
11 may be a good place to stop unless you tell me
12 otherwise, and we can just address the reason that
13 the State intended to call her as a witness and the
14 testimony elicited from Mr. Walton.

15 MS. PINNOCK: Yes, ma'am, Your Honor. I'm
16 happy to. So my objection to Ms. Patel testifying
17 is under 401 and 403.

18 I understand the State is attempting to
19 introduce the testimony of the assault under 803
20 (4), which is a medical exception. The purpose of
21 my questions now is to establish that the treatment
22 and diagnosis of Ms. S.W. was given on November
23 1st of 2017. It is the exact same treatment that
24 she was provided almost -- I guess we can assume
25 every other time she was at the doctor's office.

1 So the testimony of Ms. Patel, it is my
2 position, would not fall under the exception carved
3 out in 803 because she was not going to seek
4 treatment for any injury that she alleged to have
5 happened during this assault. The treatment plan
6 was not changed. She continued on her medication.
7 It was a routine follow-up that was already
8 scheduled almost a month prior to her going.

9 So my objection is to the testimony as a
10 whole. I don't believe it is relevant. I think it
11 would be misleading to suggest that Ms. S.W. went
12 seeking treatment because of an assault. So that
13 is the basis of my objection. I understand what
14 the State's position is and how they are trying to
15 use her, but I object under 401 an 403.

16 THE COURT: Okay. Your objection is
17 overruled. I find that it is appropriate as a
18 hearsay exception statement for purposes of medical
19 diagnosis for treatment, which is 803(4), and I
20 think that your argument is their argument. And I
21 see where you are going given the date and
22 everything, but certainly -- in fact, I think it
23 makes the testimony perhaps even more reliable
24 because she was there as a follow-up, you know, to
25 see how those things were working. So your

1 objection is overruled.

2 MS. PINNOCK: Could I now have an initial
3 objection to the 803 exception?

4 THE COURT: Sure.

5 MS. PINNOCK: Your Honor, I would just object
6 to them mentioning the sexual assault. Ms. Patel,
7 there is nothing in the record that we were
8 provided that indicated she did any sort of sexual
9 assault examination. The testimony was that
10 Ms. S.W., you know, came in for her appointment,
11 relayed that she had been sexually assaulted and in
12 that process fell and landed on her back. I don't
13 believe that a disclosure of sexual assault has
14 anything to do with the pain management, Palmetto
15 Pain Management prescribing pain medication or
16 doing a palpation exam, which is what they did. So
17 I would just now object to the actual sexual
18 assault being disclosed. It has nothing to do with
19 the treatment and diagnosis from this office.

20 THE COURT: Let me hear from Mr. Walton -- or
21 Ms. Sampson.

22 MS. SAMPSON: May it please the Court? Your
23 Honor, to say that -- she didn't come in there to
24 say it was an assault, she said it was sexual
25 assault and that she was forced to the ground, as

1 the witness just testified to, that she was
2 forcibly thrown to the ground. The reason she is
3 even there is -- we have already covered that, but
4 what she says to her is a sexual assault. We have
5 agreed that she can't say that she told them it was
6 her nephew, which is actually what she said, and
7 the witness did not say that because we instructed
8 her not to. So I think as the rules go and as the
9 case law states, she can't say that, but she can
10 say exactly what she said for diagnosis. There is
11 nothing in any case law that says she cannot say
12 the word sexual assault, which that is exactly what
13 the witness said. To make the witness say that she
14 said something else would be disingenuous and
15 giving the wrong facts to the jury. She said the
16 word sexual assault. She should be allowed to say
17 that, especially when it is combined with she was
18 forcibly thrown to the ground, which is what the
19 witness -- what the victim stated to her. And
20 therefore I think it is proper for her to say that.

21 THE COURT: That objection is sustained. I
22 don't know how the fact that it was a sexual
23 assault helps with the medical diagnosis and
24 treatment. If she went to a gynecologist perhaps
25 instead for sexual assault, that would make more

1 sense, but the fact that she was assaulted and
2 thrown to the ground, let's just leave the
3 adjective "sexual" out of it.

4 MS. PINNOCK: Thank you, Your Honor.

5 MS. SAMPSON: What I would ask Your Honor then
6 is based on what they have done so far in their
7 opening, I don't want them to be allowed to say
8 that she didn't tell her doctor that she was
9 sexually assaulted when now we are being -- because
10 they specifically said in their opening, so I'm
11 assuming they are going to continue to say, that
12 her story changes, so they have added probative
13 value to what she tells each and every person that
14 outweighs any prejudicial effect from using the
15 words "sexual assault" when they themselves have
16 brought that up. They brought into the problem
17 that she told this story, and whether she tells it
18 and stays consistent each time, they have added
19 probative value to that.

20 MS. PINNOCK: I can assure you that we are not
21 going to be bringing up the fact that Ms. S.W.
22 didn't make any sort of sexual assault claim to a
23 number of different people. I have no intention at
24 any point during cross-examination or summation
25 talking about how she did not disclose the sexual

1 assault to her treating doctor. So if that is Ms.
2 Sampson's concern, I guarantee we will not be doing
3 that.

4 MS. SAMPSON: It is not just to the doctor.
5 They have already said that she tells different
6 stories. They have already put that out there.
7 They opened that door, I didn't. And therefore, if
8 they go back in closing and say she didn't stay
9 consistent, we have a witness here who would go to
10 her consistency of saying sexual assault every
11 time, not just assault. They can't take it piece
12 by piece and change their mind depending on when
13 they want to say it. They just said it to the
14 jury.

15 THE COURT: Yes, ma'am?

16 MS. PINNOCK: But, respectfully, Your Honor,
17 as the Defense, we have the right to question the
18 credibility of any witness that is called to the
19 stand. That does not then allow any testimony to
20 come in. We're not objecting -- Your Honor has
21 already ruled that the testimony is going to be
22 allowed as an assault. I can't offer the Court any
23 more assurances that we wouldn't be making any sort
24 of allegation that Ms. S.W. didn't tell Ms. Patel
25 about a sexual assault. That is not an issue. I

1 can stand here on the record and say it over and
2 over and over again. It is not an issue. So I
3 believe Ms. Sampson is concerned about something
4 that is not an issue. I give her a guarantee that
5 we will not make that an issue, but we do have the
6 right at any point to question the credibility of
7 any witness called to testify by the State, and
8 they have the same right to do that if we decide to
9 put up a case and call witnesses on our own. The
10 Rules of Evidence just don't go out the window
11 because you call somebody's credibility into
12 question. There are still protections. So I ask
13 Your Honor to uphold your decision on that. If I
14 say something that opens the door, you know,
15 clearly I'm sure Ms. Sampson will get up and object
16 and then state I opened the door, but I have no
17 intention of doing that.

18 THE COURT: And I'm sitting here trying to
19 recollect the specific language that was used in
20 opening. Certainly it was about shifting stories
21 and telling different kinds of stories and what
22 kind of story it is, whether the story is a soap
23 opera or the story is a lie, or whatever it is.

24 MS. PINNOCK: Ms. Warthen said that
25 Ms. S.W.'s story was not consistent. She did

1 not provide any details about what inconsistencies
2 we were referring to. And she asked -- Ms. Warthen
3 asked the jury to pay attention to the
4 inconsistencies. We haven't even gotten there yet,
5 so I think it is a little premature to say that we
6 are going to be doing something when we haven't
7 even gotten to that point yet.

8 THE COURT: Sure. All right, let's take a ten
9 minute break, and I will give you my ruling at the
10 end of that ten minute break.

11 MS. PINNOCK: Thank you.

12 THE COURT: Thank you.

13 (WHEREUPON, a break was taken at 11:08
14 a.m.)

15 THE COURT: I asked the court reporter to do a
16 quick review of the opening statement. I did see
17 Ms. Sampson -- and I recall, of course, where
18 Ms. Warthen discussed shifting stories and the
19 story always changing, and all that. What I was
20 looking for was something specific to, She didn't
21 even tell her doctor, or something along those
22 lines. That is not in there. Ms. Warthen didn't
23 say anything like that. So although I hear and
24 accept your argument, Ms. Sampson, my ruling stands
25 that that objection as to sexual assault is

1 sustained. The doctor can refer to it as an
2 assault, because that is the portion that would
3 really be relevant to treatment, the medical -- the
4 kind of medical treatment that she would have
5 gotten from Dr. Patel.

6 MS. SAMPSON: Your Honor, I just for the
7 record want it to be clear that if at closing or at
8 any other time that we may have to revisit this
9 issue if it begins to be she -- because the jury is
10 now going to be left with hearing the doctor say
11 she only told them an assault and later she is
12 telling people sexual assault. I don't want the
13 jury to be left, again, with the thought that she
14 is telling different versions of things to
15 different people when the reality is she did tell
16 the doctor she was sexually assaulted.

17 THE COURT: I understand. Okay.

18 MS. PINNOCK: Thank you, Your Honor.

19 THE COURT: Thank you. Bring the jury.

20 (WHEREUPON, the jury came into open
21 court at 11:38 a.m.)

22 THE BAILIFF: The jury is seated, Your Honor.

23 THE COURT: Thank you, sir.

24 The State can call its next witness.

25 MR. WALTON: The State calls Falguni Patel.

1 THE BAILIFF: Come forward to be sworn.

2 (Witness approaches.)

3 THE BAILIFF: Place your left hand on the
4 Bible, raise your right, and face the clerk for me.

5 (Witness complies.)

6 THE CLERK: Do you solemnly swear or affirm
7 that the testimony you are about to give in this
8 case will be the truth, the whole truth, and
9 nothing but the truth, so help you God?

10 THE WITNESS: I do.

11 THE CLERK: Please have a seat, and state your
12 full name for the record.

13 (Witness seated.)

14 THE WITNESS: Falguni Patel.

15 FALGUNI PATEL,

16 after being duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. WALTON:

19 Q Thank you for being here, Ms. Patel. What type of
20 work you do for a living?

21 A I'm a physicians assistant for Palmetto Pain
22 Management.

23 Q Okay. And can you just briefly describe the
24 educational background to become a physician's
25 assistant?

1 A I completed my undergraduate studies at the
2 University of South Carolina, bachelor's degree in
3 biology, and then I pursued my graduate studies at
4 Massachusetts College of Pharmacy, master for
5 physician assistant studies.

6 Q Okay. You said you worked at Palmetto Pain
7 Management. Where is that located?

8 A Here in Columbia, South Carolina.

9 Q And what are your job responsibilities as a
10 physician's assistant?

11 A So when I see patients, I perform physical exams, I
12 order tests and interpret them, recommend
13 medication, prescriptions, refer to appropriate
14 specialists if needed.

15 Q Okay. And how long did you work there?

16 A It's been about five years.

17 Q Do you know a woman named S.W. [REDACTED]?

18 A I do.

19 Q And how do you know her?

20 A She is one of my patients.

21 Q And how long has she been one of your patients?

22 A I have been seeing her since 2016.

23 Q Okay. And do you know how long she has been with
24 Palmetto Pain Management?

25 A At our clinic she has been a patient since 2002.

1 Q And you said she is a patient. Why does she come
2 to Palmetto Pain Management?

3 A We see her for chronic low back pain.

4 Q And does she receive any kind of treatment for
5 that?

6 A Yes. We have been performing procedures for her
7 back pain.

8 Q Okay. What type of procedures?

9 A Lumbar selective nerve root block.

10 Q Okay. And I'm not a medical professional. Just
11 basically, what does that mean?

12 A So that is when you have -- for her, she has lower
13 back pain that radiates down her left leg, so the
14 lumbar selective nerve root block, it is hard to --
15 you have the spinal cord and the nerve roots that
16 branch off the exiting nerve roots. So we target
17 the exiting nerve roots that come off of her left
18 side, which helps with the pain that goes down her
19 leg.

20 Q And when she receives these treatments, how long
21 does that procedure last for?

22 A About three to six months they lasted for
23 Ms. S.W. .

24 Q Okay. And other than the injections, do you give
25 her any medication?

1 A Yes, we also prescribe pain medication.

2 Q Okay. And what is that pain medication for?

3 A It is to help with the chronic pain.

4 Q Okay. And what type -- do you remember what type
5 it is?

6 A Hydrocodone.

7 Q And how often do you -- in general, how often do
8 you prescribe medications?

9 A Hydrocodone is a controlled substance, so I
10 typically prescribe that every 30 days when my
11 patient comes in for a follow-up. For Ms. S.W.,
12 she hasn't required them on a daily basis, so she
13 hasn't required them every 30 days, so sometimes I
14 see her beyond that point.

15 Q Do you have an approximation?

16 A Maybe about two, three months.

17 Q Two, three months? You said she takes hydrocodone
18 and gets treatment for the back. Have you ever
19 noticed the medication having any negative impact
20 on her?

21 A I have never noticed that with Ms. S.W.

22 Q Have you ever noticed it made an impact on her
23 mental state?

24 A No.

25 Q Honestly, other than the pain, have you ever

1 noticed anything out of the ordinary with
2 Ms. S.W.?

3 A When I see her for her follow-ups, we see her for
4 her procedure, see how she does from the procedure,
5 and then prescribe medication for her, and she
6 usually responds well to that.

7 Q So let's turn your attention to November 1st, 2017.
8 You worked at Palmetto Pain Management at that
9 time, right?

10 A Yes.

11 Q Were you working that day?

12 A I was.

13 Q Okay. And do you remember if Ms. S.W. came in to
14 Palmetto Pain Management that day?

15 A She did.

16 Q And why?

17 A That was for a post procedure follow-up. She had a
18 procedure prior to that.

19 Q And what was the nature of that procedure?

20 A That was that lumbar selective nerve root block.

21 Q Okay. And that helps with -- what did that help
22 with?

23 A With her lower back pain that goes down her left
24 leg.

25 Q And when did that procedure happen?

1 A I would need to see my office notes to locate the
2 exact date.

3 Q Take a look at your office notes. Would that help
4 to refresh your recollection?

5 A Yes. Thank you.

6 October 3rd, 2017, she had the procedure.

7 Q Okay. So is it normal for people to come back in
8 after they had a procedure?

9 A After the procedure, we see patients back about two
10 to four weeks to see how they responded.

11 Q Okay. And when you say responded, what do you mean
12 by that?

13 A To see how the procedure actually helped them, or
14 if it didn't help them.

15 Q And so let's backtrack a little bit. Typically for
16 Ms. S.W., did the treatment usually help her?

17 A For Ms. S.W., the procedures usually helped for
18 about three to six months at a time.

19 Q Three to seven months?

20 A Three to six months.

21 Q Three to six months. How about this time?

22 A This time the procedure didn't work as well,
23 meaning it didn't last as long. It did provide 100
24 percent relief which lasted for about a week and a
25 half, but her relief diminished shortly after that.

1 Q And did she talk to you about anything that would
2 -- why it may have diminished or why it wasn't as
3 effective this time?

4 A Yes. So typically for Ms. S.W., her procedures
5 lasted a long time. So this time it was odd that
6 it didn't last as long as they typically do. So
7 when I asked her, she informed me that she was
8 assaulted and thrown -- forcibly thrown to the
9 ground, which led to her relief diminishing sooner
10 than usual.

11 Q Did she say what part of her body was hurting due
12 to this assault?

13 A Because she had mentioned she was thrown to the
14 ground on her left side, she had reported that her
15 entire left side was sore.

16 Q And so you had been with Ms. S.W. for -- since
17 2016, over a year at that point. Had she ever made
18 that type of report to you before?

19 A No, this was the first time.

20 Q And has she made any report like that since
21 November?

22 MS. PINNOCK: Objection, Your Honor.
23 Relevance.

24 THE COURT: Sustained.
25

1 BY MR. WALTON:

2 Q And when she made the statement to you, was she
3 coherent?

4 A Yes.

5 Q So let's backtrack a little bit to the attack.
6 When she was attacked, did she say how -- how did
7 she get away?

8 MS. PINNOCK: Objection, Your Honor. Hearsay.

9 THE COURT: Sustained.

10 MR. WALTERS: Your Honor, this is a medical
11 treatment exception.

12 MS. PINNOCK: Your Honor --

13 THE COURT: I disagree. It is not for the
14 purpose of medical diagnosis or treatment.
15 Sustained.

16 MS. PINNOCK: Thank you, Your Honor.

17 BY MR. WALTON:

18 Q So after you noticed -- you said she was coherent.
19 After she told you, what did you do after you spoke
20 with her that day?

21 A I discussed the case with my supervisor physician,
22 Dr. Riber, who was her doctor on record.

23 Q And what happened next?

24 A For her treatment, since we had seen her for her
25 chronic low back pain and since her procedure

1 hadn't worn off completely, I recommended we would
2 see her back once her procedure had worn off and we
3 would repeat it as needed. I otherwise recommended
4 that she apply ice to where she was sore along her
5 body and refill the medication, which she did not
6 have at the time, and then have her follow up with
7 primary care to evaluate for further injuries.

8 Q And did she come back?

9 A She came back for another procedure following that.

10 Q Okay. Do you remember how long?

11 A I can't recall.

12 Q One more time, on November 1st, why didn't you give
13 her another injection?

14 A She still had about 50 percent relief at the time
15 when I saw her, so her relief wasn't completely
16 worn off yet, so we wait until she is actually
17 requiring another procedure.

18 Q So just to clarify, she said that she is at
19 50 percent relief, but then she said that she also
20 was suffering pain from an attack. I don't
21 under -- can you clarify what she --

22 MS. PINNOCK: Objection, Your Honor. It calls
23 for speculation.

24 THE COURT: Sustained.

25

1 BY MR. WALTON:

2 Q In your opinion, do you understand what she meant?

3 MS. PINNOCK: Objection, Your Honor. Still
4 calls for speculation.

5 THE COURT: Overruled.

6 BY MR. WALTON:

7 Q Did the attack cause her additional pain?

8 A Yes, it did.

9 Q I have no further questions. Please answer
10 anything the Defense has.

11 THE COURT: Ms. Pinnock?

12 MS. PINNOCK: May it please the Court?

13 THE COURT: Yes, ma'am.

14 CROSS-EXAMINATION

15 BY MS. PINNOCK:

16 Q Hi, Ms. Patel. All right. You said that
17 Ms. S.W. has been a patient in your office since
18 2002?

19 A That's correct.

20 Q And that is about 19 years ago?

21 A Yes.

22 Q And the chief complaint that she had back in 2002
23 when she started being a patient was the left side
24 pain, right?

25 A Lower back pain.

1 Q Yes, ma'am.

2 A Lower back pain.

3 Q And goes into the leg?

4 A Yes.

5 Q Creating pain in the leg also?

6 A Yes.

7 Q Okay. Now, you mentioned that she had a procedure
8 done with you -- well, with her treating
9 physician, on October 3rd, 2017?

10 A Yes.

11 Q And her next visit was scheduled for November 1st
12 of 2017?

13 A Yes.

14 Q And that is a routine thing that your office does,
15 right?

16 A We schedule for follow-up visits after procedures.

17 Q Yes, ma'am. And so when she -- we can assume that
18 before she left the office that day somebody handed
19 her an appointment card and said, Come back on this
20 date for your follow-up. Is that how it typically
21 works for your office?

22 A For Ms. S.W., because we see her more for her
23 procedure follow-ups, for when she has procedures,
24 she was recommended to let us know when she
25 required another procedure, and we would evaluate

1 her again at that time to see if we needed to do
2 the same procedure again.

3 Q Okay. And when she was in your office on November
4 1st -- you still have your notes with you, right?

5 A Yes.

6 Q Your note says under the patient history, she
7 reported to you on that day that the injection
8 provided 100 percent relief, right?

9 A Yes.

10 Q It lasted about a week and a half?

11 A (Nods affirmatively.)

12 Q And at that point it diminished down to 50 percent,
13 correct?

14 A Yes.

15 Q And the procedure was October 3rd, so would you
16 agree with me about a week and a half after that
17 would put us somewhere around October 16?

18 A Yes.

19 Q Okay. And then she told you that she was assaulted
20 five days ago, so five days prior to coming into
21 your office, right?

22 A Yes.

23 Q Now, the procedure is done you said to alleviate
24 the pain, to block the nerve endings, the pain
25 receptors?

1 A Correct.

2 Q And you said typically for Ms. S.W. it would last
3 for three to six months? Is that what you said?

4 A Yes.

5 Q She started again complaining about a 50 percent
6 reduction in pain, a 50 percent reduction in
7 that -- in her treatment after one and a half
8 weeks?

9 A At the time of her visit she reported it was
10 50 percent less.

11 Q The injection provided 100 percent relief, which
12 lasted one and a half weeks, but she has diminished
13 to about 50 percent relief currently. That is what
14 it says?

15 A Yes.

16 Q Okay. So about a week and a half. She had
17 100 percent relief for a week and a half?

18 A The 100 percent lasted for a week and a half.

19 Q Okay. And you said during your exam, part of your
20 responsibility is to do kind of the general exam.
21 Is it very similar to what anybody would get if
22 they went to their general practitioner, you know,
23 check the eyes, check the ears, check the mouth,
24 look at the extremities. Do you do all that stuff?

25 A I do a more focused exam for her since it is a --

1 we see her for her chronic lower back issue, so I
2 do more of the lumbar exam.

3 Q Okay. But there are -- there is a place in your
4 notes that goes through like cardiovascular,
5 gastrointestinal?

6 A Yes, all of that I do.

7 Q Okay. I am just asking, that is part of your exam?

8 A Yes.

9 Q And when you were doing that part of your exam, you
10 did note that you didn't see any sort of bruising
11 or anything on Ms. [S.W.] 's body, right? On her
12 left side?

13 A No, not to the exposed areas.

14 Q Okay. She was just complaining about pain?

15 A She was complaining of increased pain along the
16 entire left side of her body.

17 Q Now, isn't it true that, you know, on this day, you
18 didn't change -- nothing changed about her
19 treatment plan, right? She continued, you know,
20 Come back if you need another procedure, right?

21 A Yes.

22 Q If she needed her medications refilled, Come back
23 and we can refill your medications, correct?

24 A I refilled the medications then.

25 Q You refilled it on November 1st?

1 A On that day.

2 Q Okay. What did you refill for her?

3 A Hydrocodone.

4 Q Is that Norco?

5 A Norco, yes.

6 Q What is Tramadol?

7 A Tramadol is another pain medication, opioid.

8 Q Okay. And she was currently on that also?

9 A No, at the time she was on hydrocodone. That is
10 the only opioid she was on.

11 Q Okay. So Tramadol is not hydrocodone?

12 A No, it is not.

13 Q I have no idea, so thank you for that. Now, on
14 this day she reported her pain as an eight out of
15 ten?

16 A Yes.

17 Q Okay. And how many --

18 MS. PINNOCK: Beg the Court's indulgence.

19 (Pause.)

20 BY MS. PINNOCK:

21 Q Did you say that you did set another procedure date
22 for her or it is her responsibility to contact you
23 when she needs one?

24 A She would contact us when the injection wears off
25 completely, then we will reschedule another

1 procedure.

2 Q And with the diagnosis that Ms. [S.W.] has with the
3 lower back pain, the pain going through the left
4 leg?

5 A Yes.

6 Q If she were to have a, I guess for lack of a better
7 term, a flare-up of that, could it cause limping?

8 A It could.

9 Q Could it cause it to be difficult for her to bend
10 down and pick something up?

11 A It is possible.

12 MS. PINNOCK: Beg the Court's indulgence.

13 (Pause.)

14 MS. PINNOCK: Thank you, Your Honor. No
15 further questions.

16 THE COURT: Anything on redirect?

17 MR. WALTON: Briefly, Your Honor.

18 THE COURT: Yes, sir.

19 REDIRECT EXAMINATION

20 BY MR. WALTON:

21 Q Ms. Patel, in pain management you focus -- what
22 area of Ms. [S.W.]'s body do you focus on?

23 A Lumber, so her lower back.

24 Q Okay. And on November 1st, what did she say was
25 also bothering her?

1 A The entire left side of her body was bothering her.

2 Q Okay. But other than that, you don't conduct a
3 vaginal exam in any way, shape, or form?

4 A No, that is not something we do at pain management.

5 Q Okay. I have no further questions.

6 THE COURT: Anything further?

7 MS. PINNOCK: No, Your Honor.

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

9 (Witness steps down.)

10 MS. SAMPSON: May we approach, Your Honor?

11 THE COURT: Yes.

12 (WHEREUPON, a bench conference was held
13 in the presence of the jury but out of
14 the hearing of the jury.)

15 THE COURT: All right, ladies and gentlemen,
16 we were trying to figure out scheduling. And I
17 think that the next witness might take you beyond
18 the point of hunger, so let's go ahead and take a
19 lunch break. Be back at 1:45. I know that is a
20 little bit of a lengthy lunch break, but that will
21 give you time to go to your cars and get something
22 to eat and do whatever you need -- make whatever
23 phone calls you need to make, as long as they are
24 not about this case, right? So don't discuss the
25 case amongst yourselves. Don't do any research

1 about the case. Just go and have a good lunch and
2 be back in the jury room at 1:45.

3 Thank you.

4 (WHEREUPON, a lunch break was taken at
5 11:59 p.m.)

6 (WHEREUPON, the following occurs at 1:58
7 p.m.)

8 THE COURT: I assume we have all the jurors,
9 Mr. Bowen?

10 THE BAILIFF: Yes, ma'am.

11 THE COURT: Go ahead and bring the jury.

12 THE BAILIFF: All right.

13 (WHEREUPON, the jury came into open
14 court at 1:59 p.m.)

15 THE BAILIFF: The jury is seated, Your Honor.

16 THE COURT: Thank you, sir.

17 I hope you enjoyed your lunch, ladies and
18 gentlemen. We are ready to proceed with the trial
19 of the case.

20 The State can call its next witness.

21 MS. SAMPSON: Thank you, Your Honor. May it
22 please the Court?

23 THE COURT: Yes, ma'am.

24 MS. SAMPSON: The State calls S.W. to
25 the stand.

1 THE BAILIFF: Come around to be sworn.

2 (Witness approaches.)

3 THE BAILIFF: Place your left hand on the
4 Bible, raise your right hand, and face the clerk
5 there for me.

6 (Witness complies.)

7 THE CLERK: Do you solemnly swear or affirm
8 that the testimony you are about to give in this
9 case will be the truth, the whole truth, and
10 nothing but the truth, so help you God?

11 THE WITNESS: I do.

12 THE COURT: Please have a seat, and state your
13 full name for the record.

14 THE WITNESS: S.W. .

15 S.W. ,

16 after being duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MS. SAMPSON:

19 Q Good afternoon, Ms. S.W. .

20 A Good afternoon.

21 Q I am going to need you to sit close and speak up,
22 okay?

23 Ms. S.W. , can you tell the jury how old you
24 are?

25 A Seventy-six.

1 Q And where are you from?

2 A Hopkins, South Carolina.

3 Q Born and raised here?

4 A Born and raised.

5 Q And where do you live? What is your address?

6 A [REDACTED] Dry Branch Road in Hopkins, South Carolina.

7 Q And how long have you lived at Dry Branch?

8 A In Hopkins? About 54 years.

9 Q And is that in Richland County?

10 A That is in Richland County.

11 Q And I'll try to remember to speak up. Do you have
12 any hearing issues?

13 A I do.

14 Q So if I speak real loud, I'm not yelling at you,
15 right?

16 A Okay.

17 Q So is it okay if I call you Ms. [REDACTED] or Ms. [REDACTED]?

18 A Yes.

19 Q I want to take you back to October of 2017. Where
20 were you living then?

21 A Where was I living?

22 Q Yes.

23 A [REDACTED] Dry Branch Road in Hopkins, South Carolina.

24 Q And who lived there with you?

25 A My son.

1 Q And can you tell me, what kind of house is it? Is
2 it a house?

3 A It is a single family home, regular home.

4 Q Is it in a neighborhood, or what kind of area is
5 it? Is it in a neighborhood or is it by itself or
6 what kind of land?

7 A It is a neighborhood, but I am on a side by myself.
8 I have ladies across the street, but it is nobody
9 next to me.

10 Q And you said your son lived with you?

11 A Yes.

12 Q So how many rooms does the house have?

13 A I have, let's see, I think about -- I have three
14 bedrooms, I have two baths, living room, dining
15 room, kitchen -- I have a formal living room,
16 dining room, living room, kitchen, den --

17 Q Plus three bedrooms?

18 A Three bedrooms.

19 Q And how many brothers and sisters do you have?

20 A At the present time I only have two sisters.

21 Q And how many did you have prior to their death, I
22 guess?

23 A Ten.

24 Q Ten. So a large family, fair to say?

25 A Yes.

1 Q Could you bother to tell me how many nieces and
2 nephews you have?

3 A I don't know exactly how many, but it is a lot.

4 Q Fair to say. Who is Terry Gridine to you? Who is
5 Terry Gridine? How do you know him?

6 A Terry is my oldest sister's son.

7 Q And what is your oldest sister's name?

8 A Isabel Gridine.

9 Q And do you see Terry Gridine in the courtroom?

10 A Yes.

11 Q Can tell the jury where he is?

12 A Right there with the light blue mask on.

13 MS. SAMPSON: Let the record reflect that she
14 has identified the Defendant, Your Honor?

15 THE COURT: Yes, ma'am.

16 BY MS. SAMPSON:

17 Q How long have you known -- this may sound like a
18 silly question, but how long have you known Terry?

19 A A majority of his life.

20 Q And so back in October of 2017, how often did you
21 see him?

22 A Almost every day.

23 Q And how would that happen? Did you go to his house
24 or did he come to your house?

25 A He came to my house.

1 Q And did you invite him over, or how did that
2 happen?

3 A It was automatically. It was a habit and he always
4 came almost every day. We had a very good
5 relationship. And after my sister passed away, he
6 was there almost every day.

7 Q And is that the sister that is his mother?

8 A Yes.

9 Q And when did she pass away?

10 A She passed away March 23rd in 2016.

11 Q So a year and some change before October in 2017?

12 A Yes.

13 Q And so did his visiting you change between her
14 death and October of 2017?

15 A Not until that night.

16 Q And what I mean is, was it more frequent or less
17 frequent or about the same?

18 A It was still often, very often.

19 Q And I think you said this, but what kind of
20 relationship did you have with him?

21 A Very good.

22 Q And we might not all mean the same thing. What do
23 you mean by very good?

24 A I treated Terry like my own children. We had a
25 very close relationship. I loved him, you know,

1 like I did my kids.

2 Q So I think what you are saying is you treated him
3 like one of your children?

4 A Yes.

5 Q Never -- was there ever anything romantic between
6 you and him?

7 A No.

8 Q So in October of 2017, we are going to move
9 specifically to the 26th, but did anything happen
10 that day?

11 A Yes.

12 Q So what happened that day?

13 A Well, he came over and we were talking.

14 Q I want to stop you. What time did he come over?

15 A I don't know exactly the time, but it was early
16 night.

17 Q And was anybody home when he came over?

18 A My son was home when he came over.

19 Q And did your son stay the whole night or did he
20 leave?

21 A My son left.

22 Q Do you remember what time that was?

23 A Not exactly. Probably between 9:00 and 11:00. I
24 don't know exactly, because he got dressed and he
25 didn't say he was leaving. I didn't know he was

1 already gone.

2 Q And was that out of the ordinary for him to leave?

3 A No, that is regular, normal.

4 Q So when he leaves, who is home with you?

5 A Terry was still there with me.

6 Q And what are y'all doing?

7 A We were just talking. I was watching television
8 and he was talking. And he started saying some
9 things kind of that weren't rational to me.

10 Q All right. I am going to stop you there. What do
11 you mean by he said some things that were not
12 rational?

13 A He was talking -- I don't know how to explain it.
14 It was like he had a bad mood. It wasn't a bad
15 mood, it was an irrational mood.

16 Q And so do you remember what he said, the actual
17 words?

18 A Yes, some of them. He was saying that he was going
19 to do away with himself on March 23rd of the next
20 year, but some things he had to do before that
21 time.

22 Q I'm going to stop you because I'm not sure I heard
23 you right. Did you say he was going to do away --

24 A Gave the impression he was going to kill himself.

25 Q So what did you say when he said that?

1 A I told him he shouldn't do that, that he needed to
2 go and talk to somebody and try to get counseling.
3 And I told him it is not embarrassing to do that
4 because I do it. And I told him that wouldn't
5 solve anything by him killing himself or harming
6 anybody else.

7 Q And at that time, were y'all eating or doing
8 anything?

9 A No. He was sitting on the sofa and I was sitting
10 in the recliner.

11 Q At any point did either of you drink anything?
12 Alcohol or anything else?

13 A Me or him?

14 Q Either one of you?

15 A He. I don't drink.

16 Q So what did he do? How did he drink?

17 A He was -- I think he was smoking cigarettes, and he
18 would go outside. He didn't do it in the house.

19 Q Why not?

20 A Because I don't allow it. I mean, my son drinks
21 beer in the house, but most of the time he goes
22 outside and sit on the porch. So Terry was smoking
23 and going outside and I guess drinking, and he came
24 back in.

25 Q How do you know he was drinking? Did you see

1 anything?

2 A I saw beer cans.

3 Q All right. So this was going on. You said he said
4 some things irrational. Is that when he first got
5 there or later?

6 A No, when he got there we were just sitting and
7 talking, going on. I didn't say that he was -- you
8 know, he was talking about some things and things
9 that he had in his mind to do before March the
10 23rd.

11 Q Did he tell you what those things were that were in
12 his mind?

13 A He was talking about doing things to his ex, but he
14 didn't go into the specifics as to what he was
15 going to do, but he said it would all be taken care
16 of before March the 23rd.

17 Q And this was what you were saying was --

18 A Yes.

19 Q Okay. So did you ask him to do anything based on
20 him -- other than go see a therapist, did you ask
21 him to leave or anything like that?

22 A No.

23 Q Why not?

24 A Because he didn't show any signs of aggression or
25 anything. We were just sitting there talking as

1 usual.

2 Q What, if anything, did he say he wanted to do to
3 you?

4 A To me?

5 Q Yes?

6 A At that time I didn't think he was going to do
7 anything to me.

8 Q Did that ever change?

9 A Yes.

10 Q And what happened?

11 A Well, he went outside, came back in. I was still
12 sitting in the recliner. And he came up behind me
13 to give me a hug. And he said, Auntie, you know I
14 love you.

15 And I said, I love you too.

16 Q And then what happened?

17 A And he went back outside and then he came back
18 inside. And he kind of motioned around the back of
19 the recliner and then came and -- it was a sudden
20 move.

21 Q What do you mean by sudden?

22 A I can move? I was sitting in the recliner. He
23 came from behind the recliner, came in front of me.
24 And he got on his knees and he started saying some
25 things to me.

1 Q All right. I'm going to go back and forth a little
2 bit. What were you wearing when this happened?

3 A I was wearing a heavy robe, my gown, my panties,
4 and some socks.

5 Q And you said he came in front of you and he said
6 something? What did he say?

7 A Well, he dropped to his knees and started putting
8 his hand under my clothes and said something --

9 Q I know it is hard, but I am going to need you to
10 say the actual words.

11 A Well, he was down on his knees. He had both hands
12 up underneath my clothes trying to pull my clothes
13 down. And he kept saying, Well, let me -- let me
14 look at you, let me suck your -- let me lick your
15 pussy.

16 And I kept pushing him away, and I said no.

17 He said, Let me feel your titties. Let me
18 just -- I need to eat your pussy.

19 And I pushed him away. I said, No, don't do
20 that. That's -- and I got up.

21 Q And what were you thinking as he is saying this?

22 A I thought he had lost his mind for that period of
23 time because I know he knew better. And he had
24 never done that before. And he got down and he
25 just started to tear my clothes. I mean, he was --

1 I was -- I had on a heavy robe. And sitting in the
2 recliner, I didn't have the recliner seat up. And
3 he was down between my legs pulling -- with both
4 hands pulling my clothes down. And I pushed him
5 away. As a matter of fact, I took my foot and
6 pushed him away.

7 Q And were you able to get up from the recliner?

8 A I was able to get up out of the chair. And when I
9 got up off my recliner, my sofa is right there. I
10 have a -- and he grabbed me. And we started
11 wrestling. I don't know what he was trying to do
12 at that time, because he had gotten very
13 aggressive.

14 Q And what is he saying while this is going on?

15 A Ma'am?

16 Q What is he saying while this is going on?

17 A Oh, he wanted to fuck me.

18 Q And so what happened?

19 A We both fell on the sofa, and he was on top of me
20 on the sofa. And I was trying to get him off of me
21 on the sofa. He was still talking, but I was busy
22 trying to find something to get him off me. We
23 fell on the floor.

24 Q And is he --

25 A He was on top of me.

1 Q I'm sorry, I didn't mean to interrupt. Is he still
2 talking when this is going on?

3 A Ma'am?

4 Q Is he still talking when this going on?

5 A No, he was just trying to get my clothes off. He
6 was just trying to get my clothes off.

7 Q And so what happened then?

8 A We fell. Fell on the sofa. And he fell on the
9 sofa. Ad he was on top of me. And I was trying to
10 push him off me. We both fell on the floor. He
11 ended up on top of me, still with his hands under
12 my clothes. He was trying to hold me down. And
13 excuse my language, y'all, but he said, Damn, you
14 strong. And I'm fighting him for my life because I
15 don't know at that time what was going on in his
16 head. And when we were on the floor, I couldn't
17 get him off of me. And --

18 Q So what did you do?

19 A -- I started cursing him.

20 Q And so what did you do?

21 A He didn't stop. And he got my panties. He didn't
22 pull them off, but he scratched me. He got his
23 finger inside of my panties and he scratched me on
24 my vulva.

25 Q Did his fingers ever go anywhere else?

1 A No.

2 Q Did they go inside you at all?

3 A Yes.

4 Q Where did they go inside of you?

5 A Inside my vagina.

6 Q And then what happened?

7 A I started cursing him. And I tried to reach for
8 something because he still was on top of me, and I
9 was reaching to get anything I could get my hands
10 on to get him off me. And there was a heavy stool
11 there, but I could not pick it up. The only thing
12 I could get my hands on was a candle, a floor
13 candle. And I started beating him on the head with
14 that candle.

15 Q And what happened?

16 A And I was cursing him at the time and trying to get
17 up, and the candle broke, and I was still hitting
18 him. And he jumped up and ran. I was trying to
19 get up, but I had on socks, and I have hardwood
20 floors, and I couldn't get up right then. By the
21 time I got up off the floor and headed to my
22 bath -- my bedroom, when I got to my bedroom and
23 got back, and he was gone. He was gone out the
24 front door and in the car and gone.

25 Q Now, I want to take you back a little bit because

1 you gave us a lot of information just now. Before
2 he physically touched you, what if anything did he
3 say about taking things to the grave?

4 A Well, he said he used to fantasize about me.
5 Before he go to sleep, he would fantasize about me
6 and jack off to go to sleep. And I told him that
7 wasn't normal, you know, he needed to seek some
8 help.

9 Q And was that this night in October?

10 A That same night. All of this took place that same
11 night.

12 Q I'm going to show you some photographs. I want to
13 show you what has been marked as State's Exhibits 1
14 through 8. And I just want you to look at them for
15 a minute. Don't talk about what is in them, just
16 look at each one of them for me.

17 (Pause.)

18 Q Do you recognize these photographs?

19 A Yes.

20 Q Have they been altered or changed in any way?

21 A No.

22 Q Do they accurately depict your home and things in
23 your home as they were in October of 2017?

24 A Yes.

25 MS. SAMPSON: At this time, Your Honor, I

1 would ask to introduce State's Exhibit 1 through 8
2 into evidence.

3 THE COURT: Any objection?

4 MS. PINNOCK: No objection.

5 THE COURT: State's 1 through 8 are admitted
6 without objection.

7 (WHEREUPON, State's Exhibit Nos. 1-8
8 were marked for identification and
9 received into evidence.)

10 MS. SAMPSON: Beg the Court's indulgence one
11 moment.

12 THE COURT: Yes, ma'am.

13 (Pause.)

14 BY MS. SAMPSON:

15 Q Ms. S.W., can you see this okay?

16 A Yes.

17 Q On this one -- we are looking at State's Exhibit
18 Number 1. What -- who is this in the picture? Who
19 is in the picture?

20 A That is me.

21 Q And what is -- is this the recliner you have been
22 talking about?

23 A Yes.

24 Q Okay. And what are you -- is this -- what were you
25 doing in this photograph?

1 A In that photo, that was the morning, the next
2 morning, when I got up and changed my clothes.

3 Q And so is that the recliner you were talking about?

4 A Yes. Yes, it is. And that is how I was sitting,
5 because I didn't have the recliner up.

6 Q And in State's Exhibit Number 2?

7 A That is the sofa.

8 Q And you can't see it, but where is the chair in
9 relation to the sofa?

10 A The sofa is --

11 Q Is the recliner here where my hand is?

12 A No, right in front of the recliner. The sofa is
13 there, and the recliner is right there in front of
14 it.

15 Q What is in State's Exhibit Number 3?

16 A That one?

17 Q Yes, ma'am?

18 A That is between the loveseat and the sofa.

19 Q And what is this right here?

20 A That is a heavy Asian stool.

21 Q And is that the stool you were talking about
22 earlier?

23 A Yes.

24 Q And what is this here?

25 A That is a floor candle. It is electric, but it is

1 a floor-lighted -- the flower lights up, and the
2 base of it is light, but it is metal. Yes.

3 Q And what is that, State's Exhibit 7? Is that the
4 same?

5 A Yes.

6 Q Okay. And so is it always in two pieces like this?

7 A No.

8 Q And how did it get in two pieces like this?

9 A I was hitting him with it.

10 Q And State's Exhibit Number 5 is -- what is this, is
11 this the couch?

12 A That was the couch. When I fell off the couch --
13 when we were struggling and I was trying to get him
14 off me, I fell between the loveseat, which is right
15 on the other side of that stool.

16 Q This here?

17 A Yes. I fell. And it is only a small area in
18 there, and I fell with my head on the other side of
19 where that envelope is, my head was on the other
20 side of that because we fell off the sofa and
21 between the loveseat and the sofa right there.

22 Q And is that --

23 A Yes, in that little area.

24 Q So is that -- what does this depict?

25 A That is my den with my recliner.

1 Q Where my hand is, is that the recliner?

2 A Yes, that's the recliner.

3 Q And that's the recliner you have been talking about
4 you were sitting in?

5 A Yes.

6 Q And this here is the couch you were just talking
7 about?

8 A Yes.

9 Q And this here is the stool and the lamp we were
10 just seeing?

11 A Yes.

12 Q And is that the same thing as depicted in State's
13 Exhibit 8?

14 A Yes.

15 Q Just a different layout?

16 A Yes. That's the same thing.

17 Q So when you were describing where you all fell,
18 where is that in the picture?

19 A Right where that envelope is. My head was there.

20 Q And I interrupted you. So once you got up off the
21 floor, where was Mr. Gridine?

22 A He had -- that is on one end of the house. My
23 bedroom is all the way down on the other end of the
24 house. When I finally got up off that floor and
25 headed to my bedroom, when I got back from my

1 bedroom, he was gone.

2 Q And I want to go back. So you earlier -- what is
3 behind your recliner?

4 A It is nothing right behind it.

5 Q Just in general behind it? What is behind it?

6 A The bar and everything is back behind it, but in
7 between the recliner and the bar, there is nothing
8 there but the walkway to get out of the back door.

9 Q So is your bedroom behind this way or in the front?

10 A My bedroom is that way, all the way in the back.

11 Q That's what -- I was trying to get everybody
12 oriented to your house.

13 A Yes. It is behind the -- you would have to go past
14 the recliner, go all the way down the hall and to
15 the left is my bedroom.

16 Q And you said there is a bar right here. Where is
17 the kitchen?

18 A The kitchen is on other side of the bar.

19 Q So you said you were able to get up at some point.
20 And what happened once you get up?

21 A I headed for my bedroom.

22 Q And where is Mr. Gridine at this point?

23 A He was headed out. When I get up off the floor, I
24 was still cursing and -- I was trying to get up, I
25 had on socks, and it is hard to get up because the

1 floor was slippery. And by the time I got up --
2 and so when I passed the foyer, he was in the
3 foyer, but by the time I went to my bedroom and got
4 back, he was out the door.

5 Q Okay. So he wasn't there when you returned?

6 A No.

7 Q All right. So what did you do at this point?

8 A I sat there for a while. I didn't know what to do.
9 I was devastated. I called my sister, but she
10 didn't answer. It was 3:00 or 4:00 o'clock in the
11 morning, and she slept under a CPAP. And I tried
12 to reach her, and I couldn't reach her. And I
13 called my son.

14 Q And is that the son that lived with you?

15 A My son that lives in Tampa, Florida, was living in
16 Tampa, Florida.

17 Q So you have more than one son?

18 A I have more than one son at the present time. I
19 had three sons, but I lost one.

20 Q Okay. So back in October of 2017, how many did you
21 have alive?

22 A Two.

23 Q Two. And one, I think we clarified, he actually
24 was here earlier and testified, correct?

25 A That's my son, yes.

1 Q And the other one lives in Florida?

2 A Tampa, Florida. That is my oldest.

3 Q All right. Did you call police at that time?

4 A Yes. I talked to my son first, and I told him what
5 had happened.

6 Q And without going into details of what you told
7 him, you told him what happened, did you speak to
8 anyone else? Did you speak to anyone else before
9 calling the police?

10 A Yes.

11 Q Who else did you speak with?

12 A I spoke with Willie Gridine.

13 Q And who is that?

14 A Terry's oldest brother.

15 Q All right. And was your son that lived with you
16 home at this point?

17 A Yes.

18 Q Did you tell him at that point?

19 A No, I don't think I did. I was talking, and I
20 don't think I went into details about talking to
21 him. I was talking to Willie. I called and talked
22 to him. Well, I talked to him, but he came in
23 after.

24 Q He who?

25 A My son William came in afterwards. And Terry's

1 brother was there.

2 Q Okay. So both Mr. Willie Gridine and William
3 Webber were home at this point?

4 A Yes.

5 Q And you called law enforcement? You called the law
6 enforcement?

7 A Yes, I did.

8 Q And they came and spoke with you?

9 A Yes.

10 Q Did you tell them what you could? Did you speak
11 with them?

12 A Yes.

13 Q Based on that information, did you go to the
14 hospital?

15 A I started to the hospital, and the deputy called me
16 and he said he had spoken to the SANE nurse, which
17 at the time I didn't even know what the SANE nurse
18 was, and he told me that I didn't need to go
19 because he didn't penetrate me with his penis, it
20 was his fingers, it would not be any evidence, and
21 the SANE nurse would handle it.

22 Q And so what did you do based on that?

23 A I went back home.

24 Q Okay. And, Ms. Webber, were there any injuries to
25 you during this altercation?

1 A Yes. There was a scratch inside of my vulva in my
2 vagina.

3 Q And so what did you do because of that injury?
4 What did you do to the injury, I should say? Did
5 you treat it? What did you do?

6 A Yes. I had to get medication from the doctor for
7 vulva cream to heal it up.

8 Q And were you able -- did an investigator come to
9 your home?

10 A I think the investigator -- it was two deputies
11 there when they came. And they reported with two
12 deputies there, and then later the investigator.

13 Q And did you ever speak to Terry about this after it
14 happened?

15 A Yes.

16 Q How did you speak with him?

17 A By phone. Text.

18 Q I show you what has been marked as State's Exhibits
19 9 through 15.

20 We will do the same thing. I will have you
21 look at all these and tell me if you recognize
22 them, okay? Do what we did last time.

23 A Yes.

24 (Pause.)

25 Q Do you recognize all those photographs?

1 A Yes.

2 Q And what are they photographs of?

3 A Text messages from Terry Gridine.

4 Q And do these fairly and accurately depict the text
5 messages that you sent and received back in October
6 of 2017?

7 A Yes.

8 Q Have they been altered in any way?

9 A No.

10 MS. SAMPSON: At this time, Your Honor, I
11 would ask to introduce State's Exhibits 9 through
12 15 into evidence.

13 THE COURT: Any objection?

14 MS. PINNOCK: Yes, Your Honor. Foundation.

15 THE COURT: Overruled. State's 9 through 15
16 are admitted over the Defendant's objection.

17 (WHEREUPON, State's Exhibit Nos. 9-15
18 were marked for identification and
19 received into evidence.)

20 BY MS. SAMPSON:

21 Q And I am going to do the same thing I did before,
22 Ms. Gridine -- excuse me, Ms. Webber. Can you see
23 this okay? Or I can hand you the photo.

24 A I can't see that. I wear contacts.

25 Q I am going to hand you each one so we can go over

1 it, how about that? Okay?

2 A Okay.

3 Q So in State's Exhibit 9, all right, who do you have
4 listed as this being from where it says T? Who is
5 that?

6 A Terry Gridine.

7 Q All right. And is that the Defendant?

8 A Yes, it is.

9 Q And so can you tell the jury, what does it say --
10 this is before this happened, correct?

11 A Yes.

12 Q So on October 18th, what did he text you?

13 A Hey Auntie. Just wanted to let you know that I'm
14 parked in your yard. Don't shoot.

15 Q Now, I want to ask you about that. Is that normal?
16 Do you have a gun?

17 A Yes. He comes and parks in the yard sometimes and
18 sit on the porch, and he always let me know he is
19 out there.

20 Q And then the next text from him, October 21st, what
21 does it say?

22 A Hey Auntie. Just checking on you.

23 Q And then there is a text October 22nd. What does
24 it say?

25 A I know what I want to do, but if I tell you that,

1 that means you are going to have to take it to your
2 grave.

3 Q And then there is a text on October 27th. What is
4 the first thing he texts you on October 27th? That
5 is on -- I'm sorry, you don't have it -- on State's
6 Exhibit Number 10. At the bottom on the first
7 green one, what does he say?

8 A Oh, on the bottom one?

9 Q The first green one, yes, ma'am.

10 A I can't see the whole thing. It is kind of --

11 Q Oh, not that one, this one.

12 A Oh, down here. It says: Received October 27. And
13 this came from Terry. Please forgive me. Please.

14 Q And what do you respond?

15 A Sorry -- oh, that is --

16 Q What does it say?

17 A It says, Sorry what you did.

18 Q What did you mean?

19 A That is not a whole statement.

20 Q But what did you mean?

21 A I meant what he had done to me that night.

22 Q I will show you the next one, State's Exhibit 11.

23 And tell the jury what his response to, Sorry what
24 you did.

25 A Terry said, Don't worry, you will never have to see

1 me again. I f'd up.

2 Q And then you send a pretty long response, would
3 that be fair to say?

4 A Yes.

5 Q Okay. And it breaks up, so I want you to read to
6 the jury what you said on that one.

7 A Terry, I am so devastated by what you did. I
8 trusted you as my own son. This is beyond the
9 point of forgiveness. I'm your mom's sister and
10 you tried to force yourself on me.

11 Q Do you need to take a break, Ms. S.W.?

12 A I'm your mom's sister and you tried to force
13 yourself on me with me telling you no over and over
14 again. How could you do this to me? You assaulted
15 me by putting your hands inside my vagina even
16 though --

17 Q I'm sorry, Ms. S.W.. And going on to the next
18 State's Exhibit?

19 A You assaulted me by putting your hands inside of my
20 vagina even though you know it was wrong. You
21 violated my body. I would have never thought you
22 would try to take advantage of me like this. I
23 have been trying to get you to go to counseling for
24 all of your problems. Why would you try to have
25 sex with your own aunt? I am so disappointed in

1 you. You should never have put your hands inside
2 my vagina. I can't forget. I had to actually
3 fight you off me. I had to take this to a higher
4 level.

5 Q Thank you, Ms. S.W.. And now I'm going to show
6 you the next set of texts, which is State's Exhibit
7 13. And after this, what is his response on
8 October 28th to you?

9 A He said, I don't understand.

10 Q And what did you respond?

11 A What is it that you don't understand about what you
12 tried to do?

13 Q And what did he respond?

14 A He said, Can you call me for a second?

15 Q And going on to the next series. What did you say
16 to that?

17 A I asked him, Where are you?

18 Q And why did you want to know where he was?

19 A Because I didn't know where he was, and I didn't
20 want him at my house. I wanted to talk to him on
21 the phone, but --

22 Q So then what did he respond to that?

23 A He said, Just wanted to say something to you.

24 Q And then what did he say?

25 A He said, I can't live like this.

1 Q And so there is a response. What does it say?

2 A It said, Die then.

3 Q Did you send that?

4 A But I didn't send that.

5 Q So what is the next response from you?

6 A Just wanted to say something to you. I can't live
7 like this.

8 And then it says, Die then.

9 Q What did you respond?

10 A I responded, I didn't send you that last message.
11 I am very angry about what you did. I can't get
12 over what you did either.

13 Q Thank you. Did you ever talk to him on the phone?

14 A No. I'm sorry.

15 Q No?

16 A No.

17 Q And when you spoke -- when you spoke with the
18 investigators -- did you talk to the investigator,
19 Investigator Torres? It was Taylor then.

20 A Yes.

21 Q And did you give her a written statement?

22 A Yes.

23 Q And did you -- what -- did you do anything else
24 with her as far as identifying your nephew? Did
25 she show you any photographs?

1 A I think she showed me a picture.

2 Q I show you what has been marked State's Exhibit 16
3 and ask if you recognize that?

4 A Yes.

5 Q And what is it?

6 A Ma'am?

7 Q What is it?

8 A It is a picture of six guys, and the third one is
9 Terry Gridine.

10 Q And what did you do to show that you knew who that
11 was?

12 A I initialed it.

13 Q And does this fairly and accurately depict what was
14 shown to you back in October of 2017?

15 A Yes.

16 Q Has it been changed in any way?

17 A No.

18 MS. SAMPSON: At this point, Your Honor, I
19 would ask to introduce State's Exhibit 16 into
20 evidence.

21 THE COURT: Any objection?

22 MS. PINNOCK: No objection.

23 THE COURT: State's 16 is admitted without
24 objection.

25

1 (WHEREUPON, State's Exhibit No. 16 was
2 marked for identification and received
3 into evidence.)

4 BY MS. SAMPSON:

5 Q Now, in this photo lineup, did the investigator
6 tell you who to pick, or anything like that?

7 A No.

8 Q And it is your nephew, you know who he is?

9 A That is my nephew. I know him.

10 Q All right. And we heard earlier from your doctor's
11 office. Did you go to the doctor as we heard?

12 A Yes.

13 Q And what did you tell them?

14 A I told them that my back had been hurt and my
15 shoulder that came from the fall that I had the
16 epidural, previous epidural, and it had aggravated
17 it. And then they wanted to know what happened. I
18 told them that I had been assaulted. And I spoke
19 with Ms. Patel, because I needed to talk to someone
20 and tell them why the epidural was acting up, and I
21 had just had it.

22 Q Now, Ms. S.W., did you in any way ask for this to
23 happen?

24 A No, ma'am. I never -- I never -- I never even
25 thought it would ever happen. I trusted Terry with

1 my whole heart. I loved him with my whole heart.
2 I never -- I gave him access to everything in my
3 home all the time. I never suspected him. If I
4 had suspected anything from Terry, I would not have
5 even let my son leave home. But Terry had never
6 done anything like that before. I had never seen
7 him like that before.

8 Q Did you want any kind of sexual advances from
9 Mr. Gridine?

10 A Ma'am?

11 Q Did you want any kind of sexual advances from him?

12 A No. No. No.

13 Q Did you want him to put his finger in your vagina?

14 A No. No.

15 Q Did that happen?

16 A That happened.

17 MS. SAMPSON: No further questions, Your
18 Honor.

19 THE COURT: Ms. S.W., do you need a break,
20 or can you go ahead with some more questions?

21 THE WITNESS: Ma'am?

22 THE COURT: Do you need a break?

23 THE WITNESS: No, ma'am.

24 THE COURT: Okay.

25 THE WITNESS: I want to get this over with. I

1 am so tired of waiting for this to get over with.

2 THE COURT: Yes, ma'am. That is good enough.

3 Okay.

4 Ms. Pinnock, cross-examination.

5 MS. PINNOCK: May it please the Court, Your
6 Honor?

7 THE COURT: Yes, ma'am.

8 CROSS-EXAMINATION

9 BY MS. PINNOCK:

10 Q Are you sure you don't need a break? You don't
11 need a break?

12 A No.

13 Q All right. Can you hear me better up here?

14 A Yes.

15 Q Sorry. So you were trying to explain the layout of
16 your house with Ms. Sampson?

17 A Yes.

18 Q You said it is a three bedroom single family home,
19 right? A three bedroom --

20 A Yes.

21 Q -- single family home?

22 A Yes.

23 Q And you are on a pretty good plot of land too? You
24 have got some space out at your house?

25 A Yes.

1 MS. PINNOCK: One second.

2 (Pause.)

3 BY MS. PINNOCK:

4 Q All right, just so we can try to get an idea of the
5 layout of everything, if you can look this way. I
6 will put the front door down here, okay?

7 A Okay.

8 Q All right. So if you come into your front door,
9 you would walk into you say a foyer or a hallway?

10 A A foyer, right.

11 Q And so that goes -- if I'm standing looking inside
12 of your house --

13 A To the left.

14 Q All right. The left -- there is a room on the
15 left?

16 A That's the dining room.

17 Q Okay. Formal dining room?

18 A Yes.

19 Q And there is room here on the right?

20 A Living room.

21 Q Excuse my handwriting, it is horrible. So when you
22 are walking down the hallway, you walk past your
23 two formal rooms?

24 A Yes.

25 Q And then you enter the main part of your house?

1 A Yes.

2 Q You have kind of got an open plan?

3 A Yes.

4 Q So if you are standing here -- if you are standing
5 in that -- I'm sorry, there is no good place to
6 stand -- at the end of that first hallway, the
7 foyer?

8 A Yes.

9 Q If you look slightly to your left, you would be
10 looking at what?

11 A My kitchen.

12 THE COURT REPORTER: I'm sorry?

13 MS. PINNOCK: The kitchen.

14 BY MS. PINNOCK:

15 Q So that would be --

16 THE COURT: We can't hear.

17 A As you come through that foyer right there to the
18 left, that -- make that turn, that is the kitchen.

19 Q Okay. And where is your bedroom?

20 A My bedroom is way on the other side of the kitchen.
21 No, that is the mudroom. No, that is the pantry.
22 My bedroom is down here.

23 Q In the front of the house?

24 A No, no, no. It is on the front, yes, but there.

25 Q Here?

1 A Yes.

2 Q Okay. And you say there is a pantry?

3 A The pantry is, when you come right here, go from
4 the kitchen -- no, it is a hallway right here. It
5 is a hallway from there, and my pantry is right
6 there where my finger is.

7 Q All right. Is there a bathroom on this side of the
8 house?

9 A Not there. It is a laundry room between that and
10 the kitchen -- the pantry and the kitchen is my
11 laundry room, hallway and my laundry room.

12 Q So in this general area?

13 A Going that way.

14 Q This way?

15 A Yes.

16 Q Okay. And if you look to your right at your house,
17 once you come through the main foyer, that is the
18 den/family room?

19 A That is the den.

20 Q Okay. And past the den, that is where the other
21 two bedrooms would be?

22 A All the way on this side of the house.

23 Q On the right. Is there one --

24 A One on this side, bathroom. Yes, in the middle.
25 And a bedroom on the other side. Yes.

1 Q Okay. And your back door is almost a straight
2 shot?

3 A Yes. The back door -- yes, a little bit further
4 down. Yes, about there.

5 Q Okay. And so when Terry comes over to your house
6 that evening, y'all were sitting in the den?

7 A Yes.

8 Q Okay.

9 A I was sitting in the den.

10 Q Ma'am?

11 A I was sitting -- I was in the den.

12 Q You were in the den?

13 A When he got there.

14 Q Okay. And he joined you?

15 A Yes.

16 Q All right. In your den you had three main chairs,
17 right?

18 A Yes.

19 Q You had the reclining couch?

20 A I have four chairs there.

21 Q You had the reclining couch?

22 A Yes.

23 Q You had the three-person sitter couch?

24 A Yes.

25 Q And they kind of face each other in an L? They

1 faced each other at an L?

2 A Yes. The sofa is here, the loveseat is here. I
3 mean, the sofa is here, the recliner is here, the
4 loveseat is here.

5 Q Okay.

6 A And next to the sofa is a sitting chair.

7 Q Okay. I don't know how to work the big TV, so we
8 will just use the picture, okay? So you are
9 sitting in the brown chair?

10 A That's right.

11 Q And that is when Terry gets to your house that
12 evening?

13 A Yes.

14 Q When he joins you in the den, he sits on the
15 three-person couch?

16 A Yes.

17 Q Okay. So y'all are sitting beside each other, but
18 he is facing you?

19 A Yes.

20 Q And if you were watching the TV, you'd be kind of
21 looking to the left?

22 A Yes.

23 Q Okay. And the couch that he was sitting on is the
24 one facing the TV?

25 A Yes.

1 Q Yes, ma'am. And you mentioned that there is a
2 stool, a little Chinese stool?

3 A Yes.

4 Q And there is a end table right beside it?

5 A It is a book table with a shelf.

6 Q Book table?

7 A Yes.

8 Q Okay. And you had another little end table beside
9 the three-person couch, right, with that lamp
10 sitting on it?

11 A It is a coffee -- it is a big end table.

12 Q Okay. And beside the couch here is that fourth
13 chair you were talking about?

14 A That is the -- I can't see. That is the sitting
15 chair.

16 Q Yes, ma'am. And you had testified -- we all know,
17 Terry is your nephew? Terry is your nephew?

18 A Yes, he is.

19 Q You said that his mother --

20 A Is my sister.

21 Q I'm sorry. Yes. But she is your older sister?

22 A Yes. Was.

23 Q Yes, ma'am. She passed away in March of 2016?

24 A Yes.

25 Q And even before she passed away, you said that

1 Terry would come to your house regularly?

2 A Yes.

3 Q It was not a surprise for him to show up?

4 A No.

5 Q And sometimes he would just sit out in the yard,
6 right?

7 A On the porch. And most of the time I'm in the
8 house.

9 Q Okay. So him coming to your house on the 26th of
10 October was not something that was surprising to
11 you?

12 A No.

13 Q And while he was there, you know, you said you were
14 already in there kind of watching TV and just kind
15 of relaxing?

16 A Yes.

17 Q He joins you. And y'all just are watching TV and
18 talking?

19 A No. We were watching TV and talking, and he was
20 going back and forth outside.

21 Q Yes, ma'am. But a normal evening?

22 A Yes.

23 Q Okay. And when y'all are talking, part of what you
24 would discuss, just normal conversation, what is
25 going on in his day, right?

1 A Well, he said he wanted to talk about something
2 that he had on his mind.

3 Q Yes, ma'am. We are going to get up to that. But
4 the other times that he had been at your house?

5 A Normal conversation.

6 Q Normal conversation. He would tell you if anything
7 new happened in his life?

8 A Yes. We discussed whatever happened in the day or
9 whatever was going on. We discussed everything
10 normally.

11 Q Yes, ma'am. And you would share the same
12 information with him?

13 A Yes.

14 Q And that is how the entire evening was going,
15 right?

16 A Yes.

17 Q And do you recall when Terry was at your house on
18 this night that he told you that he had ridden by a
19 couple of days before a few times and hadn't seen
20 your car? Do you recall that?

21 A No.

22 Q Do you recall him telling you that he thought you
23 were on vacation?

24 A No.

25 Q Do you recall telling him that you were not on

1 vacation?

2 A No.

3 Q Do you recall telling him that you had tried to
4 reach out to him because you needed help?

5 A No.

6 Q So you did not call him?

7 A No.

8 Q Because you had been arrested?

9 MS. SAMPSON: Objection, Your Honor.

10 A That was some weeks --

11 THE COURT: Hold on. Hold on, Ms. S.W. .

12 Y'all come talk to me.

13 (WHEREUPON, a bench conference was held
14 in the presence of the jury but out of
15 the hearing of the jury.)

16 THE COURT: Have you shown that document to
17 Ms. Sampson?

18 (Pause.)

19 MS. SAMPSON: Your Honor, I think we have a
20 matter of law.

21 THE COURT: All right, ladies and gentlemen of
22 the jury, please return to your jury room. Don't
23 discuss the case amongst yourselves. We'll bring
24 you back shortly.

25 (WHEREUPON, the jury retires to the jury

1 room at 2:51 p.m.)

2 THE COURT: Ms. Sampson, let me hear from you.

3 MS. SAMPSON: Thank you, Your Honor. As
4 stated earlier, Ms. Pinnock -- I had filed a
5 Reciprocal Rule 5, but not only that, Your Honor,
6 she is now going to introduce prior bad acts of the
7 victim I didn't -- that I wasn't aware of. We
8 discussed any issues. There is case law about
9 whether a prior bad act of a victim can come in. I
10 didn't even bring it down here because this has
11 never come up about Ms. S.W.. She is alleging
12 that Ms. S.W. was arrested on October 21st of
13 2017. This case has existed since then. So had
14 that been an issue or had she wanted to bring up
15 about a prior bad act of the victim, she had plenty
16 of time to have told me this. And that is required
17 under the rule. I understand that it is for
18 impeachment purposes and she may not have to do so
19 under -- for impeachment purposes, but we are not
20 talking about random things she is impeaching her
21 with, it is a prior bad act. That does have to be
22 disclosed prior to, and the first time I ever heard
23 of it is right now. And it is improper.

24 THE COURT: And what do you believe the remedy
25 should be?

1 MS. SAMPSON: I hate to say what I think it
2 should be. We would have to start all over again
3 because we can't unring that bell. I don't want to
4 necessarily put Ms. S.W. through that, but the
5 problem is I can't unring that bell. And I can't
6 even ask her about it because she is on the stand.
7 I can't even ask her to verify it is her because
8 she is on the stand. Had this been disclosed
9 earlier, even an hour ago, I would have been able
10 to ask her. But the case law is clear about prior
11 bad acts and the victim having to be disclosed if
12 they are going to be brought out.

13 THE COURT: Ms. Pinnock?

14 MS. PINNOCK: Your Honor, the sole purpose for
15 bringing up this particular issue is because it
16 goes to motive. It is an integral theory of our
17 defense that it goes -- that Ms. S.W. has
18 alternative motives for making herself a victim and
19 making Terry a Defendant.

20 Rule 5 -- I have not violated anything out of
21 Rule 5. This is not something we are introducing
22 into evidence in our case in chief. If it were, I
23 would have provided the information to Ms. Sampson.
24 This is purely impeachment evidence.

25 I cannot offer Your Honor an explanation why

1 Ms. S.W. was not asked about any indiscretions.
2 That is not my duty, that is the State's duty to
3 talk to their own witnesses. It is the bond sheet
4 from her date of arrest. That is as far as we were
5 going, the fact that she was arrested for an
6 offense, went to jail, and posted bond. That was
7 it. I had no plans whatsoever of going into any of
8 the details of the allegations. I don't have that
9 information. I have a copy of the bond sheet. And
10 it is solely about the fact that she was arrested.

11 And, again, Your Honor, it is an integral part
12 of our defense. It also, I believe, goes to her
13 credibility. She -- I don't know what the answer
14 would have been because there was an objection and
15 everyone was talking over the other person, but it
16 goes to motive, Your Honor.

17 THE COURT: How does it go to credibility?

18 MS. PINNOCK: If she had denied it, then that
19 would have called her credibility into question.

20 THE COURT: Well, that is true of any question
21 that you ask a witness if they are to not tell the
22 truth. I mean, I just wanted to make sure I
23 understood your argument.

24 MS. PINNOCK: I'm sorry?

25 THE COURT: I said I just wanted to make sure

1 I understood your argument.

2 Anything further, Ms. Pinnock?

3 MS. PINNOCK: No, ma'am.

4 THE COURT: Ms. Sampson?

5 MS. SAMPSON: Ms. Pinnock is talking about the
6 reason for the introduction. That is irrelevant.
7 It is the prior bad act of the victim that I was
8 unaware of that she just introduced with no further
9 testimony. For all I know, this isn't Ms. S.W.
10 But the problem is, a prior bad act has to be
11 fleshed out. I couldn't have thrown this on her or
12 any other witness. If they had been arrested, I
13 have to provide all that information. She has to
14 do the same. If she is going to introduce --
15 especially with the case law on a victim. It would
16 be different if it were a different witness. I
17 might have to go with her on that. But there is
18 case law on prior bad act of victims not being
19 admissible or having to be fleshed out and
20 discussed prior to their admission, and that just
21 wasn't done.

22 THE COURT: And is the State moving for a
23 mistrial?

24 MS. SAMPSON: Beg the Court's indulgence.

25 (Pause.)

1 MS. SAMPSON: Your Honor, I don't even know if
2 this is proper, but --

3 THE COURT: Hold on one second, Ms. Sampson.
4 I'm sorry.

5 (Pause.)

6 THE COURT: Go ahead.

7 MS. SAMPSON: In the alternative of asking for
8 a mistrial, I would like the opportunity to at
9 least ask Ms. S.W. outside the presence of
10 anyone, like I would have any other witness,
11 especially a victim with a prior bad act, to flesh
12 that out. I can't do that at this point because
13 the rules prevent me from being able to talk to her
14 while she is on the stand.

15 Ultimately, if I ask for a mistrial, she has
16 to go through all this again. And I would rather,
17 as improper as it may sound, I would rather talk to
18 her about this before making a decision that
19 impacts her. I mean, I could come in any day of
20 the week and do this, but this impacts her more
21 than it does me. And I think it would be proper to
22 get her opinion. But also if this is a prior bad
23 act of her, then it is fair game, but I don't even
24 know if it is her. Had I been told an hour ago, I
25 could have done that. As far as I know, she has

1 nothing. We have fleshed this out as far as I
2 know. But, again, I don't know that this is her.

3 This form that she gave me does have some
4 information that I could verify. I don't know
5 anything. And to bring up a prior bad act of a
6 victim, right now I should at least be able to
7 flesh that out. And now it kind of looks like I
8 hid the ball from the jury because I didn't know.
9 So I'm not -- I'm wrangling a little because I'm
10 perplexed. I have been doing this for 20 something
11 years, and I have never had a prior incident of a
12 victim thrown at me during a trial. So I guess
13 what I'm asking is to have a moment to confer with
14 her. I don't know if that is proper, but I don't
15 know what else to do at this point, other than to
16 ask for a mistrial.

17 THE COURT: All right. I definitely think
18 that it is inappropriate to confer with Ms. S.W.
19 I think. I understand why you want to, but it is
20 absolutely inappropriate. And that being said, are
21 you then moving for a mistrial? I just need to
22 know what I'm ruling on.

23 MS. SAMPSON: In lieu of asking for a
24 mistrial, I would ask for some sort of curative
25 instruction that I'll have to figure out how to

1 craft about this since I don't know much about it
2 as I'm standing here. I would ask that we be given
3 time, maybe not -- I don't know when, this minute
4 or later today, to draft a curative instruction
5 because it was improper to have given it to us
6 during her testimony. I'm not sure how I will
7 draft that, but I do think there needs to be a
8 curative instruction in lieu of asking for a
9 mistrial.

10 THE COURT: Yes, ma'am? Were you going to say
11 something, Ms. Pinnock?

12 MS. PINNOCK: I'll wait.

13 THE COURT: Go ahead.

14 MS. PINNOCK: Okay. I was just going to ask
15 for clarification on what Ms. Sampson just
16 requested. A curative instruction addressing what
17 exactly?

18 THE COURT: I'm sure that would -- I know the
19 witness attempted to answer the question. I'm sure
20 the jury heard some of that. I didn't hear exactly
21 what it was that she was saying, but I assume Ms.
22 Sampson will tell me if I'm wrong, that it would be
23 a curative instruction, assuming that I sustain the
24 State's objection, that I will then somehow advise
25 the jury to not only disregard whatever they may

1 have heard, but some substantive curative
2 instruction.

3 MS. PINNOCK: Yes, Your Honor, depending on
4 your ruling.

5 THE COURT: Depending on my ruling.

6 MS. PINNOCK: Okay.

7 MS. SAMPSON: Yes, ma'am. You got it.

8 THE COURT: Got it. All right, y'all give me
9 five minutes. Don't go anywhere. We will take a
10 short break.

11 Right. So, Ms. S.W., you can step down if
12 you would like to. We are going to take just a
13 five minute break. You can step down, but you
14 can't talk about your testimony with anybody, okay?

15 MS. SAMPSON: You can't talk to anybody,
16 Ms. S.W.. Don't talk to anybody.

17 THE COURT: You don't have to sit in that
18 chair. You can get up if you want to, but you
19 can't talk to anybody, okay?

20 THE WITNESS: (Nods affirmatively.)

21 THE COURT: Okay. We will take a five minute
22 break.

23 (WHEREUPON, a break was taken at 3:04
24 p.m.)

25 (WHEREUPON, the proceedings resumed at

1 3:19 p.m.)

2 THE COURT: Let me see the bond form that we
3 are talking about.

4 (Pause.)

5 THE COURT: Did you have something else to say
6 on the issue, Ms. Pinnock?

7 MS. PINNOCK: Your Honor, I was actually going
8 to make a, I guess request or a suggestion to the
9 Court.

10 THE COURT: Sure.

11 MS. PINNOCK: I don't have whatever case law
12 Ms. Sampson was talking about. She doesn't have
13 anything. If Your Honor prior to ruling would
14 allow us time to maybe brief the issue and submit
15 something in writing to you. I'm not sure where we
16 really go from here. And I would also kind of, if
17 you allow me, like to make sure that our position
18 on this issue is clear for the record.

19 You know, Mr. Gridine has been charged with
20 the CSC third against Ms. S.W.. The arrest or
21 the bond sheet indicates that Ms. S.W. was
22 arrested for shoplifting in Forest Acres, posted
23 bond for that charge on October 21st. Six days
24 later she was accusing Mr. Gridine of a sexual
25 assault after, it is our understanding, from

1 reaching out to him for help with posting her bond,
2 which he did not do.

3 Your Honor, it goes directly to our theory of
4 defense. It shows that Ms. S.W. has a motive to
5 make these allegations up, that she is biased
6 against Mr. Gridine. And I think protections under
7 the due process clause allows us to present a
8 complete defense for Mr. Gridine.

9 So that was our intention with using it. We
10 would not be going into any details, asking
11 anything outside of, You were arrested, you
12 contacted him about bond, he did not post it, you
13 had to find somebody else. And that is it.

14 You heard in opening statements also,
15 Mr. Gridine is going to be testifying in his own
16 defense, Your Honor. And part of his testimony, as
17 far as his presentation to the jury on his defense
18 is that he had the conversation with Ms. S.W.,
19 she told him she reached out to him, he was not
20 there to assist her in getting out of jail.

21 Your Honor, it goes directly to our theory of
22 defense, which I do believe we have the right to
23 present under these circumstances.

24 THE COURT: Any last go at it, Ms. Sampson?

25 MS. SAMPSON: Your Honor, all of what

1 Ms. Pinnock says is on the position that the
2 Defendant is going to testify. When and if he does
3 so. He has a right to change his mind up until he
4 does. Well, then we just have this sitting out
5 here.

6 I think -- I don't know what Ms. S.W.'s
7 answer even is because, again, this is the first
8 time I heard of it. You do not know this as the
9 judge, but he never gave a statement to law
10 enforcement about this. So, again, first time ever
11 hearing about this particular issue.

12 I would ask if we are going to go any further
13 or if they are going to be allowed to ask her
14 questions, we do this now outside the presence of
15 the jury or a proffer or whatever, because I don't
16 know what her answer is because, again, this was
17 sprung on me inappropriately in the midst of her
18 testimony.

19 So that would be the State's position, is that
20 we would ask for a curative if you are going to
21 grant my objection to the arrest being brought up
22 at all. If you are going to allow them to ask her
23 about it, I would like her to be asked now outside
24 the presence of the jury so that we all are aware
25 of what the answer is, and then maybe we can

1 proceed further, maybe we don't. I don't know.

2 THE COURT: Yes, go ahead and proffer the
3 testimony that you intend to elicit from
4 Ms. S.W. .

5 (PROFFER)

6 BY MS. PINNOCK:

7 Q Ms. S.W. , you were arrested -- you called Terry
8 for help with posting your bond because you had
9 been arrested, is that right?

10 A No.

11 Q You were not arrested?

12 A Yes.

13 Q Okay. And that was on October 21st of 2017?

14 A I didn't --

15 THE COURT REPORTER: I'm sorry, I can't hear
16 you.

17 MS. PINNOCK: She didn't hear you, ma'am.

18 THE COURT: Scoot closer to the microphone and
19 give us that answer again. Tell us what you just
20 said all over again.

21 A I didn't call him. I was trying to get in touch
22 with him to get in touch with my daughter.

23 Q Okay. But you never talked to Terry on the phone,
24 did you?

25 A No.

1 Q Okay. And you had to find somebody else to come
2 assist you?

3 A I couldn't get him, so I called my sister.

4 Q Okay.

5 A It had nothing to do with him.

6 MS. PINNOCK: That's it, Your Honor.

7 THE WITNESS: May I say something, please?

8 THE COURT: No, ma'am. No, ma'am, not right
9 now.

10 All right, Ms. Sampson, how does that impact
11 your objection? Or does it remain the same?

12 MS. SAMPSON: I believe it still remains the
13 same, Your Honor. I just didn't know -- literally
14 did not know what her answer would be in terms of
15 calling him or anything else in reference to a
16 prior bad act. So I go back to the same argument
17 that I made. It was improper to not have fleshed
18 this out prior to the witness testifying about --
19 normally we wouldn't even be able to ask about an
20 arrest that doesn't have a conviction. I
21 understand that they are saying that it goes to
22 motive. However, any prior bad act of a victim has
23 to be fleshed out prior to this coming out.
24 Because that wasn't done, I think it is improper to
25 allow them to do so now.

1 They could say that she called for assistance,
2 he didn't give it, and based on that, that is
3 motive. The fact that it is an arrest, that might
4 be an issue that they want to bring up. But just
5 like I couldn't say sexual when there was a sexual
6 assault said, I think they can say that there was a
7 thing that she asked him to help about, and he
8 didn't do it.

9 THE COURT: Yes, ma'am? Last time.

10 MS. PINNOCK: Yes, ma'am. Your Honor, I'm not
11 aware of anything that the Defense has to provide
12 our impeachment evidence to the State prior to. A
13 lot of times with impeachment evidence, I don't
14 know what the witness is going to say either. It
15 is information that we come across that we
16 cross-examine a witness on, and we have to take
17 their answer for what it is. So that is the dice
18 that you roll when you are dealing with impeachment
19 evidence. I didn't know what she was going to say.
20 Whatever she said I was going to have to accept it.

21 Beg the Court's indulgence.

22 (Pause.)

23 MS. PINNOCK: Your Honor, I don't believe
24 there is anything improper about impeaching a
25 witness called by the State. I don't believe the

1 comparison between your ruling with a medical
2 professional and the treating diagnosis of
3 Ms. S.W. .

4 THE COURT: I don't think anything of that. I
5 agree.

6 MS. PINNOCK: Your Honor, I would just --
7 again, it is impeachment evidence. We have a right
8 to present Mr. Gridine's defense. It is integral
9 to our defense, the issue of motive and bias. This
10 falls squarely within impeachment evidence. It is
11 not covered by any other rule for prior disclosure.
12 So our position is that it should be presented to
13 the jury.

14 THE COURT: Okay. The State's objection is
15 sustained. And, you know, based on the proffer, I
16 understand your argument, Ms. Pinnock, but I don't
17 even think that this gets you there. Obviously her
18 testimony is what it is, but the mention of an
19 arrest, considering what the testimony is, is of
20 course inflammatory, it is bad character evidence,
21 it is -- it has little probative value. And to the
22 extent that it does have probative value, that
23 value is outweighed by the potential of substantial
24 unfair prejudice to the victim.

25 And so pursuant to Rules 403, 404, and some

1 extent 608, I'm going to sustain the objection.
2 And I won't tell you what questions to ask, but I
3 don't disagree with what Ms. Sampson said in
4 substance if this is about asking for help or
5 financial help, or something like that. I'm not
6 going to tell you whether you should ask that or
7 not, of course, but there shall be no mention of
8 the victim, the alleged victim's arrest.

9 MS. PINNOCK: I understand that Your Honor is
10 making a ruling. I think my concern at this point,
11 then, is the fact that because this is part of our
12 defense and that Mr. Gridine has had this position
13 and we have, you know, built our case around these
14 issues, I feel like we are being -- kind of being
15 hamstrunged on what we can present to the jury as
16 far as our defense goes.

17 THE COURT: I hear you. Work around it.

18 MS. PINNOCK: Is Your Honor's ruling limiting
19 what Mr. Gridine can testify about?

20 THE COURT: We're not going to talk about the
21 fact that she was arrested.

22 MS. PINNOCK: Through this witness, or through
23 Mr. Gridine also?

24 THE COURT: I don't know how or why exactly
25 that would come up, and frankly the jury has

1 already heard that, but --

2 MS. PINNOCK: But the issue is, Your Honor, he
3 was part of the conversation. And the actions from
4 Ms. Webber followed this conversation. If he can't
5 explain to the jury why she had the motive and bias
6 against him to a degree that would explain why she
7 would be accusing him of a sexual assault and not
8 just saying that he stole something from her house,
9 needing to borrow ten dollars is not the same as
10 not coming to get your family member out of jail.

11 THE COURT: Understood.

12 MS. PINNOCK: So I believe at this point we
13 are being kind of limited in our ability to present
14 a defense for Mr. Gridine.

15 THE COURT: Well, right now you are
16 cross-examining Ms. S.W. and I'm addressing an
17 objection that dealt with the questioning of
18 Ms. S.W. As far as what happens next, I don't
19 know. I don't even know if he is going to testify.
20 We'll cross that bridge if and when we get to it.

21 MS. PINNOCK: Certainly.

22 THE COURT: All right. Let's bring the jury.
23 (WHEREUPON, the jury came into open
24 court at 3:30 p.m.)

25 THE BAILIFF: The jury is seated, Your Honor.

1 THE COURT: Thank you, sir.

2 All right, ladies and gentlemen, before you
3 stepped out of the courtroom, you heard the State
4 object to a question posed by Ms. Pinnock of the
5 witness. I will instruct you to disregard the last
6 question and any portion of an answer that you may
7 have heard. I know Ms. S.W. attempted to answer
8 the question before I could get involved. You are
9 to disregard anything that you heard about that
10 last question. The question is not evidence
11 anyway. You are to disregard any attempt by
12 Ms. S.W. to answer that question because the
13 Court has determined that that is not proper
14 evidence and you should not consider either the
15 question or the attempted answer for any purpose
16 whatsoever during your deliberation.

17 Ms. Pinnock may continue with her questioning.

18 MS. PINNOCK: Thank you, Your Honor. May it
19 please the Court?

20 BY MS. PINNOCK:

21 Q Ms. S.W., you had reached out to Terry for help,
22 right? In October of 2017?

23 A For assistance.

24 Q For assistance? Is that what you said?

25 A I was trying to get a phone call to my daughter.

1 Q Okay. And when you tried contacting Terry, you
2 were not able to get through to him?

3 A No. And he wasn't the only one.

4 Q I couldn't hear you.

5 A He wasn't the only person I tried to reach out to.

6 Q Okay. So you had to find some other avenue of
7 getting the help that you needed, right?

8 A I don't see where that is relevant.

9 Q Yes or no, ma'am? Did you have to find some other
10 avenue to get the help that you needed?

11 A I didn't need any help from Terry. All I needed
12 was to get in touch with my daughter.

13 Q Okay. So you said you didn't recall any of that
14 part of the conversation then, right?

15 A I said I tried to reach him to make a phone call.
16 I didn't need his help. All I needed was
17 assistance to get in touch with my daughter.

18 Q Okay. Now, as you and Terry were sitting in your
19 house, you said y'all were still talking, right?

20 A Uh-huh.

21 Q And at some point Terry confides in you, correct?

22 A In many things.

23 Q Right. And one of the most important things that
24 he confided in you about was the fact that he was
25 planning on hurting himself?

1 A Yes.

2 Q He even gave you a date?

3 A Yes.

4 Q And that was January 23rd?

5 A No, March.

6 Q He gave you March?

7 A March 23rd.

8 Q March 23rd, 2018. Okay. And it was I guess
9 shortly thereafter he is telling you he has these
10 plans to take his own life. You want everybody in
11 here to believe he then starts telling you about
12 how he fantasizes about you and masturbates to you
13 before he goes to bed?

14 A Say that again?

15 Q After Terry discloses to you that he is having
16 thoughts of harming himself, of taking his own
17 life, he then turns around and tells you that he is
18 having sexual fantasies?

19 A Not exactly at that particular time. A couple of
20 hours had passed before that. He said -- when he
21 came in there, he was already in a distressed mood.

22 Q He was distressed when he got to your house?

23 A Yes, because he had said he wanted to --

24 Q Harm himself?

25 A Harm himself and harm some other people.

1 Q Right. And part of his distressed state was --
2 y'all talked about his mother, right?

3 A No.

4 Q You didn't talk about his mom that night?

5 A Right. Didn't talk about his mother. His mother
6 was deceased. And I told him if that is what was
7 bothering him, he need to seek counseling. It
8 bothered me too. That's my sister.

9 Q Yes, ma'am, I understand that. He would get upset
10 when he talked about his mom, right?

11 A No.

12 Q He would not?

13 A He would get adamant about -- well, he didn't have
14 a place to stay or anything --

15 Q Ms. S.W.?

16 A You asked me a question. It is my sister. My
17 sister had just died also. That was my sister.

18 Q Ma'am, did Terry get upset when he talked about his
19 mom?

20 A Terry got upset when he was talking about what he
21 was going to do.

22 Q Okay.

23 A It had nothing to do with his mother.

24 Q Okay. And so now --

25 A And he said what he was going to do, not to me,

1 what he was going to do to some other people, which
2 I wasn't bringing into this court.

3 Q Ms. S.W., during your conversation you said that
4 you had the conversation about Terry harming
5 himself?

6 A Yes.

7 Q He tells you he has had sexual fantasies about you?

8 A Yes.

9 Q And then he starts telling you all the things that
10 he wants to do to you?

11 A Yes.

12 Q Okay. And the first person that you spoke to in
13 law enforcement -- okay, we are going to move to
14 your -- what you reported on October 27th, okay?

15 A The first person I spoke to was my son.

16 Q The first person in law enforcement that you spoke
17 to.

18 A Okay, law enforcement, yes.

19 Q So what you reported on October 27th, 2017, okay,
20 that was to Deputy Christian?

21 A Yes.

22 Q There was another deputy there we didn't -- he
23 wasn't here today. There were two deputies in your
24 house, right?

25 A Yes.

1 Q Deputy Christian did most of the talking, right,
2 while he was at your house?

3 A Yes.

4 Q And you told him all of the inappropriate things
5 that Terry had said to you?

6 A Yes.

7 Q And all the inappropriate things that Terry had
8 done to you?

9 A Yes.

10 Q Okay. And you told the deputy when he arrived at
11 your house on the 27th of October that Terry got to
12 your house between 10:00 and 11:00 p.m., right?

13 A Actually, I didn't look at the clock. I never do.

14 Q Did you review your written statement prior to
15 testifying? Prior to coming in here today, did you
16 read over your statement?

17 A No.

18 Q You didn't read over your statement at all?

19 A Today?

20 Q No, ma'am, prior to coming into this courtroom, at
21 any point?

22 A At any point? It has been four years. Sometime in
23 that time, yes.

24 Q But you have met with the Solicitor's Office
25 multiple times --

1 A Uh-huh.

2 Q -- before this trial started, right?

3 A (Nods affirmatively.)

4 THE COURT: You have to answer yes.

5 BY MS. PINNOCK:

6 Q And you discussed your testimony, correct?

7 A Yes.

8 Q Did they discuss your statement with you?

9 A In what way?

10 Q Did they ask you to read it?

11 A Yes.

12 Q And say, Do you remember saying this?

13 A Yes.

14 Q Great. So you went over your statement?

15 A Yes.

16 Q Did you -- when you met with Ms. Sampson, did you
17 watch the video of your conversation with Deputy
18 Christian?

19 A I don't recall watching a video.

20 Q Okay. But you recall talking to him on that night?

21 A Yes.

22 Q Excellent. And, again, you told him on that night
23 that Terry got there between 10:00 and
24 11:00 o'clock p.m.?

25 A It would have been around that time because it was

1 before my son left.

2 Q It was before your son left. And when you were
3 talking to Deputy Christian, you told him that
4 Terry started telling you all of these
5 inappropriate things as you were sitting in the
6 brown recliner?

7 A No. He was saying a lot of things -- I was sitting
8 there, but he was in and out. It wasn't just,
9 Well, let me talk to you right now, let me say this
10 right now. It was a constant thing. It wasn't
11 just one conversation. It was go out, come in, say
12 something. Go out, come in, say something. Go
13 out, come in, say something.

14 Q Yes, ma'am. But you were sitting in the brown
15 recliner?

16 A Yes. I never moved. I had no reason to.

17 Q Excellent. So you told Deputy Christian that Terry
18 is sitting on this chair -- the couch, right?

19 A After that conversation, yes, he was sitting there.

20 Q Excellent. And you tell him that he gets up from
21 the couch, walks over to the bar area, right?

22 A Say that again?

23 Q I'm sorry, I didn't hear you. Say again?

24 A I didn't hear you.

25 Q You told Deputy Christian that Terry gets up from

1 the couch, right?

2 A Uh-huh.

3 Q At some point he walks over to the bar area,
4 correct?

5 A He was behind -- the sofa and the bar -- I mean,
6 the recliner and the bar area is very close
7 together.

8 Q Yes, ma'am, but he went into that general area?

9 A Right there at the corner.

10 Q Yes. And then he comes up behind you and he hugs
11 you from behind, right?

12 A Yes.

13 Q And we even had a picture, Ms. Sampson introduced a
14 picture where you were demonstrating him hugging
15 you from behind, right?

16 A Yes.

17 Q Excellent. So after he does that, you say that he
18 sits down and he starts telling you that he wants
19 to see your breasts, right?

20 A After he did that, he came around. He didn't sit
21 back down at that time. He came from around me.

22 Q Uh-huh.

23 A And he kneeled down in front of me.

24 Q Okay.

25 A We had already discussed the conversation about

1 what was going to be done to somebody else. All of
2 this has been a constant ongoing thing all night,
3 the whole time he was there.

4 Q All right. So let me back you up so I can
5 understand what you are talking about. He hugs you
6 from behind?

7 A Yes.

8 Q You push him away?

9 A I couldn't push him away from behind.

10 Q You push his arms off of you, right?

11 A No.

12 Q You never told Deputy Christian that?

13 A I pushed him back when he was down between my legs
14 on his knees, not from behind me.

15 Q Did you tell Deputy Christian that you pushed
16 Terry's arms off you when he came up and hugged you
17 from behind?

18 A No.

19 Q Did you know that you were being recorded when you
20 talked to Deputy Christian?

21 A I told him, Terry put his arms around me and he
22 said, I love you, Auntie, and I said, I love you
23 too.

24 Q And then you pushed his arms off of you?

25 A He moved his own arm. I did not push him. All I

1 did was move back. He put his arms around the
2 chair, around me, around my shoulders.

3 Q Okay.

4 A And he said, You know I love you, Auntie. And I
5 said, I love you, too. I had no reason to get
6 violent because there wasn't something like he was
7 trying to do anything to me from behind.

8 Q Okay.

9 A He was always expressing how he felt about me.
10 That wasn't unusual.

11 Q Right. But you just said that after he said that
12 he comes around in front of you?

13 A Yes.

14 Q Gets down on his knees in front of you?

15 A Yes.

16 Q And continues with the inappropriate language?

17 A Yes.

18 Q So you told Investigator -- or, I'm sorry, Deputy
19 Christian, that when you pushed Terry's arms off of
20 you when he was hugging you from behind, you got up
21 out of your recliner and you moved?

22 A No, I didn't get up out of my recliner until he got
23 down between my legs.

24 Q You didn't tell Deputy Christian that --

25 A No, I didn't.

1 MS. PINNOCK: Beg the Court's indulgence.

2 THE COURT: Yes, ma'am.

3 (Pause.)

4 BY MS. PINNOCK:

5 Q Ms. S.W., would it -- I'm going to play something
6 for you. And I wiped these off, so. If you could
7 put them on for me.

8 (Pause.)

9 BY MS. PINNOCK:

10 Q You can take those off. Do you remember now
11 telling Deputy Christian that you pushed Terry off
12 of you?

13 A I pushed him off -- do you want me to repeat what I
14 just said?

15 Q Do you recall telling Deputy Christian that you
16 pushed Terry's arms off of you?

17 A I didn't say arms.

18 Q Okay.

19 A I said I pushed him away. I didn't say arms.

20 Q Okay. Do you now recall telling Deputy Christian
21 that after you pushed Terry away, and you motioned
22 like this on video, you just watched it, you moved
23 from your brown recliner to the couch?

24 A You are missing the whole thing.

25 Q Ma'am, did you hear yourself on video say, I moved

1 from the recliner to the couch?

2 A Yes.

3 Q Thank you.

4 A I moved from the recliner -- from the recliner to
5 the couch after he was down between my legs. I got
6 up and I moved to the sofa.

7 Q At what point --

8 A I pushed him away before I got up.

9 Q Yes, ma'am, but at what point would it have been
10 that you told Deputy Christian you moved back from
11 the couch to your recliner? Or did you not say
12 that either?

13 A No.

14 Q You never said that?

15 A No.

16 Q I'm going to hand this back to you. Please, if you
17 could.

18 A (Listens with headphones.)

19 Q I'll take those back from you. Now that you have
20 seen yourself on video and you heard yourself
21 recorded, do you recall telling Deputy Christian
22 that you moved from the couch back to the recliner?

23 A No. I moved from one chair to the other. I didn't
24 move back and sit down. I didn't move back and sit
25 down.

1 Q So now you are trying to say that you never told
2 Deputy Christian that Terry started making advances
3 to you when you were in the brown chair?

4 A When I was sitting down. I got up.

5 Q And you moved to the other couch?

6 A Yes.

7 Q And then Terry got aggressive over here when you
8 were on the couch?

9 A Yes.

10 Q Is it your testimony that you never told Deputy
11 Christian --

12 A When I stepped back.

13 Q Ma'am, you never told --

14 A When I --

15 THE COURT: Ms. S.W., hold on. Everybody
16 stop. You have to wait for her to finish her
17 question before you begin to answer, okay?

18 THE WITNESS: Okay.

19 THE COURT: Go ahead, Ms. Pinnock.

20 MS. PINNOCK: Thank you, Your Honor.

21 BY MS. PINNOCK:

22 Q Is it your testimony that you never told Deputy
23 Christian that after you were on the couch and
24 Terry got aggressive that you moved back to the
25 recliner and that is when he got down on his knees

1 in front of you?

2 A No.

3 Q You never said that?

4 A It happened just the opposite.

5 Q Okay. And you said when you were back on the
6 recliner at some point, I guess now we're not sure
7 when that was, that is when Terry started trying to
8 put his hands up your gown?

9 A What?

10 Q When you are back on the recliner?

11 A Yes.

12 Q You said you were sitting?

13 A Yes.

14 Q And you said that Terry tried to push his hands up
15 your gown?

16 A Yes, my gown. I thought you said push me down.

17 Q And then you pushed him away, right?

18 A With my feet and my hands. Yes.

19 Q You were able to get him down?

20 A No, he was still up. He didn't fall down. He
21 stood up. Because I had another chair there. It
22 is a loveseat right in front of that recliner.

23 Q Okay. But you pushed him hard enough with your
24 foot to get out of your recliner? You pushed him
25 hard enough with your foot to get out of the

1 recliner and move back over to the couch?

2 A Move -- yes. I moved towards the couch. I hadn't
3 made it to the couch.

4 Q You never sat on the couch?

5 A Yes, I sat on the couch. I hadn't made it to the
6 couch at that time.

7 Q Okay. So at what point did you get your phone and
8 call your son and tell him to come home?

9 A I don't know exactly what time it was. It was
10 after the incident.

11 Q At what point during Terry being aggressive towards
12 you did you get your phone and call your son?

13 A I didn't call my son while he was being aggressive
14 with me. I called my son afterwards.

15 Q At what point during the time that you are saying
16 Terry was being aggressive to you did you run back
17 to your room where you keep your gun and close
18 yourself in your room?

19 A That was after the incident.

20 Q At what point during the time that Terry -- that
21 you are saying Terry was being aggressive to you
22 did you call 9-1-1?

23 A Not at that time. I didn't call police until after
24 the incident.

25 Q Yes, ma'am. You kept moving chairs, but you didn't

1 leave the room?

2 A Say that again?

3 Q I said you kept moving chairs, but you never left
4 the room?

5 A Not at that time, no.

6 Q And you also testified that you were on the floor.
7 You said this little file folder there represents
8 where your face -- your head was?

9 A Where that white paper is on the floor.

10 Q Yes, ma'am.

11 A We both were there.

12 Q Yes, ma'am. And the flowered lamp you said is on
13 that end table right there beside the loveseat?

14 A It is on a little stand right there by the
15 loveseat.

16 Q Okay. And it was on the bottom shelf?

17 A That's right.

18 Q It is the only thing you could have grabbed, right?

19 A The only thing I could get my hands on because that
20 was behind -- when I was down, that was over to my
21 right.

22 Q Yes, ma'am. And during -- while you are reaching
23 around behind you trying to find something to fight
24 back with, right?

25 A Uh-huh. Yes.

1 Q Your testimony is that Terry was still all over
2 you?

3 A Terry was still on me. We were still wrestling on
4 the floor.

5 Q So you were in the middle of a fight?

6 A Yes.

7 Q Correct? He was trying to assault you, you were
8 trying to stop him?

9 A He was trying to get under my clothes.

10 Q Yes, ma'am.

11 A I was trying to get him off me.

12 Q Yes, ma'am. And you are grabbing blindly? You are
13 not turning around to try to see what you are
14 grabbing, right?

15 A Well, when I could feel around, I was trying to
16 pick the stool up.

17 Q Yes, ma'am.

18 A But I couldn't pick it up. And the only other
19 thing I could get my hand on was that bottom candle
20 on the bottom shelf.

21 Q Right. Because you were frantically trying to find
22 something to fight back with?

23 A Yes.

24 Q And when you got your hands around the lamp, you
25 said you started hitting him?

1 A Yes.

2 Q Over and over and over again?

3 A Yes.

4 Q You hit him multiple times in the head?

5 A Yes.

6 Q Until he finally stopped and got up?

7 A While I was hitting him, I was being vocal.

8 Q Yes, ma'am. But then he stopped and got up?

9 A Yes. That's when --

10 Q Now, you just testified that when Terry got up, you
11 got up and you --

12 A No.

13 Q You got up and you were making your way to your
14 bedroom, right?

15 A After Terry got up off me, I could not get up right
16 away.

17 Q Did you get up?

18 A Yes.

19 Q Did you make your way to your bedroom?

20 A Yes.

21 Q Excellent. And as you were making your way to your
22 bedroom --

23 A Yes.

24 Q -- you had to go past the front hallway that we
25 have got up there?

1 A Yes.

2 Q And you said that Terry was still in the foyer when
3 you --

4 A He was going through the foyer.

5 Q He was still inside your house when you --

6 A Yes.

7 Q -- past that area?

8 A Yes.

9 Q Okay. You got to your room, you came back out, and
10 he was gone?

11 A Yes.

12 Q You also told Deputy Christian that Terry kept
13 asking you if Junior was home?

14 A What?

15 Q That Terry kept asking you if Junior was home?

16 A Wait a minute, I didn't understand you.

17 Q You told Deputy Christian, the deputy who came to
18 your house --

19 A Yes.

20 Q -- that Terry was asking you throughout this entire
21 evening whether or not your son was home?

22 A No.

23 Q He never asked you if he was home?

24 A No, he knew my son was home.

25 Q I thought you said your son left?

1 A My son left. He didn't ask me after that whether
2 he was there, whether my son was home or not.

3 Q You never told the deputy that he asked you if
4 Junior was there?

5 A Not that I recall, no.

6 (Listens with headphones.)

7 Q I'll take those back. Do you recall telling Deputy
8 Christian that Terry kept asking you whether your
9 son was home?

10 A That is not what I heard just now.

11 Q All right. Would you like to listen to it again?
12 Would you like to listen to it again?

13 MS. SAMPSON: Your Honor, asked and answered.

14 A I didn't hear me ask him whether my son was home or
15 not. I remember telling him when I got up I went
16 to my room. I don't remember Terry asking me
17 whether my son was home. Terry knew my son would
18 not have been home because he was outside back and
19 forth. He knew he would have been gone.

20 Q Okay.

21 A I did not know he was gone, but Terry knew he was
22 gone.

23 Q All right. Now, during your -- you know, the 20
24 some-odd minutes that Deputy Christian was at your
25 house, he asked you a few more questions, right?

1 A I guess so.

2 Q One of those questions was had you taken a shower?

3 A Had I did what?

4 Q Had you taken a shower.

5 A I don't remember him asking me that. He may have.

6 Q Okay. But when you spoke to Deputy Christian, you
7 had already taken a shower before talking to him,
8 right?

9 A Yes.

10 Q All right. Deputy Christian asked you had you been
11 to the hospital, right?

12 A Yes.

13 Q And you told him you had not been to the hospital?

14 A No.

15 Q You had not been?

16 A No, I hadn't been.

17 Q Okay. You told him you were going to go to the
18 hospital?

19 A Yes.

20 Q You even asked your son to go with you while he was
21 standing there?

22 A Yes.

23 Q Your son told you to call somebody else?

24 MS. SAMPSON: Objection, Your Honor. Hearsay.

25 THE COURT: Sustained.

1 BY MS. PINNOCK:

2 Q Your son didn't go with you to the hospital?

3 A Huh?

4 Q Your son did not go with you to the hospital?

5 A I didn't go to the hospital.

6 Q And you actually told Deputy Christian that you had
7 no injuries, right?

8 A I told him I was going to the emergency room. He
9 told me it wasn't any use to go to the emergency
10 room because the SANE nurse said that there would
11 be no evidence because there was no penetration of
12 the penis.

13 Q My question was, before you ever left your house,
14 did you tell Deputy --

15 A I had no injury other than -- but I didn't tell him
16 about my vagina.

17 Q Okay. So you told him you had no physical
18 injuries?

19 A That's right.

20 Q You had -- and you did not tell him that you were
21 in pain anywhere, correct?

22 A No.

23 Q All right. A couple of days later you get a phone
24 call from Investigator Taylor at that point, but
25 Investigator Torres, correct?

1 A I don't know how long, whether it was a day or two,
2 I don't know. I don't remember how many days it
3 was.

4 Q But she called you?

5 A Yes.

6 Q She said she was following up with the report she
7 had just gotten?

8 A Yes.

9 Q And y'all had a conversation on the phone at that
10 point?

11 A Yes. But I don't remember the contents of the
12 whole conversation.

13 Q Okay. But at some point she makes arrangements
14 with you to come out to your house?

15 A Yes.

16 Q And that is where she took the pictures? That is
17 when she took these pictures of the inside?

18 A Yes.

19 Q Okay. And at that point, in that conversation with
20 Investigator Torres, that is when you told her that
21 you were going to the hospital, right?

22 A I told the deputy I was going to the hospital. The
23 deputy is the one that told me not to go because
24 the SANE nurse said I didn't have to go.

25 Q Yes, ma'am. I'm talking about your conversation

1 with Investigator Torres. When you talked to her
2 on the phone, you told her that you had originally
3 been going to the hospital, correct?

4 A I was literally on my way to the hospital.

5 Q Right. And the only reason you did not go, you
6 told her, is because somebody called you and told
7 you you needed to come back to your house to file a
8 report, right?

9 A The deputy told me to go back home because the SANE
10 nurse said there wouldn't be any evidence because
11 there wasn't a penetration by the penis.

12 Q I'm asking you what you said to Investigator
13 Torres, ma'am. You told her you turned around and
14 didn't go to the hospital?

15 A That's right. I turned around.

16 Q Because they told you to come back to your house to
17 file a report, correct?

18 A Uh-huh.

19 Q Thank you. And the reason that you told
20 Investigator Torres you were going to the hospital
21 before you got the phone call was because you had a
22 scratch on your vagina, right?

23 A I wasn't going for the scratch, I was going for an
24 exam.

25 Q You didn't tell Investigator Torres that you were

1 going to the hospital because you had a scratch on
2 your vagina?

3 A Yes, I did, but I was --

4 Q Okay. Excellent. That's great. And you turned
5 around because you said you had -- they told you
6 you had to come back to file your report, right?

7 A They didn't tell me to come back to file a report,
8 they told me to go back home because the SANE nurse
9 said I didn't need to go. And then the
10 investigator came.

11 Q Okay. But you never told that to Investigator
12 Torres? You never talked about the report filed
13 with Investigator Torres?

14 A Yes. I don't know the timeframe.

15 Q Okay. So the next time you talked to Investigator
16 Torres was on the 12th of November where you do a
17 written statement? Do you remember that?

18 A The one when I came into the office?

19 Q Yes, ma'am. Yes, ma'am, the one where you came
20 into the office?

21 A And what about that one?

22 Q That was on November 12th?

23 A I don't remember the exact date.

24 Q Okay.

25 A I have -- it is written down, but I don't have

1 those papers in front of me. I don't remember the
2 dates. I had just been traumatized, so I don't
3 remember the exact date and the exact time.

4 Q Would you agree with me, Ms. [REDACTED], that it was a
5 couple of days after you had talked to her
6 originally? Is that fair enough to say?

7 A You are talking so fast I can't understand what you
8 are saying.

9 Q I have that problem, I've been told more than once.
10 Would you agree with me that you went to provide
11 your written statement --

12 A Yes.

13 Q -- a number of days after you had talked to her
14 originally?

15 A Yes. That's when I was told to go in.

16 Q Okay. And so when you are there, Investigator
17 Torres told you if there is anything wrong with
18 your statement you could have changed it, right?

19 A I guess I could have.

20 Q Because you read it before you signed it, right?

21 A Yes.

22 Q Investigator Torres is the one that typed it, but
23 she asked you the questions?

24 A Yes.

25 Q You provided the answers, and she put it all on

1 paper?

2 A Yes.

3 Q And you signed every single page of your statement?

4 A As far as I can remember.

5 Q And right above your signature in your statement
6 there is a line that talks about, I make this
7 statement of my own free will and accord?

8 A Yes.

9 Q Without reward or intimidation, right?

10 A Reward?

11 Q Yes, ma'am. I make this statement of my own free
12 will and accord, without reward or intimidation?

13 A Right.

14 Q All of the above is the truth?

15 A Yes.

16 Q The whole truth, right?

17 A As far as I can remember. It has been four years.

18 Q And nothing but the truth?

19 A As far as I can remember.

20 Q Ma'am, you wrote the statement in 2017, right?

21 A Four years ago.

22 Q When you wrote the statement, was that closer in
23 time to your allegation then or now?

24 A Then.

25 Q That was within a number of days, right?

1 A Yes.

2 Q Okay. So that was not four years ago, right?

3 A If it was October 12th, it would have been four
4 years ago.

5 Q Let me try to ask that a different way. When you
6 gave your written statement, it was not four years
7 since the date that you are saying something
8 happened, right? It was right then close in time?

9 A Okay, yes.

10 Q Okay.

11 A That period of time.

12 Q Yes.

13 A I thought you were talking about then and now.

14 Q No, ma'am. When you gave this statement?

15 A Yes.

16 Q Okay.

17 A You have to be more specific, because you are
18 talking so fast, I am trying to keep up with you.

19 Q I will try to be as clear as possible. And on
20 November 12th when you gave the statement to
21 Investigator Torres, you told her at that point you
22 grabbed the lamp, right?

23 A Yes.

24 Q You began hitting Terry with it?

25 A Yes.

1 Q So the lamp was seated on the bottom of that little
2 end table, side table thing?

3 A Yes.

4 Q You kept hitting him with it, you kept telling him
5 to stop, right?

6 A Yes.

7 Q You started cursing at him, kept hitting him, and
8 at some point he stopped?

9 A Yes.

10 Q And he got off of you?

11 A Yes.

12 Q And he ran out the door?

13 A Yes.

14 Q And you told her on November 12th that you heard
15 the door open and close before you were ever off of
16 the floor?

17 A Yes. I was trying to get up.

18 Q You were trying to get up and you heard the door
19 open and close?

20 A It may have been after I got up, but, yes, I think
21 I was still trying to get myself off the floor when
22 he got out.

23 Q Okay.

24 A I'm not exactly clear whether it was right then
25 because I had on socks and my floor is slippery,

1 and I was trying to get up.

2 Q Okay.

3 A I have a bad knee. And it is not easy moving
4 around on a knee that is artificial.

5 Q And after Terry was out of your house before you
6 get off the floor, you went to your room?

7 A Uh-huh.

8 Q Yes?

9 A Yes.

10 Q You have to --

11 A Yes. Yes. Yes.

12 Q You were upset?

13 A No, I was very calm. Yes, I was upset.

14 Q Okay. You stayed in your room for most of the
15 night?

16 A No, I went in there to try to find what I was
17 looking for, but it was in the box and by the time
18 I got it out of the box and put the clip in, Terry
19 was gone.

20 Q Okay. And at some point you called your son?

21 A Yes.

22 Q Who lives in Florida?

23 A Yes.

24 Q Okay. And you called law enforcement about
25 6:45 p.m., right?

1 A Somewhere around that time.

2 Q A deputy came to your house?

3 A Yes.

4 Q And at that point on November 12th, you tell
5 Investigator Torres that you start making your --
6 after the deputies left, that is when you start
7 making your way to the hospital?

8 A Wait a minute. Go back a minute. You said on
9 November 12th?

10 Q Yes, ma'am, on November 12th -- I'll be happy to
11 repeat the question. When you were talking with
12 Investigator Torres --

13 A At the office?

14 Q At her office?

15 A Okay.

16 Q You told her on that day --

17 A Uh-huh.

18 Q -- that when the deputy left your house, right,
19 that is when you started going to the hospital,
20 correct?

21 A Yes.

22 Q And then you turned around and went home?

23 A As a matter of fact, they told me to go.

24 Q The deputy told you to go?

25 A They told me to go.

1 Q Okay, excellent. And that is why you were going?

2 A Yes.

3 Q Great. So you left your house?

4 A (Nods affirmatively.)

5 Q And then on the 12th you say that the deputy called
6 you back and told you not to go?

7 A Okay. But that is what I'm saying. The deputy
8 told me to go ahead to the emergency room. I left
9 about 4:00. And they called me back and told me to
10 come -- on my cell phone and told me there was no
11 use to go to the hospital because the SANE nurse
12 said there was no evidence.

13 Q Okay. And at that point when you are saying that
14 Deputy Christian called you back and told you not
15 to go to the hospital, did you tell him that you
16 had a -- as you said, a cut on your vagina?

17 A I had a scratch on my vagina.

18 Q Did you tell him --

19 A On my vulva.

20 Q Did you tell Deputy Christian --

21 A No.

22 Q So he called to tell you not to go to the hospital
23 because it would be pointless?

24 A Right.

25 Q But you did not bother to tell him you had a

1 scratch?

2 A No. I didn't tell him.

3 Q Okay. And you are alleging that scratch came from
4 Terry?

5 A Hum?

6 Q You are alleging that that scratch came from Terry?

7 A Not unless he had a twin. I'm not being coy, I'm
8 just aggravated right now.

9 Q Are you alleging that the scratch came from Terry?

10 A Yes, it did come from Terry.

11 Q You testified about a doctor's appointment that you
12 had on November 1st. That was at your pain
13 management?

14 A Yes.

15 Q Okay. And you had been a patient there for about
16 19 years?

17 A Yes.

18 Q Give or take?

19 A Yes.

20 Q And the treatment -- the main consideration that
21 they had for you deals with your left lower back
22 into your leg?

23 A Yes.

24 Q And that is a chronic condition? Chronic? It is
25 chronic?

1 A It is chronic.

2 Q Yes, ma'am. So you are regularly going in for
3 procedures and follow-ups, and things like that,
4 right?

5 A Yes.

6 Q And you told the pain management folks when you
7 were there that the procedure you had on the 3rd
8 provided you 100 percent relief for about a week
9 and a half, right?

10 A That was an epidural.

11 Q Okay. It provided you --

12 A Yes.

13 Q -- 100 percent relief --

14 A Yes.

15 Q -- for a week and a half?

16 A Yes.

17 Q And then the relief percentage dropped from 100
18 percent down to about 50 percent? That's how you
19 were feeling?

20 A Probably so at the time.

21 Q Okay. And that was a week and a half after your
22 procedure?

23 A Yes.

24 Q All right.

25 A May I ask you something?

1 Q No, ma'am. I only have a couple more questions for
2 you.

3 Ms. Sampson had you go through and read these
4 text messages. Do you have those up there still?

5 A Yes.

6 Q If I can take a look at those?

7 A What is it?

8 Q The photographs.

9 A Oh, yes.

10 Q Yes, ma'am. Can I have those back, please? Thank
11 you.

12 All right. The text that you had read from
13 Terry on October 18th: Hey, Auntie. Just wanted
14 to let you know that I'm parked in your yard.
15 Don't shoot.

16 Terry knew you had a gun in the house, right?

17 A Yes, he should have.

18 Q But he was doing what he always did, swinging by
19 and sitting outside of your house, right?

20 A He would always sit outside of my house waiting for
21 his girlfriend to come by so he could follow her to
22 her home.

23 Q Okay. And his girlfriend lived down the road from
24 you?

25 A Yes.

1 Q All right. And then she had you read this text,
2 the long one that you sent to Terry's phone?

3 A Yes.

4 Q On the 27th. And his response to your text was, I
5 don't understand. Right?

6 A If you were high, you wouldn't either.

7 Q The response to your text was, I don't understand?

8 A That is what he said, he don't understand.

9 Q Thank you. And then you asked, What is it you
10 don't understand, or something along those lines?

11 A Yes.

12 Q Right? And then he asked you to call him for a
13 second, correct?

14 A Yes.

15 Q All right.

16 MS. PINNOCK: Beg the Court's indulgence.

17 (Pause.)

18 MS. PINNOCK: Thank you, Your Honor. I have
19 no further questions.

20 THE COURT: Any redirect, Ms. Sampson?

21 MS. SAMPSON: Yes, Your Honor.

22 REDIRECT EXAMINATION

23 BY MS. SAMPSON:

24 Q All right, Ms. S.W. So Ms. Pinnock just asked you
25 about during the assault that you didn't call

1 anyone?

2 A Not at the time it happened, right then, no. I
3 called my sister.

4 Q Did you have time to call anybody during the
5 assault?

6 A No, I couldn't.

7 Q And during the assault when he stuck his hand up
8 your vagina, did you have time to call anybody?

9 A No. There was no one to call. No one was at home
10 but me.

11 Q And when he was saying that he wanted to lick your
12 titties and your pussy, did you have time to call
13 anybody?

14 A No.

15 Q Did that happen, though?

16 A Yes.

17 Q And she asked you about telling law enforcement.
18 Did you tell the deputy that he stuck his hand in
19 your vagina when they showed up at your house?

20 A Yes, I did.

21 Q Did you tell him that he said he wanted to lick
22 your titties and your pussy?

23 A Yes.

24 Q And when you talked to Investigator Torres the
25 first time on the phone, did you tell her that he

1 stuck his hand up your vagina?

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

3 THE COURT: Sustained.

4 BY MS. SAMPSON:

5 Q When you talked to Deputy Torres the first time,
6 what, if anything, did you tell him about sticking
7 his hand up your vagina?

8 A I told him, but I didn't give him all of those
9 vulgar statements at the time.

10 Q And when you talked to Investigator Torres on the
11 phone, what, if anything, did you tell her about
12 him saying that he wanted to lick your pussy or
13 suck your titties?

14 A Yes.

15 Q What -- did you tell her that?

16 A I told her he said -- the words he said to me.

17 Q And she asked you about giving a statement to
18 Investigator Torres. Did she show that to you just
19 now, Ms. Pinnock?

20 A No, she didn't show me that. Unless she showed me
21 a long time ago, no.

22 Q I want to show you your statement. I am going to
23 give you a chance to look at it when I ask you the
24 questions.

25 A Okay.

1 Q Can you look at that for me real quick? You don't
2 have to read the whole thing.

3 (Pause.)

4 A Okay, okay, okay.

5 Q Is that your statement?

6 A Yes, ma'am.

7 Q And how many pages is it?

8 A Six.

9 Q And did you sign every page?

10 A Yes, ma'am.

11 Q Okay. And since Ms. Pinnock asked you about your
12 statement and what you did or didn't tell the
13 investigators, I want to point you to Page 2. Can
14 you go to Page 2 for me? Are you on Page 2 for me?

15 A Yes, ma'am.

16 Q And I want you to look at Line 5 where it starts
17 with, He went on...

18 A Yes, ma'am.

19 Q What did you write there?

20 A Ma'am?

21 MS. PINNOCK: Objection, Your Honor. This is
22 improper --

23 THE COURT: It is. Sustained.

24 MS. SAMPSON: She opened the door to what was
25 in or not in her statement.

1 THE COURT: The objection is sustained.

2 BY MS. SAMPSON:

3 Q What, if anything, did you tell her about him
4 jacking himself off in that statement?

5 A Do you want me to read it?

6 Q You can just read it, or if you remember.

7 A He went on to tell me --

8 MS. PINNOCK: Objection, Your Honor.

9 THE COURT: Sustained.

10 MS. PINNOCK: Thank you.

11 BY MS. SAMPSON:

12 Q After looking at that, without reading it, what did
13 you tell him about him jacking off? I can take the
14 statement back if you need me to.

15 (Pause.)

16 Q Did you tell her about that?

17 A Yes.

18 Q In that statement did you tell her about what you
19 had on? In this statement did you tell the
20 investigator what you had on when the assault took
21 place?

22 A Yes.

23 Q And what did you tell her you had on?

24 A I had -- I had the robe, my gown, my drawers, and
25 some socks.

1 Q And what did you tell her that you told Mr. Gridine
2 when he started grabbing at your legs?

3 A To stop. I kept telling him to stop. And I told
4 him it was wrong, what he was doing was wrong. You
5 know, just don't do that. I'm your aunt, I'm your
6 mama's sister. You know, I just kept pushing him
7 away. I told him he was wrong.

8 Q And in your statement did you tell her that he put
9 his hand in your vagina? In your statement did you
10 tell Investigator Torres --

11 A Yes.

12 Q -- that he put his hand in your vagina?

13 A Yes.

14 Q Did you tell Investigator Torres whether you had
15 been scratched or not by the Defendant?

16 A That I had been what?

17 Q Scratched in your vagina? Did you tell her that?

18 A Practicing?

19 Q I'm sorry. Did you tell Investigator Torres
20 whether Mr. Gridine had scratched you in your
21 vagina or not?

22 A Yes.

23 Q What did you tell her?

24 A I just told her that he scratched me in my -- he
25 tried to pull my drawers down. I don't think he

1 did it intentionally. He was trying to get my
2 drawers off and his finger went inside my vagina
3 and scratched my vulva.

4 Q I need you to slow down because you said that
5 really fast.

6 A He was trying to get my underwear off. He -- his
7 finger went inside and scratched my vulva. And so
8 that is how it was inside my vagina, because he
9 didn't just stuck his finger in me, he was trying
10 to get my underwear off. And in the process of
11 doing that, his finger went inside and scratched my
12 vulva.

13 Q And did you tell Investigator Torres that?

14 A Yes.

15 Q And in your statement she asked you, Did you tell
16 Investigator Torres that the deputy told you not to
17 go to the hospital?

18 A They told me to go to the hospital first, and then
19 they called me back and told me not to go to the
20 hospital.

21 Q And you told that to Investigator Torres?

22 A Yes, I did.

23 Q And you also told Investigator Torres about the
24 text, did you?

25 A Yes, I did.

1 Q And what, if anything, did you do so she would know
2 that there were texts? Did you show them to her?

3 A I had them on my phone, and I gave her my phone so
4 they could get them off my phone. All the texts
5 that he had texted me was on my phone.

6 Q And the pictures that we have of the texts and of
7 you and your house, who took those photographs?

8 A The investigator.

9 Q Did you have any problems with her doing that?

10 A No.

11 Q Ms. Pinnock asked you a couple of times what you
12 did or didn't tell the investigators. Were you
13 trying to be honest with the investigators?

14 A I was trying, but she --

15 MS. PINNOCK: Objection, Your Honor.

16 THE COURT: Sustained.

17 BY MS. SAMPSON:

18 Q She asked you about your statement being the truth,
19 the whole truth, and nothing but the truth?

20 A That is the truth.

21 Q Were you trying to do that?

22 A Was I trying to be?

23 Q Truthful?

24 MS. PINNOCK: Objection, Your Honor.

25 A Yes, I was.

1 THE COURT: Overruled.

2 BY MS. SAMPSON:

3 Q She asked you about your statement and read to you
4 what it says about being truthful. Were you trying
5 to be truthful?

6 A I was trying to be as honest as I possibly could.

7 MS. SAMPSON: Beg the Court's indulgence.

8 (Pause.)

9 BY MS. SAMPSON:

10 Q And she asked you about going to the doctor. Did
11 you tell Investigator Torres that you went to the
12 doctor, to your pain management people?

13 A Did I tell her?

14 Q Investigator Torres that in your statement? You
15 can look at it.

16 A Yes. Yes, I think I did.

17 Q I'm sorry, I'll rephrase. Did you tell
18 Investigator Torres about going to see your pain
19 management?

20 A Yes.

21 Q And did you tell her about speaking with them about
22 the assault?

23 A Yes.

24 Q No further questions, Ms. S.W. Thank you.

25 THE COURT: Anything further, Ms. Pinnock?

1 MS. PINNOCK: No, Your Honor.

2 THE COURT: All right, thank you, Ms. S.W.

3 You may step down.

4 (Witness steps down.)

5 THE COURT: Call your next witness.

6 MS. SAMPSON: May we approach briefly?

7 THE COURT: Sure.

8 (WHEREUPON, a bench conference was held
9 in the presence of the jury but out of
10 the hearing of the jury.)

11 THE COURT: All right, ladies and gentlemen,
12 let's take just a ten minute break. Please return
13 to your jury room. Don't discuss the case amongst
14 yourselves. We will bring you back shortly.

15 (WHEREUPON, the jury retires to the jury
16 room at 4:24 p.m.)

17 THE COURT: Let's take ten minutes.

18 (WHEREUPON, a break was taken.)

19 THE COURT: You can bring the jury, please.

20 (WHEREUPON, the jury came into open
21 court at 4:49 p.m.)

22 THE BAILIFF: The jury is seated, Your Honor.

23 THE COURT: Thank you, sir.

24 I hope you all had the opportunity to get some
25 water. I apologize for that. We need a better

1 system to determine when you are out of water, and
2 things like that. So I hope your thirst is
3 quenched and you are ready to listen to one more
4 witness.

5 The State may call its next witness.

6 MS. SAMPSON: Thank you, Your Honor. The
7 State calls Aubrey Torres.

8 THE BAILIFF: Come forward to be sworn,
9 please, ma'am.

10 (Witness approaches.)

11 THE BAILIFF: Place your left hand on the
12 Bible, raise your right, and face the clerk.

13 (Witness complies.)

14 THE CLERK: Do you solemnly swear or affirm
15 that the testimony you are about to give in this
16 case will be the truth, the whole truth, and
17 nothing but the truth, so help you God?

18 THE WITNESS: I do.

19 THE CLERK: Please have a seat, and state your
20 full name for the record.

21 THE WITNESS: Aubrey Torres.

22 AUBREY TORRES,
23 after being duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. SAMPSON:

1 Q And I stumbled over your name. Has your name
2 changed?

3 A Yes. I have gotten a divorce.

4 Q So you are happy now your name is Torres?

5 A Yes. I have my maiden name. I was Taylor in 2017.

6 Q All right. So speaking of which, can you tell this
7 jury, where did you work back in 2017?

8 A I am still employed at the Richland County
9 Sheriff's Department.

10 Q And in what capacity do you work there?

11 A Currently or then?

12 Q Where did you start and how did you progress? How
13 about we do that?

14 A I have been there for 13 years. And in 2017, I was
15 in the Criminal Investigations Division,
16 specifically in the Special Victims Unit where we
17 specialized in sex crimes and crimes against abuse.
18 I am currently now assigned to the uniform
19 division, where I am a patrol sergeant.

20 Q So did you start in SVU, or how did that
21 progression happen?

22 A When I was promoted to investigations, I started
23 out in the burglary unit, and then I moved to the
24 Special Victims Unit, and then ultimately I was in
25 major crimes and homicide.

1 Q All right. So in October of 2017, you were -- I
2 believe you said that already, you were with SVU?

3 A Yes.

4 Q What were your job duties at that time?

5 A It is the same as with any investigator, but we
6 just specialize on reports that are just
7 specifically for crimes against people with sex
8 related or abuse. But with investigations, we
9 receive reports, typically reports that have
10 happened after the fact. So we make phone calls to
11 complainants that have reported incidents that have
12 happened to them. We start collecting any details
13 that happened. And we speak to any witnesses or
14 any other persons that are listed on the report.
15 Oftentimes we go to scenes and see if there is
16 anything that might have been left behind or just
17 get a feel for what a scene is like. We hopefully
18 develop a suspect. We analyze any evidence that is
19 in the case. And we just maintain a case file.

20 Q And so how do you learn of a case when you are an
21 investigator? Are you the first responder, or how
22 does that work?

23 A No. We are issued reports, like I said, typically
24 after the fact, so if an incident happened over a
25 weekend, we will be assigned that case on a Monday.

1 But let's say an incident happened on a Tuesday,
2 then we would be issued that report on a Wednesday.
3 So it just depends on what day the incident would
4 happen.

5 Q I want to move you on to this case. What day did
6 it get assigned to you?

7 A It was assigned to me on October 30th of 2017.

8 Q And what did you do based on getting assigned this
9 case?

10 A The first thing I did was made a phone call to
11 Ms. S.W. .

12 Q And is that normally what your -- your normal
13 procedure?

14 A Yes.

15 Q And was she able to give you details of the assault
16 during that phone call?

17 A Yes.

18 Q Without telling me what she said, was she able to
19 tell you who the perpetrator was?

20 A Yes.

21 Q And who did she indicate was the perpetrator?

22 A Her nephew, Mr. Gridine.

23 Q And based on the information that she gave you,
24 what did you do?

25 A Based on that, I made arrangements to go to her

1 home.

2 Q And before we get to that part, during this phone
3 conversation, was she able to give you details of
4 the incident?

5 A Very specific details.

6 Q So you get that information and you proceed to her
7 home, I believe that is what you just said?

8 A Yes.

9 Q So what did you do once you got to her home?

10 A When I got to her home, I asked her to recall and
11 have her walk me through what happened.
12 Oftentimes, with my experience, when there is no
13 witnesses in a case, where you don't have a lot of
14 evidence, you have to work with what you have got.
15 And so in this specific incidence, all I had was
16 Ms. Webber, essentially, so I needed her to walk me
17 through step by step exactly what happened. She
18 was able to do that for me in very specific detail.
19 So that is what I had her do.

20 Q And the jury has seen State's Exhibits 1 through
21 15. How did those get created?

22 A I took photos of her home on where exactly she said
23 the incident took place.

24 Q And I'm going to first start with -- I am not going
25 to pull the Smart Board out. So with State's

1 Exhibit 1?

2 A That is her demonstrating how she stated
3 Mr. Gridine came from around her when he said he
4 loved her.

5 Q And what about State's Exhibit 2?

6 A That is her demonstrating after he had gotten on
7 his knees and she moved to the couch.

8 Q I'm going to show you State's Exhibit 5. We have
9 all been talking about this thing in the middle.
10 What is that?

11 A That is actually -- this is the original folder
12 that I had from the scene, and it has the word
13 "head" on it. And I placed it on the floor. And
14 she told me exactly where her head was when she hit
15 the ground.

16 Q And so when you took this photograph, is that what
17 we are seeing, that white envelope?

18 A Yes, that folder, this folder right here.

19 Q And during your phone conversation -- or, excuse
20 me, during your conversation with her, did she give
21 you any indication as to why she did not go to the
22 hospital?

23 A She stated that --

24 MS. PINNOCK: Objection, Your Honor. Hearsay.

25 THE COURT: Sustained.

1 BY MS. SAMPSON:

2 Q What was your understanding as to why she didn't go
3 to the hospital?

4 MS. PINNOCK: Objection, Your Honor. Calls
5 for hearsay.

6 THE COURT: Sustained.

7 BY MS. SAMPSON:

8 Q Have you ever told a victim not to go to the
9 hospital yourself as an investigator for the
10 Special Victims Unit?

11 A Have I personally told a victim not to go to the
12 hospital?

13 Q Correct? Or even as a road deputy? I said SVU,
14 but it could have been as a road deputy?

15 A I have explained to a victim that with certain ways
16 that penetration happens, different DNA can be
17 collected. And with the way Ms. Webber explained
18 she was penetrated, DNA wouldn't be --

19 MS. PINNOCK: Objection, Your Honor.

20 THE COURT: Sustained.

21 BY MS. SAMPSON:

22 Q Based on your understanding of how she was
23 penetrated, would a SANE test have been your
24 opinion or --

25 MS. PINNOCK: Objection, Your Honor.

1 THE COURT: What is your objection to that?

2 MS. PINNOCK: Outside the scope. She is not
3 an expert. She cannot offer an opinion.

4 MS. SAMPSON: I haven't finished my question.

5 THE COURT: I need to hear the question.

6 BY MS. SAMPSON:

7 Q Would you have given the same information in terms
8 of not going to the hospital?

9 A Yes.

10 Q Why?

11 A Because there would have not been DNA collected
12 from a finger.

13 Q So she is speaking to you at her home, is that
14 correct? I think that is where we were?

15 A Yes.

16 Q And she gives you this information?

17 A Yes.

18 Q Based on what she told you at her home, what did
19 you do? Or in the phone conversation prior to,
20 what did you do?

21 A Say that one more time?

22 Q I kind of muddled two different things.

23 A Yes.

24 Q Before you went to her home and after you spoke
25 with her on the phone, what, if anything, did you

1 do?

2 A Before I spoke to her on the phone?

3 Q After you spoke to her on the phone, before you
4 went to her house?

5 A I sent a request for a photo lineup for
6 Mr. Gridine.

7 Q And how is a photo lineup made?

8 A This specific one, I sent it for SLED to compile.

9 Q Do you not make it yourself?

10 A I did not.

11 Q Is that typical or atypical?

12 A It is so that no bias weighs -- we want to be as
13 unbiased as possible when we want to compose the
14 photo lineups.

15 Q And so that was done prior to you going to her
16 home?

17 A Yes.

18 Q So then you go to her home and she speaks with you?

19 A Yes.

20 Q Did you present her with that photo lineup?

21 A I did.

22 Q And what did she do?

23 A She identified Mr. Gridine.

24 Q As doing what, or having done what?

25 A Having sexually assaulted her.

1 Q And there has been some discussion of her
2 statement. I'm going to hand you a copy of it.
3 Now, the date on there is what?

4 A November 12th.

5 Q Was that the date you took the statement?

6 A No.

7 Q What date did you take the statement?

8 A I took it on November 1st.

9 Q So who put that date in there, you or Ms. S.W.?

10 A I did.

11 Q And is that the correct date?

12 A No, it would have been a typo.

13 Q So on November 1st is when you spoke with her and
14 she gave that written statement?

15 A Yes.

16 Q Okay. So, to clarify, she spoke with you on the
17 phone the first time?

18 A Yes.

19 Q And gave you details? Did she give you details of
20 the incident at that time?

21 A Yes.

22 Q And then you went to her home?

23 A Yes.

24 Q Was she able to provide the details of the incident
25 then?

1 A Yes.

2 Q And you did not -- did you or did you not do that
3 written statement with her at her home?

4 A The written statement was at my office.

5 Q So, again, she comes -- how did that happen? Did
6 she come to your office? Did you go pick her up?
7 How did that happen?

8 A She came to my office. She drove to my office and
9 she provided me with a statement.

10 Q How does that actually work? Do you ask her
11 questions and type that out or write it out or --

12 A Yes. So typically I'll have a victim sit at my
13 desk and I will ask a question. And as, just as
14 this court reporter is typing my answer, it would
15 basically be the exact same thing. As she is
16 typing my answer, that is exactly how I would type
17 a victim's answer.

18 Q And so any details in that statement, who provided
19 them to you?

20 A Ms. **S.W.**.

21 Q And was she able to do that?

22 A Yes.

23 Q Did you give her a chance to read it if she wanted
24 to?

25 A She read the whole statement.

1 Q Based on the information you provided, what did you
2 do?

3 A Based on that -- she also provided me some other
4 information. She provided me some other evidence
5 as well.

6 Q And when you say other evidence, are you talking
7 about text messages or what are you talking about?

8 A Yes.

9 Q And what did you do based on -- did you see the
10 text messages?

11 A I did.

12 Q And the photographs that we have, who took those
13 photographs of the text messages?

14 A I did.

15 Q Based on that, what did you -- who did you
16 determine was the perpetrator?

17 A Mr. Gridine.

18 Q And based on that, what did you do?

19 A I was able to obtain a warrant for his arrest.

20 Q And did he -- did you have to go get him, or how
21 did he get arrested?

22 A I turned in his warrant at our warrant division,
23 and then I was notified that he was at the jail to
24 turn himself in.

25 Q On what day?

1 A On the 6th, I believe, of November.

2 Q Was that the day he was arrested? Did he try to
3 turn himself in at any other point?

4 A I believe three days later he showed back up at our
5 warrant division to turn himself in. I believe he
6 left the jail after a paddy wagon had tried to go
7 down with a warrant, and then when the paddy wagon
8 got there, he had left. And then three days later
9 he showed up at our warrant division.

10 Q So if someone shows up at the jail and have a
11 warrant for their arrest, they can't just arrest
12 them?

13 A They can, but they have to have the warrant there.
14 The warrant was not there.

15 Q Where was the warrant?

16 A The warrant was at our warrant division.

17 Q So does somebody have to take it there or
18 something?

19 A Yes.

20 Q All right. And so that didn't happened that day?

21 A Right.

22 Q But on November 6th he was able to turn himself in?

23 A Right.

24 MS. SAMPSON: Beg the Court's indulgence.

25 (Pause.)

1 MS. SAMPSON: No further questions, Your
2 Honor.

3 THE COURT: Cross-examination.

4 MS. PINNOCK: Thank you, Your Honor. May it
5 please the Court?

6 CROSS-EXAMINATION

7 BY MS. PINNOCK:

8 Q Investigator Torres, I will not keep you too long.

9 A All right.

10 Q All right. So the first time you got to visit Ms.
11 Webber you said was on October 30th?

12 A Yes, ma'am.

13 Q Okay. And your report that was reported to you
14 came from, with this particular case, was Deputy
15 Christian?

16 A Yes, ma'am.

17 Q And then it is your job as the investigator on the
18 case to reach out, contact, start collecting more
19 information, if there is more information to
20 collect?

21 A Yes.

22 Q All right. Now, you went out to Ms. [S.W.] 's house
23 that afternoon of the 30th also, correct?

24 A Yes, after I spoke with her.

25 Q Okay. And you took the written statement on the

1 1st?

2 A Yes.

3 Q Okay.

4 A That statement was a typo.

5 Q Okay. What date did you take out the arrest
6 warrant? When was it sworn?

7 A I would have to look at the warrant.

8 (Pause.)

9 A 31st.

10 Q The 31st. So you went to Ms. [S.W.]'s house on the
11 30th, took out the warrant on the 31st, and took
12 the written statement on November 1st?

13 A Yes.

14 Q Okay. You mentioned that you had -- you generated
15 a photo lineup?

16 A Yes.

17 Q The information you had before you went out to
18 Ms. [S.W.]'s house, you knew that she was accusing
19 her nephew, right?

20 A Yes.

21 Q She is the one that gave you his name?

22 A Yes.

23 Q She is the one that gave you I guess his birthday
24 or some identifying information for y'all to
25 generate the warrant?

1 A Yes.

2 Q Or the photo lineup, right?

3 A His -- the incident report came with his
4 information for me.

5 Q Okay. But when you are going out to her house and
6 you already know that she is accusing a family
7 member, it is not surprising that she is going to
8 pick that family member's picture out of the
9 lineup, right?

10 A That's correct, yes.

11 Q Okay. Now, you mentioned -- Ms. Sampson was asking
12 you about, you know, whether or not you had ever
13 told a complaining witness not to go to the
14 hospital to get a sexual assault exam, right?

15 A (Nods affirmatively.)

16 Q And she -- you said that because it was a finger
17 there would not be any DNA, right? That is what
18 you just testified about?

19 A Yes.

20 Q You are aware of how DNA gets transferred?

21 A Right.

22 Q So if I take my finger and I do this, my DNA is
23 going to be left there, right? Right?

24 A I assume.

25 Q You would assume so?

1 A Yes.

2 Q If I am holding this pen, you would assume my DNA
3 is going to be on the pen, correct?

4 A Touch DNA, from what I have been told, from my
5 crime scene analysis.

6 Q Right. And DNA can be transferred by somebody's
7 fingers, correct? Yes or no?

8 A I assume, yes.

9 Q Okay.

10 MS. PINNOCK: Beg the Court's indulgence.

11 (Pause.)

12 BY MS. PINNOCK:

13 Q So when you spoke to Ms. S.W. on the 1st, she
14 told you that she had an injury to her vagina area?
15 She had a scratch or a cut, something was down
16 there, correct?

17 A She told me that on the 30th.

18 Q You didn't refer her to go to the hospital, right?

19 A Huh-uh.

20 Q You didn't take any pictures of any injuries,
21 right?

22 A No. Not her vagina, no.

23 Q And you were a special victim investigator for a
24 number of years, correct?

25 A For about a year.

1 Q About a year?

2 A Uh-huh.

3 Q So you have seen SANE reports --

4 A Right.

5 Q -- from hospitals, right?

6 A Right. They are very intrusive and they hurt.

7 Q And they are very detailed?

8 A Right.

9 Q And if there was injury to be documented as a
10 scratch on somebody's vulva, it would be documented
11 in that report, right?

12 A Right.

13 Q Okay.

14 MS. PINNOCK: Thank you, Your Honor. No
15 further questions.

16 THE COURT: Any redirect?

17 MS. SAMPSON: Briefly.

18 REDIRECT EXAMINATION

19 BY MS. SAMPSON:

20 Q Ms. Pinnock just asked you about the SANE stuff.
21 Leaving DNA, would taking a shower affect whether
22 you left DNA?

23 A Yes.

24 Q And to your understanding had Ms. **S.W.** taken a
25 shower prior to talking to law enforcement?

1 A I don't know.

2 Q And she asked you about going to -- you telling her
3 to go to the hospital. When did you speak to
4 Ms. S.W.?

5 A I spoke to her on the 30th.

6 Q And how many days after this incident was that?

7 A About three days.

8 MS. SAMPSON: No further questions, Your
9 Honor.

10 THE COURT: Anything further, Ms. Pinnock?

11 MS. PINNOCK: If your Honor would indulge me
12 two seconds.

13 THE COURT: Sure.

14 (Pause.)

15 MS. PINNOCK: Nothing, Your Honor.

16 THE COURT: Okay. Thank you. You may step
17 down.

18 (Witness steps down.)

19 THE COURT: All right, folks, we are going to
20 break here for the evening. I'm going to send you
21 home and tell you not to discuss the case amongst
22 yourselves or with anyone else. Don't do any
23 research about this case.

24 MS. SAMPSON: Your Honor, I'm sorry to
25 interrupt. May we approach for one second?

1 THE COURT: Sure.

2 (WHEREUPON, a bench conference was held
3 in the presence of the jury but out of
4 the hearing of the jury.)

5 THE COURT: We are not quite, quite done for
6 the day. One more little thing.

7 Ms. Sampson?

8 MS. SAMPSON: At this time, the State rests.

9 THE COURT: All right. The State has rested
10 its case, which means you have heard all the
11 testimony and gotten all the evidence you are going
12 to hear from the State in this case. All that
13 remains is the Defendant's opportunity to present
14 his case if he chooses to do so, followed by the
15 closing arguments and the attorneys and my
16 instruction to you on the law that applies to this
17 case.

18 All of that should be able to happen tomorrow.
19 Of course, once all of that happens, then you will
20 begin to deliberate, and you will deliberate until
21 you have reached a verdict. I mention that now
22 because I don't know how quickly all of that will
23 happen tomorrow, and there is a possibility that
24 you could be here beyond 5:00 o'clock or 5:30,
25 which is our normal stopping time. So if today you

1 need to go ahead and put someone on standby to pick
2 up children or -- you may be out of here before
3 then, I just don't know. But if you want to put
4 someone on standby to do that kind of thing, then
5 plan to be here tomorrow and be here without
6 leaving until this case is completed.

7 We are not going to start tomorrow until
8 11:00 o'clock. I have some other matters to handle
9 in the morning. So that gives you a little time in
10 the morning to do whatever errands you need to do,
11 but once you get here, we are going to keep you
12 here until the case is complete so that we can
13 finish it tomorrow. So don't discuss the case
14 amongst yourselves, nor with anyone else. Don't do
15 any research about the case. Have a good night,
16 and be back in your jury room tomorrow morning at
17 11:00 a.m.

18 Goodnight.

19 (WHEREUPON, the jury retires to the jury
20 room at 5:13 p.m.)

21 THE COURT: Any motions?

22 MS. SAMPSON: I'm sorry?

23 THE COURT: That's okay. I understand. That
24 makes sense.

25 MS. PINNOCK: I apologize. I didn't know we

1 were doing motions.

2 THE COURT: Since we are here.

3 MS. PINNOCK: Your Honor, at this time I would
4 renew all of our pretrial motions, I would renew
5 all of our objections. And, Your Honor, at this
6 time we would move for a directed verdict for
7 Mr. Gridine. Even viewing the evidence in the
8 light most favorable to the State, I believe that
9 the State has failed to provide sufficient evidence
10 to allow this case to get to the jury. I do not
11 believe it comes anywhere near reaching a
12 reasonable doubt standard. I think at best it
13 would be mere suspicion. But I do not believe that
14 they have presented enough evidence on the record
15 to allow this case to continue forward to a
16 verdict, and so I would ask you to grant a directed
17 verdict for Mr. Gridine at this time.

18 THE COURT: That is respectfully denied. And
19 as to all other motions and objections, my rulings
20 remain the same.

21 And since we are still here, let me go ahead
22 and advise Mr. Gridine of his rights.

23 Let's place him under oath.

24 THE CLERK: Raise your right hand.

25 (Defendant complies.)

1 THE CLERK: Do you solemnly swear or affirm
2 that the testimony you are about to give in this
3 case will be the truth, the whole truth, and
4 nothing but the truth, so help you God?

5 THE DEFENDANT: I do.

6 THE COURT: All right. Mr. Terry Gridine, at
7 this time I am going to explain to you certain of
8 your rights. If you don't understand anything I
9 say, please let me know. Or if you want me to
10 explain anything in more detail, please let me
11 know. Do you understand?

12 THE DEFENDANT: Yes.

13 THE COURT: We have now reached the stage of
14 the trial where you may present your defense. You
15 have the right to claim the protections given to
16 you by the Fifth Amendment to the Constitution of
17 the United States. This amendment states, in part:
18 No person shall be compelled in any criminal case
19 to be a witness against himself. This means that
20 you cannot be required to testify in this case.
21 You have the right to testify on your own behalf.
22 However, no one can make you testify. This is a
23 personal right and no one can waive this right
24 except you.

25 If you decide to testify, you will be subject

1 to the same rules that govern other witnesses, and
2 you may be examined and cross-examined on any
3 relevant issue in this case.

4 In addition, if you have any convictions for
5 crimes involving dishonesty or false statements or
6 for crimes punishable by imprisonment for more than
7 one year and this Court determines that the
8 probative value of admitting the evidence outweighs
9 its prejudicial effect to you, the Solicitor will
10 be able to introduce your record to attack your
11 credibility.

12 If you decide to testify, this decision on
13 your part must be freely, voluntarily, and
14 intelligently made, with knowledge of the
15 protections given to you by the Fifth Amendment and
16 the consequences of your decision to testify.

17 If you decide not to testify, I will instruct
18 the jurors that they cannot give the fact that you
19 did not testify any consideration whatsoever and
20 that there is to be absolutely no prejudice to you
21 because you did not testify. It is left entirely
22 up to you whether or not you testify. You may talk
23 with your attorney, your family and friends, or
24 anyone else, but the final decision will be left
25 entirely up to you.

1 Do you understand what I have explained to
2 you?

3 THE DEFENDANT: I do.

4 THE COURT: Do you have any questions about
5 what I have explained to you?

6 THE DEFENDANT: I do not.

7 THE COURT: Okay. And so typically I would
8 ask next whether you are going to testify. I'll
9 ask you that tomorrow. I'll give you overnight to
10 think about it, to talk to whoever you need to talk
11 to, to talk to your attorney some more. And when
12 we reach that stage in the morning around
13 11:00 o'clock, then I'll ask you that question,
14 okay?

15 All right, you can have a seat.

16 Anything else before we break for the day?

17 MS. SAMPSON: Not from the State, Your Honor.

18 MS. PINNOCK: No, ma'am.

19 THE COURT: All right. He's on bond, right?

20 MS. SAMPSON: Yes, ma'am.

21 MS. PINNOCK: If I may approach?

22 THE COURT: Yes, ma'am.

23 MS. PINNOCK: I had an email from Ms. Edith
24 White at ABC Bonding, and the motion to be relieved
25 because the bond was over three years old. He has

1 paid his entire bond prior to the bond company
2 being released from the bond, so there is no bond.
3 He is just here.

4 MS. SAMPSON: It is essentially a PR bond.

5 MS. PINNOCK: Yes, ma'am. So we would just
6 ask that he be able to remain on his bond until the
7 conclusion of the case.

8 THE COURT: Yes. Given those unique
9 circumstances, I'll allow Mr. Gridine to remain on
10 bond overnight.

11 Now, Mr. Gridine, stand back up. You are
12 still under oath.

13 Now, you understand that you have the right to
14 be present at this trial. Do you understand that?

15 THE DEFENDANT: I do.

16 THE COURT: You also have the responsibility
17 to be here. But you can choose to waive your right
18 to be here by not showing up. Now, if you were to
19 do that, we would send law enforcement to go find
20 you and arrest you, but also the trial will proceed
21 in your absence if you don't show up. Do you
22 understand that?

23 THE DEFENDANT: I understand.

24 THE COURT: And, you know, the jury -- I would
25 instruct the jury not to make anything of that,

1 that you didn't show up; however, the trial would
2 proceed even without you and we would send law
3 enforcement to find you and arrest you. Do you
4 understand that?

5 THE DEFENDANT: I understand that.

6 THE COURT: All right. I just want to make
7 sure you know that. Any questions about that?

8 THE DEFENDANT: No.

9 THE COURT: All right.

10 MS. PINNOCK: For some assurances, I can let
11 you know this morning I panicked at 9:01 because he
12 was not here, because he is usually 15 minutes
13 early. So he will be here, I have no doubt.

14 THE COURT: I got you. I just want him to
15 know that even if he is not, we are going to finish
16 this trial.

17 MS. PINNOCK: Yes, ma'am. Thank you.

18 THE COURT: All right, thank you. Y'all have
19 a good night. I will see you at 11:00 o'clock
20 tomorrow.

21 Oh, and if you have any proposed jury charges,
22 bring them or send them before 11:00 o'clock
23 tomorrow.

24 Thank you.

25 (WHEREUPON, court adjourned for the

1 evening at 5:20 p.m.)

2 OCTOBER 14, 2021

3 (WHEREUPON, the proceedings resumed at
4 11:50 a.m.)

5 THE COURT: Mr. Gridine, at the conclusion of
6 yesterday's events, I advised you of your rights
7 with respect to your right to testify or if you
8 choose not to testify. I have given you overnight
9 to think about that and to confer with whoever you
10 wanted to confer with. Do you have any questions
11 about anything that I advised you about yesterday?

12 THE DEFENDANT: No.

13 THE COURT: Do you need any more time to speak
14 to anybody about your decision?

15 THE DEFENDANT: I do not.

16 THE COURT: Do you wish to testify?

17 THE DEFENDANT: I do.

18 THE COURT: Okay. Thank you. You may have a
19 seat.

20 Anything before we bring the jury from the
21 State?

22 MS. SAMPSON: Yes, ma'am. Yesterday it came
23 up that they -- that the Defense would like to
24 bring in the fact that Ms. **S.W.** was arrested and
25 called, I believe it was called the Defendant while

1 she was at the Detention Center. At that time you
2 ruled that they could not bring it in with
3 Ms. S.W., and it did not come out with
4 Ms. S.W.. However, the State inquired as to
5 whether they would be able to bring that in with
6 Mr. Gridine, and we tabled that discussion. So we
7 are at that point. I have no idea if they are
8 planning on doing it or not, so I felt it better to
9 address it before we bring the jury.

10 THE COURT: Sure. Ms. Pinnock? Ms. Warthen?

11 MS. PINNOCK: Your Honor, the brief answer to
12 Ms. Sampson's question is, yes, we do intend on
13 Mr. Gridine testifying that he received -- that he
14 was told that Ms. S.W. tried to contact him after
15 arrest in order to assist posting her bond.

16 THE COURT: She was told by who?

17 MS. PINNOCK: Ms. S.W., during their
18 conversation.

19 THE COURT: Okay. Ms. Sampson, how does that
20 change your position?

21 MS. SAMPSON: First of all, that would be
22 hearsay. I mean, now it has gone from, she called
23 him and asked for help, which is what she said
24 yesterday when she asked Ms. S.W., to he was told
25 by Ms. S.W. that she called him from the jail.

1 All of that would be hearsay. And even if -- I
2 have other things about whether her being arrested
3 should come in at all that I can give the Court to
4 support why that can't come up at all, but now it
5 is coming up under hearsay, so it shouldn't be
6 admissible in any way, shape, or form.

7 THE COURT: Ms. Pinnock?

8 MS. PINNOCK: And, Your Honor, we would not
9 have this issue if we had been allowed to
10 cross-examine Ms. S.W. on that issue. That was
11 my line of questioning. She made a phone call from
12 the jail to my client. She did not get in touch
13 with my client. And the issue of that phone call
14 was to post bail to get out of jail. Your ruling
15 did not allow us to go into that line of
16 questioning.

17 From the first day I met Mr. Gridine, that has
18 been what he has been, you know, believing is part
19 of her motive for accusing him of this crime. So
20 this is kind of the situation that we were trying
21 to avoid, but now we have a whole new problem where
22 the information has been provided to Mr. Gridine,
23 but there is going to be an objection that we can't
24 go into it because we couldn't go into it with
25 Ms. S.W. So it is kind of what I was trying to

1 bring up yesterday, Your Honor, we have been
2 hamstrunged at this point, we are kind of backed
3 into a corner with that particular issue.

4 I do believe even with the hearsay exception,
5 Your Honor, our right under the due process clause
6 of the constitution allows us to go into it, his
7 right to a fair trial and his right to present a
8 complete and full defense to explore all avenues of
9 defense to establish a bias and motive that the
10 complaining witness in this case is operating
11 under. I think that supersedes any objection under
12 hearsay. His constitutional rights are guaranteed
13 to him, and I would argue that -- the objection I'm
14 sure will be made, but I feel we should have the
15 right to go into it because it is an integral part
16 of our defense.

17 THE COURT: Okay. You were not barred
18 yesterday from asking her whether she later told
19 him that she called him or something that would
20 give some nexus to what you are trying to do today.
21 In fact, what I thought you were going to do or I
22 thought that the Defendant might testify to his
23 personal knowledge of this situation, which would
24 be one thing. You were not permitted to discuss
25 her arrest yesterday because after proffering the

1 testimony I found that it was probative of nothing
2 really, and any probative value substantially
3 outweighed by the danger of unfair prejudice and
4 really sort of bad character evidence. But you
5 certainly were not prohibited from asking her about
6 some subsequent conversation with the Defendant, or
7 anything along those lines. Those questions were
8 not posed, you know. And whether they would have
9 been objectionable had they been posed is not for
10 me to determine at this point, because I only rule
11 on what is before me. But you were not prohibited
12 from doing that. But I'm not going to allow the
13 hearsay testimony about something that he heard
14 later that she might have done from the jail, and
15 whatever. So that objection is sustained.

16 MS. SAMPSON: And for the record, Your Honor,
17 to support your ruling, I will make it a Court's
18 Exhibit if you like, or however you want to handle
19 it. I would hand to the Court -- in this case, the
20 particular -- the reason we couldn't find it, back
21 on the record for yesterday, Ms. Pinnock said that
22 I should have done a better job of questioning my
23 witness and suggested that we should have known
24 about her record. I will hand the Court --

25 MS. PINNOCK: Your Honor, in fairness, I did

1 not say anything about knowing about the record.

2 My comment was only about the arrest.

3 MS. SAMPSON: Right, but --

4 THE COURT: Do not interrupt one another,
5 ladies.

6 MS. SAMPSON: Either way, Your Honor, the case
7 law is very clear. Ms. [S.W.] 's arrest and
8 conviction was expunged because she completed PTI.
9 And under the statute, 17-22-150, she is allowed to
10 state to the Court, to anyone, to me, to any party
11 asking that she was never arrested.

12 I will read to you the statute which states:
13 The effect of this order is to restore the person,
14 in the contemplation of the law, to the status he
15 occupied before the arrest. No person as to whom
16 the order has been entered may be held thereafter
17 under any provision of any law to be guilty of
18 perjury or otherwise giving a false statement by
19 reason of his failure to recite or acknowledge the
20 arrest in response to an inquiry made of him for
21 any purpose.

22 So her statement that she didn't have a record
23 was correct. Her stating to me when I asked her
24 that she didn't have a record or hadn't been
25 arrested was correct.

1 And I also point to you State v. Washington,
2 which I handed the Court, which is a case from the
3 Court of Appeals.

4 THE COURT: You handed me State v. Joseph.

5 MS. SAMPSON: I'm sorry, State v. Joseph,
6 which is a case from the Court of Appeals from
7 1997, which has never been overturned. And in that
8 particular case, it is exactly on point. They
9 asked the person about a record to impeach the
10 person. They state no. And the Court says that
11 was appropriate. A witness may be impeached by the
12 evidence of prior conviction. However -- and it
13 goes on to state -- that can't be done if it has
14 been expunged through PTI.

15 So her stating no, us even bringing it out,
16 the statute -- actually, I can be charged with a
17 crime if you continue to read 17-22-150 for
18 bringing this up. The only reason we know about it
19 is because it is at Richland County. And we have a
20 copy for the Court if you would like me to make
21 that a Court's Exhibit of the expungement order,
22 that she requested it and was given the
23 expungement. And, therefore, it as if it never
24 happened. So we shouldn't have even been talking
25 about it at all yesterday. So that is just to

1 support your ruling that it was inadmissible to
2 begin with.

3 And as far as now, it is going to be that she
4 told him that she called him. You are correct, you
5 allowed Ms. Pinnock to ask her any questions about
6 her asking him for help or any conversations about
7 that, and she did. She specifically asked the
8 witness had she spoken to Mr. Gridine about asking
9 for help, and she said no. She specifically asked
10 her this already. So she is allowed to ask him did
11 they have a conversation, but to say that because
12 she was in jail or under arrest is inadmissible.

13 THE COURT: I have already sustained your
14 objection.

15 MS. SAMPSON: I am just putting it on the
16 record.

17 THE COURT: I am not going to make it a
18 Court's Exhibit, but I do agree that 17-22-150
19 supports the Court's ruling, in addition to State
20 v. Joseph, which is found at 328 S.C. 352. It is a
21 1997 Court of Appeals case.

22 All right. Anything else?

23 Bring the jury.

24 (WHEREUPON, the jury came into open
25 court at 12:02 p.m.)

1 THE COURT: Good morning -- good afternoon.
2 Good afternoon, folks. I am so, so, so, so sorry
3 to keep you waiting for that long. I do my best to
4 gauge and estimate a good time to have you report
5 to court because I don't want to waste your time,
6 but as I told you yesterday, I had some other
7 matters this morning to tend to, and one of them
8 took about three or four times as long as I thought
9 it would, so that is my fault. That had nothing to
10 do with any of these attorneys or anything. I just
11 misjudged.

12 As I told you yesterday, I'm going to keep you
13 here until we finish this case, which we will do
14 today. We have taken your lunch orders, and lunch
15 should be here relatively soon, hopefully at a good
16 breaking point. And so you will have lunch
17 provided for you, and you can eat it in your jury
18 room.

19 Back to the case, we are ready to continue
20 with the trial of this case. As you heard
21 yesterday, the State rests its case. It is now
22 time for the Defense to present its case, if it
23 chooses to do so.

24 So if you will give your attention to
25 Ms. Warthen, Ms. Pinnock, they can call their first

1 witness.

2 MS. PINNOCK: Thank you, Your Honor. If it
3 please the Court? Your Honor, the Defense would
4 call Timothy Christian.

5 THE BAILIFF: Come forward.

6 (Witness approaches.)

7 THE BAILIFF: Place your left hand on the
8 Bible, raise your right, and face the clerk.

9 (Witness complies.)

10 THE CLERK: Do you solemnly swear or affirm
11 that the testimony you are about to give in this
12 case will be the truth, the whole truth, and
13 nothing but the truth, so help you God?

14 THE WITNESS: I do.

15 THE CLERK: Please have a seat, and state your
16 full name for the record.

17 MS. PINNOCK: Timothy Christian.

18 TIMOTHY CHRISTIAN,
19 after being duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. PINNOCK:

22 Q Good morning, Mr. Christian -- or afternoon. How
23 are you?

24 A Well. How about you?

25 Q Good. Thank you for coming back with us. You

1 testified yesterday, right?

2 A Yes, ma'am.

3 Q And you testified that back in 2017 you were a
4 deputy at Richland County Sheriff's Department?

5 A Yes, ma'am.

6 Q And on October 27th, around 6:35 or so in the
7 evening, you responded to a call?

8 A Yes, ma'am.

9 Q And when you responded to calls when you were a
10 deputy, was it policy that you had to have your
11 body-worn camera on?

12 A Yes, ma'am.

13 Q Okay. And that -- it sits on your vest, right?

14 A Yes, ma'am.

15 Q And it records your conversations that you have
16 with the complainant, any potential witnesses,
17 stuff like that?

18 A It does.

19 Q And when you complete the call and you return to
20 headquarters at some point at night, what do you do
21 with your videos?

22 A Upload them.

23 Q Are they saved under a case number?

24 A I believe so, yes, ma'am.

25 Q Okay. And I want to show you -- do you recognize

1 that?

2 A I do.

3 Q What is that?

4 A A copy of the Body Cam footage of that night.

5 Q Did you have a chance to review it?

6 A I did.

7 Q And you put your -- it is very light, but you put
8 your initials on it?

9 A Yes, ma'am.

10 Q And the day's date?

11 A I did.

12 MS. PINNOCK: I would like to mark this,
13 please.

14 (WHEREUPON, Defendant's Exhibit No. 1
15 was marked for identification only.)

16 BY MS. PINNOCK:

17 Q And this video is a -- that is the video that you
18 recorded when you met with S.W. [REDACTED]?

19 A Yes, ma'am.

20 Q And that is the evening that she made her initial
21 report to you about the allegations she was making
22 about her nephew?

23 A Yes, ma'am.

24 Q Okay. Do you remember specifically when you were
25 asking Ms. S.W. [REDACTED] to tell you what happened, she

1 described to you that she was sitting in her
2 recliner? Do you remember her saying that?

3 MS. SAMPSON: Your Honor, I am going to at
4 this point object to hearsay if she is going
5 specifically into what Ms. [S.W.] said. That is
6 exactly what she objected to yesterday.

7 MS. PINNOCK: Your Honor, I disagree. It is
8 for purposes of impeachment.

9 MS. SAMPSON: She cannot impeach Ms. [S.W.]
10 with her witness.

11 THE COURT: Objection sustained.

12 MS. PINNOCK: Your Honor, may we -- I guess --
13 we have a matter of law, if you --

14 THE COURT: How about you approach first?
15 (WHEREUPON, a bench conference was held
16 in the presence of the jury but out of
17 the hearing of the jury.)

18 THE COURT: The objection to that specific
19 question is sustained.

20 You may proceed, Ms. Pinnock.

21 MS. PINNOCK: Thank you, Your Honor.

22 BY MS. PINNOCK:

23 Q When you were sitting -- the video is from your
24 conversation with Ms. [S.W.] inside of her home?

25 A Yes, ma'am.

1 Q Okay. And that was preserved, as it should be?

2 A Yes, ma'am.

3 Q Do you recognize the person sitting there?

4 MS. SAMPSON: Your Honor, I would ask that
5 since it has not been introduced it not be shown to
6 the jury.

7 MS. PINNOCK: I am not showing it to the jury.

8 THE COURT: Make sure to turn it. Thank you.

9 BY MS. PINNOCK:

10 Q Do recognize the person sitting there?

11 A It looks like Ms. S.W. .

12 Q Okay.

13 (Plays video.)

14 THE COURT: I'm sorry, pause that. Have you
15 offered the video into evidence?

16 MS. PINNOCK: No, ma'am, Your Honor, I wasn't
17 planning on introducing it, but I can.

18 MS. SAMPSON: And I would --

19 MS. PINNOCK: At this time, Your Honor, I
20 would ask to introduce the body-worn camera into
21 evidence.

22 MS. SAMPSON: And I would object, Your Honor.
23 We are probably going to have to be heard because
24 if she is publishing the whole thing, the whole
25 thing is hearsay.

1 THE COURT: Ladies and gentlemen of the jury,
2 please go back to your jury room. Don't discuss
3 the case amongst yourselves. We'll bring you back
4 shortly.

5 (WHEREUPON, the jury retires to the jury
6 room at 12:10 p.m.)

7 THE COURT: Ms. Pinnock, besides publishing
8 something to the jury that is not in evidence, tell
9 me what you are trying to do.

10 MS. PINNOCK: Your Honor, the portions of this
11 video, there are two clips maybe totaling 35
12 seconds that are prior inconsistent statements that
13 were made by Ms. S.W. during her testimony
14 yesterday. When I was cross-examining her, she,
15 even after listening to herself on video, denied
16 making these statements. So we recalled the deputy
17 who took the video to identify that it was his
18 video, and we are only trying to use these two
19 portions as a prior inconsistent statement for
20 impeachment purposes. I never had any intention of
21 putting the entire video in. I mean, it is for
22 impeachment. I do not have to introduce an entire
23 statement into the record for impeachment.

24 THE COURT: Ms. Sampson?

25 MS. SAMPSON: And I would agree that she

1 doesn't have to admit the entire record. The
2 problem is she is impeaching him with someone
3 else's statement. Had she wanted to impeach
4 Ms. [S.W.] with her own statement, as she did
5 yesterday, she only played it for Ms. [S.W.], and
6 then Ms. [S.W.] denied it. Then it may have been
7 proper to play that portion to show that Ms. Webber
8 was being untruthful if that is what it says. But
9 to do it now with him, he can't say whether that is
10 what she said or not. He is not the person who she
11 is impeaching. She is impeaching Ms. [S.W.]. So
12 it is improper to play it with him. And, secondly,
13 if you admit the video, then the jury is going to
14 have the entire video, and that video has tons of
15 hearsay. And I have case law that actually just
16 came out in 2020 that discusses that what the
17 investigator says can't be given to the jury. And
18 so even the questions are not admissible. So it
19 would have to be redacted. So there is a whole
20 thing we have to do right now, even if it was
21 admissible, first of all. Secondly, I don't think
22 it is through this witness because he can't impeach
23 her statement.

24 THE COURT: I only asked whether it was being
25 offered. You know, I can't tell you what evidence

1 to offer, but because it is being published, I was
2 making a point there.

3 Ms. Pinnock?

4 MS. PINNOCK: Your Honor, I'm not attempting
5 to impeach Deputy Christian with the video. He is
6 the, I guess chain witness for it. He identified
7 it as being what it was. He identified the people
8 who are on the video. He identified that it was
9 stored properly. And that it was Ms. S.W.
10 speaking on the video. That was the only purpose
11 of him providing any testimony was to lay the
12 foundation for the video. The impeachment is for
13 the testimony received from Ms. S.W. in
14 yesterday's session.

15 She testified she was confronted with her
16 prior statement. She was able to listen to her
17 prior statements. The video itself at that point
18 had not been identified, you know, or introduced at
19 all, you know, really brought up throughout the
20 trial. So Mr. Christian came back to lay the
21 proper foundation to play these small portions for
22 the jury as a direct impeachment to the testimony
23 Ms. S.W. made yesterday.

24 MS. SAMPSON: Your Honor, I would point you to
25 Section 806 of the Federal Rules of Evidence that

1 is specific to this. It talks about attacking and
2 supporting the credibility of declarant, which is
3 what she is trying to do, and the last part of the
4 rule states: If the party against whom a hearsay
5 statement has been admitted calls the declarant as
6 a witness, the party can cross-examine the
7 declarant on his statement under cross-examination.
8 So the declarant -- all this says is the declarant
9 can be cross-examined with the declarant's
10 statement. He is not the declarant.

11 MS. PINNOCK: And, Your Honor, I would ask you
12 to look at Rule 613, Prior statements by witnesses.
13 Extrinsic evidence of a prior inconsistent
14 statement by a witness is not admissible unless the
15 witness is advised of the substance of the
16 statement, which she was; the time and place which
17 it was allegedly made, which she was; the person
18 who made it was given the opportunity to explain or
19 deny the statement, which she was given multiple
20 opportunities. And if the witness does not admit
21 that he or she made the prior inconsistent
22 statement, extrinsic evidence, such as the
23 statement, is admissible.

24 We are trying to introduce those two small
25 portions, not everything that Ms. **S.W.** said.

1 Some of the portions of her testimony yesterday,
2 she, after seeing herself on video saying it, she
3 changed her testimony and acknowledged that she
4 said it. These are the two parts of her testimony
5 from yesterday that she continued to deny even
6 after watching the video.

7 THE COURT: The objection is sustained.

8 Bring the jury back.

9 (WHEREUPON, the jury came into open
10 court at 12:16 p.m.)

11 THE BAILIFF: The jury is seated, Your Honor.

12 THE COURT: Thank you, sir.

13 Ms. Pinnock, you may continue your
14 questioning.

15 MS. PINNOCK: Thank you, Your Honor. May it
16 please the Court?

17 BY MS. PINNOCK:

18 Q Deputy, after you uploaded your video, do you know
19 when it was sent to the investigator, or if it was?

20 A I don't. It is uploaded to a cloud server. We
21 don't have access to it.

22 Q Okay. Thank you. I have no further questions.

23 THE COURT: Any cross-examination?

24 MS. SAMPSON: No, ma'am.

25 THE COURT: All right, thank you, sir. You

1 may step down.

2 (Witness steps down.)

3 THE COURT: Call your next witness.

4 MS. PINNOCK: Your Honor, at this time we
5 would call Terry Gridine to the stand.

6 THE COURT: Mr. Gridine, come around and be
7 sworn.

8 THE BAILIFF: Come forward.

9 (Witness approaches.)

10 THE BAILIFF: Place your left hand on the
11 Bible, raise your right, and face the clerk.

12 (Witness complies.)

13 THE CLERK: Do you solemnly swear or affirm
14 that the testimony you are about to give in this
15 case will be the truth, the whole truth, and
16 nothing but the truth, so help you God?

17 THE WITNESS: I do.

18 THE CLERK: Please have a seat, and state your
19 full name for the record.

20 THE WITNESS: Terry Gerrard Gridine.

21 TERRY GERRARD GRIDINE,
22 after being duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. PINNOCK:

25 Q Mr. Gridine, if you could, please --

1 THE COURT: Please speak up.

2 Q -- speak up.

3 A Yes, ma'am.

4 Q And introduce yourself to the jury and tell them a
5 little bit about yourself.

6 A I'm Terry Gridine.

7 THE COURT REPORTER: I'm sorry, you need to
8 speak in the microphone.

9 A I'm Terry Gridine. Fifty-six years old. I have
10 lived in South Carolina the majority --

11 THE COURT REPORTER: I'm sorry, he is turning
12 against me.

13 BY MS. PINNOCK:

14 Q Don't turn your back on her, so she can still kind
15 of see your mouth.

16 A Oh. Fifty-six years old. I have lived in South
17 Carolina most of my life. I work for Manchester
18 Farms, been there about two and a half years,
19 manager there.

20 Q You said you are from South Carolina your entire
21 life?

22 A Yes. Yes, from South Carolina my entire life.

23 Q So do you have family here?

24 A Yes.

25 Q Do you have siblings?

1 A Yes.

2 Q How many?

3 A Two brothers, two sisters. One brother is
4 deceased.

5 Q Do you have any children?

6 A I do.

7 Q How many?

8 A One.

9 Q How old and what gender?

10 A Thirty-four, my son.

11 Q And does he live in Columbia?

12 A He does.

13 Q What about grands? Do you have any grandkids?

14 A I do.

15 Q How many?

16 A Eight.

17 Q Are they all local, or are they kind of spread out?

18 A Kind of spread out.

19 Q Are you pretty close with your family?

20 A Yes.

21 Q And so tell us, do you have nieces, nephews, aunts,
22 and uncles?

23 A I have 15 nieces and nephews. I have three
24 surviving aunts. No uncles living.

25 Q How many uncles did you have?

1 A Two, three. I was very young when they died.

2 Q And so we all know that S.W. is your aunt?

3 A Correct.

4 Q And she is your mom's sister?

5 A Yes.

6 Q And your mother was the oldest in their family,
7 oldest girl?

8 A Yes.

9 Q Tell us about your relationship with Ms. S.W. .

10 A We had a great relationship, nephew/uncle, I mean,
11 nephew/auntie. Just a normal nephew/auntie
12 relationship.

13 Q Would you consider y'all close?

14 A Yes.

15 Q Were you close with any of her children?

16 A Yes.

17 Q Who were you closest with?

18 A Junior. William.

19 Q And that is the son that lives with her?

20 A Yes.

21 Q Had you and Ms. S.W. ever had any I guess direct
22 issues between the two of you?

23 A No, not direct.

24 Q What do you mean -- elaborate. What do you mean by
25 not direct?

1 A She is known to I guess kind of stir the pot when
2 it comes to some stuff.

3 Q But you have never had any direct problem between
4 the two of you?

5 A No.

6 Q And how old were you back in 2017?

7 A Fifty-two.

8 Q Fifty-two. So it is safe to say that you have
9 known her your entire life?

10 A My entire life.

11 Q Is it safe to say that you have a very close -- or
12 you had a very close, very large family?

13 A Yes.

14 Q Is it safe to say that since Ms. **S.W.** made these
15 allegations against you -- well, how would you
16 describe your family now? Are y'all still close?

17 A No, not so much.

18 Q But up until she brought these allegations against
19 you, y'all were pretty --

20 A Yes.

21 Q A pretty tightknit family?

22 A Pretty tightknit family.

23 Q Now, there has been -- you know, we know that your
24 mother passed away in 2016, is that right?

25 A Yes, she did.

1 Q What month?

2 A March.

3 Q Do you know the day?

4 A Twenty-third.

5 Q Do you know what she passed from?

6 A Stage 4 lung cancer.

7 Q Were you close with your mom?

8 A Yes. Very.

9 Q How did her passing affect you?

10 A It affected me greatly. Like I say, we were very
11 close. And as close as we were, it is like near
12 the end we got even closer.

13 Q Did her death have an effect on your entire family?

14 A It did.

15 Q How would you describe your mom's role in your
16 family?

17 MS. SAMPSON: Your Honor, I'm not trying to be
18 indelicate, but I'm not sure how this is relevant.

19 THE COURT: Overruled.

20 MS. PINNOCK: Thank you, Your Honor.

21 BY MS. PINNOCK:

22 Q How did your mother's death affect the rest of your
23 family?

24 A She was the rock. She held the family together.
25 We would have gatherings. She had the smallest

1 house in the family, but that is where we all
2 gathered.

3 Q And after she passed, there was a piece missing?

4 A The biggest piece.

5 Q Now, Terry, I am going to have to take you back to
6 October 26th into the 27th of 2017, okay? You
7 heard the testimony, so you know what Ms. **S.W.** is
8 accusing you of?

9 A Yes.

10 Q Did you sexually assault your aunt on that night?

11 A I did not.

12 Q Did you physically attack her in her house?

13 A I did not.

14 Q Did you throw her down to the floor?

15 A I did not.

16 Q Did you penetrate her vagina with your finger?

17 A No.

18 Q Do you recall being over at her house that evening?

19 A I do.

20 Q And was that uncommon for you to go to her house?

21 A No.

22 Q Would you describe it as being fairly routine for
23 you to go to her house?

24 A Routine, yes.

25 Q And that wasn't something that I guess started

1 recently, you have always kind of swung by and hung
2 out?

3 A That has been going on forever. I have been doing
4 that forever.

5 Q And on this particular night, why were you even
6 there?

7 A Well, I was going to meet -- to wait around to meet
8 my girlfriend until she got off work.

9 Q Okay. And your girlfriend was Laura?

10 A Laura.

11 Q And she lived down the road from Ms. [S.W.]'s
12 house?

13 A Yes.

14 Q So you stopped there. Did you -- did you go
15 inside?

16 A Yes.

17 Q Do you always go inside when you go to your aunt's
18 house?

19 A No.

20 Q What would you -- if you didn't go inside, what
21 would you do?

22 A Just sit out in the car and wait for Laura.

23 Q Now, when you got to her house, do you remember
24 where she was when you first got there, where
25 Ms. [S.W.] was?

1 A Well, she met me at the door. She greeted me at
2 the door.

3 Q Uh-huh.

4 A And then we walked into the living area.

5 Q Okay. You said you sat?

6 A Yes.

7 Q And do you remember which chair you sat in?

8 A Yes.

9 Q Do you recall the layout of her house?

10 A Yes.

11 Q Has it changed over the past few years, I guess
12 since the last time you had been there, as far as
13 you can remember?

14 A As far as I can remember, yes.

15 Q I am going to hand you what has been marked and
16 already in evidence as State's Exhibit Number 8.
17 And that is a picture of the inside of Ms. **S.W.**'s
18 den/family room area?

19 A Yes.

20 Q Okay. So when you -- after Ms. **S.W.** opened the
21 door for you and y'all walked in, where were you
22 sitting?

23 A I was sitting here.

24 Q In the couch, the three-person couch?

25 A Yes, right here.

1 Q Okay. And Ms. S.W. was sitting where?

2 A Here, the brown sofa.

3 Q The reclining chair?

4 A Yes.

5 Q Okay. And would you agree with me the space
6 between those two chairs, is that a lot of space or
7 a little space?

8 A It is not a lot of space, it is a little space.

9 Q And so when you were there, you sat down. And what
10 did y'all do?

11 A Just talking and general normal everyday stuff, you
12 know.

13 Q Make sure you speak up a little bit.

14 A Yes. We just had a general conversation.

15 Q Do you remember everything that y'all talked about
16 that night?

17 A Not everything.

18 Q Do you remember Ms. S.W. telling you that she had
19 called you for assistance?

20 A Yes.

21 Q Because she needed help with something?

22 A Yes.

23 Q But you never got that call?

24 A No.

25 Q And another topic that y'all discussed was some

1 thoughts that you were having?

2 A Yes, ma'am.

3 Q Can you tell the jury about what was going on with
4 you at that time?

5 A I was -- during that time I was missing my mother.
6 I was having a hard time. And I told her that I
7 just didn't want to be here anymore.

8 Q That you didn't want to be here anymore?

9 A Yes.

10 Q Do you remember what her reaction was when you told
11 her that?

12 A She said no, that is not the thing to do. Maybe
13 you should just try to get some help. And she
14 said, That is not going to solve anything. I told
15 her, Yes, it would, it would solve everything.

16 Q Does the date January 23rd, 2018, mean anything to
17 you?

18 A Yes.

19 Q What is significant about that date?

20 A The date, not so much the month, but the 23rd is
21 the date that my mother passed.

22 Q She passed on the 23rd and you had selected the
23 23rd?

24 THE COURT REPORTER: I'm sorry?

25 MS. PINNOCK: I'm sorry. She passed on the

1 23rd and he had selected the 23rd. He had selected
2 the 23rd. Sorry.

3 A Yes.

4 Q Do you remember how long you were at your aunt's
5 house this day?

6 A I couldn't be -- no, I don't remember how long I
7 was there.

8 Q But it was more than 10 or 15 minutes?

9 A Yes.

10 Q Was this the first time that you had stayed at her
11 house into the late hours of the evening?

12 A No.

13 Q Now, when you -- after you had told her about these
14 thoughts you were having, Mr. Gridine, what do you
15 recall happening next?

16 A Well, after that, the entire conversation just kind
17 of ended, and I told her I was getting ready to
18 leave, I was going to Laura's house.

19 Q And did you end up leaving?

20 A Yes.

21 Q And when you left her house, you went directly
22 where?

23 A To Laura's house.

24 Q And were you there the whole night, or did you end
25 up leaving there?

1 A I was there the whole night until early the next
2 morning.

3 Q So at some point you left that next morning?

4 A Yes.

5 Q And where did you go?

6 A My niece's house.

7 Q And who is your niece?

8 A Tomeka.

9 Q Tomeka?

10 A Scott.

11 Q Yes. Thank you. Now, after you left, did you hear
12 from Ms. **S.W.** at all?

13 A Later that afternoon, that evening.

14 Q Okay. Did you see her? Did she call you or text
15 you?

16 A She texted me.

17 Q Do you remember what time?

18 A No, I don't remember what time it was.

19 Q But you do recall getting the text?

20 A Yes.

21 Q All right. So I'm going to hand you what was
22 introduced into evidence as State's Exhibits 9
23 through 15.

24 Now, the first text on that is from what, the
25 22nd?

1 A 18th.

2 Q The 18th. Can you tell us what this says?

3 A Hey Auntie. Just wanted to let you know that I'm
4 parked in your yard. Don't shoot.

5 Q What were you talking about with that text?

6 A I was sitting -- I was in her yard waiting for
7 Laura. And I knew she had a gun, so I just said,
8 Don't shoot, it's me, because it was 10:00 o'clock
9 or so at night.

10 Q And it is dark outside of the house, right?

11 A Yes.

12 Q And she lives on a pretty good plot of land, so --

13 A Yes.

14 Q -- it is really dark?

15 A Yes.

16 Q The next text you have up there, can you read that
17 one?

18 A Hey Auntie. Just checking on you.

19 Q Is that something you would send to her often?

20 A Yes.

21 Q And what is the date on that?

22 A October 21st.

23 Q And the next text from your phone is received on
24 October 22nd, right?

25 A Yes.

1 Q What does that text say?

2 A I know what I want to do, but if I tell you that,
3 that means you would have to take it to your grave.

4 Q What was that text on October 22nd about?

5 A Me contemplating suicide.

6 Q So on the 22nd of October, you were already having
7 thoughts of harming yourself?

8 A Yes.

9 Q And did Ms. **S.W.** respond to you when you told her
10 that you were having these thoughts?

11 A She did not.

12 Q Did you hear from her at all?

13 A No.

14 Q On, I guess it is State's Exhibit Number 10, next
15 page, there is a text from October 27th?

16 A Yes.

17 Q Please forgive me. What were you apologizing for
18 in that text, Terry?

19 A Sharing that information with her, putting that on
20 her.

21 Q Putting what on her?

22 A The information, me contemplating suicide, and the
23 emotions I was feeling.

24 Q Why did you feel bad about that?

25 A It wasn't her problem. I just needed to talk to

1 somebody.

2 Q Did you and Ms. [S.W.] typically have, for lack of
3 a better word, heavy conversations like that about
4 life?

5 A Not this extreme, no, but we have had some heavy
6 conversations.

7 Q And you said that you felt I guess guilty?

8 A Yes.

9 Q From making that her burden?

10 A Yes.

11 Q And that is what you were apologizing for?

12 A Right.

13 Q And then Ms. [S.W.] texts back, Sorry what you did?

14 A Yes.

15 Q And then you said what?

16 A Don't worry, you will never have to see me again.
17 I f'd up.

18 Q What were you talking about in that text?

19 A The suicide.

20 Q What about it?

21 A For me taking her through this. Like I say, I felt
22 bad for even just putting that out there on her.
23 It was my problem.

24 THE COURT: I need you to speak up,
25 Mr. Gridine.

1 A I said I just felt bad for putting that on her.

2 Q Okay. And then we have on that page you are
3 looking at, we have that long text that Ms. S.W.
4 sent to you where she is accusing you of sexual
5 assault, right?

6 A Yes.

7 Q And that goes on for about a full page of text?

8 A Yes.

9 Q What is your response that you send to Ms. S.W.
10 after you get that long text?

11 A I don't understand.

12 Q What didn't you understand?

13 A I didn't understand what she was talking about.

14 Q Why didn't you understand what she was talking
15 about?

16 A I just didn't know what she was talking about. It
17 was nothing. I just didn't understand. There was
18 no reason for that -- that text. I mean, the text
19 she sent. I just didn't understand what it is she
20 was talking about.

21 Q So you told her you didn't understand. She said,
22 What is it that you don't understand about what you
23 tried to do? And then what did you say?

24 A I said, Can you call me for a second?

25 Q Why were asking her to call you?

1 A To find out what she was talking about.

2 Q For clarification?

3 A Yes, to clarify.

4 Q To ask her --

5 MS. SAMPSON: Objection to the leading, Your
6 Honor.

7 THE COURT: Sustained.

8 BY MS. PINNOCK:

9 Q You asked her to call you for what?

10 A To find out what it was she was talking about.

11 Q Terry, you were ultimately arrested, right?

12 A Yes.

13 Q How did that -- how did that happen?

14 A I heard from a family member that there was a
15 warrant for me.

16 Q Okay. So you heard from somebody that she had
17 taken out a warrant?

18 A Right.

19 Q And what did you do after you heard there was a
20 warrant?

21 A I went down to Alvin S. Glenn to turn myself in.

22 Q Now, I want you to be very clear. Very clear. On
23 October 27th, did you sexually assault your aunt?

24 A No.

25 Q Have you ever thought about sexually assaulting

1 your aunt?

2 A No.

3 Q Did anything outside of y'all talking and watching
4 TV occur at her house that evening?

5 A No.

6 MS. PINNOCK: Beg the Court's indulgence.

7 THE COURT: Yes, ma'am.

8 (Pause.)

9 BY MS. PINNOCK:

10 Q Thank you. Answer any questions the State has for
11 you, okay?

12 A Yes, ma'am.

13 THE COURT: Cross-examination.

14 MS. SAMPSON: Beg the Court's indulgence.

15 (Pause.)

16 CROSS-EXAMINATION

17 BY MS. SAMPSON:

18 Q Good afternoon, Mr. Gridine.

19 A Good afternoon.

20 Q So you just told Ms. Pinnock that you normally do
21 see Ms. **S.W.**, correct? You go to her house?

22 A Yes.

23 Q You guys have conversation?

24 A Yes.

25 Q The one that you had on October 26th was not the

1 first time you had a heavy conversation with her,
2 was it?

3 A No.

4 Q In fact, y'all have done this before?

5 A Converse?

6 Q Talk about different things?

7 A Yes.

8 Q And so when you started talking about the loss of
9 your mother and how you felt, that wasn't the first
10 time you had even had a conversation about that,
11 was it?

12 A That was the first time I had a conversation with
13 her about that, yes.

14 Q Okay. So from the time your mother died in March
15 of 2016 to October of 2017, you never talked to
16 Ms. **S.W.** about her death?

17 A No.

18 Q So this was the first time you talked to her about
19 her death?

20 A Not specifically about her death, the first time I
21 talked to her about what I was feeling towards her
22 death.

23 Q But you had conversations that were heavy and deep?
24 Do you agree with me? You just said that on
25 direct?

1 A Yes.

2 Q And so the texts that we have, those are from your
3 phone?

4 A Yes.

5 Q And they are to Ms. S.W.?

6 A Yes.

7 Q Nobody else was texting with your phone?

8 A Not my phone, no.

9 Q And so you stated on direct when you said, I f'd
10 up, that you were talking about telling her about
11 suicide, is that correct?

12 A Correct.

13 Q All right. But then she tells you about an entire
14 sexual assault that she is saying you did to her,
15 correct?

16 A Yes.

17 Q And you text her, I don't understand?

18 A I don't understand.

19 Q Correct?

20 A Correct.

21 Q You never text her, I didn't touch you, did you?

22 A There was no reason.

23 Q Did you text her, I didn't touch you?

24 A No.

25 Q Did you text her, I never assaulted you?

1 A No.

2 Q Did you text -- call her and say, I never assaulted
3 you?

4 A No.

5 Q You call her and asked her, What do you mean about
6 this?

7 A Right. No, I didn't call her.

8 Q She said that you stuck your hand in her vagina,
9 and you didn't say, No, I didn't, did you?

10 A No.

11 Q And this is your 72-year-old aunt who you speak to
12 all the time?

13 A Yes.

14 Q And on direct just now, Ms. Pinnock stopped with
15 your text, and she said you asked her -- or, excuse
16 me, she asked you -- called and asked you where you
17 are. That did happen, right? You can look at the
18 text.

19 A She text me. From the text, she text me, Where are
20 you?

21 Q And, in fact, I am going to start back a little
22 bit. You admit that you texted her, You'll have to
23 take it to your grave, correct?

24 A Yes. Yes.

25 Q You didn't say, I'll have to take it to my grave,

1 did you?

2 A I'm sorry?

3 Q You did not say the words, I will have to take it
4 to my grave, correct?

5 A No.

6 Q You didn't say anything about you dying, did you?

7 A Not in that text, no.

8 Q You didn't say anything about you committing
9 suicide, did you?

10 A No.

11 Q You didn't say anything about you dying at all, did
12 you?

13 A No. Not in the text.

14 Q And I want to hold those. You said that after you
15 left her home that night, when you say nothing
16 happened, you went to your girlfriend's house?

17 A Yes.

18 Q And stayed all night?

19 A Yes.

20 Q Never left?

21 A I left that morning.

22 Q That morning. What time did you leave?

23 A I don't know. It was early.

24 Q Early?

25 A Yes.

1 Q And the next text -- it is actually not from
2 Ms. [S.W.], it is from you, correct? The next text
3 you talk about taking something to your grave also,
4 that she needs to take it to her grave. The next
5 text that is on her phone is from you, not her.

6 A That is a picture there.

7 Q A picture?

8 A On her phone.

9 Q The next text on October 27th is from you?

10 A Yes.

11 Q So she didn't contact you about that, you contacted
12 her? On direct you just said she contacted you,
13 but you actually contacted her, correct?

14 A I'm sorry? Can you repeat?

15 Q You are the first person to contact her on the
16 phone by text, correct?

17 A There is no time on here.

18 Q Okay. What is the date?

19 A October 27th.

20 Q And the first text on October 27th is from you?

21 A Yes.

22 Q Okay. And it says, Please forgive me?

23 A Yes.

24 Q She has not texted you prior to that asking for
25 your forgiveness or talking about anything, has

1 she?

2 A No. That is when I told her what I was thinking
3 and she would have to take it to her grave, and I
4 apologized.

5 Q And she didn't call you?

6 A No.

7 Q She didn't text you?

8 A No.

9 Q She didn't show any concern about anything, did
10 she?

11 A No.

12 Q The next text is from you?

13 A Yes.

14 Q Asking for forgiveness?

15 A Right.

16 Q Okay. She then texted you, Sorry for what you did,
17 correct?

18 A Sorry what you did.

19 Q Correct. That is her next text?

20 A Yes.

21 Q And you don't say anything like explaining what
22 that means, you just say, Just want to say
23 something to you, correct?

24 A I'm sorry, can I have that?

25 Q You can have them all. That one. You say to her,

1 Sorry what you did? And the next text -- and she
2 says, Sorry what you did? And the next text from
3 you to her is, Don't worry, you will never have to
4 see me again. I f'd up. Correct?

5 A They are out of order.

6 Q I can put them all back in order if you give them
7 to me.

8 A Okay. What were you saying?

9 Q She text you saying, Sorry what you did. You don't
10 ask her what she means, or anything like that, do
11 you?

12 A No.

13 Q Your next text is, Don't worry, you'll never have
14 to see me again. I f'd up?

15 A Yes.

16 Q You don't say, I f'd up by telling you I want to
17 commit suicide, you didn't say, I f'd up for
18 anything, you just said f'd up, right?

19 A Yes.

20 Q And in response she goes on telling you what she --
21 happened to her, correct?

22 A Yes.

23 Q And you never correct her, do you? You don't
24 say --

25 A I don't know what she was talking about.

1 Q -- I did not violate your body, although she tells
2 you -- she tells you, You violated my body,
3 correct?

4 A That's what the text says, yes.

5 Q And you don't say, No, I didn't, did you?

6 A No.

7 Q She says, I would have never thought you would try
8 to take advantage of me like that. You don't say,
9 I didn't, do you?

10 A No.

11 Q Why would you try to have sex with your own aunt?
12 You don't say, No, I didn't?

13 A No.

14 Q Your simple reply is, I don't understand?

15 A I didn't understand.

16 Q And you never go back and try to correct that, do
17 you? You never respond saying, I never had sex
18 with you, I never touched you, I never did anything
19 to you, in that entire rest of the day?

20 A I asked her to call me.

21 Q Correct. Did you ever in a text text her you were
22 wrong about any of this, on October 28th, 29th,
23 30th, 31st? Take your pick.

24 A I didn't know what she was talking about.

25 Q Did you ever text her, when she said, You violated

1 my body, No, I didn't, ever?

2 A No.

3 Q And you keep telling her, I want to say something
4 to you. I can't live with it. That is after she
5 tells you you sexually violated her?

6 A Correct.

7 Q And when you hear there is a warrant out for your
8 arrest, do you call her and tell her, Why is there
9 a warrant, I didn't do anything to you?

10 A No.

11 Q You didn't call and try to find out why she is
12 getting you arrested when you didn't do anything to
13 her?

14 A I had heard about it.

15 Q You heard about it. Did you call her and ask her,
16 Why are you trying to get me arrested when I didn't
17 do anything?

18 A I had no more contact with her after that.

19 Q Correct. And in this entire time, you never tried
20 to contact her and ask her what she was talking
21 about or tell her you never did this to her?

22 A No.

23 Q And correct me if I'm wrong, but you were arrested
24 in November of 2017?

25 A I don't know the exact day. Yes.

1 Q Just November of 2017?

2 A Yes.

3 Q And it is now October 2021?

4 A Yes.

5 Q And you have known about all of this that entire
6 time, correct?

7 A Yes.

8 MS. SAMPSON: Beg the Court's indulgence.

9 (Pause.)

10 MS. SAMPSON: No further questions, Your
11 Honor.

12 THE COURT: Any redirect, Ms. Pinnock?

13 MS. PINNOCK: Beg the Court's indulgence.

14 (Pause.)

15 MS. PINNOCK: No, Your Honor.

16 THE COURT: Thank you, sir. You may step
17 down.

18 (Witness steps down.)

19 THE COURT: Call your next witness.

20 MS. WARTHEN: Your Honor, may we approach
21 briefly?

22 (WHEREUPON, a bench conference was held
23 in the presence of the jury but out of
24 the hearing of the jury.)

25 THE COURT: Ladies and gentlemen of the jury,

1 I have a matter of law that I need to discuss with
2 the attorneys outside of your presence. Please
3 return to your jury room. Don't discuss the case
4 amongst yourselves.

5 (WHEREUPON, the jury retires to the jury
6 room at 12:50 p.m.)

7 THE COURT: Ms. Warthen?

8 MS. WARTHEN: Thank you, Your Honor. I'm just
9 trying to anticipate potential objections. The
10 testimony that the alleged victim in this case,
11 S.W. [REDACTED], suffers a reputation for
12 untruthfulness among her family members is highly
13 relevant because this is a he said/she said case
14 relying heavily on Ms. S.W. [REDACTED]'s assertion. The
15 Defense does not intend to offer forbidden
16 testimony regarding opinion as to Ms. S.W. [REDACTED]'s
17 credibility on this particular occasion from
18 Ms. Scott, we merely ask the witness be allowed to
19 testify as to Ms. S.W. [REDACTED]'s reputation and character
20 for untruthfulness. I do think that it is not
21 prohibited under hearsay because of Rule 803(21),
22 While a person's reputation for character can
23 sometimes develop from information obtained by
24 hearsay, 803 carves out an exception for reputation
25 as to character at 21 saying simply, Reputation of

1 a person's character among associates in the
2 community are among those exceptions.

3 The note in the evidence handbook goes on to
4 say, There is no South Carolina law, so I can't
5 give you any case law dealing with the exception,
6 The section is included in the rules to just insure
7 that reputation evidence is not excluded on the
8 basis of hearsay. Rule 404, 405, and 608 deal with
9 when reputation evidence may be admissible.

10 As to 608, for our purposes in applying for
11 the admission in evidence, the relevant portion
12 reads, 608: Opinion and reputation evidence of
13 character. The credibility of witness may be
14 attacked or supported by evidence in the form of
15 opinion or reputation, but subject to these
16 limitations: The evidence may only refer to
17 character for truthfulness or untruthfulness.

18 There is very little case law on this topic,
19 and one of the few cases mentioning Rule 608(a),
20 the South Carolina Court of Appeals wrote in State
21 v. McKerley, that is 397 S.C. 461 from 2012: The
22 rule provides that opinion evidence regarding
23 credibility may refer only to character for
24 truthfulness or untruthfulness and evidence of
25 truthful character is admissible only after the

1 character -- well, that goes into truthful
2 character. We are talking about untruthful
3 character.

4 The testimony is also admissible pursuant to
5 Rule 404(a)(2). Character evidence in general is
6 not admissible under Rule 404, but exceptions exist
7 pertaining to victims in a criminal trial.

8 At Subsection (2), Character of victim.
9 Evidence of a pertinent trait of character of the
10 victim of a crime offered by an accused is
11 admissible.

12 And then Rule 405, Methods of proving
13 character, provides us was a road map for using --
14 for introducing character evidence saying in
15 Section(a) that: In all cases in which evidence of
16 character or a trait of character of a person is
17 admissible, proof may be made by testimony as to
18 reputation or testimony in the form of an opinion.

19 If there is any argument about probative value
20 versus prejudicial value, I am happy to address
21 that as well.

22 THE COURT: Ms. Sampson?

23 MS. SAMPSON: I am sort of arguing in a vacuum
24 because I have no idea what she is going to testify
25 to in terms of how she knows what she knows, so I

1 think -- I think none of this is admissible simply
2 because they want to impeach her character because
3 I guess because she said something different by
4 them bringing up someone to talk about her
5 reputation for truthfulness. I could probably
6 bring people and talk about that, but we would be
7 here all day. That is not what the rules are for.
8 She just said herself she can't give you specific
9 case law that allows it in the manner that she is
10 allowing, but I am talking in a vacuum because I
11 don't even know what this person is going to say.

12 Based on the rules, it talks about a character
13 trait or within the community. And she is talking
14 about her family. And, again, I don't know who
15 this person is to her in terms of maybe they have a
16 beef. I don't know anything. And so I think we
17 may have to proffer it if it is going to come in at
18 all so I can make an intelligent discussion about
19 it, but I don't think that she can just bring up
20 somebody to say whether somebody is truthful or not
21 simply because a person testified, which it sounds
22 like what they are doing.

23 THE COURT: I don't even know who the witness
24 is.

25 MS. WARTHEN: I'm sorry, I should have

1 clarified. It is her great niece. They are not
2 particularly close because she has -- the
3 reputation is that she does tell stories about
4 people, and there is some danger there in getting
5 too close to her. I think those are the terms she
6 gave our investigator is that she feeds her with a
7 long-handed spoon.

8 THE COURT: Okay. Does that help you, Ms.
9 Sampson, at all?

10 MS. SAMPSON: Not really. I mean, they have
11 that she is her great niece so she may know her. I
12 don't know the context. I don't know how -- her
13 belief that she is incredible is different than the
14 community of people for reputation for -- that is
15 not the same as your belief that somebody is
16 untruthful. I can probably bring people to talk
17 about why they don't trust Mr. Gridine. And, in
18 fact, that is in her statement and we didn't touch
19 it. So -- because it is inadmissible. We would be
20 here all day if all we did was bring in people to
21 talk about whether somebody has a character for
22 truthfulness or untruthfulness. That is not what
23 the rules allow. But, again, I, just don't think
24 it is admissible to have somebody come in and say,
25 I don't trust her.

1 MS. WARTHEN: I'm not sure why these rules
2 would exist if we can't ever bring in opinion and
3 reputation evidence of character or character of
4 the victim, for the purpose of trait or character.
5 I mean, I don't know what could be a more pertinent
6 trait of character in a he said/she said than her
7 reputation for truthfulness or untruthfulness.

8 MS. SAMPSON: And I can answer that, Your
9 Honor. There are cases where they allow that when
10 the specific case or the charge is about
11 truthfulness or your prior record is about
12 truthfulness, then they can bring it in. Where
13 there is a fraudulent check case, then maybe
14 because it goes all the more opportunity for that.
15 That doesn't do that. She is just talking about
16 the credibility of a witness. We could do it
17 because a witness took the stand and said
18 something. We would do it in armed robbery, we
19 would do it in murder, we would do it in every
20 single case.

21 THE COURT: I mean, the truth of the matter
22 is, I'm not even sure what there is for me to rule
23 on at this point. I have no idea what the
24 questions will be, what the witness is going to
25 say. And it is not something that the State has

1 raised an objection to. It is simply the Defense
2 asking for permission to do it. And I'm not going
3 to tell you how to try your case. You know, I call
4 balls and strikes. I'm not giving you a road map
5 for who you can call and what you are going to ask,
6 and all of that. So I'm not sure that there is
7 anything before me to rule on at this moment.

8 MS. SAMPSON: And to make it clear, if they
9 are going to put her on the stand to testify that
10 Ms. S.W. is untruthful and can't be trusted, or
11 whatever it is she is going to say, I am going to
12 object to that. So anything that has to do with
13 her truthfulness or untruthfulness from a witness
14 who is not part of this case, who was not there
15 when it happened, who has not talked to Ms. S.W.
16 about this particular issue --

17 MS. WARTHEN: She will not testify about Ms.
18 S.W.'s credibility about this issue. We
19 understand that that would be forbidden.

20 THE COURT: So I don't want you to tell me
21 everything she is going to testify to, but tell
22 me -- give me some preview of her testimony, I
23 suppose.

24 MS. WARTHEN: Well, the primary reason she is
25 here is that she was one of the people who saw him

1 immediately after this. She can testify that he --
2 there was absolutely no evidence that he had been
3 beaten about the head with a lamp. That is
4 primarily why she is here. But, you know, we also
5 asked her questions and learned, you know, that she
6 doesn't trust her any further than she can spit,
7 which, you know, if her own family feels that
8 way -- and she told us just about the effect that
9 this story that she has told about Mr. Gridine has
10 had on the family, like any of the stories where
11 you have a pot stirrer in the family, people end up
12 splitting off, taking sides. And that has
13 happened, in fact, in this case as well.

14 THE COURT: How is that relevant to anything?

15 MS. WARTHEN: It goes to whether -- it is
16 about her reputation, I mean, which is -- I mean,
17 if she has a reputation for untruthfulness, that is
18 relevant to whether she could be making up a story
19 today, whether she made one up four years ago.

20 THE COURT: I understand your argument about
21 her credibility in reporting the crime and
22 testifying at trial, but dividing the family and
23 generally being a pot stirrer is what I was asking
24 about. What is that -- how is that relevant?

25 MS. WARTHEN: It is just that -- it may --

1 that may not be.

2 THE COURT: I'm going to allow the question
3 and testimony regarding the victim's reputation for
4 truthfulness or untruthfulness. That is my intent.
5 I don't know how the questions will be posed, and
6 I'm not saying there won't be objectionable
7 questions in some form or fashion. I just don't
8 know until I hear it. But, generally speaking, I'm
9 not going to preclude the Defense from addressing
10 that issue.

11 MS. SAMPSON: What I would ask, because if she
12 asks a question, we are going to be in the same
13 spot we were yesterday where the cat is out of the
14 bag. Can we proffer it first so that then I can
15 make the proper objections? Because even she is
16 not giving us the specifics. And I don't have --
17 this isn't a case where I have the statement and I
18 know what is going to come out of their mouth. I
19 don't. And if that bell gets rung, and if Your
20 Honor does agree, I can't unring the bell. We did
21 this once already.

22 THE COURT: That's true.

23 MS. WARTHEN: So we'll just proffer the part
24 that has to do with that, not anything that has to
25 do with what she saw after.

1 THE COURT: Absolutely.

2 MS. WARTHEN: Tomeka?

3 THE BAILIFF: Come forward.

4 (Witness approaches.)

5 THE BAILIFF: Place your left hand on the
6 Bible, raise your right, and face the judge right
7 here.

8 (Witness complies.)

9 THE COURT: Do you solemnly swear or affirm
10 the testimony you give the Court will be the truth,
11 the whole truth, and nothing but the truth, so help
12 you God?

13 THE WITNESS: Yes.

14 THE COURT: Have a seat in the witness stand,
15 please.

16 (Witness seated.)

17 THE COURT: Tell us your name first.

18 THE WITNESS: Tomeka Scott.

19 THE COURT: Yes, ma'am, go ahead.

20 TOMEKA SCOTT,
21 after being duly sworn, testified as follows:

22 DIRECT EXAMINATION(PROFFER)

23 BY MS. WARTHEN:

24 Q I'm just going to ask what will be relevant to what
25 we are talking about, Ms. Scott, for now. Can you

1 describe what your -- what is your blood
2 relationship with Terry?

3 A He is my uncle, my mother's brother.

4 Q Your mother's brother?

5 A Yes.

6 Q Okay. And then what is your blood relationship
7 with Ms. S.W.?

8 A She is my great aunt, my mother's mother's sister.

9 Q Mother's mother's sister. Okay, thank you. And
10 this is a family that gets together a lot, or did
11 at some point in your life?

12 A Yes. Yes.

13 Q Do y'all still get together a lot?

14 A No.

15 Q What changed?

16 A Nothing really. Well, after my grandmother passed,
17 then everything just changed, but all before then,
18 I mean, it was just like, we would have like family
19 gatherings every now and then, but not as much as
20 we used to.

21 Q And to be clear, your grandmother, the grandmother
22 you are referring to was Terry's mother?

23 A Yes.

24 Q How would you describe -- what do you call
25 Ms. S.W.?

1 A Ma Mook.

2 Q It is Mook?

3 A Yes.

4 Q Is that spelled M-O-O-K?

5 A However you spell it. It is Mook.

6 Q Mook?

7 A Yes.

8 Q How much time do you spend socializing with her one
9 on one?

10 A Not often.

11 Q Well, how would you describe the degree of trust
12 that you feel in confiding things to Ms. **S.W.**?

13 A I mean, I can't say how much I can confide in her
14 because I really don't talk to her like that. When
15 I see her, I see her, but that is it.

16 Q What did you mean when you told our investigator,
17 Lee Connelly, that you don't trust her any further
18 than you can spit?

19 MS. SAMPSON: I am going to object to the
20 leading.

21 THE COURT: Sustained.

22 A What?

23 THE COURT: Don't answer that question.

24 BY MS. WARTHEN:

25 Q If she sustains the objection, don't answer it.

1 Sorry.

2 What reason, if any, do you have to be wary of
3 Ms. S.W.?

4 A Just things that, you know, you hear from different
5 family members, you know, that they would say,
6 Well, you can't trust her, or, Don't get in mix
7 with her too much, you know, just stuff like that.
8 But I just keep my distance away from drama,
9 period, so.

10 Q Her general reputation is --

11 MS. SAMPSON: Objection, Your Honor, to the
12 leading.

13 THE COURT: Sustained.

14 BY MS. WARTHEN:

15 Q In the time -- how much time did you spend with
16 Terry over the years, like in the same house?

17 A When I was younger, he lived with us. I would say
18 like, probably like five or six years. And like
19 recently he lived with me for like about a year.

20 Q How recently was that?

21 A I'd say last year, year before last?

22 Q Okay. In all the time that you spent with Terry,
23 when, if at all, have you witnessed him being
24 inappropriate with women?

25 MS. SAMPSON: I'm sorry, I didn't hear a word

1 she said. I didn't hear the question.

2 BY MS. WARTHEN:

3 Q When, if at all, have you witnessed him being
4 inappropriate with women?

5 A Never.

6 MS. WARTHEN: I think that is basically it,
7 Your Honor.

8 THE COURT: Okay. Ms. Sampson?

9 MS. SAMPSON: I don't have any questions. I
10 do have argument.

11 THE COURT: Yes.

12 MS. SAMPSON: So what we have gotten from this
13 proffer is she doesn't socialize with the victim,
14 she doesn't really talk to her. The things that
15 she heard from her reputation was just from
16 different family members, and that she stays away
17 from her.

18 So I'm not sure how she would be able to
19 testify as to her truthful -- character for
20 truthfulness. She just said she doesn't talk to
21 her. And whatever character she may have is simply
22 hearsay. She literally just said that herself.

23 So even if somehow this was admissible, which
24 I still don't think it is, it couldn't come from
25 this witness.

1 MS. WARTHEN: That is what reputation is, Your
2 Honor, things that you hear from people. And there
3 is a specific hearsay exception for this very
4 thing, for reputation and character.

5 THE COURT: Based on the testimony that I just
6 heard, that does not qualify for any exception. So
7 the State's objection is sustained.

8 MS. SAMPSON: Thank you, Your Honor. And for
9 the record, I don't have any problem with her
10 testifying about what she saw or heard the day of.
11 That wasn't my problem.

12 THE COURT: Y'all sit tight two seconds.

13 (Pause.)

14 THE COURT: Are y'all okay with her staying on
15 the stand, or do you want her to step down?

16 Bring the jury, please.

17 (WHEREUPON, the jury came into open
18 court at 1:11 p.m.)

19 THE BAILIFF: The jury is seated, Your Honor.

20 THE COURT: Thank you, sir.

21 All right, ladies and gentlemen, the Defense
22 has gone ahead and called its next witness,
23 Ms. Tomeka Scott, who has already been placed under
24 oath and is sitting before you on the witness
25 stand.

1 Ms. Warthen, your direct examination?

2 MS. WARTHEN: Your Honor, may I approach just
3 briefly about something different?

4 THE COURT: Okay.

5 (WHEREUPON, a bench conference was held
6 in the presence of the jury but out of
7 the hearing of the jury.)

8 TOMEKA SCOTT,
9 after being previously sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. WARTHEN:

12 Q Can you state your full name for the record,
13 please?

14 A Tomeka Mavis Scott.

15 Q And what is your occupation? Tell us what you do
16 for a living.

17 A I work in transportation, school bus driver.

18 Q Okay. What else you do?

19 A I work for Lowe's part-time.

20 Q All right. What do you there?

21 A I'm a sales associate.

22 Q Okay. Can you tell me about what your blood
23 relationship is, first, with Mr. Gridine?

24 A He is my uncle, my mother's brother.

25 Q Mother's brother. Okay. And what is your

1 relationship with Ms. [REDACTED] S.W.?

2 A She is my great aunt, my grandmother's sister.

3 Q Grandmother's sister. All right. Tell me about
4 your personal relationship with Terry, like how
5 much time you spent in one another's company.

6 A We spend a lot of time in each other's company. He
7 used to live with me. He is like my, like a older
8 big brother, but my uncle.

9 Q How much older is he than you?

10 A Ten years.

11 Q Okay. Not that far. And y'all have lived together
12 how many times over the years?

13 A Over the years probably about three, three or four.

14 Q Okay.

15 THE COURT: I need you to speak up.

16 A Three or four times, I believe.

17 Q And, I mean, the kind of time y'all spent together,
18 what kind of things do you do?

19 A Every time I cook, he is at my house. We have --
20 well, when I cook on the grill, he is there. Even
21 when I don't cook on the grill, he is there.

22 Q Okay.

23 A Yes.

24 Q I am going to turn your attention to the early
25 morning hours of October 27th. Do you remember

1 seeing Terry on that day?

2 A Yes.

3 Q And what, if anything, about his demeanor seemed
4 concerning?

5 A No.

6 Q I'm sorry?

7 A No.

8 Q There was nothing about his demeanor that seemed
9 concerning?

10 A No.

11 Q What concerns were raised, if any, by the way that
12 he seemed to feel?

13 A He just seemed like his ordinary self.

14 Q Okay. What did y'all do that morning?

15 A Just sat around, talked, sat on the porch. That's
16 about it.

17 Q What injuries, if any, did you note on Terry that
18 morning?

19 A None.

20 Q So --

21 A He didn't have any injuries.

22 Q -- were there any indications, if any, that
23 somebody had beaten him on the head with something?

24 A No.

25 MS. SAMPSON: Objection to the leading, Your

1 Honor.

2 THE COURT: Sustained. Y'all disregard that
3 last question and answer.

4 BY MS. WARTHEN:

5 Q Did his head appear as it does now? Was there any
6 covering? Was there any hair?

7 A No. He has always been bald.

8 Q Okay. What did you observe in terms of cuts or
9 abrasions, or anything of that nature?

10 A None.

11 Q And in all the time that you have spent with Terry,
12 tell me about any time that you have seen him
13 behave inappropriately towards women.

14 A I have never.

15 Q Thank you.

16 MS. WARTHEN: Beg the Court's indulgence.

17 THE COURT: Yes, ma'am.

18 (Pause.)

19 MS. WARTHEN: No further questions, Your
20 Honor.

21 THE COURT: Cross-examination.

22 MS. SAMPSON: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MS. SAMPSON:

25 Q Ms. Scott, you just told Ms. Warthen that you have

1 never seen Mr. Gridine act inappropriately towards
2 women. You weren't at their house on October 26th
3 through 27th, were you?

4 A No.

5 Q And when you saw him -- what time did he get to
6 your house on the 27th?

7 A He was there, had to be like about 9:45, or
8 something like that.

9 Q In the morning? 9:00 o'clock, 9:45 a.m.?

10 A No.

11 Q P.M.?

12 A Yes.

13 Q So he didn't get to your house until October 27th
14 at 9:00 or 9:45 at night?

15 A Uh-huh.

16 THE COURT: Is that a yes or a no?

17 A Yes.

18 Q And she asked you about seeing anything on his
19 back. That was at 9:45 on the night of the 27th?

20 A Yes.

21 MS. SAMPSON: Nothing further, Your Honor.

22 THE COURT: Anything further from this
23 witness?

24 MS. WARTHEN: Nothing further, Your Honor.

25 THE COURT: All right, thank you, ma'am. You

1 may step down.

2 (Witness steps down.)

3 THE COURT: Call your next witness.

4 MS. PINNOCK: Your Honor, at this time the
5 Defense rests.

6 THE COURT: All right. That is not working
7 anymore. Okay. Ladies and gentlemen, the Defense
8 his now rested their case, so you have heard all of
9 the evidence and testimony that you are going to
10 hear in this case. All that remains is the closing
11 arguments of the attorneys and my charge to you on
12 the law.

13 As you know, we ordered lunch for you and
14 lunch has been delivered, so I am going to excuse
15 you for a lunch break. I don't want you to leave
16 in your cars. You can, if you choose, have your
17 cell phone during lunch, as long as you don't use
18 it to discuss the case with anyone or to do any
19 research about the case, or all the things I have
20 admonished you about before. And you can, if you
21 choose, step outside to get some fresh air, eat
22 that lunch on a bench outside. I just don't want
23 you getting in your cars and going anywhere. That
24 takes a lot longer and there is some potential that
25 something could happen over the lunch break, and we

1 just want to keep rolling with this trial and get
2 it done as soon as possible.

3 So we are going to break until 2:15. Be back
4 in your jury room at 2:15, and we will try to wrap
5 up the trial at that time.

6 Y'all go ahead and have a good lunch.

7 (WHEREUPON, the jury retires to the jury
8 room at 1:21 p.m.)

9 THE COURT: Any motions?

10 MS. PINNOCK: Your Honor, at this time I
11 respectfully renew all of our pretrial motions, all
12 of our objections we presented on the record
13 throughout the trial. I would also renew our
14 directed verdict motion at this point. I still
15 believe that there is insufficient evidence for the
16 State's case to make it to the jury. I don't
17 believe viewing in the light most favorable to the
18 State they have offered enough to pass on to the
19 jury for consideration. I renew all of our
20 pretrial and jury trial objections and our directed
21 verdict at this time.

22 THE COURT: All right. Your motion for
23 directed verdict is respectfully denied. And my
24 previous rulings of course remain the same.

25 Jury charges? From the State?

1 MS. SAMPSON: The only charge that I was
2 asking I think that gives some light is the
3 definition of sexual battery that includes any
4 intrusion into any part of the body, however
5 slight. Other than that, I didn't have any
6 additional other than the standard charges. And I
7 think the Defense asked for a charge, I think I am
8 objecting to that, but I honestly can't remember
9 what it was because I can't see it.

10 THE COURT: Good character.

11 MS. PINNOCK: That is the only one that we
12 would request, is the charge on jury consideration
13 of somebody's good character.

14 MS. SAMPSON: And I will object to this charge
15 because there was no statement or testimony about
16 either of their characters for reputation as far as
17 that goes. So we would be introducing an issue
18 that wasn't brought up by either the Defendant or
19 the victim. Whether they are truthful or not or
20 whether they are credible or not, that is in your
21 standard jury charge as to what they have to
22 consider in determining whether they believe
23 somebody or not. That is in your standard charge.
24 There has been no reputation testimony. So there
25 is no need for this charge.

1 THE COURT: Yes, ma'am?

2 MS. PINNOCK: Your Honor, I would just respond
3 with Ms. Scott just testified that in all the time
4 she spent with Mr. Gridine, she never witnessed him
5 be inappropriate towards any women. So I do
6 believe the record contains some evidence of good
7 character, and that is why I'm requesting the
8 charge.

9 MS. SAMPSON: And to be clear, I didn't object
10 to that because this was about him being
11 inappropriate with a woman, so I thought that
12 didn't go to character, it went specifically to his
13 actions, not to character, but his actions. If I
14 thought that was a premise for opening character
15 evidence, then I would have done something
16 differently, but she asked about his actions. So I
17 think the jury can take it either way. But to have
18 it be a charge about good character or good
19 reputation when it wasn't about his good
20 reputation, it was specific about actions with
21 women. You can be a terrible person and be great
22 with women. That has nothing to do with your good
23 character or good reputation.

24 MS. PINNOCK: Your Honor, with all due
25 respect, not objecting to something is not grounds

1 for asking the Court to refuse to charge the jury
2 on a specific topic. So I do believe the record
3 does include it. It can be interpreted that way
4 from Ms. Sampson's own statement. We believe that
5 it does go to his good character. She was asked.
6 She said she had never seen it, or anything, you
7 know, out of the ordinary or bad between Terry and
8 women.

9 MS. SAMPSON: That was not the question. The
10 question was one question. I'm sorry to interrupt,
11 but she just made it longer than it actually was
12 because I wrote it down.

13 MS. PINNOCK: And, Your Honor, I will continue
14 to elaborate on what I was saying. That was
15 testimony, there is evidence on the record, which
16 is why we are requesting the charge.

17 THE COURT: It is barely there, but I will
18 charge on good character over the State's
19 objection.

20 As to the specific language used in the
21 proposed charge, Ms. Sampson, is there an
22 objection?

23 MS. SAMPSON: Since I just got handed this, I
24 would like some time to go look it up because I
25 don't know -- I don't know if there is a current

1 one. The one cited is from 1982. So I would like
2 to have an opportunity to check that.

3 MS. PINNOCK: Just for Your Honor, I pulled it
4 from the Ralph King Anderson book of jury charges,
5 so if Ms. Sampson would like to check it she can.

6 MS. SAMPSON: It also still has that we can
7 say that credibility of the victim in a rape
8 case --

9 THE COURT: Y'all stop. Way too much back and
10 forth. You are getting -- as a woman, I hate to
11 use the word, but y'all are being catty. So I will
12 give Ms. Sampson an opportunity to check. So y'all
13 just be back at like 2:10 and we'll talk about it
14 then. Okay. Go have some lunch.

15 MS. SAMPSON: Thank you, Your Honor.

16 MS. PINNOCK: Thank you, Your Honor.

17 (WHEREUPON, a lunch break was taken at
18 1:28 p.m.)

19 (WHEREUPON, the proceedings resumed at
20 2:18 p.m.)

21 THE COURT: Ms. Pinnock, any objection to
22 sending the indictment back to the jury?

23 MS. PINNOCK: No, Your Honor, as long as you
24 tell them it is not evidence. You have already
25 told them.

1 THE COURT: Oh, yes.

2 MS. PINNOCK: It is not evidence to be
3 considered. I have no objection.

4 THE COURT: Okay. And the foreperson will be
5 Juror 156, just FYI.

6 Mr. Walton, you didn't have any reason why the
7 indictment can't be sent to the jury, do you?

8 MR. WALTON: No, Your Honor.

9 THE COURT: All right. My clerk is finishing
10 up the edits on that jury charge.

11 MS. SAMPSON: Other than my previous
12 objection, that actual charge I don't have anything
13 to add to that actual charge.

14 THE COURT: I will tell you, I edited that
15 actual charge. My recollection is that I took out
16 the first sentence. Ms. Pinnock had some -- the
17 beginning of the sentence in bold. That is where I
18 start.

19 MS. SAMPSON: Can you say that again, I'm
20 sorry?

21 THE COURT: The words in bold at the beginning
22 of the sentence sort of in the middle, that is
23 where I started. I have taken out everything
24 before that.

25 MS. SAMPSON: Okay.

1 THE COURT: And I took out a couple of words
2 at the end, although I don't have it in front of me
3 and I just can't recall right now, but maybe the
4 last couple of words. How does last sentence read?

5 MS. PINNOCK: It says, The weight you give
6 that testimony, like all other testimony in the
7 case, is for you to determine and decide in your
8 good judgment.

9 THE COURT: Yes, I think I took out "in your
10 good judgment."

11 MS. PINNOCK: Okay.

12 MS. SAMPSON: Is it possible for us to see it
13 in print?

14 THE COURT: He is going to print copies for
15 both of you.

16 (Pause.)

17 MS. PINNOCK: The only question I would have,
18 Your Honor, is identification. I don't know if
19 that charge would be necessary because that was
20 never an issue in this case. Nobody has made it
21 any issue in this case. So I don't know if it will
22 be confusing to keep it in there or the State would
23 have any objection to it being removed.

24 THE COURT: I'm happy to take it out. I
25 actually reduced it significantly because I didn't

1 want to take it out without asking y'all, but I
2 also didn't want to go on and on for multiple
3 paragraphs about it, but I am happy to remove it.

4 MS. SAMPSON: I'm not trying to be coy or
5 weird or anything, but I think to cover me I would
6 need the Defense to put on the record if they are
7 not objecting to that, that is not part of the
8 case, they would stipulate that she identified him
9 and that identification is not part of this case.
10 Otherwise, I have to prove it as an element. I
11 don't have a choice.

12 MS. PINNOCK: Okay. I mean, we are not making
13 an issue of identification. We haven't objected to
14 it. The lineup was put in without objection. They
15 had multiple witnesses identify Terry as the person
16 they were accusing.

17 THE COURT: Would you at this point stipulate
18 to identity?

19 MS. PINNOCK: As to the person being accused,
20 absolutely.

21 MS. SAMPSON: That's all I need. I just don't
22 want it to come up later and they have a motion
23 that I didn't prove identification when they are
24 stipulating that is not an issue.

25 MS. PINNOCK: Fine. It was never an issue,

1 Your Honor.

2 MS. SAMPSON: Then I think I'm covered. Thank
3 you, Your Honor. Then, yes, the State has no
4 problem with removing that from the charge.

5 THE COURT: Okay. Do you need additional time
6 to review the jury charge, Ms. Pinnock?

7 MS. PINNOCK: No, Your Honor.

8 THE COURT: Any other objections to it?

9 MS. PINNOCK: No, ma'am. I mean, just -- no,
10 ma'am.

11 THE COURT: Okay. Anything from the State?

12 MS. SAMPSON: No, ma'am.

13 THE COURT: Wonderful. Who is closing for the
14 State?

15 MS. SAMPSON: I am, Your Honor.

16 THE COURT: And for the Defense?

17 MS. PINNOCK: I am, Your Honor.

18 THE COURT: Wonderful.

19 MS. SAMPSON: And just to cover, make sure we
20 say it, I have to close in full, the Defense
21 closes, and because they put up, I get rebuttal?

22 THE COURT: Yes.

23 MS. PINNOCK: I was actually going to bring
24 that up. I would just add that Ms. Sampson merely
25 limit her rebuttal to anything new that was brought

1 up during our closing.

2 MS. SAMPSON: The rule says that I must reply,
3 so I will end in reply.

4 THE COURT: Absolutely.

5 All right, bring the jury, please.

6 (WHEREUPON, the jury came into open
7 court at 2:31 p.m.)

8 THE BAILIFF: The jury is seated, Your Honor.

9 THE COURT: Thank you, sir.

10 Good afternoon, folks. I hope you enjoyed
11 your lunch. It is now time for closing arguments
12 of the attorneys. After that, I will charge you on
13 the law that applies to this case. So I ask that
14 you give the attorneys your undivided attention for
15 their closing arguments.

16 Ms. Sampson, you go first.

17 MS. SAMPSON: Thank you, Your Honor. May it
18 please the Court?

19 THE COURT: Yes, ma'am.

20 CLOSING ARGUMENT

21 MS. SAMPSON: I could tell you what I want to
22 do, but if I did you would have to take it to your
23 grave.

24 Those were the words that the Defendant texted
25 to his aunt just four days prior to doing something

1 to her that she will have to take to her grave.

2 Not only did he say those words in a text, on
3 October 26th of 2017, he came to her home, said
4 those words again, grabbed her, threw her to the
5 ground, put his hand in her vagina, while yelling,
6 I want to touch your titties and lick your pussy.
7 And, no, ladies and gentlemen, I don't like using
8 those words. I'm only using those words because he
9 did. That is the evidence that is presented to
10 you. That is all the evidence there is, because
11 that is all we need.

12 S.W. came to you and told you about
13 what is probably the most horrific day of her life.
14 Who ever wants to come in and talk about sex? Who
15 ever wants to come in here and talk about their
16 private body parts? Most people don't. But she
17 was brave enough not to tell just you all, she was
18 brave enough to tell law enforcement, not once, not
19 twice, not three times, but four times.

20 The evidence that came before you is that she
21 calls the law on October 27th around 6:00 o'clock,
22 6:45. And she told the first responder what
23 happened to her. Not only did she tell him, she
24 demonstrated. He told you about that. Gave
25 details.

1 Then, as you are supposed to, you heard from
2 Investigator Torres, who told you that as the lead
3 investigator she gets that report, she learned of
4 what had happened, and she speaks with Ms. [S.W.]
5 on the phone. And, again, Ms. [S.W.] gives her the
6 details of that, of how he came over, of what he
7 said, of how she had to fight him off. That is in
8 a phone call. That is Time Number 2 for law
9 enforcement.

10 Time Number 3. Investigator Torres goes to
11 her home. And in this time, not only does she tell
12 her, she demonstrates it to the point that
13 Investigator Taylor takes photographs so we would
14 all have it. And sometimes I a going to call her
15 Taylor and sometimes I am going to call her Torres,
16 but, trust me, it is the same person. Remember,
17 she told us that, all right? She took photographs
18 as [S.W.] demonstrates it because she was so
19 good at it. She could do so. She could even put a
20 file folder down to show where her head landed when
21 he threw her on the ground. That was Time Number
22 3.

23 Time Number 4 was when she went to
24 headquarters and wrote that six page statement that
25 you saw her testifying about, and again gave the

1 details of that day.

2 Ladies and gentlemen, that is being
3 consistently consistent, because she is telling the
4 truth. The truth never changes. A lie is real
5 hard to remember, but the truth never changes.

6 In South Carolina, we don't call it when you
7 insert your finger in somebody's vagina rape, we
8 call it sexual assault. So he is charged with
9 criminal sexual conduct in the third degree.

10 Now, the judge is going to instruct you when
11 we both get done speaking on the law, but I am
12 going to give you a little bit of it just so you
13 know what we are all talking about, right?

14 So criminal sexual conduct in the third degree
15 is when a person puts any part of their body into
16 the parts of someone else's body. Pretty much that
17 simple. You can put any part of your parts in any
18 part of her parts. So any hole, any orifice that
19 gets something inserted into it, criminal sexual
20 conduct in the third degree. Why is it only the
21 third degree? Because there was some force, some
22 coercion. We have different degrees. But in this
23 case, the force came when he threw her to the
24 ground, the force came when he grabbed her knee,
25 when she had to push him off of her, when he stuck

1 his hand up her vagina, up her nightgown, up her
2 robe when she didn't want him to. That is criminal
3 sexual conduct in the third degree.

4 Now, I can say that all day long, but that
5 doesn't make him guilty of it. You guys are the
6 only ones who get to determine whether he is guilty
7 of it or not. So how do you do that? Because all
8 of us have been to school to do what we do, right?
9 We as lawyers have been to school to learn how to
10 stand up her and talk in front y'all, the judge has
11 been to school to learn how to be a judge, but
12 there is no such thing as juror school. Nobody
13 told y'all what to do except for show up at 8:30 or
14 9:00 o'clock on Monday. Some of y'all probably
15 were hoping to be leaving and then you got stuck up
16 here. And now we want you to just go do something,
17 but none of us have told you how.

18 Well, what I want you to do is use the same
19 common sense that you had when you walked in this
20 door when you go back there to deliberate. All you
21 need is that, because as you look at these
22 photographs, as you remember what Ms. **S.W.** told
23 you when she testified, that is all you need is
24 your common sense.

25 She is a 72-year-old woman. A grandmother, a

1 mother, aunt, sister, who got up here under oath
2 and told you what happened.

3 Now, the Defense is going to get up here, and
4 they have already said, She was just telling a
5 story, just telling you like a soap opera. But
6 does her story, as they want you to believe it,
7 ring true?

8 Also, what reason would she have to tell the
9 same truth if it is a lie over and over and over?
10 She is a 72-year-old woman. Why does she need to
11 come and make up a lie? And if, as they would try
12 to intimate, maybe he didn't help her do something,
13 I don't care if you were helping me win a million
14 dollars, I am not going to come to court and
15 testify and tell law enforcement over and over --

16 MS. PINNOCK: Objection, Your Honor. May we
17 approach?

18 THE COURT: No. What is -- yes, approach.

19 (WHEREUPON, a bench conference was held
20 in the presence of the jury but out of
21 the hearing of the jury.)

22 THE COURT: The objection is overruled.

23 Continue, Ms. Sampson.

24 MS. SAMPSON: For me, there is nothing you
25 could do or offer me that I would come in here --

1 and you are allowed to think about that when
2 thinking about the credibility of Ms. [S.W.]. One of
3 the things you get to think about is what bias does
4 she have, what motivation would she have? And what
5 is it? Other than it happened.

6 She came up here, she told you what happened.
7 It is really that simple. The Defense would like
8 you to believe that, Well, that is just not good
9 enough, because we don't have DNA. I'm sure they
10 are going to get up here and say, Well, they didn't
11 take photographs of that cut.

12 Well, remember she told you, I didn't tell the
13 first responder about that cut. I did tell
14 Investigator Torres on the 30th.

15 And she asked Torres, Why didn't you tell her
16 to go get examined and take photographs? They also
17 told you how invasive that SANE exam is. And, in
18 fact, the words that Christian -- Deputy Christian
19 used was, I didn't want to victimize her again, so
20 I told her not to go.

21 And if Torres had told her three days later, I
22 guarantee you that then the Defense would be up
23 here saying, Well, it is three days later. She
24 could have done anything three days later. So, no,
25 she didn't send her to go get a picture. And we

1 told you that. We are not hiding the ball from
2 you. We are giving you all the evidence we got.
3 Do I wish there was some DNA? Of course I do. Do
4 I wish we had a video that she somehow would have
5 known to have some video cameras in her house for
6 this? Yes, I do. But we don't. We have Sara
7 Webber at her word.

8 But you don't have to just trust her word, you
9 have the text messages. So today apparently he
10 wanted to get around the text messages with this
11 story about, It was about suicide.

12 Remember, I said to use your common sense.
13 Does it make any sense that when a man hears from
14 his aunt, the person he confided in all the time,
15 the person he had a great relationship with, no
16 problem is what they testified to, texts you
17 that -- and I'm going to read the words so that I
18 don't get it wrong, but when she texts, You
19 assaulted me by putting your hand inside my vagina
20 even though you know it was wrong, you violated my
21 body. You never one time say, No, I didn't. No, I
22 didn't. He didn't say it in those texts on the
23 28th, on the 27th, the 29th, the 30th, in the 1400
24 days that have passed since. This is the aunt that
25 he had this great relationship with that you are

1 confessing that you might kill yourself, but when
2 she accuses you of raping her, you say, I don't
3 understand. You say, I f'd up. You say, I'm
4 sorry, please forgive me. But you didn't do
5 anything wrong? Does that make any common sense?

6 Ladies and gentlemen, all I ask you to do is
7 remember the words of S.W. . Remember her
8 demeanor, how hard it was for her to even mention
9 those words. So I had to specifically say,
10 Ms. Webber, I am going to need you to say that, I
11 can't say the word until you say them. Remember
12 how hard that was for her? But she did it anyway.
13 How she cried when she read that text. How hard
14 this was for her. Remember that. And that she
15 said it over and over again. No matter how many
16 times Ms. Pinnock wanted her to change her mind.

17 On cross-examination she kept, Listen to this.
18 Is this what you told the person? No, that is not
19 what I told him. She stuck to her story. It
20 started in the recliner. Fought him there. Moved
21 to the couch. Fought him there. Fell on the
22 ground. Fought him there. She even told her
23 doctor because her back was now hurting. Let's not
24 forget that. She had to tell them too.

25 Ladies and gentlemen, S.W. is all we

1 have. S.W. told you her truth. She didn't
2 tell you a story, she didn't tell you a soap opera,
3 she told you her truth. And the truth is that on
4 October 27th of 2017, the Defendant put his finger
5 in her vagina, grabbed her rear end, told her how
6 he wanted to touch her, kiss her titties, lick her
7 pussy, and violate her body. And that is why we
8 are asking you to find him guilty, because he is
9 guilty.

10 Thank you.

11 THE COURT: Ms. Pinnock?

12 MS. PINNOCK: May it please the Court, Your
13 Honor?

14 THE COURT: Yes, ma'am.

15 CLOSING ARGUMENT

16 MS. PINNOCK: I was struggling to try to
17 figure out how to make everybody understand that it
18 is not about the sympathetic 73-year-old crying
19 grandmother. It is not about crying. That is not
20 what this is about. So I struggled with, how do
21 you get that across? How do you ask 12 people who
22 are going to be deliberating on this case to look
23 past that? It is human nature to want to respond
24 to that, but I have to stand here and I have to ask
25 you to ignore it. You have to just ignore it. The

1 oath that all of y'all took when you stood up, held
2 your hand up and said, I do, you swore an oath to
3 disregard the tears, to disregard the
4 combativeness, to disregard the show, the
5 performance, and to take the evidence in the case
6 that the State has brought you, apply the law that
7 the judge is going to give you, and deliberate this
8 case and come to an agreement.

9 And that is an agreement that you all have to
10 reach individually and then collectively. You have
11 to reach it individually. You don't have to just
12 agree with everybody else. So you evaluate what
13 you heard, what you saw, and you make your own
14 decision.

15 So how do I explain all of the
16 inconsistencies, the problems that the State has?
17 It is the details. The details of what they want
18 you to brush by and ignore. Because Ms. **S.W.**
19 said that Terry stuck his finger in her vagina,
20 that is it, case closed, that is the gospel, we are
21 going with it. But there is details. The details
22 are what we are asking y'all to pay attention to.

23 You can tell your story four different times.
24 You can tell your story for four years. It is
25 almost four years to the day that this was said the

1 first time. That doesn't make it true. It doesn't
2 make it right. It just means it has taken four
3 years for somebody to finally start asking
4 questions about the details of what she said
5 happened.

6 And I want y'all to think back and judge,
7 judge her credibility. Credibility is just
8 believability. Can I believe what this person
9 said? Is there a reason for this person to make
10 this up? And there is. Does she have bias against
11 Terry for whatever reason she made up in her mind?
12 She does. And when you are judging somebody's
13 credibility, part of what you look at is their
14 demeanor, their demeanor on the stand. How was she
15 acting on the stand? She broke down in tears. Ms.
16 Sampson, you know, she just told you. How hard was
17 it for her to read those texts? Had to drag it out
18 of her. But did y'all notice the second I stood up
19 to start asking her about the details that she kept
20 changing, that light switch -- that light switch
21 flipped. She didn't want to answer any questions
22 about the details. Nobody has questioned her in
23 four years. She was 100 percent fine telling her
24 story that she has been telling for 1400 days
25 because nobody asked her any questions. Law

1 enforcement didn't ask her, Well, why did you say
2 A-B-C on Monday and X-Y-Z the next day? They
3 didn't ask her. Deputy Christian came and took his
4 report. That entire conversation was on Body Cam.
5 I asked Ms. S.W. very simple questions from that
6 conversation with Deputy Christian on that first
7 night. Very simple questions. The tears dried up.
8 She sat back, and she started pushing back, because
9 she has no good explanation as to why she didn't --
10 wouldn't admit to moving from one chair to the
11 other. Wouldn't admit that she pushed Terry's arms
12 off her. What is so hard about answering that
13 question? That is not hard. That it is not one of
14 the hard questions, folks. That is, did you do it
15 or did you not? Even after she listened to herself
16 and watched herself on the video saying that she
17 did, she still tried to fight it when I asked her
18 to answer the question. Why? Why are we fighting
19 on that easy question? Those are the easy ones.
20 Those are the small ones. I can't offer you that
21 explanation. I wish I could get into her head,
22 dissect it, go back and tie it to something to
23 offer y'all an explanation. I don't know how to do
24 that. Y'all saw her demeanor, and judge her on her
25 demeanor.

1 Ms. Webber said that she went to a pain
2 management specialist because she was having back
3 issues. It is another detail. There are details
4 in what Ms. Patel said. Ms. [S.W.] was at her
5 office November 1st. She had a procedure October
6 3rd. She told them when she went for her doctor's
7 appointment she was 100 percent pain free for about
8 a week and a half. Do y'all remember when she said
9 that? A week and a half. Being generous, that
10 puts us at October 15th. That is still ten days
11 before she is accusing Terry of doing anything. So
12 her timeline for pain and the back injury, that
13 doesn't even line up. And Ms. Patel testified what
14 was in the record. She has no reason to get up
15 here and say something that wasn't in the record.
16 She read her notes and she told y'all about it.
17 You can't make up injuries just so she can have
18 injuries. We can't just create any facts to bring
19 into a courtroom to try to convince y'all to
20 convict Terry. We can't allow them to do that.

21 One of the other big issues that we brought up
22 over and over and over again, Ms. [S.W.] finally
23 admitted it, she never told Deputy Christian that
24 she had any injuries. He asked her directly. He
25 testified about it. Did she tell you that she was

1 injured? No. Did you tell her to go to the
2 hospital? Yes. That is their policy. That is
3 their procedure. Did she tell you she took a
4 shower? Yes. Did you observe her limping? No.
5 Did it seem like she was in any sort of pain? No.
6 When she bent over, did it look like she was
7 grimacing? Nothing. Nothing.

8 But then she wants to testify and say that she
9 was heading to the hospital because she had a
10 scratch on her vagina. Now, when she was heading
11 to the hospital, I still don't know when she was
12 trying to tell y'all she did, because at one point
13 she is saying she was called back to her home to
14 make the report is the reason she didn't go. The
15 next time she tells it, Well, the deputy left and I
16 got in the car and he told me, you know, he called
17 me back and told me not to go. He testified he
18 made that phone call, but did y'all catch on when
19 he said how long after he left her house that
20 morning? That was hours, hours after. The truth
21 of the matter is, she never intended to go to the
22 hospital because she knew there was no injury,
23 because she knew nothing happened.

24 Investigator Torres testified yesterday. She
25 is the lead investigator on the case. And when you

1 think about lead investigators, you think about
2 investigations. You know, that is your job. That
3 is the only reason you exist in that position is to
4 do investigations. Thirteen years on the force.
5 She worked her way up from, you know, just being a
6 road deputy to investigations assigned to Special
7 Victims, and now she is a supervising sergeant.
8 She has worked her way through. She is human.

9 And she -- well, I asked, What investigation
10 did you do?

11 She was assigned the case October 30th. She
12 spoke to Ms. [S.W.] on the phone. She went to her
13 home. She took some pictures. And then she took
14 out an arrest warrant. That is what she did.

15 She didn't pull the call records to see when
16 these phone calls happened. When did Deputy
17 Christian call her? Did she testify that she
18 verified with Deputy Christian that he told her not
19 to go? Did she ask why? No, we just took out an
20 arrest warrant on October 31st, and then we took a
21 statement on the 1st. Okay.

22 Did we interview Junior, William Webber, Jr.,
23 Ms. Webber's son? No, we didn't do that.

24 Did we follow-up with Ms. [S.W.] once we
25 reviewed the body camera and realize that not

1 everything was really adding up how she said on the
2 30th and the 1st with how she described it to
3 Investigator Christian? Did we follow-up on that?
4 No. We took [S.W.]'s statement as the gospel.
5 As Ms. Sampson said over and over and over again,
6 That is all we need. That is all she needs.

7 Somebody can sit on this stand, make a
8 statement, it doesn't have to be a consistent
9 statement, and these people over here want you to
10 convict.

11 One of the other interesting things that
12 Investigator Torres was testifying about was the
13 reason that [S.W.] did not go to the hospital. They
14 kept continuously trying to come up with an excuse
15 or justification to explain why she never went.
16 And I don't know if y'all noticed -- I'm sure y'all
17 did because y'all were watching her -- we were
18 watching you watching her, we know y'all were
19 paying attention to her -- when Ms. Sampson asked
20 her, I mean, in your career have you ever told a
21 victim not to go to the hospital after a sexual
22 assault allegation? Y'all saw how she hesitated.
23 And did you notice she didn't answer the question.
24 That was not a direct answer to the question what
25 she said.

1 She tried to convince y'all that because the
2 allegation made involved a finger, that no DNA was
3 going to be found. So if I touch the desk, my DNA
4 is going to be all over this desk because I touched
5 it. If DNA can't be left by somebody's fingers,
6 there are a lot of people who are going to get
7 their charges dismissed for other crimes because
8 you don't have to be a DNA expert, you don't have
9 to be law enforcement, you don't have to be a
10 lawyer to know that when you touch something there
11 is a very high likelihood you are going to leave
12 DNA. So the explanation that she tried to give you
13 as justification for Ms. **S.W.** not going to the
14 hospital is just false.

15 And when I confronted her on it, y'all
16 remember she stared at me. I had to ask her,
17 Right? Because she knew it was false. But that is
18 the extent that they are going to to try to
19 convince you to convict Terry.

20 Now, Ms. Warthen told you Terry sits there an
21 innocent man. And that is not just a legal
22 premise. It is not just the presumption of
23 innocence. Terry is an innocent man. He did not
24 sexually assault his aunt. He did not go to her
25 house on October 26th into the 27th of 2017 and

1 randomly decide on that day at that time that is
2 when he is going to digitally penetrate his
3 72-year-old aunt? Come on. That doesn't make any
4 sense. That makes no sense.

5 Is she mad at him because he wouldn't help
6 her? Probably. When she made the report?
7 Probably. She reached out to him. He wasn't there
8 for her. Was she trying to distract from something
9 that was going on her in her life? Probably.

10 If I could go back in time and sit down with
11 Ms. S.W. and give y'all exactly what was going on
12 in her mind when she called the police and reported
13 Terry, I would. One hundred percent, I would. But
14 I can't. And this is my only chance to stand here
15 for Terry and tell you that he did not do this. My
16 one and only chance. Ms. Sampson, she is going to
17 get back up and she is going to have another
18 opportunity to talk to y'all. But I won't be back.

19 Terry didn't have to say anything. He could
20 have sat in this courtroom for as long as this
21 trial went on and say nothing, but he chose to get
22 on the stand and tell y'all he didn't do anything.
23 He chose to get on the stand and tell you that.
24 And the best they came at him with was because he
25 didn't directly say, No, I didn't? You are right,

1 he didn't, he didn't say that. He said, I don't
2 understand. And then she made another comment and
3 he said, Will you -- Can you call me? Trying to
4 figure out what was happening. He got a page and a
5 half long text from his aunt accusing him of some
6 of the worst things. And you are right, he said, I
7 don't understand. That is not an unrealistic or an
8 unreasonable response when somebody starts accusing
9 you of something.

10 And in the 1400 days since his arrest, has he
11 communicated with his aunt who is accusing him of
12 sexual assault? No. He told you he didn't have
13 any reason to contact her after he found out that
14 she had taken out warrants on him. He cut contact.
15 Why would he want to have contact with her? Why
16 would he want to? I don't know of anybody who
17 would want to. That lack of contact does not make
18 him guilty of a criminal sexual conduct.

19 In Ms. S.W.'s statement, in her testimony
20 she told y'all, We were wrestling. He grabbed me.
21 We were wrestling. He got me down to the floor.
22 Threw her on the floor all over her, hands all over
23 her, trying to pull her clothes down, she is
24 fighting him off, and she is grabbing blindly
25 behind her to find something to fight back with.

1 Anything to fight back with. She tries to grab
2 the -- there is a table here. She tries to grab
3 this stool. It is too heavy, so she can't pick it
4 up. So she grabs this lamp. Do you remember where
5 the lamp was sitting? The lamp was sitting on this
6 little end table. You know what else is on that
7 end table, that is not out of place, that is not
8 broken, that is not jostled? Well, first of all,
9 the table is not broken. You are in a fight. You
10 are wrestling. You are trying to stop somebody
11 from taking your clothes off against your will.
12 You are blindly trying to find a weapon. You are
13 down on the floor. The pictures on the table are
14 still in their spot. The table is in one piece.
15 And the room looks pretty clean to me. Nothing is
16 out of place. And this lamp that she is fighting
17 Terry off with, according to her, is on the bottom
18 shelf of that table. Why is nothing out of place?

19 The next question, why did Terry not have an
20 injury? You beat him over and over and over to get
21 him off of you. He has got a bald head. You heard
22 Ms. Scott, He has always had a bald head. There is
23 not a mark on him. Nothing. He wasn't hit with a
24 lamp over and over and over again. He wasn't hit
25 with anything, because the assault did not happen.

1 She made up a story. She gave all these
2 details that she thought was going to support her
3 story, but the devil is in the details. They are
4 here in front of you. You heard it. Don't get
5 lost in the emotion. Don't get caught up in, It is
6 so sad that she is saying this happened. She is so
7 brave for coming in here and saying it.

8 She started saying that four years ago. And,
9 again, nobody asked her any questions. Nobody
10 asked her to explain anything that didn't make
11 sense. And the first day that I stood up here and
12 started asking her things that did not make sense,
13 y'all saw how she reacted.

14 The judge will give you the law. She is the
15 only one in this courtroom who can tell you what
16 the law is that y'all are supposed to take and
17 apply to the facts in this case to try to determine
18 whether or not the State has proven their burden.

19 It is always the State's burden. The burden
20 of proof lies on the State. And the burden of
21 proof in this case is beyond a reasonable doubt.
22 Beyond a reasonable doubt. Not just because we
23 said so. Not just because S.W. said so.
24 They have to prove to you -- prove, beyond a
25 reasonable doubt, that Terry committed these

1 crimes.

2 And reasonable doubt, you know, the judge will
3 give you the legal definition. The simplest way to
4 think about it is hesitation. When you go back
5 into that room and, you know, you start going
6 through the testimony that you heard, you know,
7 look at the pictures, you know, consider
8 everything. Consider everything. If you hesitate
9 for a split second -- split second -- that is
10 reasonable doubt. That is all it is. It is not
11 a -- you know, lawyers and judges try to make it
12 complicated legalese and all these courtroom words.
13 It is hesitation. So when you go back and think
14 about the testimony that you heard, think about
15 what doesn't add up, what doesn't make sense, I
16 know there is going to be hesitation. It is
17 riddled with it. None of this makes sense. Hold
18 them to their burden. Hold them to it.

19 Now, I am going to sit down in just a minute.
20 And like I said, Ms. Sampson is going to get back
21 up and she is going to be able to talk to y'all.
22 And then she is going to try and convince you to
23 find him guilty.

24 I ask you to keep these questions in your
25 mind: Does Ms. S.W. have a motive? Yes, she

1 does. Is there a bias? Yes. Does the story not
2 make sense? It doesn't. So when you are listening
3 to Ms. Sampson -- and I don't know what she is
4 going to say, but when you are listening to her,
5 ask yourself why. Why doesn't the story make
6 sense? Why are we going to gloss over the things
7 that we know Ms. S.W. changed along the way? Why
8 did she want to avoid going to the hospital? Why
9 did she lie about being injured? Why do you try to
10 create scientific evidence and injury to justify
11 her decision not to go? What are we trying -- what
12 are they trying to do?

13 I ask y'all to ask those questions. Ask those
14 questions to yourself. And after you go back into
15 your room, I ask, Kathleen asks, and Terry asks
16 that you find him not guilty. Not just not guilty,
17 find him innocent, because he is.

18 Thank you.

19 THE COURT: Ms. Sampson?

20 MS. SAMPSON: Thank you, Your Honor. May it
21 please the Court?

22 CLOSING ARGUMENT

23 MS. SAMPSON: Ms. Pinnock just told you that
24 it is our burden of proof. She is right. The
25 State has the burden of proof. And in this case, I

1 say, Bring it, because we brought it. We brought
2 you every piece of evidence that we had. We
3 brought you every witness there was.

4 And in determining whether we have met our
5 burden and what was happening, she talked to you
6 about what Mr. Gridine told you and the Defense's
7 case. You are going to analyze that.

8 And with the Defense's case, they brought him
9 up and he told you his version of what happened.
10 And she just talked to you about, Well, there is no
11 injuries from this lamp. Interesting that the only
12 person they brought to you to talk about those
13 injuries is someone who saw him 24 hours later.

14 Remember, he told you he went to his
15 girlfriend's house after this? Where is she?
16 Because they have the same ability to bring
17 witnesses as I did, because they did. But nobody
18 came up here and said he didn't have any injuries
19 but somebody who saw him almost 24 hours later.

20 And Ms. **S.W.** told you, she didn't say he was
21 bleeding when he ran out of the room, did she? She
22 just told you she hit him with a lamp. He didn't
23 have injuries on his shoulder, didn't have injuries
24 on his back. He was covered with clothes. Nobody
25 said he went over to Tomeka's house naked, so

1 unless she took his clothes off and looked, she
2 wouldn't have seen any of those. So instead of
3 bringing you the person who saw him immediately
4 after, they bring you somebody who saw him 24 hours
5 later, because that works for their story. But we
6 gave you the truth.

7 She really wants you to believe that
8 Ms. **S.W.** did not give you details. In fact, she
9 said, The devil is in the details. She talked to
10 you about, well, she told Investigator Christian --
11 excuse me, Deputy Christian -- this and that, and I
12 had to ask her about it. Ms. **S.W.** never shook
13 from what she said. Deputy Christian didn't get up
14 here and tell you she said anything different
15 either, did he? The only person giving you the
16 story that she said something different is sitting
17 over there with the Defendant. So who has bias
18 now?

19 She told you that it just doesn't make sense
20 that Mr. Gridine who loved his aunt would just go
21 over there and decide to do this. If I could tell
22 you why people do crimes, I would be rich. I don't
23 know why anybody commits any crimes. But he told
24 her what he was going to do when he sends that text
25 saying, If I tell you what I want to do, you are

1 going to have to take it to your grave.

2 This didn't start on October 26th. He sent
3 her a text about it earlier than that. She didn't
4 know what it meant at the time. So, no, not like
5 she just said, he didn't just go to her house on
6 the 26th and decide to do this, he had already
7 decided. Why? I have no idea.

8 She told you that she wishes that she could
9 tell you why Ms. [S.W.] did what she did and what
10 was going on in her head when she did it. You
11 don't have to wonder. Ms. [S.W.] took the stand
12 and told you. I put up her up there for you so
13 there would be no question of that. She told you
14 what was going through her head. She told her
15 family. She then told law enforcement over and
16 over. She then told you. You don't have to
17 wonder. She answered the question.

18 Ms. Pinnock keeps saying that -- she said, Why
19 did they not after they watched the Body Cam
20 footage go ask her follow-up questions. Perhaps
21 because it didn't say anything different, because
22 if it had have, we would know about it. She was
23 consistently consistent.

24 Ms. Pinnock again -- in the beginning they
25 told you there was going to be a story.

1 Ms. Warthen got up here and told you that there was
2 going to be a story, and she talked about a soap
3 opera and how things in soap operas sometimes don't
4 make sense. They are the ones talking about
5 stories. And they want you to believe that story.
6 That is what Ms. Pinnock just told you. Because
7 the story she just told you is, Nobody questioned
8 Ms. S.W. Yet, her entire cross was about the
9 questions the deputy asked Ms. S.W. on the scene.
10 She just told you that. So which is it, they
11 didn't question her or they did? They did. They
12 didn't just take her at face value. That is why
13 they have the texts.

14 And let's talk about she says, Oh, everything
15 is pristine on this bookcase. Remember when this
16 picture was taken. Three days later. Do you
17 really think a woman -- you saw Ms. S.W. -- is
18 going to have her house scattered with stuff for
19 three days, or would she pick it up? What makes
20 more sense?

21 For their story to work, Mr. Christian, Deputy
22 Christian would have had to come up here and make
23 up a story. He doesn't even work for law
24 enforcement anymore. Why would he come in here and
25 lie? He told you he told her not to go to the

1 hospital. That happened. She told you. We didn't
2 make this up today in 2021. They talk about how it
3 is in her report in 2017. We didn't make this up.
4 So for their story to work with what Ms. Pinnock
5 just told you, Deputy Christian would have to lie,
6 Investigator Torres would have to lie, S.W. [REDACTED]
7 would have to lie, and I would have to be in
8 cahoots with everybody too. Or is the simplest
9 explanation the correct one, which is that [REDACTED]
10 S.W. came in here and told you the truth.

11 I'm almost done. Ms. Pinnock wants you to
12 look at the details and discuss all of the things
13 that were wrong, even though she didn't give you
14 one single detail, not one, that was different.
15 She wants you to believe the story she has told
16 you, but she doesn't have any answers to support
17 her story. So let's talk about what we do have to
18 support what we have said, despite what she just
19 told you.

20 First off, Ms. S.W. [REDACTED] tells the family. Now,
21 Ms. Pinnock wants you to ignore that because it is
22 not a detail she likes in her story, but that is
23 the first thing that she does is tell the family,
24 right? She told you she told her son, she told his
25 brother, who came by the house. And she decides to

1 call law enforcement. Then, when law enforcement
2 gets there, she demonstrates to them what happened.
3 You remember they talked about that? And she just
4 told you about it. Deputy Christian said that.
5 Nobody asked her except for their questions that
6 get her to demonstrate this. They didn't just show
7 up and she starts talking. That is not how it
8 works.

9 So then what happened? Well, after she
10 demonstrates, like we talked about, she then has to
11 keep talking to him. And so when she does, she
12 tells him about the cut. Right? And that is a big
13 deal, this cut.

14 Now, Ms. Pinnock would have you believe that I
15 guess it is a lie that she had this cut because she
16 didn't tell the first responder. We are talking
17 about a 72-year-old woman who would have to talk
18 about her vagina to a man. Do you really think
19 that is the first thing she thought to tell him?
20 Or maybe she didn't want to talk about it. But
21 when she got to talk to a woman she felt a little
22 more comfortable so she told her about the cut?

23 She then shows her the text. She shows them
24 all the texts that she had, right? All of them.
25 Today, Oh, I was trying to kill myself, but I am

1 texting these weird things. But when she accuses
2 you of rape, you don't say, No, I didn't, because
3 maybe I gave her too much about me maybe wanting to
4 kill myself. So she showed them the texts.

5 And then she continues to tell. She tells
6 Investigator Torres three different times the same
7 thing. She tells my office, which they asked her
8 about. She tells you. What she does is continue
9 over and over to tell the truth over and over and
10 over. She takes an oath and came in front of you.
11 And what does she do? She told the truth. And
12 that is what you are left with. Not a story. Not
13 devil in the details, because she gave you the
14 details. What you are left with is the truth.
15 They can't get around it. They want to get around
16 it. They are working real hard to get around it.
17 They are telling you stuff that didn't even happen.
18 But they can't get around that truth.

19 The truth is the truth. And what you can do
20 when she told the truth is you can trust it. And
21 that is why I'm asking you to find him guilty.

22 JURY CHARGE

23 THE COURT: All right, folks, it is now time
24 for me to charge you the law that applies to this
25 casual. Normally I do it from up there, but our

1 microphones stopped working at some point today, so
2 I want you to be able to hear me.

3 I remind you that during this trial you and I
4 have certain duties to perform. As the trial
5 judge, it is my responsibility to preside over the
6 trial of this case, and I also have the duty to
7 rule on the admissibility of the evidence offered
8 during this trial.

9 You are to consider only the competent
10 evidence before you. If there was any testimony
11 ordered stricken from the record in this case
12 during this trial, you must disregard that
13 testimony. You are to consider only the testimony
14 which has been presented from this witness stand,
15 any exhibits which have been made a part of the
16 record in this case, and any stipulations of
17 counsel.

18 I have the additional duty to charge you the
19 law applicable to this case. As the presiding
20 judge, I am the sole judge of the law in this case,
21 and it is your duty as jurors to accept and apply
22 the law as I now state it to you. If you already
23 have any idea as to what the law is or what the law
24 ought to be and it does not agree with what I now
25 tell you the law is, you must abandon this idea

1 because you are sworn to accept the law and apply
2 the law exactly as I state it to you.

3 In every case tried in this court before a
4 jury, the jury becomes the sole and exclusive judge
5 of the facts. A trial judge cannot intimate,
6 state, comment on, or make any statement to a trial
7 jury about a fact in a case. Since you, the jury,
8 are the sole judge of the facts in this case, do
9 not infer from anything that I have said during the
10 progress of this trial or anything that I say now
11 during the course of this instruction to you that I
12 have any opinion about the facts in this case. The
13 law does not allow me to have an opinion about the
14 facts in this case. This is a matter solely for
15 you, the jury, to determine.

16 The indictment in this case charges the
17 Defendant with criminal sexual conduct in the third
18 degree. I remind you that the fact that the
19 Defendant was arrested, charged, and indicted in
20 this case is not evidence in this case and cannot
21 be considered by you as evidence of guilt in this
22 case, nor does it create any presumption or
23 inference of guilt. This document is simply the
24 formal written instrument which contains the charge
25 made against the Defendant. It is the formal

1 document by which this case is brought into this
2 court.

3 The Defendant has pled not guilty to this
4 indictment, and that plea puts the burden on the
5 State to prove the Defendant guilty. A person
6 charged with committing a criminal offense in South
7 Carolina is never required to prove himself
8 innocent.

9 I charge you that it is an important rule of
10 the law that the Defendant in a criminal trial, no
11 matter what the seriousness of the charge may be,
12 will always be presumed to be innocent of the crime
13 for which the indictment was issued unless guilt
14 has been proven by evidence satisfying you of that
15 guilt beyond a reasonable doubt. The presumption
16 of innocence does not end when you begin your
17 deliberations, but it accompanies the Defendant
18 throughout the trial until you reach a verdict of
19 guilt based on evidence satisfying you of that
20 guilt beyond a reasonable doubt.

21 The presumption of innocence is like a robe of
22 righteousness placed about the shoulders of the
23 Defendant which remains with the Defendant until it
24 has been stripped from him by evidence satisfying
25 you of the Defendant's guilt beyond a reasonable

1 doubt.

2 The presumption of innocence is not a mere
3 legal theory. It is not just a legal phrase. It
4 is a substantial right to which every Defendant is
5 entitled unless you, the jury, are satisfied from
6 the evidence of the Defendant's guilt beyond a
7 reasonable doubt.

8 What is a reasonable doubt in the law? A
9 reasonable doubt is the kind of doubt that will
10 cause a reasonable person to hesitate to act.

11 The State has the burden of proving the
12 Defendant guilty beyond a reasonable doubt. Some
13 of you may have served as jurors in civil cases
14 where you were told that it is only necessary to
15 prove that a fact is more likely true than not
16 true, such as by the greater weight or
17 preponderance of the evidence. In criminal cases,
18 the State's proof must be more powerful than that.
19 It must be beyond a reasonable doubt.

20 Proof beyond a reasonable doubt is proof that
21 leaves you firmly convinced of the Defendant's
22 guilt. There are very few things in this world
23 that we know with absolute certainty, and in
24 criminal cases the law does not require proof that
25 overcomes every possible doubt. If, based on your

1 consideration of the evidence, you are firmly
2 convinced that the Defendant is guilty of the crime
3 charged, you must find the Defendant guilty. If,
4 on the other hand, you think there is a real
5 possibility that the Defendant is not guilty, you
6 must give the Defendant the benefit of the doubt
7 and find him not guilty.

8 There are two types of evidence which are
9 generally presented during a trial -- direct
10 evidence and circumstantial evidence.

11 Direct evidence is the testimony of a person
12 who claims to have actual knowledge of a fact, such
13 as an eyewitness. It is evidence which immediately
14 establishes the main fact to be proved.

15 Circumstantial evidence is proof of a chain of
16 facts and circumstances indicating the existence of
17 a fact. It is evidence which immediately
18 establishes collateral facts from which the main
19 fact may be inferred. Circumstantial evidence is
20 based on inference and not on personal knowledge or
21 observation.

22 The law makes absolutely no distinction
23 between the weight or value to be given to either
24 direct or circumstantial evidence, nor is a greater
25 degree of certainty required of circumstantial

1 evidence than of direct evidence. You should weigh
2 all of the evidence in this case. After weighing
3 all of the evidence, if you are not convinced of
4 the guilt of the Defendant beyond a reasonable
5 doubt, you must find the Defendant not guilty.

6 Evidence of good character or reputation may
7 in and of itself create a reasonable doubt as to
8 guilt and may be considered by you, the jury, along
9 with all the other evidence, in determining the
10 guilt or innocence of the Defendant. The weight
11 you give that testimony, like all other testimony
12 in the case, is for you to determine.

13 Necessarily, you must determine the
14 credibility of witnesses who have testified in this
15 case. Credibility simply means believability. It
16 becomes your duty as jurors to analyze and to
17 evaluate the evidence and determine which evidence
18 convinces you of its truth.

19 In determining the believability of witnesses
20 who have testified in this case, you may believe
21 one witness over several witnesses or several
22 witnesses over one witness. You may believe a part
23 of the testimony of a witness and reject the
24 remaining part of the testimony of that same
25 witness. You may believe the testimony of a

1 witness in its entirety or reject the testimony of
2 a witness in its entirety. You may consider
3 whether any witness has exhibited to you any
4 interest, bias, prejudice, or other motive in this
5 case. You may also consider the appearance and
6 manner of a witness while on the witness stand.

7 In order to establish criminal liability,
8 criminal intent is required. For example, the
9 mental state required to be proven by the State for
10 a particular crime might be purpose, intent,
11 knowledge, recklessness, or criminal negligence.
12 Criminal intent must be proven by the State beyond
13 a reasonable doubt. Criminal intent is always a
14 matter that must be determined by the jury from the
15 circumstances surrounding the situation. There is
16 no way to prove intent to a mathematical certainty.
17 There is no way medical science can dissect a
18 person's brain and determine what the person had in
19 mind, so the law says that criminal intent may be
20 inferred from the circumstances shown to have
21 existed. This is how you make a determination of
22 whether or not the element requiring intent was
23 present. It is not necessary to establish intent
24 by direct and positive evidence, but intent may be
25 established by inference in the same way as any

1 other fact by taking into consideration the acts of
2 the parties and all the facts and circumstances of
3 the case.

4 Criminal intent is a mental state, a conscious
5 wrongdoing. It is up to you to determine what the
6 Defendant intended to do based on the circumstances
7 shown to have existed.

8 The Defendant is charged with criminal sexual
9 conduct in the third degree.

10 In order to prove that the Defendant is guilty
11 of this crime, the State must prove beyond a
12 reasonable doubt that the Defendant engaged in a
13 sexual battery with another person.

14 The State must also prove beyond a reasonable
15 doubt that the sexual battery was accomplished by
16 force or coercion.

17 A sexual battery is sexual intercourse,
18 cunnilingus, fellatio, anal intercourse, or any
19 intrusion, however slight, of any part of a
20 person's body or of any object into the genital or
21 anal openings of another person's body, except when
22 the intrusion is accomplished for medically
23 recognized treatment or diagnostic purposes.

24 Using force or coercion means to make a person
25 follow a prescribed and dictated course, to inflict

1 or impose, or to force one's will upon someone.

2 Now, you have been chosen and sworn to give
3 the parties in this case a fair and impartial
4 trial. When you have done so, you will have
5 complied with your oath and no one will have a
6 right to criticize your verdict. You must not be
7 influenced by any opinions or expressions of
8 opinion you may have heard outside of the
9 courtroom, but rather should base your verdict
10 solely on the testimony of the sworn witnesses who
11 took the stand, the exhibits received into
12 evidence, and the law which I have stated. You
13 should not be swayed by caprice, passion,
14 prejudice, or improper sympathy for or against
15 anyone in this case. Remember, you have no friends
16 to reward or enemies to punish, and all parties are
17 entitled to a fair and impartial trial.

18 It is your duty as jurors to consult with one
19 another and to deliberate in an effort to reach an
20 agreement. Each of you must decide this case for
21 yourself, but only after impartial consideration of
22 all of the evidence with your fellow jurors. In
23 the course of your deliberations, do not hesitate
24 to re-examine your own views and change your
25 opinion if you become convinced it is erroneous.

1 However, do not surrender your honest conviction as
2 to the weight or effect of the evidence solely
3 because of the opinion of your fellow jurors or for
4 the mere purpose of returning a verdict. As I
5 stated earlier, you are judges, judges of the
6 facts. Your verdict must represent the considered
7 judgment of each juror. In other words, your
8 verdict must be unanimous.

9 There are two possible verdicts which you may
10 find in this case: Guilty or not guilty. There is
11 no significance whatsoever in the order in which I
12 state these possible verdicts; it is simply that
13 one must be stated first.

14 Now, you may have noticed that I have read
15 these instructions to you. I do so to give you the
16 law as accurately as possible.

17 Mr. Foreperson, it will be your added duty to
18 preside over the deliberations of the jury. If
19 during your deliberations you should desire to
20 communicate with the Court, please reduce your
21 message or question to writing, signed by you as
22 foreperson, and the foreperson alone, and pass the
23 note to the bailiff, who will bring it to my
24 attention. I will then respond as promptly as
25 possible, either in writing or by having you return

1 to the courtroom. I caution you, however, with
2 regard to any message or question you might send,
3 that you should never state or specify your
4 numerical division at the time.

5 Now, you have heard the evidence and you have
6 heard the law. Whatever your verdict, Mr.
7 Foreperson, you will indicate it on the indictment.
8 There is narrative here. If you flip it over,
9 there is a place for a verdict in the bottom
10 corner. You will indicate it on the indictment and
11 sign it on behalf of the jury.

12 Remember that although the foreperson is the
13 only juror who writes the verdict, it is not his
14 alone. The verdict has to be unanimous. Mr.
15 Foreperson, you are not authorized to write the
16 verdict until all of you have agreed on the
17 verdict.

18 Now, do not begin to discuss the case until
19 you have received the exhibits and the indictment.
20 Once you receive those things, that will be your
21 signal to begin your deliberations.

22 Once you begin your deliberations, you will
23 deliberate until you have reached a verdict, at
24 which time you will knock on the door, advise the
25 bailiff that you have a verdict, and we will bring

1 you back in the courtroom to receive your verdict.

2 So I am going to dismiss you to the jury room
3 or the deliberation room now, and as soon as the
4 bailiff brings you the indictment and the evidence,
5 that is your signal to begin deliberating. You
6 will deliberate until you have reached a verdict.

7 Please retire to the jury room.

8 (WHEREUPON, the jury retires to the jury
9 room at 3:34 p.m.)

10 THE COURT: Mr. Bowen, if you will go ahead
11 and step back there. I know they need to get their
12 belongings, but if you will bring the alternates
13 out, please.

14 THE BAILIFF: Yes, ma'am, sure will.

15 THE COURT: Any objection to the jury charge?
16 From the State?

17 MS. SAMPSON: No, ma'am.

18 THE COURT: From the Defense?

19 MS. PINNOCK: No, Your Honor.

20 THE COURT: All right, y'all check these
21 exhibits and make sure they are all there.

22 (WHEREUPON, the jury was instructed to
23 begin deliberations at 3:36 p.m.)

24 (WHEREUPON, the alternates enter the
25 courtroom.)

1 THE COURT: We are back on the record. Hi,
2 folks. Thank you. You were our alternates. All
3 12 of the main jurors made it to the finish line,
4 so your service is no longer needed. I thank you
5 for your time and your attention. I know these
6 attorneys appreciate it, I know Mr. Gridine
7 appreciates it. He is not in the courtroom.

8 MS. PINNOCK: He stepped out, Your Honor, I'm
9 sorry.

10 THE COURT: He stepped out. I'm sure he
11 appreciates it too. But your service is no longer
12 needed. You are now free to discuss the case with
13 whoever you want to discuss it with, your friends,
14 family, whoever, it does not matter.

15 (Pause.)

16 THE CLERK: Those are not the alternates.
17 There has been some confusion as to who the
18 alternates were. The alternates are Number 178 and
19 Number 70, Angela Fishback. Creasie Parrot.

20 THE COURT: I know who Ms. Parrot is and
21 Angela Fishback. Okay. So this is not an
22 alternate. Sir, I need you to go on back. I need
23 Juror 178.

24 THE CLERK: It is Creasie Parrot.

25 (Pause.)

1 THE COURT: There we go. All right. There
2 was some confusion about who our alternates were,
3 but as I was saying, now that we have the two
4 correct alternates, thank you for your service.
5 You are no longer needed. Your jury service for
6 this week is complete. You will not be permitted
7 to deliberate. Why I have lost my train of thought
8 I don't know. But you are also not eligible for
9 jury service in Circuit Court for the rest of 2021.
10 I know it is already October, so that doesn't give
11 you much of an out, but if you are summoned for
12 jury duty in 2022 or 2023, you have to come to jury
13 qualification, but tell the judge at that time that
14 you served on this jury and you can exercise an
15 exemption and they will let you go. If you need a
16 work excuse, they are down in the jury assembly
17 room. The check is in mail. You can talk to
18 whoever you want to talk to about the case. I
19 think I have addressed everything.

20 Thank you for your service. You are free to
21 go.

22 (WHEREUPON, the alternates were excused
23 at 3:42 p.m.)

24 THE COURT: We will be at ease until we hear
25 from the jury.

1 (WHEREUPON, the following occurs at
2 5:14 p.m.)

3 THE COURT: We have now two notes from the
4 jury, really on one topic, though. Their first
5 note asked about the charge, can they have the
6 charge, and I forget the specific language. The
7 bailiff is going to retrieve that note. But my
8 response in writing was to ask, Would you like the
9 charge on the crime alleged, only on the crime
10 alleged, or the entire charge, i.e., direct and
11 circumstantial evidence, burden of proof, et
12 cetera. They didn't send back that note, they sent
13 a separate note. Let me have that one so I can
14 read it verbatim.

15 (Pause.)

16 THE COURT: Your Honor, can you clearly state
17 the charge or charges and the definitions?

18 So my reply was, Would you like -- would you
19 only like the crime alleged or the entire charge,
20 i.e., direct and circumstantial evidence, burden of
21 proof, et cetera.

22 Their response from the second note was, Your
23 Honor, we would like the crime alleged, the entire
24 charge, direct, circumstantial evidence, burden of
25 proof, et cetera, clearly stated, and the

1 definitions.

2 So my options are reading the entire charge to
3 them again, or you have seen it in writing, I can
4 send back a copy or the actual paper that I read
5 from, and they can have the charge in writing.

6 What is the pleasure of the State?

7 MS. SAMPSON: I'm fine with Your Honor giving
8 the charge to them.

9 THE COURT: In written form?

10 MS. SAMPSON: In written form.

11 MS. PINNOCK: We are fine if you would like to
12 send back a copy.

13 THE COURT: Okay. I will note that there was
14 one typographical error in the charge. It is on
15 the last page or the last paragraph, I believe, I
16 don't have it right in front of me. When we are
17 talking about the verdict being the verdict of the
18 entire jury. I think it says hers, and hers alone,
19 or the words are that I have corrected to the word
20 him. I'm just putting it on the record. So the
21 word her will be struck through and handwritten the
22 word him, but other than that, it is precisely what
23 you have seen. Okay?

24 MS. SAMPSON: What we send -- what you read, I
25 know we struck out physically the one about ID, so

1 if we send it back to them we have got to take that
2 out.

3 THE COURT: Thank you. So actually I will
4 edit that. I will delete that and fix the word her
5 to the word him and print a new copy, and that is
6 what we will send back.

7 Okay. Thank you, folks.

8 MS. SAMPSON: Thank you, Your Honor.

9 (WHEREUPON, Court's Exhibit Nos. 1 AND 2
10 were marked for identification only.)

11 (WHEREUPON, Court's Exhibit No. 3 was
12 marked for identification only.)

13 (Pause.)

14 (WHEREUPON, the following occurs at 6:24
15 p.m.)

16 THE COURT: All right, folks, I'm advised that
17 the jury has reached a verdict. So, Mr. Bowen,
18 would you please bring the jury?

19 (WHEREUPON, the jury came into open
20 court at 6:24 p.m.)

21 VERDICT

22 THE BAILIFF: The jury is seated, Your Honor.

23 THE COURT: Thank you, sir.

24 All right, Mr. Foreman, has the jury reached a
25 verdict?

1 THE FOREMAN: Yes, Your Honor, we have.

2 THE COURT: Is it unanimous?

3 MR. FOREMAN: Yes, ma'am.

4 THE COURT: Would you hand the indictment to
5 the bailiff, please?

6 (Foreman complies.)

7 THE COURT: Madam Clerk, would you publish the
8 verdict?

9 THE CLERK: Indictment Number 2021-GS-40-2232,
10 State of South Carolina v. Terry Gerrard Gridine.
11 Indictment for criminal sexual conduct third
12 degree.

13 We, the jury, find the Defendant guilty. This
14 is signed, Foreperson, Juror Number 156.

15 Mr. Foreman, is this your verdict, and the
16 verdict of the entire jury?

17 THE FOREMAN: Yes, ma'am.

18 THE COURT: Anything before the jury is
19 dismissed? From the State?

20 MS. SAMPSON: Not from the State, Your Honor.

21 THE COURT: From the Defense?

22 MS. PINNOCK: We ask to poll the jury, Your
23 Honor.

24 THE COURT: All right, Madam Clerk, would you
25 poll the jury, please?

1 THE CLERK: Yes, Your Honor.

2 Ladies and gentlemen of the jury, I am going
3 to ask you two questions regarding your verdict.
4 If you will just answer yes or no to both
5 questions.

6 Juror Number 156, was this your verdict?

7 THE JUROR: Yes, ma'am.

8 THE CLERK: Is it still your verdict?

9 THE JUROR: Yes, ma'am.

10 THE CLERK: Juror Number 219, was this your
11 verdict?

12 THE JUROR: Yes, ma'am.

13 THE CLERK: Is it still your verdict?

14 THE JUROR: Yes, ma'am.

15 THE CLERK: Juror Number 107, was this your
16 verdict?

17 THE JUROR: Yes, ma'am.

18 THE CLERK: Is it still your verdict?

19 THE JUROR: Yes, ma'am.

20 THE CLERK: Juror Number 354, was your
21 verdict?

22 THE JUROR: Yes, ma'am.

23 THE CLERK: Is it still your verdict?

24 THE JUROR: Yes, ma'am.

25 THE CLERK: Juror Number 184, was this your

1 verdict?

2 THE JUROR: Yes, ma'am.

3 THE CLERK: Is it still your verdict?

4 THE JUROR: Yes, ma'am.

5 THE CLERK: Juror Number 30, was this your
6 verdict?

7 THE JUROR: Yes, ma'am.

8 THE CLERK: Is it still your verdict?

9 THE JUROR: Yes, ma'am.

10 THE CLERK: Juror Number 130, was this your
11 verdict?

12 THE JUROR: Yes, ma'am.

13 THE CLERK: Is it still your verdict?

14 THE JUROR: Yes, ma'am.

15 THE CLERK: Juror Number 21, was this your
16 verdict?

17 THE JUROR: Yes, ma'am.

18 THE CLERK: Is it still your verdict?

19 THE JUROR: Yes, ma'am.

20 THE CLERK: Juror Number 89, was this your
21 verdict?

22 THE JUROR: Yes, ma'am.

23 THE CLERK: Is it still your verdict?

24 THE JUROR: Yes, ma'am.

25 THE CLERK: Juror Number 181, was this your

1 verdict?

2 THE JUROR: Yes, ma'am.

3 THE CLERK: Is it still your verdict?

4 THE JUROR: Yes, ma'am.

5 THE CLERK: Juror Number 100, was this your
6 verdict?

7 THE JUROR: Yes, ma'am.

8 THE CLERK: Is it still your verdict?

9 THE JUROR: Yes, ma'am.

10 THE CLERK: Juror Number 119, was this your
11 verdict?

12 THE JUROR: Yes, ma'am.

13 THE CLERK: Is it still your verdict?

14 THE JUROR: Yes, ma'am.

15 THE CLERK: The jurors have been polled, Your
16 Honor.

17 THE COURT: All right, thank you.

18 Ladies and gentlemen of the jury, thank you
19 for your service. As I told you, you have --
20 clearly you have deliberated, and when you have
21 done that, as I told you earlier, no one will have
22 the right to criticize your verdict. Some people
23 may disagree, but under our system no one is really
24 justified nor has the right to criticize your
25 verdict.

1 So I thank you for what you have done. I
2 thank you for your attention and for your time this
3 week, and for your patience with all the delays
4 that come with just having a trial. You are now
5 finished with your jury service. Your jury service
6 for this week is complete. You are also not
7 qualified to serve on a jury in Circuit Court for
8 the remainder of 2021. I know it is late in the
9 year, so that doesn't give you much wiggle room,
10 but also if you are summoned to serve on a jury in
11 2022 or 2023 in Circuit Court, you will have to
12 report, but you can exercise an exemption, you will
13 just tell the judge at that time that you served on
14 this jury and they will release you from service
15 because you are not required to serve more often
16 than once every three calendar years.

17 You are now free to discuss the case amongst
18 yourselves, with anyone else, you can talk about
19 the case as much as you want now that you have
20 rendered your verdict.

21 If you need a work excuse --

22 THE CLERK: I'll have them mailed tomorrow.

23 THE COURT: Okay. The work excuses will be in
24 the mail tomorrow. The check for your service will
25 in the mail. I want to make sure I don't leave

1 anything out.

2 As I said, you are free to discuss the case
3 with whoever you want to discuss it with. You
4 don't have to discuss it with anyone. If any of
5 the attorneys involved in the case wants to discuss
6 the case with you, they may try to contact you,
7 reach out to sort of get your thoughts about the
8 case or about their performance, how they can
9 improve or, you know, what you liked, or whatever
10 it is. You can talk to them if you want to. You
11 don't have to talk to them if you don't want to. I
12 don't expect them to be calling you, or anything
13 like that. But if you have a problem, call the
14 Clerk of Court's Office and let them know, they
15 will let me know, and I will handle that matter.

16 Now, on TV a lot of times, and in a lot of
17 other states, and in federal court, often
18 sentencing happens at a much different time than a
19 criminal conviction, often weeks or months later.
20 In Circuit Court, in South Carolina we typically do
21 sentencing immediately following the conclusion of
22 the trial. So you are not required to stay for
23 sentencing and, as I said, your jury service is
24 complete. So I am going to release you, excuse you
25 from the courtroom. You can go home. You can come

1 back. It is going to take us just a couple of
2 minutes to get ready to do the sentencing, but I
3 will sentence Mr. Gridine this evening. So you
4 will go out that back way. If you want to come
5 back into the courtroom, the bailiff can show you
6 how to come back around and you can have a seat out
7 there and listen and watch the sentencing if you
8 choose to do so.

9 So I think I have covered everything. Your
10 service is complete. And I thank you. And you are
11 free to go.

12 (WHEREUPON, the jury was excused at 6:31
13 p.m.)

14 THE COURT: Anything before sentencing from
15 the Defense?

16 MS. PINNOCK: Your Honor, at this time I would
17 like to renew all of our pretrial matters. I would
18 like to renew all of the objections that were made
19 throughout the trial. Your Honor, I would also
20 include the directed verdict motion at the end of
21 the State's case and at the end of the Defendant's
22 case.

23 I would also respectfully at this time request
24 a new trial for Mr. Gridine. I think -- the jury
25 deliberated for two hours and 30 minutes. And that

1 was without some of the evidence that we had
2 planned and hoped of presenting for his defense,
3 but based on some of Your Honor's rulings
4 throughout the trial, specifically, Your Honor, we
5 were not allowed to go into Ms. [S.W.] 's arrest as
6 being part of her motive and bias against
7 Mr. Gridine. It is our position that we should
8 have been allowed to go into that, not she was
9 found guilty of the offense, but the matter that
10 she was arrested. We were not allowed to go into
11 some of the reputation evidence that we were
12 planning on presenting. So both of those rulings,
13 Your Honor, I think you ruled on them. We
14 addressed it as best we could in order to present
15 Mr. Gridine's defense as best we could with those
16 limitations. And even without those, Your Honor,
17 with a trial with six witnesses, the jury still
18 deliberated for two hours and 30 minutes. And we
19 believe that evidence could have made a difference
20 if Mr. Gridine had been able to go into it.

21 Your Honor, I would respectfully request a new
22 trial.

23 THE COURT: Your motion is respectfully
24 denied.

25 Is the State ready for sentencing?

1 MS. SAMPSON: Yes, ma'am.

2 THE COURT: Ms. Pinnock, if you will come
3 forward. When he is situated, if y'all will come
4 forward.

5 SENTENCING

6 THE COURT: Ms. Sampson?

7 MS. SAMPSON: Thank you, Your Honor. May it
8 please the Court? At this time you have heard all
9 of the evidence against Mr. Gridine, and he has
10 been found guilty by this jury.

11 At this time we would ask -- Ms. S.W. has
12 asked that her daughter be allowed to speak for
13 her. She is a little overcome, and so we will hear
14 from her daughter.

15 And I just need -- I need you to state your
16 name, say it really loud, and state your full name.

17 THE COURT: And actually, if you will just
18 pause for a second, because a number of the jurors
19 are interested, and I don't want to move forward
20 without them seeing or hearing.

21 (Pause.)

22 THE COURT: Okay. Go ahead. State your name.

23 MS. DICKERSON: I am Sandra Webber Dickerson.

24 S.W. is my mother. Terry Gridine is my
25 first cousin. And I wanted to go on record to say

1 that I appreciate everything that has happened
2 today, the jury, the prosecution. I am very happy
3 with the verdict. But there are no real winners in
4 our family with this. I think had more testimony
5 come forward from the Defense, it would try to say
6 that my mother was a misfit in the community and
7 troublesome. It is clear to say, my mother was a
8 person that everyone in the family went to for
9 help, to help them get out of trouble, to help them
10 figure out family situations. So I just had to go
11 on record to clear that up. And just to say thank
12 you. I, again, am very pleased with the verdict.
13 And I hope that sentencing will entail him going
14 away somewhere for him to get an opportunity to
15 work on himself. And no one knows better what I
16 mean by that than him. I think it is a must. I
17 think it is important for the community, and it is
18 very important for him. The divisiveness in the
19 family did not start with this case, it started
20 long before, but hopefully -- I don't know what
21 remedy will come from this, but I'm glad that my
22 mother has peace and closure with this incident.

23 Thank you, Your Honor.

24 THE COURT: Yes, ma'am. Thank you.

25 Ms. Sampson?

1 MS. SAMPSON: The only thing I would add, Your
2 Honor, is if I have been -- this has been my case
3 the entire time. I have met with Ms. S.W. I'm
4 not sure how many times over these four years. We
5 were prepared to go before COVID, so it is not that
6 we just sat around. She has always asked and
7 always wanted that if he would just accept
8 responsibility for him to get some treatment and
9 to -- she did ask at some point, did say that him
10 going to prison might be the only thing that keeps
11 this from going on. I don't think her position on
12 that has changed at all. And that is what we would
13 ask for, is if you do sentence him to -- whatever
14 you sentence him to, that he be required to get sex
15 offender counseling, is her request.

16 THE COURT: Does Mr. Gridine have any criminal
17 record?

18 MS. SAMPSON: The only record he has, Your
19 Honor, he had some fraudulent checks I believe in
20 the 90s, and I didn't even bring it down because
21 even to me that is irrelevant. So, no, no
22 significant record at all.

23 THE COURT: Okay. Thank you, ma'am.

24 MS. SAMPSON: Thank you.

25 THE COURT: Yes, ma'am. Ms. Pinnock?

1 MS. PINNOCK: Thank you, Your Honor. May it
2 please the Court?

3 (Pause.)

4 MS. PINNOCK: I apologize. I have not been
5 Terry's lawyer the whole time. I took over his
6 case about three and a half years ago, so I have
7 been involved with his life for quite a while.
8 This case has been pending for almost four years to
9 the day.

10 From the first day I met Terry, all the way
11 through, leading up to today, I truly, truly do not
12 believe -- I truly don't -- and I understand, I
13 know that the jury has reached a verdict. And I
14 know that, Your Honor, my personal opinions don't
15 really count for much. But I truly, truly do not
16 believe that he did the things he has been
17 convicted of.

18 Terry knew that --

19 (Pause.)

20 MS. PINNOCK: He knew that going to trial was
21 a risk. And he knew that I couldn't promise him --
22 I'm sorry.

23 (Pause.)

24 THE COURT: Do you need a moment, Ms. Pinnock?

25 MS. PINNOCK: No, ma'am, I'm good.

1 He knew that I couldn't promise him an
2 outcome. He knew that this was a possibility. It
3 always is, regardless of the charge.

4 I would just ask Your Honor -- he is not a
5 troublemaker. He has not been in trouble for the
6 past 20, about 20 years. He has been out on bond
7 four years. He has never missed a phone call with
8 me. When he could not come in and meet with me, he
9 would call as scheduled, sometimes when not
10 scheduled, just to check in. He has had no issues.
11 I think he has shown that he has the ability to
12 remain in society. He has shown that when he was
13 required to report to his bondsman that he would do
14 that. He has shown more grace through this I think
15 than I have.

16 And, Your Honor, I would ask you to show mercy
17 to him. He knows what the charge carries. He
18 understands that Your Honor can send him to prison
19 for ten years. Your Honor, I am asking you not to
20 do that. The conviction is going to require him to
21 register. That is a life sentence in and of
22 itself. He will always have the, I guess the
23 threat of, you know, further criminal charges. But
24 as of right now, based on the verdict, he is
25 already dealing with a life sentence. Your Honor,

1 I would ask for leniency. I would ask you to show
2 him some mercy. And I would ask you to suspend the
3 sentence.

4 He is more than capable of abiding by all of
5 the requirements of probation. He is more than
6 capable of not finding himself in a situation where
7 he is looking at going back to prison for a
8 violation. I would have absolutely no concerns
9 with him ever walking back into this courtroom for
10 any reason.

11 Your Honor, I would ask you to consider a
12 suspended sentence. And that is all I have.

13 THE COURT: Mr. Gridine, is there anything
14 that you would like to say?

15 THE DEFENDANT: I don't know what to say.

16 THE COURT: Pull your mask down.

17 THE DEFENDANT: I don't know what to say. I
18 was looking forward to getting this behind me and
19 go back to work. I love my job. They love me
20 there. I just didn't see this coming. I did not.
21 I have been convicted, so at this point all I can
22 do is ask for the Court's mercy.

23 THE COURT: And what distinguishes you from
24 any other person convicted of the same offense?

25 THE DEFENDANT: I don't know how to answer

1 that.

2 THE COURT: Well, you have asked for mercy,
3 and obviously I have a range of potential
4 sentences. You could go back home today with no
5 prison time, or you could go to prison for ten
6 years, or anywhere in between. What makes you not
7 the ten year guy, what makes you the zero year guy?

8 THE DEFENDANT: I have worked as a manager's
9 position on my title. This -- I didn't see this
10 coming. I did not see this coming. I just want to
11 go back to work.

12 THE COURT: Do you have a substance abuse
13 problem?

14 THE DEFENDANT: In the past.

15 THE COURT: You have overcome it?

16 THE DEFENDANT: Yes.

17 THE COURT: Since the incident, have you
18 gotten any mental health treatment?

19 THE DEFENDANT: Yes.

20 THE COURT: Are you still seeking treatment?

21 THE DEFENDANT: Not since -- COVID kind of
22 messed all that up.

23 THE COURT: Well, doctors are back to
24 in-person appointments. Actually, there are lots
25 of counselors that do telehealth appointments.

1 THE DEFENDANT: The treatment I received was
2 well worth it. It opened my eyes to a lot of
3 things. Life, for one, first and foremost.

4 THE COURT: Anything else you would like to
5 say, Mr. Gridine?

6 THE DEFENDANT: I just ask for the Court's
7 mercy.

8 THE COURT: Anything else, Ms. Pinnock?

9 MS. PINNOCK: No, Your Honor.

10 THE COURT: Ms. Sampson?

11 MS. SAMPSON: Your Honor, you have heard what
12 the -- not the allegations, but the facts of this
13 case. Ms. **S.W.** was in her own home minding her
14 own business when she was assaulted. And I think
15 that has to be at an end now.

16 THE COURT: Ms. Pinnock, I have no doubt that
17 you are correct that Mr. Gridine has been fine
18 living in the community, had no other problems, has
19 no real criminal record, as indicated by the State.
20 But that is not usually necessarily telling to me
21 when a sexual assault has occurred. You can be
22 great at your job and do all these things and
23 nobody has any problem until. And sexual assault
24 typically happens in private with a victim who the
25 perpetrator deems to be vulnerable. And I don't

1 know that that is exactly what went through
2 Mr. Gridine's mind that evening, but certainly she
3 was someone that he trusted, and she trusted him to
4 be at her house often, all the time. It is a
5 relative, her nephew. And that in itself made her
6 vulnerable because she would not have expected -- I
7 don't know that anybody expects that their nephew
8 is going to sexually assault them. And so I'm
9 certain that Mr. Gridine does not want to go to
10 prison, but I don't think you get to sexually
11 assault your aunt and say such vile things and then
12 go home as if it never happened.

13 How much credit for time served does he have?

14 MS. PINNOCK: One day, Your Honor.

15 THE COURT: Mr. Gridine, the sentence of the
16 Court is that you be committed to the State
17 Department of Corrections for a period of ten
18 years, provided upon the service of seven years,
19 the balance is suspended and you are then placed on
20 probation for five years.

21 While you are on probation, you are to have
22 substance abuse counseling and sex offender
23 counseling. You are also not permitted to have any
24 contact with the victim, Ms. S.W. . You will
25 also be required to register as a sex offender upon

1 your release from prison.

2 So seven years incarceration, plus five years
3 probation. If you violate probation, then you are
4 subject to do another three years in prison. You
5 will get credit for the one day that you served. I
6 hope that counseling helps you, sir.

7 Good luck to you.

8 THE DEFENDANT: Thank you.

9 MS. SAMPSON: Thank you, Your Honor.

10 THE COURT: So, folks, that concludes this
11 matter. And, in fact, court is adjourned for the
12 week.

13 (WHEREUPON, the trial adjourned at 1:18
14 p.m.)

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(END OF TRANSCRIPT)

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

I, Deborah M. McCurdy, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Richland County, South Carolina, on the 11th, 13th and 14th days of October, 2021.

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

January 6, 2022

s/Deborah M. McCurdy, RPR

Deborah M. McCurdy, RPR
Fifth Circuit Court Reporter

WITNESSES

(S) Aubree A Taylor

- Richland County Sheriff Dept

ARREST WARRANT NUMBER

2017A4010600720

ACTION OF GRAND JURY

TRUE BILL

Chana D.
Foreperson of Grand Jury

Date: SEP 14 2021

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2021GS4002232

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

September TERM 2021
91

THE STATE
vs.

Terry Gerrard Gridine

Indictment for
SEX / CRIMINAL SEXUAL CONDUCT -
THIRD DEGREE

SC Code: 16-03-0654
CDR Code: 0162

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on 9.14 2021, the
Grand Jurors of Richland County present upon their oath:

CRIMINAL SEXUAL CONDUCT, 3RD DEGREE – FORCE OR COERCION

That Terry Gerrard Gridine did in Richland County on or about October 27,
2017, engage in sexual battery with the victim, **S.W.** using
force or coercion, and/or the defendant knew or had reason to know that
the victim was mentally defective, mentally incapacitated, or physically
helpless and aggravated force or aggravated coercion was not used to
accomplish sexual battery, in violation of Section 16-03-0654,
S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the
statute in such case made and provided.



BYRON E. GIPSON, SOLICITOR

394
STATE OF SOUTH CAROLINA)
COUNTY OF Richland)
STATE)
VS.)
Terry Gerrard Gridine)
AKA:)
Race: BLACK Sex: M Age: 56)
DOB: -1965 SS# [REDACTED])
Address: Lateesha Rd)
City, State, Zip: Hopkins, SC 29061-9196)
DL#: [REDACTED] SID#: [REDACTED])

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021GS4002232

A/W#: 2017A4010600720
Date of Offense: 10/27/2017
S.C. Code § : 16-03-0654
CDR Code #: 0162

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Sex / Criminal sexual conduct - Third degree

in violation of § 16-03-0654 of the S.C. Code of Laws, bearing CDR Code # 0162

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand [REDACTED] (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 15964 SCB0003
Sampson, April SC Bar# Defendant Pinnock, Tracy SC Bar#
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,

for a determinate term of 10 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of 7 days/months/years/Time Served and or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 5

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS Terry Gerrard Gridine INDICTMENT/CASE#: 2021GS4002232

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☒ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp. ☒ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
- ☒ Other: Sex offender counseling

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

Clerk of Court/ Deputy Clerk:

Court Reporter:

Presiding Judge:

Judge Code:

Sentence Date:

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Nov 28 2022

SC Court of Appeals



Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 28th day of November, 2022.

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Nov 28 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Jocelyn J. Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

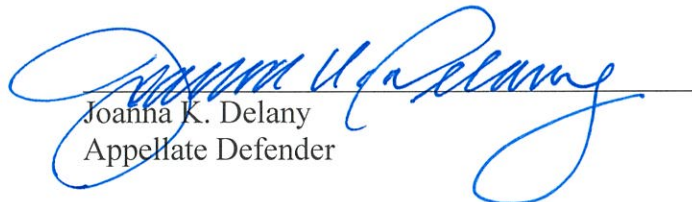
TERRY GERRARD GRIDINE,

APPELLANT

APPELLATE CASE NO. 2021-001188

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon William M. Blich, Jr., Esquire, at the primary email address listed within the Attorney Information System (AIS), this 28th day of November, 2022.



Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT