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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

———————

Certiorari to Pickens County

Honorable Patrick Cleburne Fant, III, Circuit Court Judge

———————

JOSEPH CAMPBELL WILLIAMS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-000730

———————

# APPENDIX

———————

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**VOLUME I OF II**
**PAGES 1-500**

INDEX

INDEX ..... i

TRIAL TRANSCRIPT DATED AUGUST 31 – SEPTEMBER 1, 2017 .....1

FINAL BRIEF OF APPELLANT .....541

FINAL BRIEF OF RESPONDENT .....565

THE STATE V. JOSEPH CAMPBELL WILLIAMS, OP. NO. 2020-UP-199
(S.C. CT. APP. FILED JULY 1, 2020) .....579

PETITION FOR REHEARING.....583

ORDER DENYING REHEARING.....591

PETITION FOR WRIT OF CERTIORARI .....592

RETURN TO PETITION FOR WRIT OF CERTIORARI .....610

ORDER GRANTING CERTIORARI .....622

BRIEF OF PETITIONER .....623

BRIEF OF RESPONDENT .....649

THE STATE V. JOSEPH CAMPBELL WILLIAMS, OP. NO. 2022-MO-011
(FILED JANUARY 12, 2022).....689

APPLICATION FOR POST-CONVICTION RELIEF .....691

AMENDED APPLICATION FOR POST-CONVICTION RELIEF .....699

RETURN.....703

POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED OCTOBER 9, 2024 .....711

APPLICANT'S EXHIBIT NO. 1 (JURY TRIAL TRANSCRIPT EXCERPT).....771

APPLICANT'S EXHIBIT NO. 2 (ANGELINA MARIE BARTON VOLUNTARY
STATEMENT) .....772

APPLICANT'S EXHIBIT NO. 3 (COREY BRUCE VOLUNTARY STATEMENT).....775

APPLICANT'S EXHIBIT NO. 4 (TYLER GILSTRAP INDICTMENT AND SENTENCING SHEETS) .....777

APPLICANT'S EXHIBIT NO. 5 (ADDITIONAL TYLER GILSTRAP INDICMENT AND SENTENCING SHEETS).....780

APPLICANT'S EXHIBIT NO. 6 (COURT'S EXHIBITS FROM JURY TRIAL – JURY QUESTIONS).....789

ORDER OF DISMISSAL.....796

INDICTMENTS .....823

SENTENCE SHEETS .....833

| | | |
|---|---|---|
| STATE OF SOUTH CAROLINA | ) | |
| | ) | COURT OF GENERAL SESSIONS |
| COUNTY OF PICKENS | ) | |
| | | |
| State of South Carolina, | ) | |
| | ) | |
| Plaintiff, | ) | |
| v. | ) | Case No. 15-GS-39-1030 *et. al.* |
| | ) | |
| Joseph Campbell Williams, II | ) | |
| | ) | |
| Defendant. | ) | |

# TRANSCRIPT OF JURY TRIAL

The within JURY TRIAL in the above-captioned matter was held August 31st - September 1, 2017, before The Honorable Perry H. Gravely in Courtroom 4 of the Pickens County Courthouse in Pickens, South Carolina; attended by counsel as follows:

APPEARANCES:

Shannon Odom, Assistant Solicitor
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... Appearing for State of South Carolina

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# INDEX


| | |
|---|---|
| Index of Testimony | 3 |
| Index of State's Exhibits | 4 |
| Index of Defendant's Exhibits | 4 |
| Index of Court's Exhibits | 4 |
| Qualification & Selection of Jury | 5 |
| Arraignment as to 15-GS-39-0700 | 35 |
| State's Motion to Sequester | 38 |
| Jury Sworn | 42 |
| Welcome by The Court | 42 |
| Opening Statements: | |
| Solicitor Odom | 49 |
| Scott Dover for Defense | 52 |
| Motion re: Rape Shield Statute | 71 |
| Defense Motion for Directed Verdict | 242/339 |
| Examination of Defendant | 243 |
| Charge Conference | 340 |
| Closing Arguments: | |
| Solicitor Odom | 342 |
| Scott Dover for Defense | 375 |
| Replay Argument by Solicitor | 386 |
| Charge by The Court | 390 |
| Verdict | 534 |
| Defense Motion | 536 |
| Sentence | 536 |
| Certificate of Court Reporter | 540 |

## INDEX OF TESTIMONY


| Witness | Direct | Cross | Recross | Redirect |
|---|---|---|---|---|
| Andrew Rackley | 61 | 64 | | |
| Bobby Skelton | 65 | 71 | | |
| MINOR 1 | 86 | 116 | 161 | |
| Shauna Galloway-Williams | 164 | 191 | | |
| Angie Farmer | 201 | 225 | | |
| Jan B. Kelley | 237 | | | |
| Wendy Williams | 249 | 260 | | |
| Rebecca Miller | 282 | 288 | | |
| Jamie Gantt | 293 | 295 | | |
| Chris Williams | 296 | 300 | | |
| Joseph Williams, II | 302 | | | |
| Fred Kelley - Proffer | 328 | | | |
| Fred Kelley | 330 | | | |

## INDEX OF STATE'S EXHIBITS

| No. | Description | Reference |
|---|---|---|

- None Entered -

## INDEX OF DEFENDANT'S EXHIBITS

| No. | Description | Reference |
|---|---|---|
| 1 | Arrest Warrant (Fred Kelley) | 327 |

## INDEX OF COURT'S EXHIBITS

| No. | Description | Reference |
|---|---|---|
| 1 | Jury Note - Juror Number 5, Foreperson | 85 |
| 2 | Jury Note | 410 |
| 3 | Jury Note | 410 |
| 4 | Jury Note | 410 |
| 5 | Jury Note | 453 |
| 6 | Jury Note | 454 |
| 7 | Jury Note | 455 |

AUGUST 31, 2017 9:15 A.M.

(DEFENDANT PRESENT)

(PANEL IN @ 9:16 A.M.)

THE COURT: Since the attorneys were in other courts on Monday, we are going to call the roll again. If you could, stand up and indicate where you work, where your spouse works.

(ROLL CALL)

THE COURT: All right, ladies and gentlemen. We are going to start the case of the State of South Carolina versus Joseph Williams.

I am going to read the indictments and I'll tell you right off the bat that indictments are merely charging papers. They are not evidence of any guilt. They are merely indictments, allegations. These are only charges against this defendant, who has pled not guilty to these charges.

The indictment is for criminal sexual conduct with a minor first degree, that Joseph Campbell Williams, II did in Pickens

County between July 8th, 2003 and July 8th, 2007 commit a sexual battery on a victim identified as MINOR 1 who was less than eleven years old.

A second indictment is criminal sexual conduct with a minor second degree, that Joseph Campbell Williams, II did in Pickens County, between the dates of July 8th, 2007 and July 8th, 2009, commit a sexual battery on the victim identified as MINOR 1 who was fourteen years of age or less, but at least eleven years of age.

Those are the allegations only.

First of all, at this time I'd like -- Mr. Williams, if you would stand and face the jury.

DEFENDANT: (Complies).

THE COURT: Thank you. First of all, I need to know if anybody is related by blood or marriage, has any close personal or social relationship or business relationship with the defendant, Joseph Williams. If so, please stand. All right, no response.

In this matter we have -- these are possible potential witnesses. Listen

carefully. If you hear a name that you recognize, stand and I'll ask you further questions. Again, the questions (sic) that I am looking for is are you related by blood or marriage to any of these witnesses, do you have a closer personal or social relationship with these witnesses or any kind of business relationship. If you hear the name, that's when I am going to ask you to stand. There are a few of them, so listen carefully:

Joseph Williams, II, who is the defendant.

Wendy Williams

Becky Miller

Angie Farmer

Judi Shackelford

Chris Williams

Joseph Bates

Jonathon Smith

Jamie Gantt

MINOR 1 [redacted]

MINOR 2 [redacted]

Fred Kelley

Clara Kelley

Shauna Williams-Galloway with the

Julie Valentine Center

Angela Farmer

Andrew Rackley with the Pickens County Sheriff's Office

Detective Jan Kelley with the Pickens County Sheriff's Office

Bobby Skelton with the School District of Pickens County

If you happen to know any of those individuals, are related by blood or marriage, have any close personal relationship with any of those individuals, then please stand at this point.

Let's start over here, your name and number?

JUROR NUMBER 17: Juror Number 17, Vance Bowman.

THE COURT: Which one of those witnesses do you know?

JUROR NUMBER 17: I work with a Jonathon Smith. I don't know if it is the same one. If he works at Oconee Nuclear?

SCOTT DOVER: He does not.

THE COURT: Sir?

SCOTT DOVER: He does not work there?

THE COURT: Okay. So that is not him. Thank you very much. Yes, your name and number?

JUROR NUMBER 66: Jennifer Stone-Holladay, Juror Number 66.

THE COURT: Yes, ma'am, who do you know?

JUROR NUMBER 66: I know Angie Farmer.

THE COURT: With Behavioral Health Services?

JUROR NUMBER 66: Yes, we went to church together.

THE COURT: You what?

JUROR NUMBER 66: We went to church together for many years.

THE COURT: All right. The fact that you know Angie Farmer, if she should be a witness in this case, could you still be fair to both the State and to the Defendant?

JUROR NUMBER 66: Yes, sir.

THE COURT: All right. Thank you. Yes, sir, your name and number?

JUROR NUMBER 40: Number 40, Timothy Elrod.

THE COURT: Who do you know?

JUROR NUMBER 40: I went to high school with Officer Rackley.

THE COURT: The fact that you went to high school with Officer Rackley, does that -- could you still be fair and impartial to both the State and the defendant in this matter?

JUROR NUMBER 40: Yes, sir.

THE COURT: Thank you. Yes?

JUROR NUMBER 84: Jay Lee, Number 84. I'm friends with Wendy Williams and Mr. Fred Kelley. I also worked with J.B. Kelley and Andrew Rackley indirectly as police officers in the past.

THE COURT: The fact that you have those connections, do you feel that you could still be fair and impartial to both the State and to the defendant in this matter?

JUROR NUMBER 84: I do, (affirmative nod).

THE COURT: Thank you very much. Anyone else? (No response).

All right. If the attorneys would stand up and introduce themselves.

SOLICITOR ODOM: I am Shannon Swords-

Odom. I'm prosecuting the case today.

SCOTT DOVER: May it please the Court, I am Scott Dover from Pickens. I'll be defend-ing the case today.

THE COURT: All right. Is anybody related by blood or marriage to either of these attorneys? If so, please stand. (No response).

Does anybody have any personal or close social or personal relationship or business relationship with either of these attorneys? If so, please stand. Yes, ma'am?

JUROR NUMBER 66: I used to go to church with Ms. Odom.

THE COURT: Okay: The fact that you used to go to church with her, could you still be fair and impartial to both the State and the defendant in this matter?

JUROR NUMBER 66: Yes, sir.

THE COURT: I'm sorry, your name and number again?

JUROR NUMBER 66: Jennifer Stone, Number 66.

THE COURT: Okay. Also, have you ever been represented by either of these

attorneys, have you ever been in a case where these attorneys were on the other side of you? If so, please stand. (No response).

All right. Again, some of these questions are of a very sensitive nature. Because of the sensitive nature of this, at the conclusion of this process I will have you, if anybody would like, to come up front. I'd be glad to talk with you at that point. But please stand up at this point, identify your name and number and then we can meet with you down here with the court reporter.

All right. Is any member of the jury panel -- I know that you only have brief facts on this, but has any member of the jury panel read any newspaper articles, whether hard copy or computer, magazine articles, seen any news stories, whether on television or via computer, heard any radio broadcasts, seen or read anything on social media on the computer, or blogs on the computer concerning this defendant or this case, or had any information from any source regarding the alleged facts of this case? If so, please stand. (No response).

All right, no response.

Has any member of the jury panel or their immediate family ever been a member of a law enforcement agency or worked for a law enforcement agency? If so, please stand.

All right, we will start over here. Your name and number?

JUROR NUMBER 142: Virginia Shelton, 142.

THE COURT: Yes, ma'am?

JUROR NUMBER 142: My father was a retired State Trooper.

THE COURT: And the fact that your father was a State Trooper, could you still be fair and impartial to the State and the defendant in this matter?

JUROR NUMBER 142: Yes, sir.

THE COURT: Thank you.

SCOTT DOVER: Your Honor, may we inquire as to his name?

THE COURT: Yes, what was his -- what is your father's name?

JUROR NUMBER 142: John Vinson.

THE COURT: Thank you. The lady on the front row here. Your name and number?

JUROR NUMBER 157: Anna Willis, 157.

My grandfather is retired from the Pickens County Sheriff's Office and SLED.

THE COURT: And what was his name?

JUROR NUMBER 157: Randall Stewart.

THE COURT: All right. Could you still be fair and impartial to the State and the defendant in light of that?

JUROR NUMBER 157: Yes, sir.

THE COURT: Thank you. Your name and number?

JUROR NUMBER 59: David Hayes, Juror Number 56.

THE COURT: All right, Mr. Hayes?

JUROR NUMBER 59: Sorry, I'm Number 59.

THE COURT: Okay. Yes, sir.

JUROR NUMBER 59: My brother-in-law was a career highway patrol and I have a nephew who is currently a crime scene investigator in Horry County.

THE COURT: All right. Who was your -- you said brother-in-law?

JUROR NUMBER 59: Yes.

THE COURT: Who is your brother-in-law?

JUROR NUMBER 59: His name was John Culver (phonetic). He's deceased.

THE COURT: Oh, okay. Could you still be fair and impartial to both the State and the defendant in this matter?

JUROR NUMBER 59: I could, (affirmative nod).

THE COURT: Yes, your name?

JUROR NUMBER 84: Jay Lee, Number 84. I worked for the Anderson County Sheriff's Office and the Liberty City Police Department.

THE COURT: Based on that, could you still be fair and impartial to both the State and the defendant in this matter?

JUROR NUMBER 84: I can.

THE COURT: Thank you. Is any member of the jury panel a member of any political, social, industrial, religious, fraternal, law enforcement or other organization who beliefs or teachings would prejudice him or her against either party in this case? If so, please stand. (No response).

All right, no response.

Is any jury member aware of any physical, mental or emotional condition which would prevent them from giving the defendant and

the State a fair and impartial trial in this matter? If so, please stand. (No response).

Okay, no response.

Is there any member of the jury panel, or immediate member of their family, who has, now or in the past, ever worked for any organization, agency or business which investigated and/or counseled victims or victims' families who had been sexually assaulted or molested? If so, please stand. (No response).

All right, no response.

Has any member of the jury panel or member of their immediate family been the victim of a sexual assault or molestation? If so, please stand. And please give me your name and number and let me know if you'd like to come up front.

JUROR NUMBER 98: Marjorie Moon, Juror Number 98. My son was sexually abused by my ex-husband, who subsequently went to prison.

THE COURT: And that fact, could you still be fair and impartial to the State and the defendant in this matter?

JUROR NUMBER 98: Yes, sir.

THE COURT: Thank you. Yes, your name and number?

JUROR NUMBER 29: Mitzi Dawkins.

THE COURT: Ma'am?

JUROR NUMBER 29: Mitzi Dawkins, Juror Number 29.

THE COURT: Okay.

JUROR NUMBER 29: May I ---

THE COURT: Yes. I'll have you come up in just a few minutes. Don't let me forget that. All right?

JUROR NUMBER 29: Yes, sir.

THE COURT: Okay, anyone else? (No response).

Is any member of the jury panel, their spouse or member of their immediate family now employed by or ever been employed by the South Carolina Department of Social Services, in Pickens County or any other county in South Carolina? If so, please stand.

No response. Is any member of the jury panel or member of their immediate family been a complainant to law enforcement or other agencies with reference to allegations involving sexual assault or molestation. If

so, please stand. (No response).

Okay. No response.

Is any member of the jury panel or member of their immediate family related by blood or marriage to anyone employed by the Solicitor's Office for the 13th Judicial Circuit? (No response).

Okay, no response.

Is any member of the jury panel who currently works for or volunteers, who has worked for or who has volunteered in the past, for the South Carolina lay guardian *ad litem* program? If so, please stand.

JUROR NUMBER 141: My spouse is a guardian *ad litem.*

THE COURT: All right. Name and number, first.

JUROR NUMBER 141: Michelle Shaw.

THE COURT: Again, you --

JUROR NUMBER 141: My spouse is a guardian *ad litem.*

THE COURT: The fact that your spouse is a guardian *ad litem,* could you still be fair and impartial to both the State and the defendant in this matter?

JUROR NUMBER 141: Yes, sir.

THE COURT: All right. Thank you.

Has any member of the jury panel ever been accused, investigated or charged with committing a sexual-related offense? If so, please stand. (No response).

All right. No response.

Does any member of the jury panel have a family member or close friend who has been accused of, investigated, or charged with committing a sex-related offense? If so, please stand. (No response).

Again, I have a point where y'all will be able to come up if y'all feel more comfortable answering a question of that kind.

Is there any member of the jury panel who has formed or expressed an opinion about any issue or matter involved in this case. If so, please stand. (No verbal response).

Okay. (No response).

Is any member of the jury panel aware of any bias or prejudice towards either the State or the defendant in this case? In asking this, I want to -- I realize that

several people were involved in juries previously this week and I want to make sure that your experience in light of this week that you still feel like you could give a fair and impartial to both the State and the defendant in this case. If not, please stand. (No response).

Thank you. No response.

Is there any member of the jury panel who knows of any reason whatsoever or who feels that they could not give a fair and impartial trial to both the State and defendant in this matter? If so, please stand.

At this time, if there is anyone who would like to come up and discuss more privately any information, line up at the bar. I will let you know that the attorneys and the court reporter will also have to hear your response.

BAILIFF: Juror Number 29.

SIDEBAR:

THE COURT: Yes, Ms. Dawkins?

JUROR NUMBER 29: My grandson was molested.

THE COURT: Do you think that you

could be fair and impartial in this matter?

JUROR NUMBER 29: I have to be honest and say no.

THE COURT: You don't think that you could do that?

JUROR NUMBER 29: No.

THE COURT: Thank you. I will excuse you. I know that I excused you Monday but -- thank you.

(SIDEBAR CONCLUDED)

THE COURT: Juror Number 29 is excused by the court.

(JUROR NUMBER 29 EXCUSED)

(OFF RECORD DISCUSSION WITH COUNSEL)

THE COURT: Anyone else? (No response). Okay, thank you. Just to make sure, -- I think that covered everybody.

Mr. Dover just mentioned to me -- and I just need to make sure I asked -- Mr. Dover stood a minute ago. Is anybody related by blood or marriage to Mr. Dover, have a close personal or social relationship with him or has done any business with him in the past? If so, please stand. All right, no response.

I just needed to make sure.

Has anybody ever been represented by Mr. Dover in any matter? (No response).

Okay. No response.

Thank you for your attention. Anything else from the State? Any additional questions from the State?

SOLICITOR ODOM: No, sir.

THE COURT: Any other questions from the defense?

SCOTT DOVER: None, Your Honor.

THE COURT: All right. It is my understanding -- I want to make sure that we cover this. It looks like the trial will last -- you know, the trial starts today and of course it will go into tomorrow. I realize that is a hardship for all but I just wanted to make sure that I -- I think that I covered everybody that needs protection for tomorrow for any particular reason. Does anybody else have anything in that regard? (No response).

All right. If you are ready we will now select our jury. Strikes are ten and five, and we will have two alternates.

CLERK: As I call your names, please stand so that the attorneys can see you. Juror Number 71, Christopher L. Johnson.

(WHITE MALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the juror.

CLERK: What says the Defense?

SCOTT DOVER: Please swear the juror.

CLERK: Please come forward, sir, and have a seat in the jury box.

(JUROR NUMBER 71 SEATED)

CLERK: Juror Number 19, Randall S. Brown.

(WHITE MALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the juror.

CLERK: What says the Defense?

SCOTT DOVER: Please swear the juror.

CLERK: Please come forward, sir, and have a seat in the jury box.

(JUROR NUMBER 19 SEATED)

CLERK: Juror Number 7, Patricia Barlet.

(WHITE FEMALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the Juror.

CLERK: And the defense?

SCOTT DOVER: Please excuse the juror from the trial in this case.

CLERK: Return to your seat, please, ma'am.

(JUROR NUMBER 7 EXCUSED)

CLERK: Juror Number 6, Stephanie W. Barker.

(WHITE FEMALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the juror.

CLERK: And the defense?

SCOTT DOVER: Please swear the juror.

CLERK: Come forward, please, ma'am and have a seat in the jury box.

(JUROR NUMBER 6 SEATED)

CLERK: Juror Number 80, Rhonda D. Lance.

(WHITE FEMALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the juror.

CLERK: And the defense?

SCOTT DOVER: Please swear the juror.

CLERK: Come forward, please, ma'am and have a seat in the jury box.

(JUROR NUMBER 80 SEATED)

CLERK: Juror Number 157, Anna F. Willis.

(WHITE FEMALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the Juror.

CLERK: What says the defense?

SCOTT DOVER: Please excuse the juror.

CLERK: If you will, return to your seat, please, ma'am.

(JUROR NUMBER 157 EXCUSED)

CLERK: Juror Number 39, Patsy Elrod.

(WHITE FEMALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the juror.

CLERK: What says the defense?

SCOTT DOVER: Please excuse the juror.

CLERK: If you will, return to your seat, please, ma'am.

(JUROR NUMBER 39 EXCUSED)

CLERK: Juror Number 74, Christian Jones.

(WHITE MALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the juror.

SCOTT DOVER: Please swear the juror.

CLERK: Please have a seat in the jury box.

(JUROR NUMBER 74 SEATED)

CLERK: Juror Number 55, Sandra D. Grady.

(BLACK FEMALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Present the juror.

CLERK: And the defense?

SCOTT DOVER: Please excuse the juror.

CLERK: You may return to your seat, please, ma'am.

(JUROR NUMBER 55 EXCUSED)

CLERK: Juror Number 139, Patrick J. Schelble.

(WHITE MALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the juror.

CLERK: What says the defense?

SCOTT DOVER: Please swear the juror.

CLERK: Come forward, please sir, and have a seat in the jury box.

(JUROR NUMBER 139 SEATED)

CLERK: Juror Number 98, Marjorie Moon.

(WHITE FEMALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the juror.

CLERK: And the defense?

SCOTT DOVER: Please excuse the juror.

CLERK: Please be seated, you've been excused from the trial of this case.

(JUROR NUMBER 98 EXCUSED)

CLERK: Juror Number 59, David Hayes.

(WHITE MALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the juror.

CLERK: And the defense?

SCOTT DOVER: Please swear the juror.

CLERK: Come forward and have a seat in the jury box.

(JUROR NUMBER 59 SEATED)

CLERK: Juror Number 78, Morgan Kern.

(WHITE FEMALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the juror.

CLERK: And the defense?

SCOTT DOVER: Please excuse the juror.

CLERK: You may be seated, you've been excused from the trial of this case.

(JUROR NUMBER 78 EXCUSED)

CLERK: Juror Number 68, Dominic Ingardia.

(WHITE MALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the juror.

CLERK: And the defense?

SCOTT DOVER: Please swear the juror.

CLERK: Please come forward and have a seat in the jury box.

(JUROR NUMBER 68 SEATED)

CLERK: Juror Number 45, Edward Field.

(WHITE MALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the juror.

CLERK: And the defense?

SCOTT DOVER: Please excuse the juror.

CLERK: You may be seated, you've been excused from the trial in this case.

(JUROR NUMBER 45 EXCUSED)

CLERK: Juror Number 141, Michele B. Shaw.

(WHITE FEMALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Present the juror.

CLERK: And the defense?

SCOTT DOVER: Please swear the juror.

CLERK: Please come forward and have a seat in the jury box.

(JUROR NUMBER 141 SEATED)

CLERK: Juror Number 85, Sherrie L. Lesley.

(WHITE FEMALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Present the juror.

CLERK: And the defense?

SCOTT DOVER: Please swear the juror.

CLERK: Please come forward and have a seat in the jury box.

(JUROR NUMBER 85 SEATED)

CLERK: Juror Number 46, Daniel R. Fisher.

(WHITE MALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please excuse the juror.

CLERK: Please have a seat, you've been excused from the trial of this case.

(JUROR NUMBER 46 EXCUSED)

CLERK: Juror Number 66, Jennifer Stone.

(WHITE FEMALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the juror.

CLERK: And the defense?

SCOTT DOVER: Please excuse the juror.

CLERK: Please have a seat, you've been excused from the trial in this case.

(JUROR NUMBER 66 EXCUSED)

CLERK: Juror Number 5, Forrest A. Ballew.

(WHITE MALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the juror.

CLERK: And defense?

SCOTT DOVER: Please swear the juror.

(JUROR NUMBER 5 SEATED)

CLERK: Juror Number 34, Rebecca J. Edmond.

(WHITE FEMALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the juror.

CLERK: And defense?

SCOTT DOVER: Please swear the juror.

CLERK: Please come forward and have a seat in the jury box.

(JUROR NUMBER 34 SEATED)

THE COURT: And we will pick two alternates.

CLERK: Juror Number 105, Scott B. Nicholson.

(WHITE MALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the juror.

CLERK: And the defense?

SCOTT DOVER: Please excuse the juror.

CLERK: Please take your seat, you've been excused.

(JUROR NUMBER 105 EXCUSED)

CLERK: Juror Number 14, William S. Blair.

(WHITE MALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the juror.

CLERK: And the defense?

SCOTT DOVER: Please swear the juror.

CLERK: Please come forward and have a seat in the jury box.

(JUROR NUMBER 14 SEATED AS ALTERNATE #1)

CLERK: Juror Number 104, Christy C. Nicholson.

(WHITE FEMALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the juror.

CLERK: And the defense?

SCOTT DOVER: Please excuse the juror.

CLERK: You may be seated, you've been excused as juror in this case.

(JUROR NUMBER 104 EXCUSED)

CLERK: Juror Number 158, Janet D. Wright.

(WHITE FEMALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please excuse the juror.

CLERK: You may be seated, you've been excused as a juror in this case.

(JUROR NUMBER 158 EXCUSED)

CLERK: Juror Number 67, Patricia J. Holman.

(WHITE FEMALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the juror.

CLERK: And the defense?

SCOTT DOVER: Please excuse the juror.

CLERK: You may have seat, you've been excused from the trial in this case.

(JUROR NUMBER 67 EXCUSED)

CLERK: Juror Number 82, Charles E. Lee, Jr.

(WHITE MALE BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR ODOM: Please present the juror.

SCOTT DOVER: Please seat the juror.

(JUROR NUMBER 82 SEATED AS ALTERNATE #2)

CLERK: Your Honor, the jury has been seated.

THE COURT: Thank you. I saw some expressions of quiet relief out there from some of you, especially from some of you that served on the longer case this week.

I realize that this was a major inconvenience for all of you this week. I want to tell you how much we appreciate your service. It's very important.

This is the third trial this week but because you all came in, lots of other matters were resolved as well. Because a jury shows up, suddenly everybody gets serious about resolving cases. They get serious before but the problem is that they've got so many other things but your

appearance puts a priority on resolving cases. It's very important, your service here today and I can't think you enough.

Y'all are good for the week, you're done. Also you can protect yourself from service for three years now if you so wish. It may be longer than that before you are called again but you're exempt for three years, so you claim that exempt if you so wish.

I hope you have a good rest of the day. You are excused.

CLERK: If anybody needs a statement for work and you didn't sign up for it on Monday, for it to be mailed to you, you can stop by my office on the first floor and they will write one out for you.

(JURY PANEL RELEASED)

THE COURT: I'm going to ask that y'all go back to your jury room for a few minutes. Then we will get you back out here and start the trial. Obviously you know nothing about the case, but please don't discuss the charges or speculate between yourself. We will be with you in a few minutes.

(JURY OUT @ 10:10 A.M.)

THE COURT: Is there anything that we need to do or take up beforehand?

SOLICITOR ODOM: On the newest indictment, he needs to be arraigned.

THE COURT: Okay.

SOLICITOR ODOM: Then also I'd like to -- I'd like to put our agreement about the rape shield on the record.

THE COURT: Okay. The amended indictment, is that the one?

SOLICITOR ODOM: The 17-0700.

THE COURT: I gotcha. Okay, we will take -- all right. I guess we will go through the arraignment on 17-GS-39-0700, which was true billed by the grand jury on March 21st,2017.

Mr. -- you are Joseph Campbell Williams, II?

DEFENDANT: Yes, sir.

THE COURT: Okay. I'm going to read this indictment to you. It's an indictment for criminal sexual conduct with a minor, second degree.

(Reading): *"At a Court of General Sessions convened on March 21, 2017, the*

*Grand Jurors of Pickens County present upon their oath: That Joseph Campbell Williams, II did in Pickens County, between the dates of July 8th, 2007 and July 8th, 2008, commit a sexual battery on* MINOR 1 *, who was fourteen years of age or less but who was at least eleven years of age. This is in violation of Section 16-3-655(B)(1) [formerly 16-3-655(2)] of the South Carolina Code of Laws (1976) as amended."*

That is the amended indictment to you. Do you understand that indictment?

DEFENDANT: Yes, sir.

THE COURT: How do you wish to plead?

DEFENDANT: Not guilty.

THE COURT: Do you wish a jury trial on this?

DEFENDANT: Yes, sir.

THE COURT: And with your attorney, y'all have consented to try that matter this morning with the other Indictment, 15-GS-39-1030. Is that right?

SCOTT DOVER: We have, Your Honor. We were put on advance notice of that some time back. The Solicitor's Office was gracious

enough to give us a couple of months to prepare for that. We're ready to go forward today.

THE COURT: Anything else from the State?

SOLICITOR ODOM: And, Your Honor, I would like to make a Motion ---

THE COURT: And I realized -- was there any objection or exception to the selection process of the jury? From the State?

SOLICITOR ODOM: No, sir.

THE COURT: Defense?

SCOTT DOVER: None.

THE COURT: I just made that assumption. Sorry, I got ahead of myself.

SOLICITOR ODOM: I would like to make a Motion to sequester any witnesses who are not the victim or the investigating officer.

SCOTT DOVER: We have no objection.

THE COURT: Okay, we will sequester the witness. If all witnesses will ---

SCOTT DOVER: Can they stay through the opening remarks and then go after that?

THE COURT: Let me explain to y'all what that means, for all the witnesses who

are in the courtroom.

When you are sequestered, that means that you cannot sit and listen to anyone else's testimony. You can also not discuss anyone else's testimony. For instance, if one of you testifies, then that person cannot go out and say, 'oh, by the way, this is what I said.' Sequestered means not only that you cannot hear but you are not to receive any information about testimony.

The State has made that Motion. It's an appropriate Motion, especially for a case like this. So with that being said, I'm going to ask that all witnesses be in the foyer area, in the waiting area so you're available to be called when necessary. Thank you.

SCOTT DOVER: Y'all wait outside.

(WITNESSES EXIT COURTROOM)

THE COURT: Anything else from the State?

SOLICITOR ODOM: I think this is probably the best time, unless you want to go it right before I call the victim, to put our agreement about the rape shield on the

record.

THE COURT: All right. I guess that we can do that. What was the agreement?

SOLICITOR ODOM: Your Honor, it is my understanding that the defense counsel is not going to ask the victim, MINOR 1, about prior sexual experience but he is going to ask her why she didn't report this sexual experience sooner. Specifically if she was in counseling several times for unrelated matters, why didn't she report this to her counselor?

THE COURT: Is that the agreement?

SCOTT DOVER: Yes, sir, Your Honor. She also reported two other similar sexual encounters with two other individuals at the time and did not report against my guy at the time. I think that's relevant.

I certainly won't pry into any of her sexual habits or anything like that, which would violate the statute.

SOLICITOR ODOM: Your Honor, I don't think that is relevant, saying 'didn't you report these other crimes that are similar' because it's the State's position that they

aren't similar.

THE COURT: When are you planning on calling the victim?

SOLICITOR ODOM: Third witness.

THE COURT: All right, let's take a break. I want to get an idea of what's going on and I'll address that.

SCOTT DOVER: Yes, sir.

THE COURT: Anything before we bring the jury in, from the State?

SOLICITOR ODOM: Nothing from the State.

THE COURT: Anything from the defense?

SCOTT DOVER: Your Honor, I know that it is not appropriate until after you swear the jurors, but I was talking to the bailiffs and I'd like for you at some point -- if we could agree that my client can remain out on bond during the pendency of the trial, go to the restroom, participate with me and consult with me about the case. Are you going to make him be held by law enforcement? I don't know your policy.

THE COURT: During the trial, I will let you have some leeway during the day. In

the evening, overnight he will be in custody.

SCOTT DOVER: Okay. Thank you.

THE COURT: Bring in the jury.

(JURY IN @ 10:27 A. M.)

THE COURT: All right, ladies and gentlemen, we are now going to start the trial of the case of the State versus Joseph Campbell Williams, II

I have some preliminary remarks but first I ask the Clerk to administer your oath in this case.

(WHEREUPON JURY SWORN)

THE COURT: I just need to give you some preliminary remarks. Some of you have been in one trial, so you sort of know the gist of these remarks.

First of all, I want to give you some of the terms that you may be hearing.

The "defendant" is Mr. Williams in this case. A defendant is one who is charged.

The mere fact that there is an indictment in this matter, which brings the charges before the court, is not to be considered by you in any way as an indication of guilt or responsibility. Mr. Williams has pled not

guilty to these charges and he comes into this courtroom with the presumption of innocence. That puts the burden on the State to prove beyond a reasonable doubt -- that's the standard that is used in criminal matters, "beyond a reasonable doubt." We will discuss that more at the conclusion of the trial. I just wanted to let everybody know that right off the bat.

Just to kind of let you know some of the people in the courtroom:

The lady here, Ms. Garrison, she is the court reporter. She is keeping a record of everything that is said.

You previously met Mr. Welborn, he's the Clerk of Court. He is in charge of the records.

The gentleman next to me here is my law clerk, who basically assists me in the trial of cases and does any research.

The most important people for y'all are the bailiffs, these sharp looking gentlemen with the badges on. The reason they is -- they are -- for one thing, they are kind of your caretakers. But they're -- if you have

any questions, need anything, then you need to let the bailiffs know. If you have any questions that need to be presented to the court, give it to one of the bailiffs and they will get it to me. Then I can respond appropriately.

This is a very important responsibility that you have because this is the trial of the case and your role in this matter is to determine what the facts are.

If at any point throughout this trial I should infer or if y'all think that I have an opinion as to the facts, then y'all do not consider that. That is not my role. My role is to determine what the law is and to rule on the admissibility of the evidence. You are the sole fact finders.

One of the things that you will need to use is your common experience and common sense. You will determine the believability of witnesses, and that is something that you will need to discuss but only when you begin deliberations at the conclusion of the trial.

As I will tell you every time that you take a break, it is important that you keep

an open mind throughout this trial. Therefore, you are not to discuss this case. It's very difficult because it's only -- the one thing that you have in common as the jury is this case. But until you have heard all the evidence and you've heard all of the law that I will instruct you on at the conclusion of the case, it is not proper to talk about the case when you go home, among yourselves, with your spouse, friends, family or anyone. You need to wait until you hear everything before you begin to discuss the case.

The other thing I will tell you throughout the trial, every time that you take a break, it is not appropriate for you to do any type of research. You cannot research anything about the case, the charges, the defendant, the law, anything. The things that you are supposed to consider are the things that you will hear in this courtroom that I rule are admissible, either by way of testimony -- live testimony that you will hear from the witness stand or any documents, evidence that is introduced or any stipulations that counsel may have.

The third thing, I am not aware of any media coverage for the trial of this case. But if there is, you cannot pay any attention -- you must totally disregard any media coverage, anything on radio, TV or any social media.

Also throughout during your breaks, should you be contacted by anybody -- and I don't expect anybody outside of the Clerk's office to contact you -- give that information to the bailiffs.

We are in a small courthouse here. When you come in of a morning you may bump into one of the attorneys or one of the witnesses. They are not being rude by not talking to you or by not acknowledging you. They've been told not to speak to you because someone might think you're talking about the case, which you have been instructed you must not go. Invariably it happens, people get on the elevator together -- it's often awkward to get on an elevator with anybody, no different. So don't be offended if they don't speak to you.

For breaks, we try to take breaks every

hour to an hour and a half, depending on where we are with a witness. If anybody needs a break for any reason, please let me know or let the bailiff know. We will try to break as soon as possible. We want to make it as little an inconvenience as possible.

Also we'll try to break as close to 5:00 o'clock as possible. That kind of depends on some of the witnesses. We're obviously starting this case on a Thursday morning and our goal is to not keep you here any longer than necessary. So we may -- if we have to go a little bit longer today -- of course, I will first talk with all of you to make sure that is okay. If anybody needs to make any arrangements, I will give you the opportunity to do so.

The first time that y'all take a break, I'm going to ask that you pick a foreman or forelady, somebody that will be the person to direct any discussions and be responsible to write any notes to the Court. I always say that that person doesn't get any more pay, it doesn't look any better on your resume but is something that is important for the case.

With that being said -- oh, let me just give you two more things. I don't usually allow anyone to take notes. The reason is that I think that it is important -- well, two reasons. One is that a lot of times when people are taking notes they may miss something that is important. When I say that, it is important for you to observe the witness as they testify and you may miss that if you're taking notes. You have to determine the believability and credibility of these witnesses and to do you need to be able to observe their demeanor when testifying. So I ask that you not take notes.

The other thing is to just let you know the procedure of the trial. We start off with opening statements by the attorneys. Their statements are not evidence, just merely their summary.

Then we go into the evidentiary stage where the evidence will be presented.

At the conclusion of all evidence, the attorneys will provide you with their closing statements. That is not evidence, it's a

summary of what they believe the evidence has shown.

Then I will charge you on the law.

Then you will retire to begin your deliberations.

With that being said, we will now have opening statements. Ms. Odom.

SOLICITOR ODOM: Thank you, Your Honor, may it please the Court. Mr. Dover.

You know, a lot of people take things for granted. They take it for granted that they have a safe and secure home, that they have a loving mother, a loving father, a family that loves you and treats you right. That's how it is supposed to be. You might take those things for granted.

But our victim in this case, MINOR 1 [redacted], she didn't take those things for granted because she didn't have them. If you don't have it, you can't take it for granted.

In this case, MINOR 1 [redacted] was repeatedly molested by her stepfather over a wide range of years, starting when she was in elementary school up until she was twelve years old, when finally he stopped. That's

what the case is about. That is what happened in this case.

There are two charges that are before you today: criminal sexual conduct with a minor in the first degree and criminal sexual conduct with a minor in the second degree.

I want to tell you a little bit about the charges so that as you're listening to the testimony that you can be looking for certain things. At the end of the case, I will come back before you and explain it in more detail.

Now, CSC with a minor in the first degree is just that the defendant engaged in a sexual battery with a victim who was less than eleven years old. Very straightforward, that the defendant engaged in sexual battery with someone who was less than eleven.

A sexual battery is intercourse and it is also oral sex. It's oral sex that the defendant performed on the victim, or that the victim had to perform on the defendant. That is CSC first degree with a minor.

Now, CSC second degree with a minor is more or less the same thing except that the

age range is different. That's an important thing to look for while you are listening to the witnesses testify. That one is eleven years old to fourteen. So it is the same allegations, the same facts but what is going to be different is the age of the victim.

Now, I understand as well as y'all do that we're getting started on Thursday. This is the third case that has been called this week. But just because we are starting on Thursday does not mean that this case is any less important than any other case that has been called to trial this week.

This case is extremely important to the State, to the defendant, and also the victim.

This conduct, this abuse started roughly fifteen years ago. Fifteen years she's been waiting -- she waited for years for it to stop. She finally reported when she was a little older when the abuse had been stopped for six or seven years. She finally got the courage up to come forward. But even then when she reported, she still had to wait. This case is an older case that happened a long time ago. But she reported about three

and a half years ago. Through no fault of her own she has had to wait for her day in court. She's had to wait. Hopefully later today or tomorrow the waiting will be over.

At the end of the case, I'm going to ask that you go back to the jury room, fully discuss all the evidence, go over all the facts and give her and the defendant that they deserve, the case the respect that it deserves, and do the only thing that I think you can do once you've heard the evidence and that is to find the defendant guilty on both counts. Thank you.

THE COURT: Mr. Dover.

SCOTT DOVER: May it please the Court, Ms. Odom.

Almost four years ago the young lady on the front row sent shock waves through her family here in Pickens when she came forward and said at that time that -- that ten years before that my client had taken inappropriate liberties with her, had taken advantage of her, had molested her.

Ms. Odom said to you a few moments ago that a child of her age has an absolute right

to a supportive family. She had that, ladies and gentlemen. She threw it away.

We will be presenting -- although there is no burden on the defense. The State of South Carolina has the burden of proving what she says now beyond a reasonable doubt. That is to convince twelve of you fourteen at the end of the case that you can believe her as you would in your most important matters of life.

I will tell you right now that at the end of this trial if you can believe what she is saying such that you would give that the same weight that you would give in dealing with your family and your own legal and important matters of life, then the State of South Carolina would have met their burden and you should find Mr. Williams guilty.

If they have not, if you have doubts, if you do not believe her beyond a reasonable doubt, the n you must by that same oath that you took find him not guilty.

That's what the law of the state of South Carolina is.

As I said before, almost four years ago,

one thousand three hundred and sixty-nine days exactly, this young lady, for reasons that we will try to show you during the presentation of this case made up a lie to get her way in some very important matters of her family. You will hear testimony about why she did that.

Once someone does what she did and goes to law enforcement and makes this type of allegation, it's not something that you can back out of. There are other laws about giving false statements to police officers and stuff. That's where you are. That's why we've been waiting for four years for our day in court.

Just as Judge Gravely told you, the defendant is presumed innocent. He has suffered, just like this victim has. His life was completely shattered when these allegations hit the news media and all of his friends. He immediately hired me and said, 'I did not do that, I have never laid a hand on that girl and I'm not pleading guilty to anything, I didn't do anything wrong.'

We've been waiting for almost thirteen

hundred days to get this behind us. It has completely ruined the whole family. She has a sister, she has a mother -- the mother did her own investigation, and she's a potential witness for us. You'll hear about that in a few moments.

We ask you to use your common sense, to listen carefully and to bring your own common sense to the table, to weigh the testimony and determine whether or not you can believe that this happened fourteen years ago.

MINOR 1 [redacted] says that this all started when she was seven to eight years of age. That would have been in 2003, because she was born in 1996. She says that it all ended in July of 2009, one week before her thirteenth birthday.

She did nothing -- and I want you to listen to the testimony of the witnesses. This young lady was in counseling. She was seeing professionals throughout this time for other matters and they were counseling here -- I'll talk about what I think the evidence is going to show in just a few moments. But she had the support staff in place if this

had happened to her to be able to tell somebody. She did not do that from July of 2009 until November the 30th, 2013.

Right before she did this, she blasted out some things on FaceBook and in some text messages that you will hear, saying what she was getting ready to do and what problems that she was going getting ready to cause for this family.

Once those allegations were made, we've been waiting since that time.

I'm Scott Dover. I've been practicing law here in Pickens for thirty years. I grew up here, went to college and to law school, went to high school here. I had lots of good instructors along the way. I tell most every jury that I try a case in front of that my most important, the person that gave me the best advice in my entire life as to how to try a case was my grandfather. He didn't graduate high school, he worked in a textile mill. He told me as a young boy, he said 'never trust or believe someone that will lie to you about the little things.'

The little things is what are important.

If someone will lie about the little things, they will lie to you about the big things. I look at that advice and I take it very seriously, as I take these cases and I look at the evidence. You'll see, and I'll point out some of the issues with the victim's testimony as we go along about some untruths that she has shared with law enforcement.

But I want you -- I will submit to you that you will hear and that the evidence will show us during the presentation of this case that before this incidence occurred that there were professionals involved in the victim's life who made the following comments about her: ---

SOLICITOR ODOM: Objection, Your Honor, I think he's getting into hearsay.

SCOTT DOVER: These are witnesses that -- we think that the evidence will show ---

THE COURT: Well, I don't want to get into anything that may or may not be admissible.

SCOTT DOVER: There will be witnesses who will testify that this young lady at age six, at age seven, at age eight, at age nine, at

age eleven and age fourteen, she had experts and witnesses in place that were talking to her and they all made opinions about her, including Detective Kelley. This young lady had issues with her mother and her father, and you'll hear testimony about what those issues were.

When she didn't get her way, she knew how to get her way. She made statements and did things and said things to make sure she got her way. That's what this case is about. We will get into the specific evidence that I was alluding to in a few moments, in the trial of this case.

But as I rest this morning and sit over here, please note a few things that are going on in the courtroom. The State of South Carolina has the burden of proof, so they're seated next to you. This is no coincidence, this is for a reason. They sit next to you, they go first and, if the defendant puts up testimony, they go last the burden is that great upon them.

I will always go second in this case and I will sit on the other side of the court-

house.

Just as Judge Gravely asked you to do in your oath a few moments ago, I -- like you -- have the tendency to be a person of first impressions. We all sometimes jump to a conclusion. 'Oh, that makes sense to me.' 'Why would she say that if that wasn't true?' 'Why would she do that if that wasn't true?' You may have those same issues that I do.

If you do, please don't make up your mind until you've heard all of the evidence. Give both sides that opportunity to present the facts here today. Wait until you've heard all the evidence to weigh it, to give it the credibility it deserves or does not deserve. Then render your opinion. If you all do that in this case, you'll be able to walk out of this courtroom with your head held high and say, 'I was part of justice, I did what was required of me, I did my civic duty and I was fair to the victim and to the defendant equally.' If that happens, no one can question your judgment or decision. I ask you to keep that in mind.

I thank you for your -- before I sit

down, I want to say this. These are very difficult cases for everybody, the fourteen of you, the one there, the two here.

Another thing I was taught about as a little boy. You don't talk about things that we're getting ready to talk about in public. It's embarrassing for the people that have to talk about it. It's embarrassing for the people that have to listen to it. I apologize to you -- you may hear me repeat some language that I should never say in public, but in a trial such as this I have to look at the facts and you have to know what those facts are. You have to know the way people talk and the way people act. I apologize to you for that. I apologize that maybe you're going to hear me have to say that, that you will have to listen to the witnesses say that.

With that, I rest and will let the State present their case. At the conclusion of that, we will make a determination of whether or not the defense believes that it must present any testimony. Thank you.

THE COURT: All right. Ms. Odom, you

may call your first witness.

SOLICITOR ODOM: thank you, Your Honor. The State calls Deputy Andrew Rackley.

(WITNESS TAKES STAND)

ANDREW RACKLEY, having been sworn to tell the truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY SOLICITOR ODOM:

Q. Deputy Rackley, where do you work?

A. Pickens County Sheriff's Office.

Q. What do you do there?

A. I am a lieutenant on the uniformed road patrol, I am a daily supervisor on road patrol.

Q. What all does that job entail?

A. I have nine deputies under my command basically on a daily basis. I monitor them via radio or get out on calls with them to make sure that they are doing the job that they are required to do.

Q. How long have you been working at the Sheriff's Office?

A. Twelve years.

Q. And what kind of training have you

had?

A. All kinds of training. I've got in excess of a thousand hours of advance training. Some of that consists of DUI, field training officers, specific skills to where I can teach lesson plans and stuff like that to other officers.

Q. Were you working back in November of 2013?

A. Yes, ma'am.

Q. What was your job position then?

A. I was a sergeant on uniform road patrol.

Q. So you normally respond to calls when people call 911?

A. Correct. If they -- if a road deputy is not available at that time, a supervisor will respond to a call for service.

Q. Did you respond to a call for service on November 30th, 2013, to a call in reference to this case?

A. I did.

Q. Tell me what time that you responded?

A. I responded at 4:34 p.m. on November 30th, 2013.

Q. Where did you go?

A. I went to [redacted] Lee Street which is in the City limits of Liberty, South Carolina, which is in the county of Pickens.

Q. And what was the call in response to?

A. There was an alleged sexual assault.

Q. When you got there, who was there?

A. On scene was a [redacted] and a [redacted].

Q. Do you know [redacted]'s full name?

A. [redacted].

Q. Was [redacted] -- what was her demeanor like?

A. As I recall, she was quite calm and collected at that time. So quite calm and collected.

Q. Did you get a statement from [redacted]?

A. I did.

Q. I am going to ask you some things about [redacted]'s statement but this is just in reference to time and place. Okay?

A. Okay.

Q. Did MINOR 1 tell you a time when any of the abuse may have occurred?

A. She told me between the ages of seven and eight to twelve years of age.

Q. Did she tell you any places or locations that the abuse occurred?

A. Yes, ma'am. She mentioned one occurrence was in Pickens City jurisdiction, others in Six Miles and another -- or others in Pickens off of High Top Drive.

Q. Is High Top Drive in Pickens County?

A. It is.

Q. So other than getting the statement from MINOR 1, did you have any other dealings with this case?

A. I did not.

SOLICITOR ODOM: Please answer any questions that Mr. Dover may have for you.

THE COURT: Cross-examination?

CROSS EXAMINATION

BY SCOTT DOVER:

Q. Officer Rackley, in all of the thousands and thousands of hours of training that you've had, is there any training that you have received that allows you to tell who

is telling the truth in a matter such as this?

A. I have not.

SCOTT DOVER: Thank you. That's all that I have for you.

THE COURT: Any redirect?

SOLICITOR ODOM: No, sir. I ask that he be excused from his subpoena.

THE COURT: Any objection?

SCOTT DOVER: None.

THE COURT: You may step down and you are excused.

(WITNESS STEPS DOWN)

THE COURT: You may call your next witness.

SOLICITOR ODOM: The State calls Bobby Skelton.

(WITNESS TAKES STAND)

BOBBY SKELTON, having been sworn to tell the truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY SOLICITOR ODOM:

Q. Mr. Skelton, where do you work?

A. I work for the School District of

Pickens County.

Q. How long have you been working there?

A. Eleven years.

Q. Can you tell me what your job duties include?

A. I'm the coordinator of student services. My job duties include acting as the hearing officer for the district, working with enrollment, as a liaison with outside agencies that include DSS, the Department of Juvenile Justice.

Q. Do you help keep track of school records?

A. Yes, ma'am, I do.

Q. Can you tell me a little bit about how a student's school record is kept?

A. We have a database system that tracks their school records and has current demographic information in it. Each student also has a permanent record that stays with them at the school that they are attending.

Q. What kind of things are in their permanent record?

A. Report cards, home language surveys,

enrollment information, State testing information, those sorts of things.

Q. So from looking at a student's school records, you can tell what grade they were in at a certain age?

A. Yes.

Q. Is there also a way by looking at the records that you can tell what address they lived at?

A. By looking at the permanent record, report cards and some of the various forms that were filled out by date, I can tell what the address was on a specific date and time.

Q. So the address that the parent gave the school will be in the file?

A. Yes. It'll be on the report card. For example, if a student has moved several times the only address that would be in our database through the power school would be the current address. But by looking back through the record you could see some other addresses where they had been at certain times when they were enrolled in school.

Q. Have you had a chance to look over MINOR 1 [redacted]'s school records?

A. Yes, ma'am.

Q. Can you tell what the first school in Pickens County that she was enrolled at, what that school was?

A. Yes. She was first enrolled at Pickens Elementary School in the 2001-2002 school year.

Q. Do you know what grade she was in?

A. She was a kindergarten student at that time.

Q. How many years or through what grades was she at Pickens Elementary School?

A. She was at Pickens Elementary School in kindergarten, first grade, second grade, third grade and fourth grade.

She started her fifth year in Pickens Elementary and then transferred to Holly Springs Elementary during that school year.

Q. What year was that?

A. Her fifth grade year was 2006-2007 school year.

Q. Do you have an address on file for when she was at Pickens Elementary?

A. Yes, I actually have two addresses on file that I was able to find. On her

report cards at the end of the second and third grade years, she was at [redacted] South Lewis Street in Pickens and then for her fourth grade year, beginning the fifth grade year, she was at [redacted] Jane Lane in Pickens.

Q. Now, when she went to Holly Springs Elementary, was she still at Jane Lane?

A. No, ma'am. They had moved to [redacted] High Top Drive, Pickens.

Q. All right. After Holly Springs Elementary, what is the next school that you have listed.

A. The next school that I have listed is Pickens Middle, which would be consistent with her having been at Holly Springs Elementary.

Q. What year did she start Pickens Middle?

A. She started in August of 2007 at Pickens Middle.

Q. Do you have an updated address?

A. I do. During that school year she moved in April, and the address was [redacted] Wiley Road in Liberty.

Q. And what school did she go to after

Pickens Middle?

A. She went to Liberty Middle.

Q. How long did she go there?

A. She visited the 2007-2008 school year and started the 2008-2009 school year at Liberty Middle.

Q. So she was at Liberty Middle for a year and then a few months?

A. I show that she was at Liberty Middle beginning in April 2008 and that she then transferred to Pickens Middle in December of 2008. So that would be for about eight months.

Q. When she transferred back to Pickens Middle, what address did you have?

A. I have [redacted] High Top Drive, Pickens.

Q. And how long was she at that address?

A. She completed her seventh grade year at that address, so she was there December 2008, which was her seventh grade year.

Then she completed her eighth grade year, still at Pickens Middle, and the address that we have is [redacted] High Top Drive.

Then the next school year she started at

Liberty High School.

Q. What year was that?

A. That was August 2010.

Q. What was the next school year?

A. It was at Liberty High School and the address that we have is [redacted] Lee Street, Liberty.

Q. Did she change schools again?

A. She did. She left Liberty High School and went to Prevost Academy for part of the 2010-2011 school year.

Then she came back to Liberty High School for the 2011-2012 school year.

Then in August of 2012, she left Liberty High School and enrolled in the parenting and literacy program.

SOLICITOR ODOM: Please answer any questions that Mr. Dover has for you.

THE COURT: Cross-examination.

CROSS EXAMINATION

BY SCOTT DOVER:

Q. Mr. Skelton, the school district is really not interested, nor do they go out and investigate where someone is actually spending the night on a nightly basis, do

they?

A. On rare occasions, we do. But only when a question comes up that someone might not be being honest with us about where they reside.

Q. And the power school that you testified to is this document that shows the progression of a young lady through the school system?

A. Yes, sir.

Q. In looking at -- if you go into more detail in the record, you can find where at times the child's mother was signing as guardian and at times the child's grandmother was signing as guardian. Is that a fair statement?

A. Yes, sir. I see a record where she was with her grandparents, I believe, when she was in Liberty Middle School.

Q. And where if a parent comes in at the beginning of a school year and says 'my child is living with me' at High Top Drive, the School District, unless somebody calls it to your attention, you're not looking to see where the child is actually spending the

night every night, are they?

A. No, sir.

SCOTT DOVER: Thank you. That's all the questions that I have for you, Mr. Skelton.

THE COURT: Any redirect?

SOLICITOR ODOM: No, sir. I ask that he be excused from his subpoena.

THE COURT: You're excused -- no objection from the defense, is there?

SCOTT DOVER: No objection.

(WITNESS STEPS DOWN)

THE COURT: Ladies and gentlemen, we are now going to take a very short break. This is the time that y'all need to select your foreperson. It can be any of the first twelve seated. Alternates, I'm sorry, but you do not qualify to serve as foreperson. If you would, select your foreperson, write down the name and give that to the bailiff. We will have you back out shortly.

(JURY OUT @ 11:08 A. M.)

THE COURT: All right. We said that we would take a break. I wanted to let us get into the case a little bit so that I'd have a better idea of the case.

You generally come up with an agreement as to what you're going to be able to ask as far as previous ---

SCOTT DOVER: If it pleases the Court, I can give you sort of a summary of where I think that I need to be going.

THE COURT: That would be fine. Whatever I need to educate me.

SCOTT DOVER: I'm going to share with counsel -- (tendering to Solicitor).

While she is looking over that, there are references in the Behavioral Health Services of Pickens County record of the victim reporting acts of sexual abuse.

During the case -- during her counseling there, and Ms. Farmer I believe is going to be the witness that testifies, there are handwritten letters where the victim had accused others of raping her and doing similar acts that she is now complaining of in this act.

Those were investigated, at times by Pickens City and at times by Pickens County. Officer Kelley was involved in some of that as well. There are statements that I would

like to pass up to counselors as to, you know, that this young lady was certainly able and willing, candid in coming forward and saying that these other two people had done these things to her. At the same time, she never once reported that my client did those things to her. I think that is a fair question under the situation.

The counselors that are going to be called by the State to testify, there is evidence that, you know, they were counseling her for sexual abuse. It would be confusing to this jury if you did not allow me to ask those questions because it might infer that that counseling was as to my client, and it was not. It was sexual abuse that she had alleged by these two other individuals.

And, Your Honor, during the period of time that these offenses allegedly occurred, she was actually assaulted by another individual, Tyler Gilstrap, who went to court and was found -- pled guilty and went to jail for abusing her.

During that entire time she never once said that my client was doing that. She

complained about three other individuals doing these things to her and didn't -- not once did she say that my client was guilty of the same thing.

I believe that was does not violate the rape shield statute by me asking her and the counselors and Mr. Kelley, Detective Kelley, those questions.

Thank you.

THE COURT: Does that ---

SOLICITOR ODOM: Yeah, that pretty much spot on violates the rape shield statute. What the rape shield statute is designed to prevent is asking a victim, you know, the specific details about prior sexual experiences, whether consensual or non-consensual.

I think that he could be limited in how he asks it and that would kind of split the baby a little bit. But he can't get up there and say, 'Isn't it true that you said somebody raped you, and they didn't?' That's just -- that's unacceptable. That's a violation.

If he says, 'Were you in counseling for

other abuse unrelated to the defendant?' I think that's okay. But to say, 'you accused someone else and that was unfounded.' That's an improper comment on the case.

Furthermore, this written statements that he has handed over that supposedly that my victim write and signed in cursive, she was four and five years old. There is no way that she wrote this statements, much less signed them her name in cursive. Also the dates on these statements do not coincide with the dates from Behavioral Health. So these statements would have been written before Behavioral Health, before she was seen by them.

He's asking to get into cases of other people, other sexual acts that may or may not have been done to my victim. That is a violation of the rape shield. If he says -- like I said earlier, -- 'were you in counseling for an unrelated matter' -- and he can even say of a sexual nature but he can't get into the facts of those cases. That is intrusive and that's what the rape shield is meant to protect against.

THE COURT: Let me ask you this, the statements that you are referring to, those related to the other matters and have nothing to do with this one; is that correct?

SOLICITOR ODOM: Exactly.

SCOTT DOVER: And, Your Honor, those were written by her in 2009 when she was in counseling and they asked her to put a date, as best she could, when those events occurred. That's where those dates come from. She wasn't four or five when she wrote the letters out. She couldn't have done that.

I would never ask her the questions that Ms. Odom -- you know, 'did you accuse somebody and it was later unfounded.' That would absolutely be impermissible.

I certainly think that I can ask her the question, 'In 2009, in counseling didn't you report, you know, report A, B and didn't report my client?'

SOLICITOR ODOM: And I disagree with that wording as well because if she didn't report it but her mother reported, but yet the victim says 'no, I didn't report it.'

Then it's going to call into questioning her credibility.

If she is in counseling for potential sexual abuse, that is one thing. But saying, 'well, you said these guys did it and now you're saying these guys didn't do it', but 'your mother said you said this', -- it's hearsay on hearsay and complicates the issue. It needs to be streamline and concise.

So if counsel on either side strays from what we've agreed to, then an objection will be clear.

THE COURT: Right. Let me take a minute and review one of the cases on the rape shield statute and then I'll let you know. Quick break.

(BRIEF RECESS)

(DEFENDANT PRESENT)

THE COURT: I've re-read this and looked at a couple of cases. Go through exactly what you propose that you're going to ask.

SCOTT DOVER: The victim was in counseling at Behavioral Health Services for Pickens County from at least 2002 through

2011. That encompasses the entire time period that she now testifies these acts were being perpetrated upon her by my client.

Nowhere in any counseling session did she ever utter the words that her stepfather was doing anything to her.

But she did, during that same period of time, indicate that three other individuals were. Those were talked about and she received counseling for them.

I don't think the status of those are relevant, of what happened. But the fact that she was accusing others -- here you've got -- I submit that it is fair for the jurors to believe that this young lady just felt so much, whatever her feelings were, that she did not feel comfortable discussing those type matters with her counselor at that time. Yet in this particular case, that is not true. She was talking about it with ---

THE COURT: Well, your question -- again, -- what questions would you specifically ask the victim. Let's talk about the victim first.

SCOTT DOVER: 'Isn't it true, MINOR 1

MINOR 1, that during this same period of time that you discussed to your counselors that the same type of events had occurred with three other individuals?'

THE COURT: Okay. Yes?

SOLICITOR ODOM: They are not the same type of events. It's different sexual acts with people who are not the same familial relationship.

The rape shield statute is clear that specific instances of victim sexual contact, opinion evidence of the victim's sexual conduct reputation evidence is not admissible unless it shows source or origin of semen, pregnancy or disease. That does not fit here. To the specific instances, it does not fit.

Now, if he wants to say -- I do think that he is allowed somewhat to get into that, 'Well, you were able to speak to a counselor about possible sexual abuse with other perpetrators, why didn't you speak to the counselor about this supposed sexual abuse?'

But for him to say 'you made allegations' that is not necessarily correct. For him to

say, 'you made allegations of similar conduct' is not necessarily correct. That is going to paint for the jury that it is a family member, that it started out as rubbing, progressed to oral. It's just painting/presenting testimony in a light that isn't correct.

THE COURT: I guess then that what you're saying is that don't have a problem if it is limited to words 'did you have discussion about sexual abuse with other individuals.'

SOLICITOR ODOM: Yes, but not that she made allegations. Not that it was similar.

SCOTT DOVER: I think you're right that I should not use the word "similar."

THE COURT: Okay.

SCOTT DOVER: But ---

THE COURT: It sounds like y'all are fairly close on what you agree on. And I think that -- in looking at the rape shield statute, the way that it has been discussed, that it's all for purposes -- and I look at *Grovenstein* and the *Williams* case, which both have pretty good analyses.

I think that you get into the fact that she was in counseling, that she discussed sexual abuse with other individuals. But I don't any further specifics or discussions of similar ---

SCOTT DOVER: Those are questions that I will be asking her, Ms. Farmer and Detective Kelley. I need to ask your guidance on those questions with Detective Kelley -- and I guess the victim too. She actually reported that another person had perpetrated a sexual crime on her, and reported to the authorities -- that individual was arrested. Can I not get -- I mean, I don't know how I could handle that. Detective Kelley, I think, was involved with that as well.

SOLICITOR ODOM: That's just irrelevant. There is no need for that testimony to come in through Detective Kelley. That is just irrelevant.

THE COURT: I think it would also be -- I don't think that I am going to allow that one.

SCOTT DOVER: Okay. I have one other questions that I wanted to address with

Detective Kelley, but I want to save that until we get ---

THE COURT: So we're good on where we are with the rape shield statute.

Based on the discussion with the attorneys, there was also another matter with another victim and all parties have agreed that that will not be mentioned in any way by any witnesses. Make sure that all witnesses are instructed that they are not to refer to or to go into any victim -- any matter with any other victims.

SOLICITOR ODOM: That's correct, Your Honor. The State will not elicit testimony and I've let witnesses know that we're not talking about the sister's case, MINOR 2 [redacted]. We're not going to be discussing any possible sexual abuse with her, that we are solely here today about MINOR 1.

SCOTT DOVER: And, I understand, Your Honor, that the next witness is going to be MINOR 1 [redacted], who is present in the courtroom, the victim.

It might be good to go ahead and call her, put her under oath and admonish her that

she's not to talk about MINOR 2 in any form or fashion whatsoever.

SOLICITOR ODOM: And I don't think that is necessary. She's heard us.

THE COURT: You've heard us?

MINOR 1 [redacted]: Yes, sir.

THE COURT: She's heard us.

SCOTT DOVER: Thank you.

THE COURT: Are we ready for the jury? Did we get a note from the jury? Did they choose a foreperson?

SOLICITOR ODOM: Your Honor, could I say one thing for scheduling? I know that we are still pretty early in the day but I anticipate this witness taking about an hour. Then I'd like to do Ms. Galloway-Williams because she has to leave Pickens.

THE COURT: Okay, let's do her before lunch, run a late lunch.

SCOTT DOVER: That's fine.

THE COURT: The foreperson is Forrest A. Ballew.

(JURY IN @ 11:34 A.M.)

SCOTT DOVER: Your Honor, may we approach?

THE COURT: I understand, Mr. Ballew, that you have been selected as the foreperson -- did y'all need to speak with me?

SCOTT DOVER: Yes, sir, I forgot something.

(OFF RECORD BENCH CONFERENCE)

THE COURT: All right. Ms. Odom, please call your next witness.

SOLICITOR ODOM: Your Honor, the State calls MINOR 1 [redacted].

(WITNESS TAKES STAND)

MINOR 1 [redacted], having been sworn to tell the truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY SOLICITOR ODOM:

Q. What is your name?

A. MINOR 1 [redacted].

Q. What is your date of birth?

A. [redacted]-1996.

Q. How old are you now?

A. Twenty-one (21).

Q. Tell me about your family. Do you have any kids?

A. I do, I have three little boys:

a five-year-old, an eighteen-month-old and a four-month-old.

Q. What town do you live in now?

A. I live in Liberty, South Carolina.

Q. Who do you live with?

A. I actually stay with my grandparents and am in the process of getting my own place.

Q. Do you have any brothers and sisters?

A. I do. I have a sister, [redacted], and two brothers, [redacted] and [redacted].

Q. Does your -- how old is your sister?

A. My sister just turned nineteen and my brothers are twelve and fourteen. They were born in 2000 and 2002, I think. I haven't got to see them a lot in the last few years.

Q. Do you have any nieces or nephews?

A. I do. I have two nieces, one is five and one is two months.

Q. Who is their parent?

A. My sister, [redacted].

Q. So your sister has a five-year-old and a newborn?

A. Yes, ma'am.

Q. What about your mom and dad, do you -- tell me their names?

A. My dad Ernest Allen Cisson and my mom's name is Faye Williams (phonetic).

Q. And do you have much of a relationship with your dad?

A. Not really. It's been kind of in and out my whole life.

Q. Were your parents married?

A. They were but they separated when I was around two or three, I was really small.

Q. Where is the first address that you remember living when you were little?

A. The first address I remember living at was South Lewis Street. My grandparents actually lived there and I stayed there. That was before my mom and daddy moved into the exact same place where my grandparents had moved out. That's when I started staying with them.

Q. So who is Jodie?

A. Joseph Williams is my stepdad.

Q. And do you remember how old you were when you met him?

A. I was around four or five when I met him. I believe that I was four when they first got together, but my mom was like -- they dated for a while before she actually took me around him. The first time that I met him was at him mother's house, Judy Williams'.

Q. So did you ever come to live with the defendant? You said that he moved in when your grandparents moved out?

A. South Lewis Street, (affirmative nod). That's actually when -- when Jodie and my mom started dating, my grandparents lived at [redacted] South Lewis Street.

My grandparents actually moved out when I was around six, almost seven. That's when my mom and Jodie moved into their house and took over payments on the trailer that they were purchasing. That's when we -- like when I started living with him.

Q. Can you describe the trailer?

A. On South Lewis Street?

Q. How many bedrooms did it have?

A. It had three. You walk in, there was the living room, kitchen was to the left,

the master bedroom that was my mom's and Jodie's was on the far end. There was a little washroom like in between the kitchen and the bedroom. To the right there was a middle bedroom, then another bedroom and a bathroom.

Q. Did you have your own bedroom there?

A. We did have our own room there, the back room. But when we was there, I would sleep in the living room floor and watch TV until I fell asleep. I have really bad night terrors when I was young.

Q. Did you start school when you lived there?

A. I did. I had always went to Pickens Elementary and then whenever Mama and Jodie moved into South Lewis Street is whenever I started -- I was like seven and my sister was five, my brother was -- I can't remember, but he wasn't -- M.W. wasn't born then. But I do know that I had to walk me and my sister to school from South Lewis Street when we stayed with my mama and Jodie.

Q. How far is the school from the

trailer?

A. Not far. If you're familiar with Pickens Elementary School, there is a Catholic church in between and there was a trailer park right below. We lived in that trailer park, in the first trailer. So we had to cross two roads and go through the church parking lot to get to the school.

Q. Now, [redacted], I know this is going to be hard but I need to get into some detail about why we're here today. Do you remember when any abuse started?

A. The first time that anything started with me and Jodie Williams, I was around seven -- in between seven and eight. I was in first grade at Pickens Elementary School and I lived on South Lewis Street.

I was laying in the floor one night in the living room. Him and my mama had been arguing, Jodie was up drinking. My sister, she was already in bed. My mom, she has already went to her room and laid down. Jodie had been outside and, you know, the majority of that time while I was watching TV.

I was scared. I was, like, always scared for some reason. I had night terrors.

Jodie come in there one night, he laid down in the floor beside me on the pallet. He was playing with my ear. He was rubbing my back. He started rubbing me on the legs. You know, kissing me on the side of the head. Telling me everything was going to be okay.

Then it went from like everything being okay to he wanting to talk about my mom, him and my mom's problems. That kind of like where the rubbing started. Then later on, throughout the time from that very first incident until I was twelve, it steadily led up to more and more.

Q. That first night though when you said that he started rubbing on you and he was rubbing on your legs and -- where else was he rubbing?

A. He was rubbing on my -- close to my privates, like right at my leg and my groin. But he didn't do anything that first time besides rub on me and like kiss me on the cheek and stuff.

He tried to make it out like he was just

trying to help me go to sleep, that my mama wouldn't talk to him and he needed, you know, to talk to somebody. It was just really -- I don't know how to explain it. That was the first time that he'd ever really touched me like that.

Q. Did he rub you on your chest?

A. He basically rubbed me like everywhere.

Q. Did he rub you under your clothes?

A. Under my shirt, on my stomach and on my back. But at that point he'd never put his hands in my pants at that time.

Q. And you said that your mom was in the bed at this point?

A. Yes, ma'am.

Q. Tell me how the abuse progressed from there.

A. Well, it kinda just happened like that several times. You know, he would get drunk, him and my mom would argue, then he would come talk to me about my mom not wanting to have anything to do with him. I am not sure why I was being talked to about that. But, uh, my mom wouldn't have sex with

him and he was always drinking and cheating on my mom.

Then we had moved to Jane Lane in Six Mile, uh, and that is when he started like kissing on my private area and stuff like that. And also a lot of the -- the first time -- the first time he made me su-- -- (emotional) -- made me put my mouth on his penis, the first time was right before I had to leave Jane Lane. Then I had to go stay with my grandparents for a little while because my mom and my youngest brother, M.W. [redacted], broke out in some kind of rash at Jane Lane. They'd found out that whoever lived there prior had cooked meth or something the trailer and me and my sister went to my grandparents. My grandparents at the time lived on Railroad Street and we stayed there until my mom and Jodie moved to [redacted] High Top Drive. That is where the majority of everything that he done to me happened at.

Q. Going back to Jane Lane, describe that trailer to me.

A. You walked in, it was kind set up

the same way as Lewis Street, three bedrooms. You go in the living room and the kitchen and living room was kind of together.

There was a very back bedroom on the end that was supposed to be my brothers, that had all their toys and stuff in it. But, you know, they didn't stay in it. My brother never stayed in their own room.

On the other end there was a bedroom -- a middle bedroom that was mine and [MINOR 2]'s, me and [MINOR 2] had the smallest room in the house with a twin-size mattress that we shared when we stayed there.

Jodie and [M.W.] and [A.W.], my two brothers, slept in the back bedroom.

My mother slept on the couch.

Q. Now, you say when you stayed there. Was it common for y'all to stay somewhere else from time to time?

A. We have always, our entire lives, been out and back between my mom and Jodie's and my grandparents. We have been out and back so many times that it is very hard for me to tell you dates and exact times, because my life was never stable enough for me to do

that.

But on Jane Lane, we would stay with them some, but we was out and back until the whole thing with the rash happened with my mom and my brothers, and we had to stay with Nana and Papa there completely for a couple of months until they moved to High Top.

Q. Now, I need to talk about the abuse in a little more detail. You stated that at South Lewis ---

SCOTT DOVER: I'm going to object to her leading. She was leading her a little bit before, suggesting where he'd touched her and stuff like that.

THE COURT: All right. Don't lead, please.

SOLICITOR ODOM: I was just stating her exact testimony, what she'd said. I was not leading.

THE COURT: Okay.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. So what you said was that the abuse began at South Lewis.

A. (Affirmative nod).

Q. And you said that he touched you.

A. (Affirmative nod).

Q. At Jane Lane, what was the abuse escalating to?

A. Like I said, when it started on Lewis Street it kept happening, talking about my mom and his situation, trying to make me feel like it was my job to fill her shoes, to watch after my brothers, to be there for him, that he loved me. That's how it all started. He made me feel like I, as a child, should be an adult.

Then at Jane Lane, the times that I would stay by myself -- because there were times when my sister would go to my grandparents and I would still be there, because I had a friend that lived next door that I would hang out with there as well.

There were times that he would come in my room there. That was the first time -- it was maybe a week or two before I moved in with my grandparents from Jane Lane, was the first time he had made me -- (pause) -- made me suck his penis.

Q. Did he ever perform oral on you?

A. Yes.

Q. Tell me about that. When would that occur? What time of day would it be?

A. It happened a couple of times on Jane Lane. That's the first time he ever -- as far as oral sex happened, was Jane Lane. Up until that point it was always just rubbing and like kissing on me and talking to me about stuff.

He put his mouth on my private area. He rubbed my privates with his hands, with his fingers. He never fully penetrated me with his fingers but he did, like, -- this is really hard to explain.

Q. Take your time.

A. He would take his fingers and, you know, rub them on the outside of -- and have his mouth on me.

Q. Where would your mom be?

A. A lot of times my mom was in bed in her room or on the couch -- (emotional), sorry. My mom slept on the couch on Jane Lane. I don't really understand why she -- I don't know why they were together, they never slept together.

Q. What rooms would the abuse occur in?

A. Usually when -- like on Jane Lane, it was always when my sister would spend the night somewhere else. It would happen in my room.

Q. Were you still having night terrors at this point?

A. I still have them to this day.

Q. Where would your brothers be?

A. My brothers were always asleep in the back room, the very back room. At that time on Jane Lane they had a queen size bed mattress and my brother had twin size mattresses kind of like pushed up against the queen size mattress. That is where my brothers slept, was on the twin mattresses.

Q. Moving on to High Top, do you remember how old you were when you lived there, what grade you were in?

A. I know that when we lived on High Top, that when we moved there that I was starting fifth grade and that was the first time that I'd ever switched schools, was Holly Springs. In the fifth grade I was -- (pause) -- I was ten, I believe, when we went

to High Top.

Q. And where did ---

A. Eleven, I was almost eleven. Ten, almost eleven.

Q. Where did your grandparents live when y'all lived at High Top?

A. My grandparents? We lived at [redacted] High Top and my grandparents actually lived -- I can't remember their house number but it was actually like a couple of driveways down from us.

Q. What happened at High Top, what sort of abuse?

A. The continuance of making me suck his dick, several times repeatedly it happened. Nine times out of ten he would be drunk or high when this happened.

I tried to stay at my grandparents when I lived on High Top Drive. I did stay with them some there. I tried my best to stay with my grandparents as much as I could.

But my grandparents at that time had tried to talk to someone to get custody of me and my sister. When they done that, DSS was involved and we were forced to go back and

live with my mom and Joseph on High Top Drive.

Q. Now, when the oral sex would occur, when you would perform oral sex on the defendant, would he ejaculate?

A. Most of time when I -- I had -- when I had to do it, whenever he would start to get off I would spit, because it was nasty. Then after I -- after I'd done that he would make me go brush my teeth.

Q. Did you have to brush your teeth every time?

A. Every time.

Q. Did you do that on your own or at his instruction?

A. At his instruction and on my own, because it was nasty.

Q. At High Top, do you remember where your mom or Jodie worked?

A. My mom, at High Top Drive, worked at where she still works at now, the Pickens County Board of Disabilities and Special Needs.

Joseph at that time, he had done side jobs for people and stuff like that, but

Joseph -- my mom, as far as financial and stuff like that would -- was the family provider. It was not him.

Q. When this abuse was occurring, was the defendant -- you've touched on it a little bit, but what kind of things would he say to you?

A. Well, when -- like I said, you know, with it starting earlier with him talking to me about stuff with my mom, uh, my mom -- my mom and my biological dad had a lot of problems. In return, I did have a lot of issues because I didn't understand, being so young, why my dad was taken away from me and stuff. And Jodie was always there to comfort me through that and, you know, be there for me and make me feel that my mom hated me. You know, that she was a bitch, that she did not love me. I -- to this day, it is still a struggle to try to work through that with my mom because he turned me against her. He made me feel that I had to do things for him to have a life, for him to do things to me.

Q. When you say that, what do you mean that you had to do things to him?

A. My mom, she -- I don't know or know -- I know that she didn't mean to hurt me but she did by staying locked up in her room, because Joseph abused everybody. It was not just ---

Q. All right. Getting back to the things that he would say, were you ever -- is there anything else that he would say while he was abusing me?

A. He would tell me that the only reason he was doing it was because he loved me and that he didn't have a choice because my mom would not have anything to do with him, that it was my job to protect my brothers, to be there for them. That I couldn't tell anybody because if I told anybody that we would all be ripped away.

So I was scared, I was terrified. My brothers and my sisters, I took care of them. I didn't want to see anything happen to them.

But he made me feel it was normal. He did. I really thought that what I was doing was normal.

Q. Would he ever give you anything?

A. He'd give me cigarettes, he'd give

me beer, he'd give me liquor, pot, stuff that I -- you know, I cannot believe. I was so young. Just having kids now just makes me more disgusted with it. I mean, I spent most of my childhood doing drugs.

Q. Did your mom ever catch you smoking?

A. My mom did catch me smoking cigarettes a few times. Every time she would take them and tell me not to do it, but she never really knew that the whole time that Jodie was the one buying them for me either.

Q. Did you feel special when he would give you stuff?

A. Yeah, it made me feel kinda like I was -- I don't know, an adult maybe. I mean, I was young and he'd kind of put me up on a pedestal like. You know, anything that I'd done he'd give me cigarettes and the like. I felt like I was my brothers' mom. I felt like I was the woman of the house, if that makes any sense.

Q. Did they ever talk to you about other adult things, like bills or anything?

A. Not really like that because my mom always took -- that's the only thing that my

mom really done, was work and take care of bills.

Q. Do you remember the last time that any abuse occurred?

A. The very last time that the abuse occurred, it was around like the week before I turned thirteen. Because I'd gotten my first boyfriend, his name was Jimmy. And then I actually found out that Jodie knew my boyfriend's mother, they went to school together. And I lost my virginity, I'd had sex for the first time about a week before I turned thirteen. At the time that I had sex with Jimmy, Joseph was also at the same time having sex with Jimmy's mom. When that happened, ---

SCOTT DOVER: Objection, Your Honor. Unless there is some foundation -- I object to that and ask that that be stricken from the record.

THE COURT: Sustained.

SCOTT DOVER: Thank you.

THE COURT: Ladies and gentlemen, I've ordered that be stricken. You are not to consider that in any way during your

deliberations.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. You were just saying that you lost your virginity when you were twelve.

A. (Affirmative nod).

Q. What location were you at?

A. I was at my boyfriend's mom's house. It was over off of Reece Mill Road. I don't remember the address. We didn't date long.

Q. Were you -- how did you get to the house?

A. Jodie took me.

Q. So Jodie took you over there that night?

A. Yes.

Q. After you had sex with your boyfriend, did you tell Jodie?

A. He knew. We were all given alcohol that night. It was a party.

SCOTT DOVER: Objection. The question was did she tell Jodie.

THE COURT: Please respond to the question.

WITNESS: Yes, sir.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. You said that he knew, but did you tell him?

A. (No verbal response).

Q. Did y'all discuss it?

A. Yes.

Q. After that, did the abuse stop?

A. About a week after that happened, Jodie come to me and he told me that he asked God to forgive him, and he asked me to forgive me. He swore to me that if I would forgive him that he would never touch me again. At that time, I was really kind of confused because of what I thought was normal. I said 'I forgive you' and I started dating other people. It never happened again.

Years went by and that's when -- that's when it stopped.

Q. You said earlier that you still have night terrors.

A. (Affirmative nod).

Q. Do you have any other issues?

A. I suffer from anxiety and PTSD. I

was recently diagnosed in the last few years. I've been struggling with it.

Q. Do you ever have trouble with relationships?

A. I've had a lot of issues. My oldest son's dad was -- I've allowed myself to be hurt by many people because of what I've been through. I've went through a lot of counseling and classes here the last few months to try to learn what healthy relationships are because that was something that I was never taught.

Q. Does this abuse affect your intimate life, your intimate relationship?

A. Sometimes it does. It used to a lot more than it does now, but through the lady that I've been talking to about it I've become more of what I feel is a survivor than a victim and that's helped a lot.

Q. Now, tell me -- do you remember how old you were when you disclosed about the abuse?

A. When I reported it, it was in November of 2013. I was 17.

Q. What prompted you to report?

A. I don't want to say anything that I am not allowed to say. There were some things going on in my mom's, uh, with my sister and her friends. There was some partying going on there. My niece was there, involved.

Q. How old was your niece at that time?

A. She was about two.

Q. So were you and your sister pregnant at the same time?

A. Yes. My oldest little boy and her oldest little girl are like seven weeks apart.

Q. So how old were you when you had your little boy?

A. I was fifteen.

Q. And how old was your sister?

A. Thirteen.

Q. So your niece was living at the home?

A. Yes.

Q. Why would that have prompted you to tell?

A. There was an incident that happened a couple of days before I made the report.

Jodie and a friend of his ---

SCOTT DOVER: Your Honor, I would object unless she has some foundation for what happened. If she was there and has an independent recollection of this -- I don't know what she's getting into. If it is based on what was going on at ---

THE COURT: Hold on. If you could ask the questions ---

SOLICITOR ODOM: I can rephrase it.

THE COURT: Rephrase it.

SCOTT DOVER: Thank you.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. Were you worried about your niece?

A. Yes, I was.

Q. How old did you say your niece was?

A. She was two.

Q. Where were you living at that point when you disclosed?

A. They was living at my mom's at that point.

Q. Where were you living?

A. I was living with my grandparents. I moved in with my grandparents again after

-- when I found out that I was pregnant.

Q. Who was living at your mom's house on Lee Street?

A. At that time it was Jodie, my mom, my brothers, my sister, my niece.

Q. Did your mom work?

A. She did, at the Board of Disabilities.

Q. Who kept your niece?

A. My sister was supposed to be the one that took care of her but ---

SCOTT DOVER: Your Honor, this is where I would the Solicitor -- I would object except as to what this witness knows of that. Not what she heard. Now, if she knows who was keeping the niece, then that is a proper question. But if it is based on hearsay or speculation, I would object.

THE COURT: You may ask her that question -- and make sure that you respond to the question.

WITNESS: Yes, sir.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. Do you have personal knowledge?

A. I have personal knowledge that my mom took care of my niece through the week and when she worked on the weekends that my sister was leaving my niece under the care of Joseph.

Q. Would you still -- even though you lived with your grandparents, would you still go visit with your mom and them?

A. Yes, I would go see my sister, my brothers and my niece.

Q. All right. So when you told -- let law enforcement know, where were you?

A. I actually called the police from Lee Street, at my mom's house. The police -- because of my mom leaving work and actually coming over there to her house where I had called the police, Pickens County asked if we could move it to my grandparents to take the statements, at [redacted] Wiley Road in Liberty.

So I was followed by the police to my grandparents, to give the statement there.

Q. So which officer did you speak with at that point?

A. It was a Pickens County deputy and, honestly, -- I reported almost four years ago

and I cannot remember his name.

Q. After you gave your initial statement, did you speak with any other officers?

A. Yes, ma'am.

Q. Who did you speak with?

A. Jan Kelley.

Q. Did you also give him a statement?

A. I did.

Q. Do you have personal knowledge about how the defendant is?

A. (No verbal response).

Q. Do you know how old Jodie is?

A. Yes, ma'am.

Q. How old is he?

A. He's 44.

Q. How do you know that?

A. Because his birthday was [redacted], 1972.

Q. And how do you know his birth date?

A. Am I allowed to say? I just know his birthday. When we were little and my mom got food stamps, that was our pin code -- his date of birth. That's how I've always known.

Q. Is Jodie Williams in the courtroom

today?

A. Yes, he is.

Q. Can you point him out to me?

A. He's sitting right there.

Q. Can you tell me what color shirt that he has on?

A. He has a blue shirt on.

SOLICITOR ODOM: Your Honor, at this time I would like the record to reflect that she is pointing out the defendant.

SCOTT DOVER: Without objection.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. Is he the man who molested you?

A. He is.

Q. I just have a few more questions for you, [redacted]. Were there times when you lived with your mom and Jodie that she worked late or where she was at work and you were at home?

A. Can you repeat that?

Q. Sure. Were there times when you lived with your mom and Jodie that she worked late or where she was at work and you were at home?

A. Yes.

Q. Were there times when you were alone with Jodie?

A. Yes.

Q. Would you go to visit Jodie's mother any?

A. There were some times when we would go to Judy's. Me and my sister never really got invited to stuff at his mom's house. His mom did not like us at all. But there was times when I would be riding with Jodie to go drop my brothers off, for him to go out to, uh, what he'd say was band practice.

Q. Do you remember any times when you were living with your mom and Jodie that he would just stay at his mom's house?

A. There were times that Jodie stayed at his mom's house, but he did not always stay at his mom's house. Only if him and mama was arguing.

SOLICITOR ODOM: Beg the Court's indulgence one moment.

THE COURT: Sure.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. Do you remember how often the abuse would occur?

A. It was often but it was like random. It was a lot, too many times for me to count.

Q. Did it occur before you turned eleven?

A. It's hard for me to remember exactly ages. I know that the first time that it happened was not long before we left Jane Lane and went to stay with my grandparents. That was the first time he made me do that oral sex to him.

Then after High Top is when the majority of when that happened, of the oral sex.

Then it stopped about a week before I turned thirteen.

SOLICITOR ODOM: Please answer any questions that Mr. Dover has for you.

THE COURT: Cross-examine.

SCOTT DOVER: May it please the Court.

CROSS EXAMINATION

BY SCOTT DOVER:

Q. Ma'am, the offense that you just told the jury about, would you agree with me that had that happened that would be one of

the most traumatic things in a person's life?

A. It has been.

Q. And it is one that people -- it would be etched in your memory forever?

A. It has been.

Q. And you would remember exactly the way that it occurred?

A. I would.

Q. And isn't it true, ma'am, that if these events happened the way that you said they did that the only witnesses to these events would be yourself and Jodie Williams?

A. That's correct.

Q. There is no physical evidence, correct?

A. (No verbal response).

Q. You never went to the doctor and got checked out or anything like that?

A. No, sir.

Q. And you never uttered a word to anybody about my client, Jodie Williams, doing any of these thing to you for ten years. Is that correct?

A. (Affirmative nod). No, sir, I did not.

Q. So that is correct?

A. That is correct.

Q. And you just told this jury today that the first time that it occurred was when you were living at South Lewis Street, when you were about seven or eight years old. That you were lying on the floor, that your mom had already laid down -- am I correct about those two things?

A. Yes.

Q. That you were on a pallet in the floor, is that right?

A. Correct.

Q. That Jodie laid down beside you, started talking to you, kissing you, caressing you and rubbing on you. Is that the truth?

A. That is the truth.

Q. But, ma'am, earlier -- I've asked you these same questions before, haven't you?

A. You sure have.

SCOTT DOVER: Your Honor, if I could approach the witness.

SOLICITOR ODOM: Your Honor, if I could see ---

SCOTT DOVER: Sure, (tenders).

SOLICITOR ODOM: (Review).

CROSS EXAMINATION

BY SCOTT DOVER:

Q. Turn with me in that document to Page 10.

A. Okay.

Q. You were placed under oath and sworn to tell the truth when these questions were asked of you. Is that correct?

A. Give me just a second to read this.

Q. Yes, take your time.

A. What ---

Q. Turn back with me to the cover page. This testimony was provided by you on June 22, 2015. Is that right?

A. Yes, sir.

Q. Two years ago?

A. Yes, sir.

Q. Turn with me to Page 16. I am going to stand over here next to Ms. Odom so that she can see what I am asking. When you were asked what happened two years ago, please tell the jury, starting on Line 4 of what you said happened then. Just read it.

A. (Reading): *"I was around seven or eight years old. It was while I was still at Pickens Elementary. I am pretty sure I was in first or second grade. My mom had done went to bed. It was late. I was still up. Jodie was still up. Jodie had been drinking."*

Q. Go ahead.

A. (Reading): *"It started off with, 'Do you want to try this cigarette?' It was a different flavored cigarette. I'm sure, I was little. I didn't know anything about it and I started smoking vanilla-flavored cigarettes. The next thing I know he asked me if I wanted to go lay on the floor and watch a movie and he'd make a pallet."*

Q. All right. Now, you also told this jury just a few moments ago that my client required you or asked you to perform oral sex on him while you were living at Jane Lane in Six Mile, South Carolina. Didn't you tell tem that?

A. Yes, the first time that it happened was at Jane Lane.

Q. And that would certainly be

something that a young woman at your age would certainly remember in her life, your life; wouldn't it?

A. Yes.

Q. Where that occurred, don't you think?

A. I do remember.

Q. Turn over to Page 18, ma'am, of your same testimony, two years ago.

A. Okay.

Q. Under oath when I asked you that question, starting on Line 5, tell this jury what you testified to under oath then.

A. Where do you want me to ---

Q. Line 5, that's your answer.

A. (Reading): *"One of the first times he put his mouth on me is when we had -- it was right we had moved to High Top Drive in Pickens, is when the oral sex had started, around ten or eleven years old. That is the only place the oral sex happened at, was High Top Drive."*

Q. Over two years ago you stated that the only place the oral sex occurred was at High Top Drive. Didn't you tell us that?

A. Yes. I've also spoken with them as well because this happened to me so many times that I had to go back -- there was times in counseling, trying to get this out of my head that I was confused about dates and times because of being so young when this happened to me.

Q. But, ma'am, you would agree with me, just like you told this jury a few moments ago, that if that had occurred to you that you would have remembered exactly the place you were living when it occurred. Don't you think?

A. I can ---

Q. Don't you think?

A. I can remember seeing him do it to me. I suffer from PTSD, like I can visually see it.

Q. And for someone to do that, you would be going back in time to that very place where it occurred. People have a vivid memory, to where you can -- people can remember where you were, what you were wearing, what ---

SOLICITOR ODOM: I am going to object.

I'm not sure what his question actually is or if he has one.

SCOTT DOVER: I'll re-ask it.

THE COURT: Okay.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. Wouldn't you believe that you'd be able to go back and remember exactly where you were when that happened to you?

A. I can remember several places visually.

Q. And you told us two years ago -- strike that, I withdraw that question.

Is your memory better today of these events that happened fourteen years ago than they were two years ago?

A. I have went back and really, really made sure that I went over little detail. This was over a five-year period of time that this happened to me. I'm sorry if I can't remember every single little detail but the main things that hurt me, that traumatized me is what I remember and have to live with every day of my life.

Q. Ma'am, you just told this jury that

at ten years of age, that you had to put your mouth on your stepfather's penis; didn't you tell them that?

A. Yes, because I did.

Q. And wouldn't you think that you would remember where you were when that happened?

SOLICITOR ODOM: Your Honor, I am going to object. This has been asked and answered.

THE COURT: I'll let her answer this question.

WITNESS: The first time ---

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. Don't you think you'd remember?

A. The first time ---

SOLICITOR ODOM: Objection, he needs to let her answer.

THE COURT: She can answer the question, then explain.

WITNESS: The first time I ever put my mouth ---

SCOTT DOVER: Please answer my question.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. Please answer my question, don't you think that you would remember where you were when that type event occurred to you at ten year old?

A. I do remember. I do remember.

Q. And you just told this jury that it was in Six Mile, South Carolina not at High Top in Pickens County; didn't you?

A. Correct.

Q. And you told ---

A. I didn't have -- it happened so many times that it is very hard to remember. I was seven to twelve years old.

Q. You remember ---

A. I'm sorry if I make a mistake.

Q. --- vividly the first time that you had sex and where that was. Correct?

A. Yes.

Q. Don't you think you -- is it not reasonable to believe that you would remember the first time that you put your mouth on a male's penis?

A. I do.

Q. And don't you think you'd be able to tell consistently where that happened?

A. At that time the Family Court was very, very stressful for me.

Q. You -- I'm sorry, I didn't mean to cut you off.

A. I remember visually the first time that I had to put my mouth on his penis. I will sit here if I need to and give detail as to where and when.

Q. You just told this jury that it happened in Six Mile and you told us two years ago that it happened on High Top Drive. Didn't you?

A. The majority of the stuff happened on High Top Drive.

Q. Well, am I quoting you right that "the only place that the oral sex happened was at High Top Drive", Lines 7 and 8. Did I read that right?

A. That's correct. I made one mistake, because the last time -- the last week that I stayed in Six Mile was the first time that he made me put my mouth on his penis, and then I went to my grandparents.

Q. So that's one of those little things that you made a mistake about?

A. I did make a mistake.

Q. You told us -- isn't it true, ma'am, that you made this report and told the police about it while you were in the presence of your father, your biological father?

A. Yes, the first person that I reported to was my biological father. And my biological father did tell me ---

SCOTT DOVER: I object. Your Honor, I didn't ask her to say what ---

THE COURT: Sustained. Don't say what anyone else said. Just answer the question.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. And would you also agree with me that at the time that you told this that you were in a pretty difficult argument/fuss with your mother?

A. Am I allowed to say what went on?

Q. Were y'all having a fuss, an argument?

A. There was a dispute. Yes, there was a fuss.

Q. And you were upset that your mother

was allowing your sister to be around a boy that she wouldn't allow you to be around, by the name of Joseph Bates? Isn't that correct?

A. No.

Q. Was law enforcement on November of 2013, the first people that you told that Jodie Williams had abused you?

A. The first person that ever knew anything, my oldest son's dad, I'd told him that stuff had happened. I never told him details. But the very first person that I fully come out to and finally opened up to was my biological father, Ernest Cisson.

Q. But you did tell any individual named David Baker, the father of your first child, you did tell us that you told him about this earlier on; didn't you?

A. I was fourteen years old and he had questioned me about me and Jodie being around each other. He was very controlling and he asked me if anything had ever happened. I said stuff had happened but that I didn't want to talk about it. It was not his concern. I never went into detail with him.

Q. You didn't in 2010 tell me that you told David Baker that Jodie Williams had required you to have oral sex with him?

A. I remember talking to you.

Q. Turn to your testimony on Page 19. Let's look at that question. Line 14, your answer -- the question was, who was the very first person who you told what was going on? Am I reading this correctly, (reading): "*The first person that I ever told was my son's dad. I was fourteen years old. It was not long after I got pregnant with my little boy...* "

SOLICITOR ODOM: Your Honor, I am going to object. He's just reading off the transcript. He's not actually asking ---

SCOTT DOVER: I'm asking her.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. Isn't that what you said to us?

A. What I said in that statement is true. I had always struggled with oral sex with anybody that I'd been in a relationship with and that did bring on him questioning me about Jodie.

Q. So you would expect us, if the jury is going to listen to this testimony, that David Baker is going to be a witness that is going to come forward and be a witness and say that you told him this in 2010?

SOLICITOR ODOM: Objection to this, because he is asking her ---

THE COURT: Sustained.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. Did you tell David Baker that this happened to you in 2010?

SOLICITOR ODOM: Objection to the wording of the question. That could be answered in two different -- two completely different ways.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. Did you tell David Baker that you had a problem with oral sex because of your abuse by Jodie Williams in 2010?

A. I did.

Q. Are you telling this jury under oath, let's make sure that I've got this correct, that there were nights that you

spent at the home of your mother when your sister was not present. Is that what you are telling this jury?

A. Yes.

Q. And are you telling this jury also that there were nights that you spent alone with Jodie Williams while she was at work. Did I get that right?

A. Can you repeat that?

Q. Are you telling this jury that there were many nights when your mother worked that you were left alone in that home with Jodie Williams?

A. Yes.

Q. Is it true that you told Detective Kelley on November 30th, 2013, -- you said that -- you said that Jodie -- "he", Jodie -- "did use his fingers on several occasions" by inserting them into your vagina. Did you tell him that?

A. Yes, as I said earlier.

Q. Turn over to Page 33 in your testimony in 2015.

A. (Complies).

Q. Was the question posed to you, "Did

he ever put any part of his body in your vagina?" What was your answer.

A. His penis. Speaking of his penis, he never penetrated me with his penis.

Q. So I misquoted that? The question was, "Did he ever put any part of his body in your vagina?"

A. Yes, it was.

Q. And your answer was "No, ma'am."

A. Yeah.

Q. Is a finger a part of your body?

A. At that time I thought she meant by rape. I've never said that he raped me.

Q. Just another one of those little things that you made a mistake on?

SOLICITOR ODOM: Objection, Your Honor. That's completely inappropriate. It's a comment about the testimony.

THE COURT: Sustained.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. In 2009, -- let me ask this question. You were in counseling from 2002 through 2011 with Behavioral Health Services of Pickens County; isn't that correct?

A. I've been in and out of Behavioral Health my entire life, sir.

Q. And in 2009, your counselors asked you specifically had your stepfather ever abused you; didn't they?

A. I don't remember that.

Q. Do you remember what your answer was to them?

A. In 2009?

Q. Yes.

A. That was eight years ago. Nope, nothing was ever mentioned about my stepdad at that point. I never reported anything until I was seventeen.

Q. When you were seven years of age, if my math is right that would be 2003; correct?

A. Yes.

Q. And these indictments that the jury heard earlier was that these events allegedly occurred to you from the date of your seventh birthday, July the [redacted], 2003, until July [redacted] of 2009, when you turned thirteen. Is that what you have charged Jodie Williams with?

SOLICITOR ODOM: Objection.

SCOTT DOVER: I apologize. I will

rephrase the question.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. Is that what your allegations have been towards Jodie Williams?

A. Yes.

Q. So in 2009, if someone asked you if you had been abused or touched or messed with by Jodie Williams and you answered no, would that be a lie?

A. I never was asked anything. I never reported anything about it.

Q. If someone asked you that questions specifically in 2009 and you said that "he never messed with me", would that have been a lie?

A. Could you please explain that to me a little bit?

Q. Yes.

A. I am really confused on what you're asking.

Q. I apologize. I'm sorry. You've told this jury that my client has done some very horrible things to you from the time of your seventh birthday in 2003 until your

thirteenth birthday in 2009. Has that been your testimony?

A. Yes. Not my exact birthdays but, yes, seven to twelve.

Q. So in 2009, you would have been thirteen. Correct?

A. Yes.

Q. The question is, if your counselor had asked you at that time if your stepfather had ever messed with you and you answered that "he never messed with me", would that have been a lie?

A. (No verbal response).

Q. Did you lie to cover up for Jodie?

A. He ---

SOLICITOR ODOM: I am going to object. He's calling for speculation. He asked her if she remembers that and she said no. So now he is getting into some hypothetical?

THE COURT: No, I think it's appropriate.

SCOTT DOVER: Thank you.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. There were times, ma'am, when your

mother was very supportive of you and your counseling at Behavioral Health Services, wasn't she?

A. No.

Q. Never?

A. No. Me and my mom had a lot of disagreements. The problems that I had from all the issues between her and my dad and her and Jodie, I never got any help with anything that I was going through.

My mom felt like she was doing everything right and wasn't doing anything wrong. So counseling never was helpful to me, because instead of me being allowed to speak for myself, my mother told them what she thought my problem was and they went from there.

Q. Isn't it true that you went to counseling when you lived with your grand-parents and your grandmother went up there with you?

A. I don't recall that.

Q. While you were in counseling in 2002, 2011, you informed your counselors that there had been ---

SOLICITOR ODOM: Objection. He's not

asking the question. He's attempting to testify that ---

SCOTT DOVER: I will rephrase the question.

THE COURT: Yes, please.

SOLICITOR ODOM: Thank you.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. Isn't it true that when you were in counseling at Behavioral Health Services from 2002 to 2011, that there were times when you told your counselor that your mother had physically abused you?

A. Yes. There was times when there were physical altercations between me and my mother.

Q. Isn't it also true that you told them that other men had physical abused you?

A. I don't recall that.

Q. You don't recall anybody else -- but it is also true, isn't it, that you never once told your counselors that your stepfather, Jodie Williams, was physically abusing you?

A. That's true. I never told them

anything about it.

Q. Do you recall, ma'am, when you were eight years of age and you were in the third grade at Pickens Elementary School, getting referred to Behavioral Health Services in Pickens County for lying and telling exaggerated stories?

A. I don't recall that.

Q. You don't recall that?

A. I remember in the third grade, I remember my teacher -- actually my teacher involved herself in my life and I done spelling bees and things in third grade. I don't ever remember being called a liar or anything of that sort in third grade. I was eight years old.

Q. Do you remember in 2005 -- strike that. Isn't it true, MINOR 1 [redacted], that you lived the majority of your time in 2007 and 2008 with your grandparents and not your mother?

A. 2008, I would have been -- as I said before, those times at High Top Drive, my grandparents did live below my mother and we stayed with my grandparents, I'd say, for a

good two to three months there before my grandparents tried to obtain custody and we were forced to go back to live with my mother and Jodie on High Top Drive.

Q. You were required to leave your mother and Jodie in April of 2008 by the Department of Social Services, were you not?

A. Well, see, I'm confused on which time you're talking about because I was placed out and back so many times.

Q. Mr. Skelton testified a few moments ago that in 2008 that you made a change, you changed living with your mother -- that you changed schools -- from living with your mother to your grandmother. My question is, were you not with your grandparents from April of 2008 to December of 2008?

A. Okay. Right before -- on High Top Drive, like I just stated, I would live with my grandparents. Then I was forced to go back to stay with my mother and Jodie.

Now, after that we stayed with mama and Jodie at High Top Drive for several months and finally it was lifted from DSS to where I could go back to my grandparents.

I mean, I was screaming to go back to my grandparents and my mom finally let me go back to my grandparents. Nobody understood why I didn't want to stay there at the time but it was because I was being abused and couldn't open my mouth about, out of fear about my brothers and my sister being taken.

Q. And that was before 2009 when you were in counseling at Behavioral Health Services.?

A. I've been in counseling several times. Most of the time -- anytime that I went it was two or three sessions and then it would be nothing because my mom done my counseling with me. I was not the one that really was receiving any treatment.

Q. Were you fearful -- are you telling this jury that you were fearful of telling the people, your counselors, at Behavioral Health Services that people had sexually abused you?

A. I've always been fearful of saying anything about what Jodie done to me.

Q. But you weren't fearful of telling them about others?

A. I don't know what you're talking about.

SOLICITOR ODOM: Objection, Your Honor. I think we need to approach.

THE COURT: How much more time do you think you have?

SCOTT DOVER: Probably about ten more minutes.

THE COURT: All right. I'm going to ask you to go back to your jury room. The reason I am doing this is because the next witness -- I know it's getting kind of late but the next witness has to leave and we are going to try to get them in before lunch. There may be some scheduling issues that we need to address. I think that may be some snacks back there that will tide you over until lunch.

So if y'all will step back to your jury room, we will be with you shortly.

Don't discuss the case. We will be with you as quickly as we can. Thank you.

(JURY OUT @ 12:40 P.M.)

THE COURT: All right.

SCOTT DOVER: Could you read back my

question? I don't remember what I asked her that you objected to.

COURT REPORTER: "But you weren't fearful of telling them about others?"

SCOTT DOVER: I thought that is what I could ask her.

SOLICITOR ODOM: I thought you said that "you weren't fearful of telling about others" -- that "you weren't fearful of telling them about others" as though she's the one making allegations that other people had molested her. I thought that is what we weren't going to say, that she made these allegations but that allegations had been made, because it makes a difference if she was going to say, 'no, I didn't make the allegation' and then you get into that.

Just that small change in order could potentially make a huge difference. Because if she says, 'I didn't make the allegations', then he says, 'really, you didn't make these allegations but you were in counseling?' You know, it's -- then he would say, 'well, didn't you tell your counselor that this happened' when it's an ancillary incident of

sexual abuse by a completely different defendant. So ---

THE COURT: Well, I think -- as far as the question he has asked now, that's what I thought y'all had kind of agreed to as being ---

SOLICITOR ODOM: If I misheard, I apologize. But it seems like we're tumbling down a rabbit hole and I just don't want to further get bogged down. I apologize if I misheard but I thought he had asked something that didn't comport with -- but I apologize.

THE COURT: What I heard was, 'when you were counseling at that time, you weren't scared about talking about others.'

SCOTT DOVER: And I didn't say "similar" and all that.

SOLICITOR ODOM: But she didn't report.

THE COURT: She didn't say that. It was about discussing others. The counselors are here, aren't they?

SOLICITOR ODOM: I thought that he was talking about abusers.

SCOTT DOVER: I just asked her if she reported, that she wasn't fearful about

telling them about others.

SOLICITOR ODOM: Yeah. If she's telling about other abuse, when her mother doing the intake is telling who abused.

SCOTT DOVER: I agree I didn't ask her about her mother. I just asked her about what she was doing.

THE COURT: Discussing with the counselors.

SOLICITOR ODOM: So if she says that nothing happened ---

THE COURT: First of all, I don't think we need to instruct the witness. Coaching the witness is kind of what you're ---

SOLICITOR ODOM: I don't think we'll get into it at all.

THE COURT: I am talking about now. We don't need to be coaching any witnesses or anything. So ---

SOLICITOR ODOM: I understand, Judge, but I don't think that we would even get to that point.

THE COURT: I think it's a proper question. You are worried about some additional follow up, it sounds like.

SOLICITOR ODOM: Yes, it would ---

SCOTT DOVER: I really wasn't going to ask another question about it.

SOLICITOR ODOM: Well, if he is not going to ask another question, I'm good.

I just don't want it being an issue. I suppose I'm -- I've been known to be overly cautious and so that's probably the case.

THE COURT: There are some landmines here.

SCOTT DOVER: I will tell you that when we go back on, if the Judge allows me to ask the question, I am going to get Ms. Garrison (court reporter) to tell me what it was again and that is exactly the question that I am going to ask her and it is the only question that I will ask her. Then I will move on to the next topic.

SOLICITOR ODOM: I think if he just asks it, I don't think that he needs to get Ms. Garrison to read it.

SCOTT DOVER: Well, no, -- tell me right now what it was and I'll write it down.

COURT REPORTER: "But you weren't fearful of telling counselors about what

happened to you with Jodie?"

Then she answered, "I was always fearful of telling the counselors."

Then, "But you weren't fearful of telling about others?"

SCOTT DOVER: Thank you. That's all I am going to ask her.

THE COURT: Okay. Do you have any objection to that?

SOLICITOR ODOM: No, if he asks that and moves on, I think we're fine.

THE COURT: If they are ready, bring the jury back in. We need to get Ms. Galloway on the stand before lunch.

SOLICITOR ODOM: Yes, sir, I'm going to get her on the stand immediately after [redacted].

THE COURT: Right.

(JURY IN @ 12:48 P.M.)

THE COURT: Thank you, ladies and gentlemen. Mr. Dover, you may continue your examination.

CROSS EXAMINATION RESUMED

BY SCOTT DOVER:

Q. Ma'am, before the break I believe

you had testified that you were fearful of telling your counselors what Jodie, your stepfather had done to you. Is that what you said?

A. Correct.

Q. And my question was, you weren't fearful of telling your counselor that others had sexually abused you, were you?

A. I am still confused on what you're talking about with that. I don't recall telling them about any other incidents.

Q. I want you to go with me to Page 36. That's all that I am going to ask you about that line of questioning. I want to go back to a question I asked you earlier. Go with me to Page 36 of your prior testimony.

A. Okay.

Q. Remember me asking you questions in front of the jury a few moments ago about if your counselors asked you in 2009 if Jodie Williams had sexually abused you. Do you remember me asking you that question?

A. (No verbal response).

Q. If you could answer that question first. It's not about your testimony. Do

you remember me asking you that a few moments ago?

A. About ---

Q. Yes, and you said that you didn't remember the counselors asking you that?

A. (No verbal response).

Q. Do you remember saying that? Did I get that right?

A. Yeah, I don't remember the counselors, besides the one time that there was an incident that I'm not allowed to speak of that happened that I was ---

Q. You're reading that, but that's not my question. My question to you is, just a few moment ago -- do you remember me asking you some questions and I asked you if you recalled your counselor asking you in 2009 if your stepfather had sexually abused you.

A. (No verbal response).

Q. Do you remember me asking you that question?

A. My counselor never asked me ---

Q. Ma'am, if you'd try to answer my question.

THE COURT: Answer his question and

then you can explain.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. Do you remember me asking that question a few moments ago?

A. Yes.

Q. And you told the jury that you didn't remember telling your counselor that, didn't you?

A. Can you please repeat that? I thought you asked me if my counselor had asked me that.

Q. I did. I thought you told the jury that you didn't recall them asking you that.

A. No, I don't recall my counselor asking me that.

Q. So let's turn to Page 36.

A. (Complies).

Q. My question to you back two years ago was, on October 2nd, 2009, if your therapist asked you if that had happened, that the sexual assault had happened to you. Didn't I ask you that question?

A. (Affirmative nod).

Q. And what did you respond on Line 15.

What did you tell us?

A. (Reading): *"They asked me, I never told them anything."*

Q. Didn't I ask you this follow up question, "And you denied it, didn't you?" Did I ask you that?

A. Yes, I did.

Q. And what was your answer at that time? Line 17.

A. (Reading): "I told them that nothing ever happened with me.." ---

Q. That's all that you need, that's all that is relevant. Just a few more questions. At that same time in 2009, weren't you in counseling for problems with telling the truth when you didn't get your way?

A. No.

Q. You do remember going, in 2011, to get some assistance for your child at the parenting place, do you not?

A. I went to get assistance in 2011 at the parenting place for my child.

Q. On November 2nd, 2011, you went to the Healthy Families intake to get assistance for your child and yourself. Do you remember

that?

A. I was pregnant with my oldest child and I -- I went to -- (pause).

Q. So 2011 would be two years before you were with your dad and you reported this on Jodie, is that correct? 2013 is when you reported this to law enforcement?

A. Yes.

Q. And you were with your biological father when that happened. Correct?

A. Yes.

Q. In 2011, November the 2nd, 2011, is that your signature right there?

A. (Upon review), yes. I went there for parenting classes and stuff. I was a new mother and I was pregnant with ---

Q. And didn't they ask you ---

SOLICITOR ODOM: Your Honor, I am going to object on Rule 5 grounds. I've never seen this before.

SCOTT DOVER: I think we should take that up in a sidebar.

THE COURT: Objection is overruled.

SCOTT DOVER: Thank you.

(OFF RECORD SIDEBAR)

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. On November 2nd, 2011, in the forms that you have pleaded there were a couple of questions there. One of the questions says, "I am now under eighteen years of age and I am/have been a . . ." -- and the first question is, "The victim of sexual abuse by a relative or family member such as a parent, stepparent or guardian." Was that question asked of you at that time, in 2011?

A. Yes, and I did not check anything. I did not say anything about it. This was before I ever reported it.

Q. And it keeps on going down there, they ask you if you were the victim of sexual abuse by a nonfamily member such as a rape, date rape, sexually unwanted touches. You told them that you had been that, didn't you?

A. Am I allowed to explain.

THE COURT: Answer the question.

WITNESS: I did. Am I allowed to explain?

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. So you were asked in 2011 and you denied it. Right?

A. I did.

Q. You were asked ---

A. I never denied it. I just never said about it.

Q. And in 2009, we now know that you were specifically asked by your counselor and you denied it. Correct?

A. DSS workers and a guidance counselor at school questioned me when an incident had been reported to DSS, that I'm not allowed to speak of.

Q. Ma'am, in 2013, ten hours before you called the sheriff's department, you issued a whole bunch of e-mails out, didn't you?

A. (No verbal response).

Q. FaceBook?

A. (No verbal response).

Q. Is that a copy of your son there, your child, is that his picture on your FaceBook page?

A. (No verbal response).

Q. Is that his picture, in a swing?

A. Yes, that's a picture of my child in

his swing. What does that have ---

Q. Let me ask you this question, did you publish on your FaceBook page, ten hours, before you made these allegations, (reading): *"I think its funny people wanna say they beat someones ass when in reality they the ones who got beat. Pussy ass niggas wanna run wont face a man but wanna talk shit when everybodys gone. world war 3 is about to begin and everybody gonna wish they never fucked with me ! that aint a threat , that's a promise!"*

Ten hours before you did that, didn't you put that on your FaceBook page?

A. You know, I make a lot of posts on FaceBook. I don't have the prettiest mouth but this was not posted anywhere the time that any of this happened. So I -- I really -- the stuff that was on it, my mom and my sister and stuff partying ---

Q. Just answer my question, did you post this ten hours before you went to law enforcement?

A. Yeah.

Q. That's all I ---

A. It was way before that.

Q. --- asked. Remember me asking you those questions a while ago about you having a falling out with your mom about this Joseph Bates being able to hang around your sister you not being able to hang around with Joseph Bates. Do you remember asking me those questions?

A. I do, but I don't understand what you're getting at.

Q. Well, let me help you understand that.

SOLICITOR ODOM: Your Honor, if I could just see what ---

WITNESS: There was never an argument about me being around Joseph Bates. Joseph was my sister's friend. He was not my friend.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. Now, this one happens on Facebook to be posted November 29th, 7:38 p.m. -- that's when your post here is. Correct.

THE COURT: Are you objecting?

SOLICITOR ODOM: I object. I think

that if he is going to read it out that he needs to give her a chance to review it, to say if it is even her or not.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. Under your FaceBook post on November 29th at 7:38 p.m., is this a copy of it?

A. (Upon review), that was an argument between me and my mom.

Q. Now, going back, for the record, I think Officer Rackley said that he was alerted at -- do you remember when Officer Rackley said that he went out there to take a statement from you?

A. (No verbal response).

Q. Do you remember that?

A. (No verbal response).

Q. I know that it was November 30th, but do you remember what time he testified to?

A. It was during the daytime and it was on a weekend. It was on a Saturday. It was actually the -- about two hours before the Clemson game started that day.

Q. So the 29th at 7:38 p.m. would have been the day before you called law enforce-

ment in the middle of the day before the Carolina-Clemson game?

A. Yes, we were all arguing.

Q. Why don't you just go ahead and read to this jury what you posted on FaceBook at 7:38 p.m. on November 29th?

SOLICITOR ODOM: I am going to object to her just having this like reading for several minutes from this FaceBook post. It's not relevant. He hasn't established anything showing it is relevant. I think he needs to lay a little bit better foundation than having the witness read a narrative.

SCOTT DOVER: Your Honor, I asked her the question earlier if she and her mom was in a fight over Joseph Bates and him being allowed to be around her sister, MINOR 2. She said that was not what it was about. So this should tell us what the fuss was about.

SOLICITOR ODOM: Your Honor, also if he is seeking to have a witness publish something to the jury, I think that he needs to try to introduce it into evidence.

THE COURT: I think that's proper. You have to introduce it into evidence.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. Please publish -- please read to the jury what you put on your FaceBook page on the 29th day of November at 7:38 p.m.

A. This was a private message.

Q. Please read to the jury what you said.

A. This was not a post, though.

Q. Your private message.

A. This was a private message to my mother.

Q. Please tell us what you you're your mother.

A. (Reading): *"You tell daddy I aint gonna control your house ? I aint trying to control your house that's what all them teenagers are there for you and your fucked up daughter* [MINOR 2] *. you sit there and allow all those punks at your house and let them come back after they get* [MINOR 2] *to fight me and are doin all those drugs at your house smoking weed in the building and letting alexa come right in there with em."*

Q. This was your niece, right?

A. Yes, Alexa is my niece. This was my main concern.

Q. Go ahead.

SOLICITOR ODOM: Objection. I am going to ask that she be allowed to read the whole thing and that he not insert ---

THE COURT: Right, then you can explain later.

SCOTT DOVER: I apologize.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. Please continue.

A. (Reading): *"alexa is wondering around inside and outside not bein watched walkin around with knives outta the dishwasher cuz she aint bein watched last time I checked dss has done said if they get a wiff of this shit again that shit would be done . and its like no one down there cares and obviously you don't neither cuz you allow them down there anyway* MINOR 2 *is gonna end up dead or in jail because of them and you aint doin shit to stop it and I'm here to tell you that your being there doesn't make a damn bit of a difference and your indenial if you*

*think it does I get treated like shit for givin a fuck about my brothers and my niece because they dont deserve to be taken away from their family because of everyone elses bullshit but no I'm always the bitch startin shit and I'm put down and everyone else comes before me and you let them . you're my mom and I feel like you don't give a fuck about me so guess what i'm gonna quit givin a fuck about everyone and everything and worry about me because all yall are doing is distracting me from what I need to be focused on . i'm tired of worryin bout my niece all the time n whether she's watched or not I shouldnt have to . that's my babygirl and I'm no longer gonna be there for her because its hurting me way too much and i can't take it anymore i'm coming to get my shit from your house and I'm not comin back bye."*

Q. Now, you told this jury earlier in direct examination that the reason that you went to law enforcement and complained was because you were fearful about your niece, Alexa, and Jodie Williams. Isn't that what you told them?

A. But that ---

Q. Isn't that what you told them? Yes or no?

A. Yes, but -- the day before. This is from the day before. I never told my mother about Jodie. I ain't never told my mother about Jodie.

Q. Ma'am, the truth of the matter is that you were worried about your niece, Alexa, being about these fucked up boys as you called Joseph Bates.

A. Yes, Joseph was -- but Jodie Williams was one of them. He was giving them the drugs. I witnessed it, I watched him doing it, giving them alcohol. They was drinking. My niece was a baby running around.

Q. That's all that I have for you. Thank you.

THE COURT: Redirect?

REDIRECT EXAMINATION

BY SOLICITOR ODOM:

Q. MINOR 1, sometimes it seems like you would get a little confused by Mr. Dover's questions. Would you say that?

A. There were ---

SCOTT DOVER: I object to that.

WITNESS: There were some questions that got me a little confused. I mean ---

THE COURT: Overruled.

WITNESS: --- like I said, it's very hard to remember exact dates and times because we were out and back between my grandparents and -- not only did my mom and stepdad move constantly but my grandparents did as well, so there were so many places we were out and back. I was seven to twelve years old. I'm sorry if I misplaced a place for the wrong place.

REDIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. Are you confused, though, about who molested you for years?

A. No, I know who molested me.

Q. And who was that?

SCOTT DOVER: Your Honor, I object to that. I didn't ask her any questions about that. That's not proper ---

WITNESS: I'm sorry.

THE COURT: I am going to let her.

REDIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. Go ahead.

A. I'm sorry. I just screamed from my anxiety. Can you repeat that, please?

Q. Who molested you?

A. My stepdad, Joseph Williams.

Q. And is there any doubt about that?

A. There is ---

SCOTT DOVER: Objection to a leading question, Your Honor.

THE COURT: Yeah, ---

SCOTT DOVER: That's an improper question.

SOLICITOR ODOM: That's ---

REDIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. Do you know who molested you?

A. Yes, I know who molested me.

SCOTT DOVER: That has been asked and answered twice. I object to her asking her again.

SOLICITOR ODOM: Judge, ---

THE COURT: Proceed.

SOLICITOR ODOM: That's my last

question. I would like to just get it out. I know it's been asked and answered. I was trying to finish this.

THE COURT: All right.

SOLICITOR ODOM: MINOR 1, thank you for testifying. Judge, that is all I have.

SCOTT DOVER: Nothing further.

THE COURT: You may step down.

(WITNESS STEPS DOWN)

THE COURT: It's five around 1:00. The State has indicated that they have another witness who has to leave by 2:00.

SOLICITOR ODOM: Yes, sir.

THE COURT: Are y'all okay if we go a little late on lunch? (Affirmative response by various jurors). All right, proceed.

SOLICITOR ODOM: Thank you, Your Honor. The State calls Shauna Galloway-Williams.

(WITNESS TAKES STAND)

SHAUNA GALLOWAY-WILLIAMS, having been sworn to tell the truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY SOLICITOR ODOM:

Q. Ms. Williams, where do you work?

A. I am the Executive Director of the Julie Valentine Center.

Q. How long have you been working there?

A. I have been the Executive Director since 2009, so going on eight years.

Prior to that I was the Clinical Director there and also a forensic interviewer and counselor.

Q. What kind of education do you have?

A. I have Bachelor's Degree in Psychology from Winthrop University and a Master's degree in counseling from Clemson University.

Q. Do you have any specialized training beyond your degrees?

A. I do. Most of my continuing education has specialized in the area of continuing education in child abuse and sexual assault. Assessment and treatment of those.

I also am licensed as a professional counselor in the state of South Carolina.

Q. How many victims of child abuse would you say that you've worked with?

A. In counseling and assessment, I'd say over fifteen hundred.

Q. Do you work with others in addition to children?

A. I do. I mean, I've worked with adults, adult caregivers of children and I also counsel adults who are survivors as well.

Q. In what circumstances do you provide assistance?

A. Well, currently I continue to provide forensic interviews or assessments of children.

I also co-facilitate a group for care-givers of children who have been sexually abused.

I also provide training for new child professionals or new professionals in the field of child abuse.

I also provide training to professionals who are already in the field.

Q. So not only do you continue your education but you educate others?

A. I do. I'm an adjunct faculty member at USC Upstate in the Child Advocacy Studies

Program. I teach two courses there, one is the Child Maltreatment course and I also teach Gender Violence in Society.

Q. Have you previously been qualified as an expert?

A. I have.

Q. How many times, would you say?

A. At least forty times.

SOLICITOR ODOM: Your Honor, at this time I request that she be qualified as an expert in the field of child sexual abuse dynamics and disclosure.

THE COURT: Any objection?

SCOTT DOVER: I have a couple of questions on *voir dire*, if it pleases the court.

THE COURT: Yes.

SCOTT DOVER: Ms. Williams, you've never met any of the parties in this case, is that correct?

WITNESS: That's correct.

SCOTT DOVER: You don't know MINOR 1 [redacted]?

WITNESS: I do not.

SCOTT DOVER: You've never had any

dealings or talked with her at all?

WITNESS: I have not.

SCOTT DOVER: But you are hired by the State of South Carolina for your expertise in this particular area?

WITNESS: I was subpoenaed by the State to testify as an expert in this particular area, yes.

SCOTT DOVER: Based upon your prior contact with other legitimate cases, correct? Other people that you've dealt with, children who had been abused?

WITNESS: Right. Based on my experience and training.

SCOTT DOVER: And I understand that you have counseled with, assisted upward of fifteen hundred kids who have actually been physically abused.

WITNESS: Children who have experienced child maltreatment of some kind or where there may have been allegations of such.

SCOTT DOVER: And you're not saying anything about MINOR 1 [redacted], you're just talking about your expertise with other

people who have been abused?

WITNESS: Right. Based on my experience and training.

SCOTT DOVER: No objection to her being qualified as an expert in that field, Your Honor.

THE COURT: Again, the field?

SOLICITOR ODOM: Child sexual abuse dynamics and disclosure.

THE COURT: All right. Ladies and gentlemen, normally a person -- a lay person can only testify about what they directly observed, tasted, smelled, using their senses. If someone is qualified as an expert, as this witness is in the field of sexual abuse dynamics and disclosure, then they can testify about their opinion(s) in the field of their expertise based on their training and experience.

Now, that does not mean that you have to accept an expert's testimony. You are to give their testimony the same weight that you give any testimony, the weight that you feel is appropriate. You may proceed.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. Are you paid by my office to be here?

A. No, I am not.

Q. How is your position funded?

A. The Julie Valentine Center is a 501(c)3. That means that we are a nonprofit. My position is funded through general operating funds of the Center.

Our Center is funded through Federal funds such as Victims of Crimes Act, Violence Against Women Act funding. We are also are Greenville and Pickens County United Way partners.

We have two fundraisers each year and do a significant amount of fundraising in addition to those things.

Q. Can you explain to the jury exactly what the Julie Valentine Center is?

A. Sure. The Julie Valentine Center is the child abuse and sexual assault recovery center that serves Greenville and Pickens counties. That means that we provided intervention and educational services as well as investigation, intervention and treatment

services and counseling. We do individual and family counseling to children and families which may have been impacted by child abuse and/or sexual assault as well as education and training.

Additionally, we provide a twenty-four hour crises intervention hotline, twenty-four hours a day, seven days a week.

Q. Have you read any statements or seen any evidence about the case that you've been subpoenaed for here today?

A. I have not.

Q. You said a few minutes ago that you've never met with the victim?

A. I have not.

Q. So you know -- as far as that goes, you know nothing about the case other than what I've said to get you here, as far as the subpoena?

A. That's correct.

Q. All right. So what is disclosure? What does disclosure mean?

A. "Disclosure" is a term that we use for referring to when a child or an adult states or shares information about an abuse

incident.

Q. What may affect a disclosure that is not immediate?

A. There are numerous factors that affect disclosure. In fact, we refer to that with the term "delayed disclosure" because it happens so often.

One of the main factors for delayed disclosure is fear. Children are often fearful of the consequences of telling someone that this happened.

In particular, many children are abused by someone that they know, they love and they trust. It may be someone that is known, loved and trusted by their family or by the community. Those relationship dynamics make it very difficult for children to tell right away.

They have a relationship with this person that is a loving, trusting relationship in one sense and at the same time abuse may be occurring. So children are faced with making very challenging decisions about disclosing.

Children may have been threatened. Children may have been told that if they tell

that something is going to happen to them or to someone else in their family. Threats can also be indirect, where the child has witnessed the alleged offender being violent or doing something to someone else and they internalize that 'if I tell, this will happen to me.'

Children, depending on their age and developmental level, may not have the capacity to tell. They may not have the words to describe what has happened to them.

Then there is also shame and guilt associated with sexual abuse. Many children are embarrassed and ashamed about what has happened.

They may be internalizing and feeling responsible for what's happened, as well. They may even have been told that they are responsible for what's happened to them.

Q. How common is it to have a victim delay disclosure?

A. The research and my experience supports that many, many -- most children do not tell right away. Meaning that there could be delays of weeks, years and many

adults even report that they never told as a child.

Q. Would -- what sort of factors might -- let me reword. What are things that might affect how a child would answer a direct question about if they were abused or not?

A. There are numerous answers. One of the first things that comes to mind is who is asking the questions. Who asks the question may determine how the child decided to answer it. Whether that is a family member, whether it is a police officer, a counselor. You know, who is this person asking them the question.

It also may be dependent upon on how the question is asked of them, depending on the age and developmental level of the child. You know, children often things that we already know the answers when we ask questions so they may be thinking that before they answer the question.

And the way that the question is phrased may determine how the child answers.

Q. Does a child's surroundings, like what is going on in their life, has anything

to do with how they may answer a question? If they are under stress in other parts of their life?

A. Well, that certainly could be a factor. You know, if they -- if there are other circumstances going on in a child's life, if they are being questioning about a behavior or something that may seem associated with an abuse event. In their lives, that may not be the most important thing that is going on. There may be other things that take precedent or seem more important than to report to someone.

Often children that I have worked in that are in complex dramas have had multiple things that they have experience, so sometimes the abuse that the person had may not be the thing that is most pressing in their lives.

Q. Would a nonoffending parent's view of the situation affect disclosure?

A. That could certainly have an impact on a child's disclosure. If the parent is supportive and believing of the child when they disclose, that is one of the number one

factors that impacts a child's ability to cope with this moving forward.

When a caregiver is nonbelieving and nonsupportive, they may question the child's statement and may not believe what the child is saying, that could impact the child's statement as well. Particularly for a child who was already fearful or tentative about disclosing. They may fear the consequences of what will happen to that relationship with their caregiver. They may wonder, 'How is anyone going to believe me if my own parent doesn't believe and support me?'

In fact, the group that I co-facilitate for caregivers is primarily for those parents who did not initially believe and support their children.

Q. Does delay affect the completeness of the disclosure?

A. Well, when we talk about disclosure of abuse, we tend to talk about disclosure as being a process, meaning that we don't expect when a child discloses abuse that they will provide every single detail and every single aspect of that event or events that may have

taken place.

You know, children may not even purposely make an effort to disclose. Many accidentally disclose, meaning that someone may observe their behavior or see something and ask them a question and then the child starts some information.

A child purposely disclosing may be very careful about what information that they do share. They may share some information and see what kind of response that they get to that, 'are they going to believe me', 'will they be supportive', 'is this something that is helpful in my situation', 'am I being removed from my home' or staying there. So they may share bits and pieces of information over time.

The process is not just the process of the child sharing information but really the investigative process. Often children -- the first person that they disclose to or the first person that they share information with may not be the only person that they talk to. Once they've shared that information with maybe a family member, a teacher, a friend,

they often then have to talk to other people: law enforcement, forensic interviewers, counselors who may ask them additional questions. So the more question and the different questions that they are asked, the more information that they may share.

Q. When we are talking about a child, what age range would you classify a child to be?

A. Zero to age eighteen.

Q. Now, if an older child -- how does the age of the child potentially affect the disclosure? If an older child discloses, it is potentially going to be different than if a younger child discloses?

A. Meaning if an older child disclosing abuse that might have happened to them when they were younger?

Q. Yes.

A. Certainly as children get older, they become more knowledgeable about sex in general. They become more knowledgeable about sexual abuse and relationships, so they have a little bit more information about how those things work.

They also have -- their language development, their cognitive development has changed. So the way that they share information about it may be a little bit different. They may be able to be more conscientious and more specific about which pieces of information that they share or don't share, because they are more aware of their own responsibility in this or feeling more responsible for it, understanding how this might affect other people.

Whereas with a younger child disclosing, they may not be able to think far enough ahead about some of those issues.

Q. Would a child being out of the home, away from the offender affect disclosure?

A. It could, (affirmative nod). It certainly -- you know, if a child remains in the household or remains in close proximity to someone who has abused them, it poses particular challenges to the child disclosing if this person still has access to them.

Many times when children are removed from close proximity to the offender or when the offender is removed, many children feel safer

at that point to share information because they know that they are safe.

The other side of that is that if the child fears that they are going to have to continue to have contact with them, or if they have been removed and there is some possibility that they are going to have to have that contact with this person ago, that might impact their disclosure as well.

Q. Do children necessarily recall the chronological order of events in these types of cases?

A. Well, sequencing of events can be challenging for kids, particularly when we are talking about traumatic events, which sexual abuse would be one of those.

It's similar to asking someone to recount the experience of being in a car accident or a natural disaster and having them recall the specific linear sequence in which things happened. They might be able to report all of the different things that happened but may not necessarily get them in chronological order.

It also would be dependent upon, you

know, is the child reporting one particular incident or are they reporting multiple incidents over the course of time.

You know, children who have been repeatedly abused and there have been multiple incidents, it may be very challenging for them to sort out the sequence of events of when they were abused or even to specifically clarify each of those individual events.

Q. Is it true -- sorry. The younger the child is, does that affect how they view chronological events?

A. I'd say younger children would have a much more difficult time putting things in linear order and remembering them that way. So the younger a child was, the more difficult that it may be for them to remember that. Sequencing and time, those are really abstract concepts for children, that they are still learning over time.

Q. Tell us what grooming is.

A. In our field, grooming is a term used to describe how someone might develop a more trusting relationship with a child in

order to essentially test the waters with them, possibly to see how far they could go in abusing them.

Developing a more trusting relationship with them. For example, giving a child more attention. Giving them treats in exchange for certain behaviors or certain responses.

It could mean introducing children to sexualized behavior in a way that normalizes it or confuses it for the child. For example, introducing a child to sexual jokes, pictures, pornography or maybe progressively showing them imagines that aren't so "dirty" and then progressing to different images to see how the child responds to those.

It also could be grooming in the sense of getting a child more used to different kinds of touching. Confusing the child around touch that could be seen as normal affectionate touch but could progress to where it could be seen as also sexual touch. You know, perhaps touching a child on their bottom accidentally and then touching them a little bit further, such as handling them under their clothes. Progressing in that

sense.

It becomes confusing for children, particularly if this is a trusted adult that is introducing them to this information and this behavior because children just sort of naturally trust that adults have their best interest in mind. So 'if someone is showing this or sharing this with me' it becomes somewhat confusing for them as to whether or not this is appropriate or not.

Q. You spoke a little bit about making sex normal, how does that play into grooming?

A. Well, you know, introducing a child to sexual behavior and materials in a way that seems normal. That may in some ways make them responsible for it as well.

So if a child is engaging in watching a video or a movie or looking at a magazine or if in some way they feel they are a participant in the behavior, that makes -- can make a child make them feel responsible, as if they were a part of that, making it even more difficult for them to determine if they want to disclose this information. For many children, the more responsible that they

feel for it, the more that they feel like they were a part of the abuse themselves and the less likely they are to disclose. It significantly delays their disclosure or their ability to disclose.

Q. What are some factors that make sex abuse of victims more likely? What are some of the surrounding social circumstances that might make ---

SCOTT DOVER: I think that I will object to that question. I think that's a little -- in light of the case law in South Carolina, I think that's an improper question.

SOLICITOR ODOM: I disagree.

SCOTT DOVER: Maybe I need to listen -- maybe we should take this up outside the presence of the jury. I object to that question.

THE COURT: I have to send you back to your jury room. Don't discuss the case, we'll have you back out in a few minutes.

(JURY OUT @ 1:29 P.M.)

THE COURT: All right? Your question was?

SOLICITOR ODOM: What factors that make sex abuse of a victim more likely to occur?

SCOTT DOVER: Yeah, and I object to that, the "more likely." That, I think, the Supreme Court has said that this witness cannot say -- that bolsters the testimony of the alleged victim. She can't testify as to the "more likely."

Everything that she has said so far is time tested and I don't have a problem with, the Supreme Court has said okay.

But I don't think that she can testify as to something is more likely than not to be occurring. There are cases that have stated that is not a proper question. Those words just always -- I bristle when I hear them because the Supreme Court has said time after time that you may not -- that an expert may not say that it is more likely than not for something to occur, because that is a back-handed way of bolstering the credibility of the victim.

SOLICITOR ODOM: So *State v. Brown* deals with one expert directly and says that as long as she is not stating directly that

'yes, this victim had x-y-z and these are factors' -- she doesn't know anything about the victim, so this list that she gives may or may not have factors that the victim has. It may have factors that are relevant to the victim.

She can testify through studies, through her own personal experience with child abuse victims indicators that -- that more children have 'this' or more children have 'that', just through her own personal experience with victims, in working with them.

She is not bolstering if she is not commenting on the victim directly. If she were bolstering, then every -- then all of her testimony thus far would be.

If it is the wording, I can change the wording.

THE COURT: I think using the term "more likely" -- but she can still give the indicators of a possibility. I think if you use the term "more likely" that tends to go more to the facts of this case. You can do the indicators.

SCOTT DOVER: I agree.

THE COURT: But not using the term "more likely." And I can tell you that the closer that you all get to lunch, the more irritated that this jury is getting. I can tell you that, all of you.

SOLICITOR ODOM: I am very close, I can tell you that. I understand.

SCOTT DOVER: Thank you.

THE COURT: They're getting hungry. Okay, bring in our jury.

(JURY IN @ 1:32 P.M.)

THE COURT: You may proceed.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. So what are some indicators of sex abuse in victims?

A. You mean, risk factors that ---

Q. Yes.

A. There are certain risk factors that make children more vulnerable to abuse. One of the biggest ones is their age. The younger a child is the more dependent that they are on others to carry for them, the less verbal they are, the less ability that they have to make an outcry or to tell

someone what has happened to them.

Children who have some type of disability or delay may also be at higher risk, again because they may be more dependent on adults for care and they also have some limitation in their ability to communicate or articulate what's happened to them.

Other risk factors include family risk factors:

Substance abuse within a household is a risk factor for all types of child mal-treatment.

Multiple caregivers in a child's life or family -- even single parent households where there are multiple, uh, multiple caregivers or multiple people in and out of the home, that may have access to a child can considerably increase the risk for a child being abused.

Q. How can abuse affect a victim's behavior?

A. So there are certainly children who may display absolutely no symptoms of abuse at all. There are many children who, on the outside, you'd never know that anything had

ever happened to them.

There are other children who may experience depression, anxiety.

Many children experience the need to self-harm or the feeling to hurt themselves or end their lives.

Children may exhibit behavior problems.

They may have anger problems at home.

They may have behavioral problems at school.

We know that many children who have been abused or have some history of child maltreatment are more at risk for substance abuse, using drugs and/or alcohol, as a way of coping with the experiences that they've had.

Q. Would it affect promiscuity?

A. It could. It could go one way or the other. You know, some children may want to have nothing to do with sexual behavior. For many children being exposed to them at a young age, it exposes them to behavior that they have not yet been prepared for and many children, without proper treatment and understanding around it, may have a -- may

engage in promiscuous behavior as a way of coping with what has happened to them, challenges them with having a healthy understanding of sexual relationship and healthy sexual behavior.

Q. After the abuse stops, is it still -- could a child still be facing -- could the abuse that has been stopped affect a child's behavior years later?

A. Certainly. There is research to support that adverse childhood experiences that we experience in childhood can have long-term effects on not only our emotional and behavioral health but our physical health. That has been studied and proven over and over again. Many adults are still demonstrating and showing the signs and symptoms of having been abused as a child, particularly if they have not received proper treatment or care for what has happened to them.

SOLICITOR ODOM: Thank you. That's all the questions that I have.

THE COURT: Cross-examination.

SCOTT DOVER: May it please the

Court.

CROSS EXAMINATION

BY SCOTT DOVER:

Q. Ms. Williams, thank you for being here. I will be brief. I know that it is getting close to the time you need to leave.

But those same studies show that sometimes children that are not held or that are left in a crib to cry, they may experience the same type of emotional disruptions in their life, equal to sex abuse; right?

A. Right. In reference to those childhood experiences, those include sexual abuse, physical abuse, neglect, uh, exposure to domestic violence in the home. All of those things can have devastating effects on someone's emotional and behavioral health.

Q. So a child that is being abused by their mom or being neglected by their mom or others in their household may show these same characteristics later in life?

A. Yes, they could.

Q. And some children in your experience and studies have been found to manipulate the system, too; correct?

A. It's very rare to see that a child is able to manipulate the system by creating false allegations or ---

Q. Right, but there have been plenty of studies about false allegations or false reporting that later on the victim comes up and says, 'I did that for ulterior motives and it wasn't true.' You're aware of that, too?

A. There are far fewer instances of that than studies that show -- studies that show that than those that show where children have been abused.

Q. But children are smart and they will pick up on what others are telling them. If other people are being abused in the community, that is what they are learning and hearing, they can adapt and manipulate the system if they care to; to get their way, correct?

A. Well, it would be challenging for a child to do that given the checks and balances within the system.

Q. When a child is eighteen years old, it's not that difficult; is it?

A. I would say that it still would be very challenging for an eighteen-year-old, an adult or a child, to manipulate the system by way of a sex abuse allegation. Or that someone would really desire to do that.

Q. In your personal dealings with others -- again, you've never met MINOR 1 [redacted], you've had nothing to do with her. Correct?

A. That's correct.

Q. You have not offered any counseling to her?

A. I have not.

Q. But with others that you have offered counseling to, wouldn't you be suspect if the kids coming before you, being referred by their teacher in the third grade for lying and exaggerating stories -- isn't that going to get your attention?

A. Would it get my attention as ---

Q. When this child is coming to you and reporting something, if the third grade teacher is also reporting that she is lying and exaggerating stories at school, causing disruptions, are you going to be looking at

that?

A. I certainly would look into it. Many of the children that I've worked with have had behavior such as -- they were described as children who had behavior problems such as lying. When we looked further into it, the type of lies that they were telling were the kind of lies that children tell to keep themselves out of trouble, to explain why they didn't hit their brother when they did hit their brother. You know, typical childhood kind of lies and experiences. Very different from a child making a statement about sexual abuse.

Q. Isn't there a reason for delayed -- that one of the reasons for delayed disclosure could be for the simple fact that it didn't happen at all? That they're using it to manipulate and to get their way ten years later?

A. Well, if it didn't happen at all, then I wouldn't refer to that as a delayed disclosure.

Q. If they didn't disclose it until they say ten years after the fact, one of the

reason that they didn't disclose is because it happen at all. Is that not a legitimate concern of your studies?

A. So you're saying -- if that is one hypothesis?

Q. Yes.

A. If someone waits -- if someone is making disclosure, could it be that it didn't really happen?

Q. Yes.

A. That is one hypothesis. We would take that into consideration when evaluating all the other aspects of disclosure.

Q. One of the reasons that you just told this jury was that sometimes kids don't disclose is because of the embarrassment by the act. That would be taken away if they were able to disclose other acts of sexual abuse by others?

A. (No verbal response).

Q. If you've been abused by four individual in the community and you tell of three but not the fourth, doesn't that come into play in your studies?

A. I am not sure that I understand what

you're asking me.

Q. It would take away the embarrassment. I took your answer to be that some kids just don't want to talk about being sexually abused. That is one reason for delay in disclosure. Is that what you told us?

A. Yes, it is an embarrassing thing for people to talk about.

Q. But that wouldn't be relevant, would it, if they are not embarrassed at all and they're talking about having sex with -- having other acts perpetrated against them?

A. Embarrassment may be one of the factors that influences someone to delay disclosure. It may not be in very situation. Even if someone is comfortable talking about sexual behavior, they may not be necessarily be comfortable talking about sexual abuse that has happened to them. They may not be comfortable talking about multiple perpetrators of abuse.

Q. But is they're comfortable talking about sex abuse being perpetrated against them, that would take away some of that;

wouldn't it?

A. Not necessarily. Many of the survivors that I've worked with, even today, even those who are very comfortable speaking about their experience and may even do it in public, still feel some shame and embarrassment about aspects of that experience at times.

Q. And you talk about the way that the kids have asked. If you have trained counselors, that is what their training is, and they ask the child when they are reporting sexual abuse if another individual has sexually abused them, wouldn't you expect that answer to be more true?

A. So -- can you repeat that question?

Q. If a trained counselor, a licensed counselor such as yourself, if you're talking to an individual client who is relating other sexual abuse to you, do you think that child is more likely to tell you the truth if you ask them about sexual abuse by another?

A. Again, that could be dependent on the child and circumstances. Myself, as a trained counselor, I -- I'm a licensed

professional counselor specifically trained in the area of child abuse and sexual assault. The way that I question a child or conduct an assessment might be very different than a licensed professional counsel or a licensed social worker who is not trained in my area of expertise.

Q. Two last questions. Wouldn't you expect a child who has testified that they were screaming to get out of the home, that if they were being abuse by somebody in that home that they would be more likely -- strike that. I will rephrase that question.

Last question. I think you've taught me over the years that when we are talking about these type incidents that children frequently -- that it is a post-trauma stress disorder situation. Is that correct?

A. That's correct.

Q. That these kids that this really happens to, that when they are disclosing what happened ten, fifteen, thirty years before that it is almost like they can go, you've told me before that it is almost like they can go back in their brain and it is so

vivid that they can remember what people were wearing, what they were wearing, exactly where the event occurred thirty years later at times.

A. Yes. There's certainly some aspects of that that they would remember.

SCOTT DOVER: Thank you.

THE COURT: Redirect?

SOLICITOR ODOM: No, sir.

THE COURT: Any objection to her being excused?

SOLICITOR ODOM: No, sir.

SCOTT DOVER: No objection.

THE COURT: You may step down.

(WITNESS STEPS DOWN)

THE COURT: Ladies and gentlemen, this is a late lunch. I do apologize for that. We were able to get a lot done this morning. The lines are not long when you go anywhere to eat at this time.

Again, please be back in your jury room at 3:00 o'clock and we will proceed with the case.

Do not discuss the case at all, with anybody. Do not do any research about it.

Do not listen to any media reports. Should someone contact you, let the bailiffs know.

Have a good lunch, we will see you back at 3:00 o'clock.

(JURY OUT @ 1:46 P.M.)

THE COURT: For planning purposes, what do you anticipate at 3:01?

SOLICITOR ODOM: Angie Farmer?

THE COURT: Then?

SOLICITOR ODOM: Jan Kelley.

THE COURT: Are those your final two witnesses?

SOLICITOR ODOM: Yes, sir.

THE COURT: So with that, we will get in your case this afternoon.

SCOTT DOVER: Yes, sir.

THE COURT: Plan accordingly. Anything else before we break for lunch?

SOLICITOR ODOM: No, sir.

SCOTT DOVER: He is okay to be out at lunch? You said just overnight?

THE COURT: Well, not outside the building.

SCOTT DOVER: So he's got to stay here. They will bring him something?

DEFENDANT: May I step down for a cigarette, sir? I've been out on bond for three and a half years.

THE COURT: All right.

DEFENDANT: Thank you.

THE COURT: All right, we back at 3:00 o'clock.

(LUNCH RECESS)

(DEFENDANT PRESENT)

THE COURT: If they're ready, we are.

(JURY IN @ 3:03 P.M.)

THE COURT: Thank you, ladies and gentlemen. I hope everyone had a good, quick lunch. Solicitor, you may call your next witness.

SOLICITOR ODOM: The State calls Angie Farmer.

(WITNESS TAKES STAND)

ANGELA FARMER, having been sworn to tell the truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY SOLICITOR ODOM:

Q. Where do you work?

A. Behavioral Health Services in

Pickens County.

Q. What is that?

A. Behavioral Health Services is a private nonprofit agency that offers counseling services for a variety of issues?

Q. How long have you been working there?

A. Twenty years next week.

Q. What kind of education do you have?

A. I have a Master's in Education, Community Counseling, and am licensed by the State with a professional counselor's license.

Q. Where did you get your degree?

A. Clemson University.

Q. What kind of specific services does Behavioral Health Services provide?

A. We do addiction services, family therapy, individual therapy for all major mental health issues excluding severe persisting mental health issues like schizophrenia. Trauma specifically, post-trauma stress disorder, child abuse, neglect, pretty much anything else.

Q. Through your work and through your

license, are you required to take classes every year?

A. Yes, we are required to attend forty hours of continuing education every two years.

Q. Do you ever teach classes?

A. Yes, I've done several different trainings throughout the years on addictions, mental health issues, diagnosing trauma, trauma care, effects of abuse on children and families.

Q. Have you testified in court before?

A. Yes, ma'am.

Q. How many times would you say that you have testified?

A. At least twenty.

Q. Are you -- can you estimate the number of patients that you've seen over the years?

A. In twenty years?

Q. Yes.

A. Let me think -- at least fifteen hundred.

Q. And have you -- would you say that you have a good amount of experience

counseling victims of sexual assault?

A. Yes, it's been an area of specialty for me for at least fifteen years.

SOLICITOR ODOM: Your Honor, at this time I would like to offer her as an expert in the field of child sexual abuse counseling and treatment.

THE COURT: Any objection or *voir dire*?

SCOTT DOVER: Yes. Ms. Farmer, your goals at Behavioral Health Services is that you provide a realm of counseling services to adults and children. Correct?

DEFENDANT: Yes, sir.

SCOTT DOVER: And I -- the varied-ness of the qualification gives me some concern. Let me ask you some questions about that.

WITNESS: Okay.

SCOTT DOVER: Wouldn't you say that the majority of your services as counseling are provided outside of the specialty that the solicitor is asking that you be qualified in?

WITNESS: Actually not. My caseload has been mostly child sexual abuse and

trauma.

SCOTT DOVER: For how long?

WITNESS: At least ten years.

SCOTT DOVER: I thought that you were doing other type services, that's why I was asking.

WITNESS: I do everything, but a heavy portion of my caseload is trauma, because that's the area that I work with.

SCOTT DOVER: And you are still doing that with all of the increased administrative duties that you have?

WITNESS: Yeah, currently I still have -- I have had a very small caseload since September, since I've had the promotion. I would say that fifty percent of the cases that I work with now are still trauma related.

SCOTT DOVER: Let me hear the Solicitor's offer one more time, the area in which you're asking to have her qualified as an expert?

SOLICITOR ODOM: Child sexual abuse counseling and treatment.

SCOTT DOVER: Based on her

testimony, no objection.

THE COURT: All right. I qualify her as an expert in the area of child sexual abuse counseling and treatment.

Ladies and gentlemen, as I told you before, a layperson is restricted as to what they can testify. It has to be of their direct observations or senses.

An expert who is qualified in a particular field because of their expertise, their education and so forth can testify about their opinions within that field.

Again, as I told you before, you don't have to accept that testimony. You are to give that testimony the weight that you feel that it should be given in your deliberations.

Please proceed, Solicitor.

SOLICITOR ODOM: Thank you, Your Honor.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. Ms. Farmer, I want to start out by asking you a little bit about y'alls record keeping policies. How long do y'all keep a patient's records?

A. The standard that we have to adhere to through DHEC and our governing bodies require that we keep our records for seven years.

Q. Do you keep paper or electronic ---

A. In 2013, we switched from paper files to an electronic health record called CareLogic. So we still have the physical paper records that are beyond 2013, then from 2013 forward it's an electronic record.

The one caveat to that is that if an individual has come into services within that seven years, that seven-year-time starts over.

Q. Okay. Who has access to the records?

A. Staff. Primarily the clinical staff that works with them or any administrative staff necessary to work with that file.

Q. Is it possible for you to change anything in the record?

A. No, not now. Especially with the electronic health record system, anytime you sign a document in the health record system it cannot be altered or changed.

Previously before then, in a physical record if there were any record changes it could only be marked with one line, initial and date. That's a universal clinical record standard.

Q. Was MINOR 1 [redacted] ever seen at Behavioral Health?

A. Yes.

Q. Do you know how many times that she was seen?

A. Approximately nine separate cases.

Q. So when someone comes in for a case, what is the procedure? What happens?

A. When a person comes in for a case, the first thing that has to happen is what we call an intake. Intake is where they sign the appropriate consent and forms to open a record, a medical record. HIPPA confidentiality releases, etc.

Then they go through an assessment process. That assessment process looks at a person's medical history, physical history, family history, substance abuse history, trauma history, education history. It is an extensive biopsychosocial assessment.

Then based on that assessment it is determined what level of counseling or treatment is best appropriate for them.

Q. So after the assessment y'all determine what kind of counseling that they need?

A. Correct.

Q. What happens from that point?

A. Then we schedule whatever treatment is better for them. We do individual and group therapy and family therapy.

Q. If the patient is a child, who does the assessment?

A. When we do an assessment with a child, we meet with a child and the parent. We also try to meet with the child independently because we know that some kids are not comfortable sharing some information with the parents in the room. Not all the time is a child willing to do that, and we do not force them if they are not comfortable with doing it.

Q. When you get a history as part of the assessment ---

A. With a small child, a lot of that

comes from the parent.

Q. Can you tell me when MINOR 1 's first case was?

A. Her first case was opened March 5th, 2003. She was six years old at the time.

Q. Did you see her?

A. Her initial assessment, yes.

Q. Who referred her?

A. Initially she was referred by a Kathy Stone with DHEC.

Q. I know that there are a number of different cases. I'm going to try to hit on them chronologically. When was her second case?

A. The second case was November 23, 2004, when she was eight years old.

Q. And who referred her?

A. Referred by Pickens Elementary School.

Q. Going back to that first case, how many times did y'all see her?

A. She attended one session.

Q. So that would be the assessment?

A. The assessment and then she had one individual session, and that was all. Failed

to return.

Q. You said that was in March of 2003?

A. March 2003 was her assessment. The session that she actually attended was April 30th, 2003 and then she failed to return for services after that.

Q. Do you know why?

A. No. A lot of times what will happen is that they will either schedule an appointment and they won't come or -- we have a standard where we try to reach out to the family, the client, to see if they want to continue services. If they don't respond, we close their case.

Q. I guess this case got closed?

A. It closed because they failed to respond to contacts.

Q. Do you know how old she was?

A. She was six years old for that initial case.

Q. And the second case?

A. The second case was November 23rd, 2004. She was eight years old. She was referred by Pickens Elementary School.

Q. And can you tell me how many

sessions that she had?

A. Yes. During that time she was actually seen at school, which is one of the services that we provide our School District. With her being able to be seen at school there was more consistency and she was seen twelve times for individual sessions by Liz Rampey. It was closed at the end of the school year because they wouldn't come in for services, but she was doing well at the end of that school year.

Q. But she didn't -- nobody brought her in over the summer?

A. No. That was the suggestion but no appointments were scheduled.

Q. What was the third case that she had?

A. The third case was May 7th, 2007. She was ten years old. Referred by the Department of Social Services.

Q. How you tell me how many visits she had?

A. She attended the assessment and that was it.

Q. Just the assessment?

A. (Affirmative nod) and the case was closed after attempts to follow through with treatment in November of 2007.

Q. Do you know which parent attended the assessment with her?

A. Mom. Mom would consistently attend the sessions with her.

Q. What about the fourth case, what is the date on that?

A. The fourth case was September 4th, 2008. She was twelve years old. Referred by Liberty Middle School. She attended -- let's see (reviewing). She attended -- there was a lot of cancellations, reschedules, and attempts to communicate with the mom. But no follow through with the appointments.

Q. What about the fifth case?

A. November 4th, 2009. She was thirteen. Referred by DSS.

Q. How many appointments?

A. After the assessment, no follow through.

Q. And the sixth case?

A. May 19th, 2011. She was fourteen. Referred by Bonnie Forbes. I believe at that

time that Bonnie was working with the Solicitor. At that time she was recommended to individual and group therapy, and she attended two group therapy sessions and two IT sessions.

Q. Then what happened? Did she successfully complete ---

A. No. There were a lot of broken appointments and cancellations. She failed to return for services and the case was closed.

Q. The seventh case?

A. The seventh, she actually never came in. She was referred by the Department of Social Services in July -- July 24th, 2013. There was an appointment made for August 15th and she did not come.

Q. The next one?

A. The same one for the eighth session. October 2nd, 2013, she was re-referred by the Department of Social Services. She had no appointments scheduled. She didn't follow through.

Q. The next one?

A. The next one was March of 2016. DSS

referred. This one kind of blends into the following case. She was referred but it was actually -- (reviewing). She was referred for group and individual therapy. She attended group one time, IT one time and then dropped out after having a child.

She was re-assessed -- her case didn't actually close. It was kept open because they were trying to communicate with her, get her back in services.

She was re-assessed in March of 2017, the 21st of March, 2017, and recommended for group therapy and IT. She attended six individual sessions and seven group sessions.

She is still currently enrolled in this case. She has not been closed. But she has not been seen since July.

Q. Okay. So let's go back through now and talk about some of her counseling.

A. Okay.

Q. Can you tell me about the first time when you saw her back in March of '03, some of the issues that she was having?

A. Yes. Like I said, she was originally referred at six years of age.

She was having some behavioral issues: lying, defiance, foul language, false reports of abuse, some anger issues. She was having night terrors. She refused to sleep alone, she always slept with her mom or her grandmother.

There were some allegations of physical abuse by DSS but those were unfounded at the time.

Yet she failed to return to services after one session.

Q. When you say that she failed to return, it was that no one brought her?

A. Yes. She was six years old. She wasn't driving herself, so the parent would have to bring her, so the parent failed to bring her back in to Services.

Q. So that time was -- was mother in the room?

A. Yes, at six children are not really very comfortable about seeing a stranger by themselves. So mom was present for the assessment.

Q. On the second case, in 2004, what were some of the issues that she was having?

A. Again, she was eight years old at time. She was referred by Pickens Elementary School for lying, telling exaggerated stories, behavior problems, being defiant. She did meet with the therapist at the school during that time and made some progress with that.

There were reports during this time that she had been touched inappropriately by two separate men. That was addressed in some of the therapy sessions there. She had seen some pornographic materials.

Q. So did she have a knowledge of sex?

A. Yes. One of the things that was clearly written in the therapy notes was that at eight years old she had knowledge of adult ideas, experiences and desires to engage in adult behaviors more than an eight-year-old child would developmentally at that time.

For example, she wanted to watch soap operas or she wanted to talk about relationships between boys and girls, things that eight-year-olds don't typically talk about.

Q. During those sessions, since they were at the school, was mom present?

A. No, they were with her and the therapist.

Q. The third visit, what kind issues -- the third case, what kind of issues did ---

A. The third case, she was ten years old. She was referred by DSS at that time because she had made reports at school that her mom was being physically abusive to her.

She was living with grandparents at that time. DSS had made that recommendation, so they went and lived with the grandparents.

Mom stated that she was defiant. Quote, that she may have been sexually abused. The client had accused the two men of previously trying to rape her, was her terms.

Uh, she was having a lot of issues just coping. So we had actually recommended her to have an evaluation through Upstate Psychiatry for the depression and the anxiety that she was having. Mom did not take her to that.

Q. You said that some of the issues that she was having was lying. Who gave you that history?

A. Mom.

Q. On the fourth visit, what kind of issues was she having?

A. Twelve years old, referred by Liberty Middle School. She made a statement at school that she felt like killing a girl. She was still living with her grandparents at the time. The sexual abuse history was identified during that assessment also. She reported having bruises, being hit by her mom. She was dysthymia, which is a low-grade pervasive depression symptoms, just -- lack of pleasure in things, not being happy, feeling hopeless, not very energetic.

She was diagnosed with a new disorder at that time, because of those symptoms that she was having.

DSS was recommending family therapy during that time also. So we recommended some family therapy and individual therapy. Again, she was twelve years old, so mom didn't follow through with services.

Q. On the fifth one it looks like it was an assessment as well and mom didn't follow through.

Then the sixth one ---

A. Now, the fifth one was referred by DSS because -- okay.

Q. Okay. So moving on to the sixth one, ---

A. Yes.

Q. What kind of issues or anxiety or anything was she having?

A. She was having a lot of issues during this time. She was fourteen years old. She was running way.

She reported being raped by another individual, his name wasn't listed in our record. She had medical issues as a result of that rape, so that was hard for her to deal with; that was addressed in that assessment.

The mental health issues she was dealing with at that time was that she was having a hard time being in crowds; noises and movements would startle her; she would freak out easily; panic; she was having problems sleeping; she was depressed; she would get combative with people; she was having nightmares; avoided relationships. She was hyper vigilant, which meant that she felt

kind of on guard all the time; which is a common symptom.

Q. Now, in this visit was she pregnant on in this case?

A. I am trying to remember when that happened. That might have been the sixth.

SCOTT DOVER: Excuse me. We are in the sixth, aren't we?

WITNESS: Yeah. I have it noted that this is the time when she found out that her sister was pregnant. I don't have an exact time frame for that.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. All right. The next case, what kin of issues?

A. The other two after that were just referrals that weren't followed through.

The ninth case was when she -- she was involved with DSS after having a child. She had a positive hair strand test for marijuana, and that is what initiated the referral from the Department of Social Services. She was seen in individual and group therapy.

Q. So we've gone over the symptoms in each case but what were her main issues over the years?

A. From the beginning she had struggled with some behavioral problems, anxiety, depression, anger, other issue. Nightmares, trouble being alone. Difficulty in relationship. Sexually acting out behavior. Substance abuse.

Q. Would you say that nine cases is a lot of cases for someone that ---

A. At her age, that's pretty common. We have several clients that have had multiple cases, been in and out of services. But with her being as young as she is, that's several entries into treatment.

Q. All right. Can you tell me what symptomology is?

A. Symptomology is just identified symptoms of a related disorder. Common symptoms that might be seen or observed or experienced of a particular diagnosis.

Q. Talking specifically about sexual abuse, child sexual abuse, as far as counseling and treatment goes, what is the

symptomology of child sexual abuse?

A. It's pretty pervasive. Child sexual abuse can affect an individual on many different levels, physically, psychologically, mentally, emotionally. Some of the symptoms are behaviors like acting out, being aggressive, defiant, uh, lying, stealing, running away, emotional depression, anxiety, fear, hopelessness, fear, despair, guilt. Nightmares, flashback, -- flashbacks are a re-experiencing of the trauma. There are hundreds of symptoms.

Q. How specifically could it affect a child's sexual behavior?

A. A lot of children who area exposed to sexual abuse tend to act out sexually. They have knowledge of knowledge of sex that really prepubescent children should not have knowledge of. So they will either talk about it or re-enact it, act it out on other children, engage in sexual behavior. That's pretty common.

Q. Do you think that it may later affect how a child views love and sex?

A. Absolutely. It has a huge impact on

relationships. Most children who have experienced sexual trauma have difficulty truly trusting and engaging in a healthy relationship with another individual. A lot of times, especially young female victims of sexual abuse, they see sex as a way of gaining love and affection or acceptance from another person. That is one of the reasons that they attempt to act out sexually with individuals at a younger age.

Q. Circling back around to [redacted], do you think that the counseling helped to address her issues?

A. We never got her long enough to help her. Historically is you look at her cases, she would come in for one or two sessions. She was a child, so she was depending on a parent to bring her. She never really got to receive therapy because they didn't follow through, the parent didn't follow through with bringing her.

Q. Can you tell us why some children may cooperate with an abuser?

A. Most abusers, if you look at statistics, most of the time it's a family

member. A lot of times children will -- not quite "allow" but will go along, for a term, with the abuse out of fear. Fear of retribution.

Most perpetrators will groom the child and they will threaten in some form or fashion that if the child doesn't engage in the behavior that some consequence will occur. That consequence could be threatening that nobody would believe them. It could be lots of different things. Children are very susceptible for that when they have a caregiver or an adult that they trust telling them that something bad is going to happen if they don't follow through with a behavior.

SOLICITOR ODOM: Please answer any questions that Mr. Dover has for you.

THE COURT: Cross-examination.

CROSS EXAMINATION

BY SCOTT DOVER:

Q. Ms. Farmer, I just have a few questions for you this afternoon. I think you have covered most of my questions.

MINOR 1 [redacted], MINOR 1 [redacted] [redacted], has taken the stand and she has testified that my

client sexually abuse her at times after July [redacted], 2003, her eighth birthday.

So I guess my first question, let's assume for a moment that MINOR 1 [redacted] is telling us the truth, that Mr. Williams started these acts on her after her eighth birthday on July [redacted], 2003.

I want you to go back to that first case. I heard your testimony and I think the jurors heard your testimony about how kids act after they have been sexually abused. But you encountered her on March 5th, 2003; correct?

A. Correct.

Q. That would have predated her eighth birthday?

A. Correct.

Q. And even as a six-year-old child, something was going on in her life that gave her the same characteristics that you described from sex abuse. Correct?

A. Correct.

Q. She was defiant, telling lies, using foul language, making false reports and abuse. But at that time she denied any physical abuse or sexual abuse. Correct?

A. Correct. There was denial of sexual abuse but there were allegations of physical abuse.

Q. There is one thing that I questioned -- and I know that you didn't bring your records with you here today -- I'm trying to get it out. I've heard your testimony, Ms. Farmer. I was just a little confused about this. This is your signature from March 2003, ---

A. Right.

Q. ---- where it says "CL denies PA."

A. Right.

Q. I would have thought that was the physical abuse, is that right?

A. That's true.

Q. So are you telling us that there were some accusations of physical abuse but then -- who is saying ---

A. Mom.

Q. Mom denied it?

A. (Affirmative nod).

Q. Okay, I was just a little confused about that. Now, when she came into treatment as an eight-year-old child, that

was by Ms. Medlin at Pickens Elementary School?

A. Correct.

Q. In 2005, she reported that she could not sleep alone in her own bedroom. Correct? She was sleeping either with her mother or with her grandmother?

A. I've got that as 2003.

Q. 2003?

A. (Affirmative nod).

Q. Okay. Let me show you an entry -- you've been qualified as an expert and you were the child's counselor, so I want to ask you some questions about the overall record; which I know that you didn't bring with you today, correct?

A. Correct.

Q. According to the records of your agency, in January of 2005 apparently the mother had a communication with your employee that the prior acts of the rape that you talked about with the two other men had been unfounded. Then there is some entry about Lt. Kelley in there. What does your clinician say that the mother told her about

that?

SOLICITOR ODOM: I am going to object on hearsay grounds.

THE COURT: Yeah, how does that get around hearsay?

SCOTT DOVER: It's a record. She's an expert. I think if she -- I guess I should ask her if she relied on the record ---

THE COURT: But she hasn't really given an opinion on it. I am going to sustain the objection.

SCOTT DOVER: Thank you.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. At the time of the -- I lost count of the -- of the number. In 2007, I guess that was the third treatment that she entered into. At that time your testimony was that she was living with her grandparents?

A. That is what I have documented, yes.

Q. When she was referred to your agency in 2009 by the Department of Social Services, isn't it true that she was referred there for problems in telling stories when she couldn't get her way?

A. What I have documented is that she was referred due to the sexual abuse allegations. That is what I have documented.

Q. Let me show you, (tendering).

A. (Review).

Q. I'm asking about MINOR 1 ---

SCOTT DOVER: Should we have a sidebar to discuss this?

SOLICITOR ODOM: I think the witness is aware that it's MINOR 1.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. The entry of March -- excuse me. The entry of March 2nd, 2009, from the referral from DSS, in part does it state that she in the past had a problem with telling stories when she couldn't get her way?

A. That has been consistent. However, mom has also reported that consistently with every case.

Q. What I've seen as a thread in all of these things is that the child has a pretty difficult home life with her mother. Is that fair to say?

A. That's fair.

Q. Are you aware of law enforcement being involved in incidents between her and her mother?

A. Not specifically because, again, she has not followed through with bringing her in consistently for treatment.

Q. But from your involvement with her, was it your impression that it was a difficult relationship between mother and child?

A. Yes.

Q. As part of your records, -- can you identify this document from the referral of 2011? Did you guys refer her to the Healthy Parenting group or not?

A. 2011?

Q. Yes, ma'am.

A. (Upon review), ---

Q. I guess my question is, are you familiar with that document? Is that part of your record?

A. This was completed by one of our clinicians. It is a referral to Healthy Families.

Q. If you could turn over to page two

of that assessment where the young lady was asked about sexual abuse. Did she report any sexual abuse to that ---

SOLICITOR ODOM: I am just going to object. She hasn't said this was part of her records. This is just something ---

WITNESS: It's a referral form. It was completed by one of our clinicians.

SCOTT DOVER: This is what I asked MINOR 1 [redacted] herself about. I was just going to ask her to ---

SOLICITOR ODOM: And I would say that this witness doesn't have any ---

THE COURT: You might need to lay a better foundation.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. Did you have anything to do with -- did your agency or your oversight of MINOR 1 [redacted] have anything to do with that form?

A. We completed the form, yes.

Q. So someone in your agency completed the form?

A. Right.

Q. I asked MINOR 1 [redacted], to the question

whether or not her stepfather had physically assaulted her, in 2011 what was her -- did she respond to that?

SOLICITOR ODOM: Judge, I just have a problem with publishing this.

SCOTT DOVER: I will withdraw the question. WE asked MINOR 1 [redacted].

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. There is no question based on your involvement with MINOR 1 [redacted] that she has reported to you from 2003 to 2009, dates that these indictments cover, that she reported that she was raped or sexually assaulted by three other men? Three men. Correct?

THE COURT: Hold on. Did you have an objection?

SOLICITOR ODOM: No, sir.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. Maybe I misunderstood but I thought you testified on direct that she reported being raped by three different individuals other than my client during that period of time. Did you say that on direct

examination?

A. I would not use the word "raped." She was sexually assaulted by two men. She used the word "rape", "attempted rape." She was sexually assaulted by two men and then raped by another. Uh, -- I have documentation in a later file of where she gave details of her sexual assault by ---

Q. I am talking about between 2003 and 2009, she was able to tell you and others in your ---

SOLICITOR ODOM: Your Honor, I object to relevance. I think we're getting out of the scope here of the statute. I am not sure with where he is going.

THE COURT: And you need to stick with cross based on her direct testimony.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. Ms. Farmer, I thought you said on direct examination that in one of the cases that was referred to you that there was allegations of sexual abuse by two men that were not my client. Correct?

A. Correct.

Q. Then another one later on when she reported -- and I thought you used the word "raped", and that's why I said that.

A. She ---

Q. That she reported a rape by another individual other than my client?

A. She did. She used the word "raped."

Q. So there is no question that this young lady has been sexually abused during the time in which this indictment covers?

A. That's correct.

Q. But according to your recollection, did she ever during that period of time report that it was the stepfather?

A. She did report the stepfather during that particular timeframe.

Q. It was only done after November 30th, 2013?

A. (No verbal response).

Q. Isn't that true?

A. Yeah, I was looking to get the date to make sure that I was correct before I answered -- that is correct.

Q. Could I get that form from you?

A. Yes, I handed it to you.

Q. Thank you. Thank you, Ms. Farmer, those are all the questions that I have.

THE COURT: Redirect?

SOLICITOR ODOM: No, sir.

THE COURT: You may step down. Any reason why she cannot be excused?

SCOTT DOVER: No objection from me.

SOLICITOR ODOM: No objection.

THE COURT: You are also excused.

(WITNESS STEPS DOWN)

SCOTT DOVER: Your Honor, could we have about a five-minute break before the next witness?

THE COURT: Short break. Don't discuss the case. We will bring you right back out. Five minutes.

SCOTT DOVER: Thank you.

THE COURT: Five minutes.

(JURY OUT @ 3:50 P.M.)

(BRIEF RECESS)

(DEFENDANT PRESENT)

THE COURT: Invite the jury to return.

(JURY IN @ 3:56 P.M.)

THE COURT: Thank you, ladies and gentlemen. Solicitor, you may call your

next witness.

SOLICITOR ODOM: The State calls J.B. Kelley.

(WITNESS TAKES STAND)

JAN B. KELLEY, having been sworn to tell the truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY SOLICITOR ODOM:

Q. Where do you work?

A. Pickens County Sheriff's Office.

Q. How long have you been there?

A. Thirty-nine years this past August 1st. Thirty-nine years.

Q. In 2013, what was your position?

A. Lieutenant of Special Victims Unit.

Q. What do you mean by Special Victims Unit?

A. I investigated all sexual assault crimes, adults or children, and criminal domestic violence assaults.

Q. Did you have any involvement in this case?

A. I did.

Q. When did you become involved?

A. I become involved after Lieutenant Rackley had took the initial report. It was referred to me and I became involved with the case on 12/2/2013.

Q. What did you do on that date?

A. That date, after receiving the report and reviewing it, I initiated a meeting with the victim. I met with MINOR 1 [redacted] and her aunt, Sherry Phillips, at Pumpkin Town General Store. She was working on 288 in Pumpkin Town, so she didn't have a way to meet with me at the office that day, because her aunt was working up there. So I agreed to meet them. She was working with her aunt, doing some landscaping. So I met with her.

Q. After that, what was the basis for that meeting?

A. The basis was so that I could do an interview with MINOR 1 [redacted], have her come to my office. In my office I have a video system and when I do interviews, I like to do video the interview, especially if it is between me, being a male, and a female. Since it's a one on one interview, I like to

have it recorded.

Q. When did y'all agree to meet again?

A. She agreed to meet me the next day. Her aunt agreed to bring her to my office the next day on 12/3, that afternoon. When she got off work, she came to my office.

Q. And did you take a statement from her?

A. Yes, I took a verbal statement. Not a written. I took a verbal statement from her that was recorded, video recorded.

Q. As to time and place only, did she disclose anything about abuse?

A. Yes, she disclosed -- as far as the -- from the time -- her age range from seven or eight years of age to right before her thirteenth birthday that she had been sexually abused by her stepfather.

Q. And can you say a place?

A. In talking with her, the different places that she had lived -- from July 2002 to July 2005, she lived on Lewis Street in Pickens. From July and August of 2005 to September 11th, 2006, she lived at [redacted] Jane Lane in Six Mile.

Q. Is this -- are this times that she disclosed to you that you're reading or are these times that you found out through your investigation?

A. Through my investigation.

Q. Just from her, tell me the places that she told you.

A. When she lived on South Lewis Street in Pickens, when she lived on Jane Lane in Six Mile, and High Top Drive in Pickens, then on Lee Street in Liberty.

Q. What else did you do as far as this case goes?

A. Well, of course I interviewed her. Based on interviewing her, she advised me ---

Q. Don't tell me anything that she said other than time and place. But based on anything you told her, what did you then do?

A. Based on information that I received from her, I went and interviewed her mother. Her mother gave me statements, some of her mother's friend, some of Mr. Williams' friends, took statement from them.

During the course of investigation, I learned that the mom was never supportive of

her in the allegations.

Q. Do you know how old the defendant is?

A. At the time he was forty-one years of age in 2013.

Q. Do you know his date of birth?

A. [redacted]/1972.

Q. Those addresses that you told me -- South Lewis, Jane Lane, and High Top Drive -- are those in Pickens County?

A. They are.

Q. Where is Jane Lane? Is that Pickens or Six Mile?

A. It's towards Six Mile.

SOLICITOR ODOM: Please answer any questions that Mr. Dover has for you.

THE COURT: Cross-examination.

SCOTT DOVER: I have no questions.

THE COURT: You may step down.

(WITNESS STEPS DOWN)

THE COURT: You may call your next witness.

SOLICITOR ODOM: Your Honor, at this time the State rests.

THE COURT: Ladies and gentlemen, the

State has rests their case in chief, which means that they've put forth the evidence that they plan to present at this time.

We have to take another break so that we can go over some things with the attorneys.

Please go back to your jury room. Do not discuss the case. We will bring you back out as soon as possible.

(JURY OUT @ 4:03 P.M.)

THE COURT: All right, any Motions?

SCOTT DOVER: I make a Motion for a directed verdict. I don't think the testimony and the evidence presented by the victim herself has been corroborated by any other evidence, sufficient evidence beyond a reasonable doubt enough to send the case to the jury.

THE COURT: I believe that there has been sufficient evidence to send the case to the jury.

SCOTT DOVER: Yes, sir.

THE COURT: Anything else from the defendant?

SCOTT DOVER: No, but I need a few minutes to go over with him -- I talked to

him at lunch and I sort of know what he wanted to do but I need a few minutes to ---

THE COURT: All right. At what point do you want me to give him my spiel.

SCOTT DOVER: You can go ahead and give him your spiel now. Then I'd like maybe ten or fifteen minutes to meet with him and his family.

THE COURT: Anything else before we do that? From the State?

SOLICITOR ODOM: No, sir.

THE COURT: All right. Mr. Williams, if you will stand and raise your right hand.

DEFENDANT: (Complies).

THE COURT: Do you swear to tell the truth, the whole truth and nothing but the truth?

DEFENDANT: Yes, sir, I do.

THE COURT: You are Joseph Williams, is that correct?

DEFENDANT: Yes, sir.

THE COURT: Joseph Campbell Williams, II?

DEFENDANT: Yes, sir.

THE COURT: Now, you -- under these

indictments -- I'm sure that your attorney has gone through this with you, but I need to ask you about it.

You have the absolute right to testify on your behalf. Okay?

DEFENDANT: Yes, sir.

THE COURT: If you testify, the you could be subject to cross examination the same as any other witness. Is there a criminal record that could be used?

DEFENDANT: (Negative gesture).

SOLICITOR ODOM: No, sir.

THE COURT: All right. The reason that I ask that is because if you did have a criminal record, they could use that to bring up against you.

You also have the right not to testify. If you decide not to testify, then that could not be used against you. I would instruct this jury that you have the absolute right not to testify, that the State still has the burden of proof beyond a reasonable doubt and that they were not to consider if you testified or not.

It is totally your decision whether you

testify or don't testify. I just need to make sure that you understand that right. Do you understand your right?

DEFENDANT: Yes, sir, so it won't affect me either way?

THE COURT: Well, I'm not going to -- I am not saying that. I am just saying that you have the right to testify, that you also have the right not to testify, and that cannot be used against you.

DEFENDANT: Yes, sir.

THE COURT: Do you have any questions about that right?

DEFENDANT: No, sir.

THE COURT: That decision is totally yours. That is a decision that you need to make after consultation with your attorney, your family, anyone else that you want to talk to. I am not going to ask you at this moment if you plan to testify or not. I'm going to let you take to your attorney, take a few minutes and then I will ask to let me know your decision when you come back in.

I will ask you again if you understand your rights, have you had sufficient time to

talk to your attorney, and at that point I'll need for me to tell me your decision whether you plan to testify or plan to not testify. Okay?

DEFENDANT: Yes, sir.

SCOTT DOVER: Your Honor, I'm going to ask for about ten minutes. I'm going to go down to that big conference room outside the courtroom on the second floor, so that I can have a little privacy with his family.

THE COURT: All right.

SCOTT DOVER: I'll be back as soon as I can.

THE COURT: We will be at-ease until then.

(BRIEF RECESS)

(DEFENDANT PRESENT)

THE COURT: Back on the record. Mr. Williams, you've had ten or fifteen minutes now to talk with your attorney additionally about your rights to testify or not to testify.

First of all, do you understand your right to testify?

DEFENDANT: Yes, sir.

THE COURT: Do you understand your right not to testify?

DEFENDANT: Yes, sir.

THE COURT: Do you have questions about that?

DEFENDANT: No, sir.

THE COURT: Do you need any more time to talk to your attorney or to anyone else?

DEFENDANT: No, sir.

THE COURT: What is your decision? Do you wish to testify or not testify?

DEFENDANT: Yes, sir, I wish to testify.

THE COURT: All right. Is that something that y'all are going to do ---

SCOTT DOVER: I am going to put up two witnesses this afternoon if you will go on through with it. I'd like to make sure that he is going to testify.

THE COURT: Is he going to testify today?

SCOTT DOVER: No, he'll testify tomorrow.

THE COURT: Okay. And we can go over it again. I don't mind that. Are these witnesses fairly short?

SCOTT DOVER: They are very short.

THE COURT: Okay.

SCOTT DOVER: I had a third one, Your Honor, who has been here all afternoon but he is not here now.

THE COURT: All right. Let's go ahead with these two witnesses. That should be a pretty good time to break. I'll make sure that the jury doesn't mind if we go a bit longer. Bring the jury in, please.

I am going to tell them that you have two short witnesses, so that they can get mad at you and not me.

SCOTT DOVER: Yes, sir.

(JURY IN @ 4:28 P.M.)

THE COURT: All right, ladies and gentlemen. At least y'all have a window so you all can look outside and realize that at least you're not missing any wonderful day out there.

As I indicated, the State has rested.

Now the defense has the opportunity to present whatever evidence that they feel is appropriate.

It is 4:30 now and the defense has

indicated that they have two short witnesses. That may put us a little past 5:00 but I don't think it would be much past 5:00. Is everybody okay with that?

We've made some great progress today, so -- and I appreciate your patience.

Mr. Dover, you may proceed. Call your first witness.

SCOTT DOVER: May it please the Court, Wendy Williams.

(WITNESS TAKES STAND)

WENDY WILLIAMS, having been sworn to tell the truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY SCOTT DOVER:

Q. Ms. Williams, how are you related to my client Jodie Williams?

A. We were married by currently are separated.

Q. Pardon?

A. We were married. We're separated.

Q. You are separated now?

A. Yes.

Q. Tell me how you are related to MINOR 1

MINOR 1 [redacted]?

A. She's my daughter.

Q. How many children do you have?

A. Four.

Q. What are their ages?

A. Twenty-one, nineteen, one soon to be fifteen, one thirteen.

Q. How many grandchildren do you have?

A. Five.

Q. Ma'am, you have sequestered? Been here all day, under my subpoena?

A. That's correct.

Q. I am going to ask you some questions about your daughter's testimony and where y'all lived? Do you recall a time when you and your husband, Jodie Williams, lived on Lewis Street in Pickens, South Carolina?

A. Yes, sir. It was South Lewis Street.

Q. Was there ever an opportunity -- was there ever a time when Mr. Williams, Your Honor, was left alone with your daughter, MINOR 1?

A. No, sir.

Q. Could you please explain that to the

jury, why you can say that?

A. At that time my children stayed with my parents. I would get them after school. Anytime they were in my home it was during waking hours only. The majority of the time he was at his mother's or at work. There were a few times that he would come in shortly before ---

Q. When you say "he", please tell us who you are talking about.

A. Jodie. Jodie would come in sometime shortly before my parents would come get them or I would take them. But during that time period they were not in the house during sleeping hours or in the evening, and they were never left alone with Jodie during that time.

Q. Was there ever a night that you, your husband and your daughter, [redacted], would have been at that home overnight?

A. There was one time.

Q. All right. Tell us about it.

A. She had broke her collarbone, had a bicycle accident. I took her to the emergency room, she had broken her

collarbone. They gave her some pain medication. She was pretty much knocked out, so I took her home with me and I propped her on the living room couch, head in my lap, and I stayed on the couch with her that night to make sure that she was okay, because I was leery with her having taken the pain medication.

Q. Your mother and father's names are what?

A. Fred and Clara Kelley.

Q. They -- your daughter lived with them on a nightly basis?

A. At night, (affirmative nod). Yes, sir.

Q. Was there -- do you know what I mean by the word "access", where there would have been an opportunity for Jodie to be sexually or nonsexually with your daughter at night?

A. I understand what you mean.

Q. Was there ever an opportunity at South Lewis Street, as this child's mother, that Jodie Williams had access to MINOR 1 [redacted]?

A. No, sir.

Q. Now, y'all moved from Lewis Street to where?

A. To Jane Lane.

Q. Tell us about the accommodations at Jane Lane?

A. They were horrible. There was only one bedroom that was suitable to stay in. So Jodie and the boys actually slept in that bedroom. I slept on the couch.

Q. Did your daughters ever spend the night there?

A. Spend the night?

Q. Yes.

A. No, sir.

Q. Ever?

A. No.

Q. Not one night?

A. No.

Q. At Jane Lane?

A. No. There was not a decent bedroom there for them to stay in.

Q. Ma'am, did you ever work the third shift?

A. At Jane Lane?

Q. Yes.

A. No, sir.

Q. Did you ever work the third shift at South Lewis Street?

A. No, sir.

Q. Where and when did you work the third shift?

A. I started working weekend third shift at the Board of Disabilities May -- I don't remember the exact date, but it was in May 2010 (sic).

Q. When you worked third shift, what hours would you work?

A. I worked Saturday and Sunday, 8:00 p.m. at night until 8:00 a.m. in the morning.

Q. So you did not work the third shift prior to May of 2010?

A. Not since my children have been born, no.

Q. When you did work third shift after May of 2010, what would you do with your children?

A. There were a couple of weeks, because of some stuff that happened with my parents, that MINOR 1 stayed with her friend, Angie. My other daughter stayed with my

sister, Becky. My boys went to my mother-in-law's, Jodie's mother, Judy.

When I was working third shift, they would go there on Friday evenings and stay until Mondays. So they were not there past Friday and they did not come back home until my shift was completed. That was only while I was working third. I worked weekend third approximately a year before I switched to first.

Q. From July 8th, 2003 to July 8th, 2009, did you ever work the third shift?

A. I did work third shift. I started my job at the Board of Disabilities in May of 2007 on weekend third and I worked weekend third approximately one year before I switched to weekend first.

Q. Okay, so I misunderstood when I said 2010. So there was a time that you did work third shift during that period of time?

A. In 2007, yes. May of 2007 is when I began working there and I worked weekend third.

Q. Was there ever a night that your daughter, MINOR 1, was at your home when you

were working weekend third?

A. No, sir. Actually there was no one in my home. Jodie and my boys stayed at my mother-in-law's house and the girls stayed with my parents.

Q. Was there ever an opportunity for your husband and your daughter MINOR 1 to interact at nighttime, in any fashion?

A. During that timeframe, no, sir.

Q. When y'all moved to Hilltop Drive, was ---

A. High Top.

Q. High Top Drive. When you moved to High Top Drive, were there occasions when MINOR 1 would spend the night at the home while Jodie was there?

A. At High Top Drive?

Q. Yes.

A. Not while I was working. I was also there. There were some nights when she was at High Top Drive and Jodie was also at High Top Drive.

Q. Tell me what you did, your sleeping arrangements and what precautions you took during those periods of time ---

A. There were some family issues, some stuff going on actually about that whole entire time.

The master bedroom, Jodie and the two boys had that bedroom.

There were two bedrooms on the other end of the house that the girls actually shared a room. They had bunk beds and they shared a room.

I slept on the couch in the living room, which was in between the master bedroom and the bedroom on the other end. It was a doublewide.

Q. Do you ever remember hearing or seeing anything inappropriate between your daughter, MINOR 1, and your husband, Jodie, during those periods of time?

A. No, sir.

Q. And y'all moved to Hilltop (sic) Drive when? High Top Drive.

A. We moved to High Top Drive in September of 2006. The girls came home and started staying nights with me -- it was sometime in 2007. I want to say August. I know that it was right around when school was

starting. That's when I was switching over to weekend first. They started staying home at nights, with me, around -- I don't remember exactly but I'm saying around August 2007.

But sometime in 2008, I know it was the earlier part of the year ---

Q. According to school records, it was in April of 2008. Mr. Skelton testified to those.

A. Okay. I didn't remember exactly when but I know at some point in 2008, due to problems with MINOR 1 and my other daughter, MINOR 1 went back to live with my parents. She went to school at Liberty and lived with my parents.

She did come back home, maybe the end of that year or the beginning of the 2009 -- I can't remember exactly but there was a while that she lived with my parents. She had issues there and my daddy told me to come get her.

Q. Don't tell me what he said.

A. Well, -- yeah. But I had to go get her maybe December 2008 is when I went back

to pick her up.

She come back to High Top and we started the same thing, problems and issues, and she went back to my parents.

Then she didn't stay with me again until we moved to Lee Street, which was June 2010.

Q. You understand the dates that your husband has been charged with this actions on your daughter, 2003 to 2009?

A. Yes.

Q. There has been some testimony that you've not been supportive of her. How would you respond to that?

A. She is my daughter. I love her, I support her a hundred percent in everything I can. If me telling the truth seems that I am not supporting her, I can't help that because I am not going to lie for anybody and I'm not going to lie on anybody. All I can do is tell the truth, that's all that I can do.

Q. And you -- thank you. That's all the questions that I have for you. Answer any questions that the State may have.

A. Yes, sir.

CROSS EXAMINATION

BY SOLICITOR ODOM:

Q. How old were the girls when you got with Jodie?

A. When I got with Jodie?

Q. Yeah, how old were they?

A. Are you talking about ---

Q. What were their ages?

A. I'm trying to think of when me and Jodie first started -- maybe three and five.

Q. Three and five?

A. (Affirmative nod).

Q. How long have you been knowing Jodie?

A. I've been knowing Jodie -- he was a neighbor when I was around nine years old.

Q. And y'all used to date when y'all were teenagers?

A. I knew him. I wouldn't say we "dated" but, yes, I hung out some and stuff when I was fifteen. My friend and I used to walk and sometimes we'd stop down there.

Q. You said three and five is how old your daughters were?

A. I think. I don't remember exactly. We talked but we didn't date seriously until

-- we started dating seriously, I think in May of 2001.

Q. When did y'all get married?

A. When did we get married? Oh, gosh, when did we get married. October of 2006, I think.

Q. You are not sure?

A. (No verbal response).

Q. Do you know?

A. I think it was 2006. We were together before we got married.

Q. How long were you together before you got married?

A. As I said, we started dating seriously as a couple in May of 2001. Before that we were just friends. The boys were born before we were married.

Q. So when did you first move in together?

A. That would have been -- I don't remember the exact date.

Q. What year?

A. I want to say the very end of 2001, beginning of 2002.

Q. Where did y'all live?

A. We moved into a house on Howell Road. I actually lived there as a child also.

Q. Where did y'all live next?

A. From that house we went to South Lewis Street. As you know, we moved into South Lewis Street before -- I moved there before M.W. was born. M.W. was born in September of 2002, so it would have been July or August of 2002 when we moved into South Lewis Street. It was my parents' home.

Q. What was -- what is the date of birth of MINOR 1?

A. [redacted]-96.

Q. How old are your parents?

A. Let's see. My daddy is seventy-one and my mama is sixty-six, I think. Sixty-seven. She turned sixty-seven in January.

Q. So you love your kids?

A. Very much so.

Q. You'd do anything that you could to help them?

A. Of course.

Q. Why didn't you take MINOR 1 to counseling?

A. I did. I took MINOR 1 for counseling many times. I'd set her up for counseling.

There was times when I had to work and I would ask my parents to take them, because they were always with my parents when I was working and ---

Q. So it's not your fault that she didn't go back to counseling. It's your parents' fault?

A. No. I would take her if I was off work. They would not take her when I was working.

Q. In 2003 was her first case at Behavioral Health Services and she went one time, and she was six years old. Why didn't you take her?

A. Because I was working and I was the only one with income coming into the house, and I could not miss work.

Q. Why couldn't Jodie take her if he's not working?

A. Because Jodie would not have interaction with my girls. He would not take them. He was never left alone with them and he would not take them to appointments ---

Q. You've really harped on that, how he was never, never, ever alone with them. Why were you so scared to leave them alone with him?

A. I didn't like leaving my children with anyone other than my parents. Also ---

Q. What about your little boys?

A. --- I ---

SCOTT DOVER: Let her answer the question. She keeps interrupting her.

WITNESS: Actually he was the boys' father. But there had been previous accusation made by [redacted], and my other daughter, against other men. Because of that, I was always leery. Jodie wasn't their father and I just feel comfortable leaving the girls alone or having him take care of them anywhere alone when they were little.

CROSS EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. You didn't trust him enough to try to have a blended family?

A. It's not that I didn't trust him enough. I was worried because of what I'd experienced where [redacted]'s father put her up.

She told numerous things on me ---

Q. Ma'am, do not -- you do not need to comment on what anyone told you.

A. No. This is what I experienced myself, going through DSS cases.

THE COURT: All right, you need to answer the questions.

WITNESS: That is why. I was always worried because I had been put in that situation, I didn't want him to be put in that situation.

CROSS EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. So you cared a lot about him?

A. I would care about -- I wouldn't want anybody to be put in a situation ---

Q. How much money did you put towards his attorney?

A. Out of pocket, that was my own personal money, that wasn't joint money?

Q. No, any money? You said that he is not working, so how much money did you put towards the attorney?

A. There was tax money where he was on my taxes but it was very little. His family

paid his attorney.

Q. Where were you sitting this morning in the courtroom?

A. I don't understand the question.

Q. Where were you sitting this morning in the courtroom?

A. When they brought us in for the jury? I was on the back pew, back row.

Q. Who was -- were was his mom, was she back there with you?

A. Yes, she was on down. I was sitting beside my sister.

Q. You said that Jodie, when you weren't home that he wouldn't stay home even though the girls weren't there. Why wouldn't he want to be comfortable in his own home?

A. Jodie has nerve problems. He would go to his mother's because he couldn't take care of the boys properly by himself and he wanted his mom's help. He went to his mother's and she helped take care of them.

Q. What about his drinking? Was that ever a problem with y'all?

A. He does a problem with alcohol, yes. Because of an incident that occurred in

December of 2002, I wouldn't let him drink in the house. If he drank at friends, I'd make him stay there. Or I would leave if he was intoxicated.

Q. Now, when y'all moved to Lee Street, he would have friends over; is that right?

A. At Lee Street?

Q. (Affirmative nod).

A. A couple of times, yes, when I was at work.

Q. Would that upset you or anything, that he would have friends?

A. I wasn't upset that he friends. He had one particular friend that I didn't want in my house, around my children. That did upset me and I did run him off.

Q. What was that friend's name?

A. Scotty Hamilton.

Q. Would Scotty Hamilton upset MINOR 1 too? Didn't y'all have a discussion about Scotty? Wasn't she pretty upset that Scotty was over at the house?

A. They actually called me -- I was at work and I left work and made him leave my house, yes

Q. Now, you testified about the bedrooms at all these different places, how the girls didn't have a bedroom, all this and that. So at Jane Lane, tell me again -- because I am getting the houses confused -- whose bedroom was where?

A. Jane Lane was a small trailer. I can't remember if it was two bedrooms or three bedrooms but I know that there was only one bedroom that was useable.

I remember the back bedroom, that the floor was falling in.

I know that there was only one bathroom, because the commode was literally falling through in that house.

I moved there because I had to from Lewis Street because my son A.W. had really bad asthma and there was mold that was causing him to stay really sick. I didn't have a lot of money so I kind of had to go where I could at the time, and my dad was letting the trailer on South Lewis Street go back. So this was kinda of to get where I could get as a home.

I, so, I moved there and Jodie and the

boys did stay in that back bedroom. I put the crib and all of that in there and I slept on the couch.

Q. All right. So at High Top, the girls had a room there; right?

A. Yes.

Q. Where was that bedroom?

A. It was a doublewide and when you walked in the door -- the house was -- you know, you walked in the door this way.

The master bedroom was to the right.

There was the living area and the kitchen.

There was a short hallway, a bathroom on the left and then a bedroom on the corner which is where the girls slept.

Another bedroom to the right.

Q. So the girls had a room together?

A. Yes. Later on MINOR 1 moved into that other bedroom. She didn't really stay there a lot but -- for the majority of the time that she was there, her and MINOR 2 shared that one room and slept at my parents.

Q. Where did the boys stay?

A. The boys slept in our room because

they were used to it, and I was on the couch. So they usually slept in my bed.

Jodie and I were split up a good bit of the time that we were on High Top.

Q. Ma'am, you don't need to -- that's fine, there is not a question.

So you testified that you and Jodie hadn't shared a bed -- well, on Lee Street, did y'all share a bedroom?

A. Not really.

Q. So were y'all having sex?

A. No.

Q. So y'all just didn't -- weren't intimate for -- for years?

A. It was a while. He cheated on me and I let him stay because of the boys, but we weren't intimate for a lot of that time.

Q. So you think that he was getting it somewhere else? He was cheating or whatever?

A. I know he was.

Q. Now, you weren't in here earlier but I'm sure you know that [redacted] had nine different counseling cases open with Behavioral Health Services. We have talked about the first one. You said that she

didn't go back because your parents wouldn't take her?

A. And I was working at the time. That is when she was smaller. And I did try to get her in counseling to where they would meet with her at the school.

Q. Now, that was the next time, the second case.

What about the third case, why did she only go once? Why didn't you take her then?

A. What year was that? I guess that's when we went to High Top and she was -- she refused to go and I spoke with the counselor about that. There were several times that I would get MINOR 1 in and then she would ---

Q. How old was she?

A. At High Top?

Q. Yes.

A. I don't remember the exact year that we put her in counseling.

Q. What year did you live at High Top?

A. We moved there in 2006, moved out in 2010.

Q. So how old would she have been in 2006?

A. I'm trying to remember if she started counseling after she came back from living with my parents or before she went to live with my parents, because ---

Q. Well, how old would she have been when ---

A. She would have been between eleven and thirteen but I don't remember if it was before or after when she had the counselor actually come to the house. Sometimes she would meet her there. But then MINOR 1 refused to talk to her and ---

Q. And you said that you -- you think this was 2008?

A. I know that she lived with my parents in 2008. I can't remember if that counselor -- when I sent her to counseling, I can't remember if it was all before all of that happened with her and MINOR 2 and she went to live with my parents and come back or if it was after she come back after she'd lived with my parents.

Q. The first counseling session, in 2003, you didn't take her because you were working.

In 2004, she went at school.

In 2007, she was ten years old. Why did she just go to one visit? Why didn't you take her in 2007?

A. I was taking her in 2007.

Q. She had one visit. Why wouldn't you take her back?

A. I took her in 2007 when I could. But [MINOR 1] refuse, she would throw a fit. That's why I requested that they meet with her at school.

Q. So at ten years old, you didn't take her because she didn't want to go?

A. [MINOR 1] would physically fight you from the time she was six years old if she did not want to do something. It was horrible. There would be times I'd take her to school and I'd have to have the principal come out to get her out of the car.

Q. So September of 2008, one visit. Why didn't you take her then?

A. She was living with my parents. They were supposed to be taking her to counseling. The school requested counseling. During the whole time she was living with my

parents, that's when she was living with my parents.

Q. Okay, 2009? I'm guessing it's just going to be the same, that it is never going to be your fault that's she didn't go. Right?

A. I encouraged her. I wanted her to go to counseling. I tried to get help for [MINOR 1]. I really wish I had known when she was living with my parents -- because the teachers then actually said something and I actually may have gotten somewhere, gotten help for her. But I was not made aware of any of that.

Q. Why did your daughters live with your parents before you and Jodie got married?

A. Because their father was extremely abusive. He tried to kill me. He called on numerous occasions, threatening my life. He didn't actually threaten the girls' life but some people that he hung out with -- and he called certain people gypsies and he'd say that they would kill me and they would also kill my daughters.

Q. So that threat went away when your daughters started living with you?

A. I don't understand what you're asking.

Q. You said that they didn't live with you because you felt threatened by him.

A. Well, he started threatening me and after he tried to kill me, broke in my house and tried to kill me, and I was working in Greenville, my parents were keeping my children, I was working the second shift. But when I would have the girls he would threaten -- he tired to kill me. He come got me one night, he tried to bash my head into a bathtub.

Q. All right.

A. So I did not feel that my children were safe. He was into drugs ---

Q. Well, what changed? My question is what changed? They started living with you at some point, so what happened to change to where you didn't feel ---

A. Well, what happened is that once -- once I finally got away from him, because he took off because he had warrants on him, once

I felt the threat was over and, uh, when we moved into South Lewis Street, I wanted to bring the girls home. I tried to bring them home but they were used to sleeping with my mom and being with my mom, so when they would wake up in the evenings they would cry and they would scream and they would call my parents. Even -- several times I asked them not to come get them, because I wanted them to get used to staying with me. But they would come anyway.

Q. But you are the parent, right?

A. Yes, but I felt like it was traumatizing to my children because they were used to my parents. I had to work so much, because -- with everything that I went through, there was one point that I was working sixteen hours a day, seven days a week.

Q. So was it just easier for your parents to keep them?

A. With me working. I could not keep my children while I worked.

Q. You didn't work twenty-four hours a day, did you?

A. At one point I was working sixteen hours a day, seven days a week. I left my children with my parents while I was working. I was with my children when I wasn't working.

Q. So all these years you've just kind of dumped them off on your parents. Then you get them back and you wouldn't even take your daughter to counseling?

A. I never dumped them off on my parents. When I would try to take her to counseling once she was back in my home, when she would go to counseling, I would take her to counseling. I even set up a counselor, her name was Bonnie, and she come out to the house because I felt like if she would come to the house that it would do away with the fight of trying to get MINOR 1 there. Her name was Bonnie Forbes and she actually come to my house to counsel MINOR 1.

Q. Did you ever catch MINOR 1 smoking cigarettes?

A. I did.

Q. Did you catch her drinking?

A. The only time, if you want to call it caught her drinking, was at a New Year's

party. But this was when she was older, like thirteen or fourteen. She had snatched a bottle of liquor from a friend's house, jumped in the closet and drank it.

Q. How do you feel about the girls having babies at such young ages?

A. Well, I definitely wish that they would have waited.

Q. What did you do to kind of keep an eye on them to keep it from happening?

A. I ---

SCOTT DOVER: I am going to object to that. What relevance does that have to with my client, whether he did this or not?

THE COURT: Yeah.

SOLICITOR ODOM: It is going to her credibility.

THE COURT: I will let her go into this a little bit.

SCOTT DOVER: Okay.

CROSS EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. Who was watching the girls when this happened?

A. They got pregnant once we moved to

Lee Street. And MINOR 1 actually had went back to my parents. David, who is the father of my oldest grandchild, actually lived at my parents with her.

MINOR 2 was supposed to be staying with a friend. I went to the house and everything. It was a girl. But come to find out that Isaiah lived there and she was going there on the weekends.

As I stated, I switched to weekend first. I worked from 8:00 a.m. to 8:00 p.m. on Saturdays and Sunday.

At first, you know, when they were a little bit younger, they would go to my parents but then it got to where they would stay there and then they would stay with friends on weekends.

I did check out -- I did go to the house where MINOR 2 was staying with her friend. A girl come to the door. I met a lady, a next door neighbor. And I didn't know until David, which was dating MINOR 1, told me that Isaiah was there, because that was his cousin.

Q. How old was MINOR 2 when she got

pregnant?

A. She had Alexa when we was thirteen -- she was twelve. So January of 2012 -- she was thirteen when she had Alexa. I don't believe that she had turned thirteen when I found out that she was pregnant.

Q. So you didn't have eyes on your daughters at all times?

A. Ma'am, when you work, do you have your eyes on your children?

Q. Ma'am, there is no need to get an attitude. Answer my question.

A. I answered your question. I could not watch my kids while I worked.

Q. Even though you couldn't watch your kids all the time, you know without a doubt that they were never alone with Jodie?

A. You're talking about Lee Street, so you're talking about after the accusations. She stopped the accusations in 2009. I didn't move to Lee Street until 2010. My grandchildren were not born until 2012. So you're asking me questions pertaining to Jodie after she says it stopped.

Q. I'm ---

A. I'm telling you that prior to ---

Q. Ma'am, I didn't ask a question, so you don't need to ---

THE COURT: Yes. Listen to the question. You can explain your answer after you answer the question.

WITNESS: Yes, sir.

CROSS EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. Do you have a problem with authority?

A. I do not.

Q. Do you have a problem with aggression?

A. I do not.

Q. Do you get angry easily?

A. I do not.

Q. Would you do anything to protect your kids?

A. Of course.

Q. Would you do anything to keep your boys from being hurt?

A. Of course.

SOLICITOR ODOM: No further questions.

THE COURT: Redirect?

SCOTT DOVER: No redirect.

THE COURT: You may step down.

(WITNESS STEPS DOWN)

SCOTT DOVER: Your Honor, we have one witness who should be much shorter than that. I don't know what your pleasure is.

THE COURT: It's 5:00 o'clock. Are y'all okay for just a little bit? (Affirmative response from various jurors).

Okay, very quickly.

SCOTT DOVER: Yes, sir. Defense calls Rebecca Miller.

(WITNESS TAKES STAND)

REBECCA MILLER, having been sworn to tell the truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY SCOTT DOVER:

Q. Ms. Miller, I am going to stand here to be sure that all jurors can hear you. How are you related to MINOR 1 [redacted]?

A. I am her aunt.

Q. You are her maternal aunt?

A. Yes, sir.

Q. You are her mother's sister,

correct?

A. Yes, sir.

Q. Your sister just testified -- Wendy.

A. Yes.

Q. Were there times when the children were placed in your care, when [redacted] or [redacted] were placed in your care?

A. Yes, sir.

Q. Can you tell the jury what type of relationship that you had with your nieces?

A. I've got a good relationship with them.

Q. Do you get along with them and love them?

A. I do.

Q. Do they love you?

A. Yes.

Q. Do y'all talk frequently?

A. Yes, sir.

Q. Even today?

A. Yes, sir.

Q. Ma'am, your niece, have you been closely associated with her her entire life?

A. Yes, sir.

Q. How close in proximity have you

lived to her at times?

A. Very close.

Q. How close?

A. I could see their trailer from mine.

Q. Between July of 2003 when MINOR 1 turned seven and 2009, where did MINOR 1 live primarily?

A. With her grandparents.

Q. Your parents?

A. (Affirmative nod).

Q. Is that a yes?

A. Yes, sir.

Q. Why is that, ma'am? How do you know that?

A. Because that's my parents. I talk to them every day and I know that they stayed there.

Q. Did you live close to them?

A. What dates?

Q. From the time she was seven until the time that she was thirteen?

SOLICITOR ODOM: I am going to object to some of this as being hearsay. He is asking her to base her testimony on what someone else has told her.

DIRECT EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. I asked you what did you know. Did you know ---

THE COURT: All right.

DIRECT EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. How do you know that, personally?

A. Because that's my parents, I know where they live.

Q. Tell me, what did you do and see to confirm that?

A. Because I was there, talked to my parents every day.

Q. Did you see them there, your nieces?

A. Yes.

Q. Would there be times when you were all in the same car together?

A. Yes.

Q. Why?

A. Well, I worked at the mill with my parents. I rode out and back with them every day, every morning and every afternoon.

Q. And what would you do every afternoon on your way home?

A. My parents would pick me up that morning and they would drop the girls off to Wendy, for them to go to school. We got off at 3:00, they would pick the girls back up because Wendy worked the second shift.

Q. Would you ride in the car home with them too?

A. (Affirmative nod), they would drop me off at my trailer.

Q. You have to say yes or no.

A. "Yes, sir."

Q. Okay. So did you see them on a daily basis?

A. Yes, sir.

Q. Do you know where they were living?

A. Yes, sir.

Q. Where were they living?

A. Let's see -- they moved so much: South Lewis Street, Hilltop (sic), and Jane Lane.

Q. Did you see your sister almost on a daily basis?

A. Yes, sir.

Q. And did you see your nieces on almost a daily basis?

A. Yes, sir.

Q. Was there ever an occasion that you know of that [MINOR 1] spent the night at Jane Lane in Six Mile, South Carolina?

A. I've never known of her to stay there.

Q. What was the practice of the daughters, as far as where they would spend the night if Jodie Williams was spending the night with your sister, Wendy?

A. They always stayed at my parents whether he was there or not there.

Q. At night?

A. (Affirmative nod), at night.

Q. Do you know of any time that Jodie Williams would have been in the same home with [MINOR 1] [redacted] without the mother or someone being there?

A. No, they was not there with him.

Q. Was there ever an occasion where the mother was working third shift, your sister, that those girls were in that house -- or that [MINOR 1] was in that house alone with Jodie Williams, her entire life?

A. No.

Q. Do you support your nieces?

A. I do.

Q. Have you been with them when they've been interviewed by Mr. Kelley?

A. (No verbal response).

Q. Have you taken them to law enforcement in this case?

A. I have.

Q. Have you always been there for them?

A. I have.

Q. Are you against them today?

A. No. I'm not.

Q. Based on your own personal knowledge of your niece, MINOR 1, was there ever a time when she would have access to Jodie Williams at night?

A. No.

SCOTT DOVER: That's all the questions that I have.

THE COURT: Cross-examination.

CROSS EXAMINATION

BY SOLICITOR ODOM:

Q. Have you talked to Mr. Dover before today?

A. Before today?

Q. Yes.

A. I haven't been to his office.

Q. That was not my question. Have you ever spoken with him?

A. Yes, I have.

Q. Were you with MINOR 1 twenty-four/seven from the time she was seven until the time when she was thirteen?

A. No, I was not with her 24/7.

SOLICITOR ODOM: That's it.

THE COURT: Redirect?

SCOTT DOVER: None.

THE COURT: You may step down.

(WITNESS STEPS DOWN)

SCOTT DOVER: Your Honor, the next two witnesses might be lengthy, so ---

THE COURT: Approach so we can figure out the schedule for tomorrow.

(OFF RECORD BENCH CONFERENCE)

THE COURT: We will start at 9:00 o'clock. Does that work for everybody? I will tell you what we're worried about, what I'm worried about. As y'all know, there were a bunch of juror that didn't show up on Monday. Well, they are showing up at 9:00 in

the morning, so we are trying to figure out which judge is going to handle those jurors. I think we will start back at 9:00 if that suits everybody.

We are going to break for the day. I will give you my four little rules:

Do not discuss the case among yourselves or with anyone else.

Do not do any research about the parties or about this case, about the law or anything.

Do not pay any attention or watch any media reports on radio, TV, social media or anything.

If anybody should contact you, other than the Clerk's Office, please get as much information about that as possible and report that to the bailiffs.

Have a good evening. We will see you in the morning at 9:00.

(JURY OUT @ 5:09 P.M.)

SCOTT DOVER: Judge, I wanted to ask again if my client -- this is the first case that I've tried with you of a criminal nature. My client has been out on bond since

2014 and ---

THE COURT: He's going into the custody of the county.

SCOTT DOVER: Can they have him back by 8:30 so that I can talk with him?

THE COURT: You can work that out with them.

(DEFENDANT IN CUSTODY)

(COURT IN RECESS)

(TRANSCRIPT CONTINUED NEXT PAGE)

SEPTEMBER 1, 2017 9:00 A.M.

(DEFENDANT PRESENT)

SOLICITOR ODOM: Your Honor, these is a witness in the courtroom that I believe ---

SCOTT DOVER: She is not going to testify.

SOLICITOR ODOM: She is on the witness list and I still want her sequestered.

THE COURT: If she is not going to testify -- and now she can't.

SOLICITOR ODOM: Good enough.

THE COURT: So now are we ready to bring the jury in?

SOLICITOR ODOM: Yes, sir.

SCOTT DOVER: Yes, sir.

THE COURT: Bring the jury in.

(JURY IN @ 9:00 A.M.)

THE COURT: Good morning, ladies and gentlemen. We are going to move right along with the case today. The defense is still in their case. Mr. Dover, call your next witness.

SCOTT DOVER: May it please the Court,

Jamie Gantt.

(WITNESS TAKES STAND)

JAMIE GANTT, having been sworn to tell the truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY SCOTT DOVER:

Q. You need to speak up a little louder than that, okay?

A. Jamie Gantt.

Q. Ms. Gantt, where do you live?

A. I live at [redacted] Ridgeland Circle in Easley.

Q. Do you know Jodie Williams?

A. Yes, sir, I do.

Q. Do you know his mother?

A. Yes, sir, I do.

Q. Do you know MINOR 1 [redacted]?

A. Yes, sir, I do.

Q. Do you know her mother, Wendy?

A. Yes, sir, I do.

Q. Do you recall a time when they lived on Jane Lane in Six Mile, South Carolina?

A. Yes, sir.

Q. Where were you living at that time?

A. Railroad Street in Pickens.

Q. Who lived next to you?

A. Wendy's kids and her parents.

Q. What are her parents' names?

A. Fred and Clara Kelley.

Q. How close in proximity to the Kelley home did you live at that time?

A. Two houses down.

Q. Did you see them every day?

A. Yes, sir, I did.

Q. Can you tell this jury if there was one day during the time that Jodie Williams and Wendy Williams lived at Jane Lane in Six Mile that MINOR 1 [redacted] spent the night with them?

A. No, sir.

Q. How do you know that?

A. Because Fred and Clara took them to school every day and picked them up every day.

Q. Did you see this?

A. Yes, sir, I did.

Q. Was there any opportunity for MINOR 1 [redacted] to spend the night with Jodie Williams while they lived at Jane Lane in Six Mile,

South Carolina?

A. No, sir.

Q. Thank you. That's all the questions that I have for you.

THE COURT: Cross-examine.

CROSS EXAMINATION

BY SOLICITOR ODOM:

Q. Ms. Gantt, you used to date Jodie; right?

A. No, ma'am.

Q. Y'all never dated?

A. No, ma'am.

Q. You are telling this jury that years ago that y'all didn't date?

SCOTT DOVER: Your Honor, she has asked her twice and she has answered twice.

THE COURT: Sustained.

SOLICITOR ODOM: That's all that I've got.

THE COURT: Redirect?

SOLICITOR ODOM: No redirect.

THE COURT: You may step down.

(WITNESS STEPS DOWN)

SOLICITOR ODOM: Chris Williams.

(WITNESS TAKES STAND)

CHRIS WILLIAMS, having been sworn to tell the truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY SCOTT DOVER:

Q. Mr. Williams, how do you know Jodie Williams?

A. Jodie is my brother.

Q. Between the time of 2003, July of 2003, and July of 2009, please tell this jury how often you would see your brother, his wife and his stepchildren.

A. Well, on a frequent basis. Jodie and I -- before I went to school for occupational therapy, he and I worked together in construction some, so he'd actually ride to work with me on a daily basis.

Q. I guess I need to ask you, I forgot to ask you, how old are you?

A. I'm 38 years old.

Q. What do you do for a living?

A. I am an occupational therapist and an ordained minister.

Q. During the time that we are talking

about here, 2003 and 2009, did you know MINOR 1 [redacted]?

A. Yes, I knew MINOR 1 very well. Matter of fact, MINOR 1 -- you know, she would -- I would go over there and visit some. MINOR 1 would actually come over to our house some on Railroad Street.

MINOR 1 was -- had a troubled past. She had already made false accusations ---

SOLICITOR ODOM: Objection. Objection, Your Honor.

THE COURT: Sustained. Anything -- I will ask that that be stricken from the record. Ladies and gentlemen, I have stricken that from the record. Whatever statement that he made is not to be considered by you in any way during your deliberations.

DIRECT EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. Did you have conversations with your brother during this period of time as it pertained to him being with these two girls, MINOR 1 specifically.

A. Yes, I did.

Q. I am just asking about your brother, not anything about MINOR 1. Did your brother, what was he telling you about his relationship with ---

SOLICITOR ODOM: Objection. Hearsay.

SCOTT DOVER: He is a party. That's not hearsay.

SOLICITOR ODOM: No, sir.

THE COURT: Sustained. I don't think he quite qualifies as party.

SOLICITOR ODOM: Party opponent and it is self-serving hearsay, so that is why it does not fit. Party opponent, the State can use but not the defense.

SCOTT DOVER: You sustained it, so I will move on.

THE COURT: Yes.

SCOTT DOVER: Okay.

DIRECT EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. Tell me your -- did you go over to their home?

A. Yes.

Q. To Jodie's, Wendy's and MINOR 1's home?

A. Yes.

Q. Did you -- how often would you go there?

A. Occasionally. I would go when they lived on Lewis Street. I'd go and maybe play a video game. There were times when I did help them move and had interaction with the family.

Q. Did you ever see -- was there ever an opportunity when your brother was alone with MINOR 1 [redacted]?

A. No, because we'd had conversations about ---

Q. Don't tell me what your brother said. I'm going to ask him that.

A. Okay.

Q. But you were there.

A. (Affirmative nod).

Q. Did you ever see an opportunity where they were alone together?

A. No.

Q. At any location that they lived at?

A. No.

Q. Now, when you -- where were you living at the time?

A. [redacted] Railroad Street in Pickens.

Q. Would you ever see your brother there at your home?

A. Yes, he would come frequently on the weekends. When Wendy was working, he'd come and stay on weekends at my house. He would bring his boys, which were my nephews. They would come and stay Friday night, Saturday night and then Sunday night.

Q. Was that common throughout their relationship during 2003 to 2009?

A. Yes.

Q. Jodie stayed you and your mom at your home there on Railroad Street?

A. Yes.

SCOTT DOVER: That's all the questions that I have for you.

THE COURT: Cross-examination?

CROSS EXAMINATION

BY SOLICITOR ODOM:

Q. You said that you never saw Jodie and [redacted] alone, is that what you testified to?

A. Yes.

Q. So if you were with them, they

wouldn't have been alone; would they?

A. Could you repeat the question?

Q. You say that you never saw them alone. But wouldn't that be impossible, because if you were there they wouldn't have been alone together.

A. I don't understand what you're asking.

Q. That's all right. You love your brother?

A. Yes.

Q. You love your mom?

A. Definitely.

Q. You love your nephews?

A. Yes.

SOLICITOR ODOM: That's all that I've got.

THE COURT: Redirect?

SCOTT DOVER: No, Your Honor.

THE COURT: You may step down.

(WITNESS STEPS DOWN)

THE COURT: call your next witness.

SCOTT DOVER: Jodie Williams.

(WITNESS TAKES STAND)

JOSEPH C. WILLIAMS, II, having been sworn

to tell the truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY SCOTT DOVER:

Q. Mr. Williams, did you retain my services to represent you four years ago?

A. Yes, sir, I did.

Q. When you were charged with this offense, how did you plead to the offense?

A. I pled not guilty.

Q. Have you maintained that the entire time?

A. Yes, sir, I have.

Q. Sir, have you had the occasion to review the dates between July the 8th, 2003 and July 8th, 2009, completely?

A. Yes.

Q. Are you familiar with those time periods and where y'all lived?

A. In 2008 ---

Q. Are you familiar with them?

A. Yes.

Q. During those periods of time, did you ever give MINOR 1 [redacted] with cigarettes?

A. No, sir.

Q. Did you ever supply her with alcohol?

A. No, sir.

Q. Did you ever put your mouth on her private parts?

A. No, sir.

Q. Did you ever allow her to put her mouth on your private parts?

A. No, sir.

Q. At any time?

A. At any time, no, sir. I never did.

Q. Were you ever alone with MINOR 1 [redacted] at night?

A. No. There was -- they were always spending the night with her grandparents because there was -- I refused to stay with them.

Q. Tell this jury why you would never leave yourself alone with this girl?

A. Because she'd made accusations against ---

SOLICITOR ODOM: Objection, Your Honor. This is -- I think we need a sidebar.

THE COURT: We will send the jury out. You will get your morning break early. Do

not discuss the case. We will be with you shortly.

(JURY OUT @ 9:09 A.M.)

THE COURT: I know where you're headed with it but how can you get that in?

SCOTT DOVER: It is absolutely -- it's my position that it is absolutely admissible. It's not offered for the truth of the matter asserted. It's why he acted the way his did, his motive, his intent. His testimony is going to be that 'I would never have left myself alone with her because she was accusing all these other guys of abuse and I would never do that.' I think that's admissible.

SOLICITOR ODOM: Your Honor, this is exactly why the rape shield was written. To say -- false accusations, that is not admissible. To say whether or not she made accusations -- there's testimony both ways. The counselor said unfounded accusations. MINOR 1 testified that she didn't make those accusations.

The counselor testified that the mother is the one that gave the history during the

assessment.

So for them to say false accusations, misleading the jury, twisting the testimony, he -- he can say that didn't want to be around the child because he didn't want to be accused of anything.

That's the same purpose and get to the same point as if they're trying to paint this wide, nasty picture of the victim that is just not true.

SCOTT DOVER: Your Honor, the State's witness testified that this young lady had accused two other men during that period of time of raping her, and a third one later on. I believe that -- that testimony is in the record and I believe my client can testify as to his motive and his intent of why he wouldn't be around her.

THE COURT: Well, I think that -- I think that -- again, we're getting into some probative versus prejudice here.

I think that he can get into it a little bit, but I don't think that anybody can get up here and definitely say because of false accusations. I know that that is kind of --

I know that's where your previous witness was headed.

I think it is appropriate to say -- you know, they've got information in there already about that, about previous things and I think he can say 'because I did not want to be accused of anything', along those lines. But I don't want to get into triple hearsay, which is what we're doing.

SCOTT DOVER: And I want to instruct him outside the presence of the jury, you're not to use the words "false allegations", you can't say anything. All you can say is based on what she -- her allegations in the past.

THE COURT: I don't -- I think it is sufficient to say -- again, is that not still running into -- I mean, it is hearsay.

It goes to his motive but it's just a backdoor -- you know, I think he can say why he didn't want to do it but not make any statements about what she has said previously. I think you can still get into what she ---

SCOTT DOVER: Let me think about that. I want to make sure that the witness complies

with your instructions.

THE COURT: Yeah.

SCOTT DOVER: Can we go through his testimony right now as a proffer and let me ask ---

THE COURT: I'll let you proffer.

SCOTT DOVER: Mr. Williams, I am going to ask you some questions on a proffer. Did you ever leave yourself alone with MINOR 1 [redacted]?

DEFENDANT: No, sir, I did not.

SCOTT DOVER: Why?

DEFENDANT: Because I was fearful of her because of past ---

THE COURT: Again, he can say 'I was fearful of being accused of anything' but I don't think that he can say because of her previous allegations.

I mean, that's already in the record anyway but I don't think he can say.

SCOTT DOVER: Did you know her very well? You knew MINOR 1 [redacted]? You'd lived with her several years?

DEFENDANT: Yes, I knew MINOR 1 very well.

SCOTT DOVER: Based on your knowledge of her and what you thought of her, what actions did you take?

DEFENDANT: I refused to baby sit her in any kind of way. Clara Cisson, her grandma, would get mad about it because I wouldn't ---

SCOTT DOVER: You can't say.

DEFENDANT: Well, I was fearful of babysitting.,

SCOTT DOVER: All right. I think we're good. Do you understand the instructions?

DEFENDANT: Yes, sir.

THE COURT: Are we ready to bring the jury in?

SOLICITOR ODOM: Yes, sir.

THE COURT: Thank you.

(JURY IN @ 9:14 A.M.)

THE COURT: You may continue your examination.

DIRECT EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. Mr. Williams, let's go back to my questions that I was asking you a while ago. You are MINOR 1 [redacted]'s stepfather?

A. Yes, sir.

Q. You lived with her mother?

A. Yes, sir.

Q. Y'all are separated now?

A. Yes.

Q. You and her mother have two children together?

A. Yes. M.W. [redacted] and A.W. [redacted].

Q. Between 2003 and 2009, did you ever leave yourself alone with MINOR 1 [redacted]?

A. No, sir, I did not.

Q. Why?

A. Because I was fearful that she may make up some kind of allegations towards me.

Q. And what would you do, sir, if that child was going to be in the house at night?

A. Usually I would go over to my mother's house and stay.

Q. After the boys were born, did you take them with you?

A. Yes, sir, I did.

Q. Were you ever left alone with MINOR 1 [redacted] in any trailer, home, tent or anything else at night ---

A. No, sir, I was not.

Q. --- in the entire time?

A. No, sir, I was not.

Q. Was there ever any opportunity to do the things that she's said that you did to her?

A. No, sir.

SCOTT DOVER: That's all the questions that I have for you.

THE COURT: Cross examination?

CROSS EXAMINATION

BY SOLICITOR ODOM:

Q. When did you and Wendy Williams start seeing each other?

A. We started seeing each other around, I'd say, 2001. Maybe 2002.

Q. When did y'all actually meet those?

A. We met when she used to be -- when I lived at [redacted] Railroad Street growing up. She lived across the street next to the Blue Flame. I don't remember what the address was. In the neighborhood.

Q. How old were y'all when you first started knowing her?

A. Well, I was probably fifteen. She was probably eleven. A long time.

Q. Would she come over to your house or anything?

A. We'd see her walk by with her friend Carla Sweeten (phonetic) sometimes. She'd walk by with her friend, Carla. When they got up to about fourteen or fifteen years old they would walk around the neighborhood to socialize with people and stuff like that.

Q. Did y'all date or anything when you were younger?

A. No, we were just friends.

Q. So how did it come about that y'all got together in 2001?

A. well, she was going through a divorce with her first husband, Alan Cisson. I got -- I run into her at a convenience store, we started talking. Next thing you know we started hanging out, dating some.

Q. So where were you living when y'all started dating?

A. At [redacted] Railroad Street.

Q. Where was she living?

A. Uh, -- she was living in the trailer park over on Lewis Street, in a different trailer.

Q. So she was on South Lewis?

A. Yes, she was already living there.

Q. All right. So y'all started dating in 2001. What kind of stuff would y'all do when you dated?

A. Well, we'd just go see a movie, go see friends, stuff like that.

Q. How often would y'all do stuff?

A. Well, a couple days a week at first.

Q. And where were you working?

A. Where was I working then?

Q. (Affirmative nod).

A. I was working with West Construction. It was as a framing carpenter.

Q. What was she doing, what was she working as?

A. Uh, I don't really recall what Wendy was doing then, where she was working at.

Q. So when y'all were dating, the girls lived with her?

A. No, they didn't. They stayed with their grandparents.

Q. What did you think of that?

A. I didn't know what the reason was why she wasn't close with her friends -- I

mean her daughters. I never asked why she didn't stay with them or anything.

Q. All right.

A. She told me that ---

Q. No.

A. All right.

Q. All right. So did you -- when is the first time that you met the girls?

A. I met them at Lewis Street in -- I guess it was around -- they was probably three to five. It was around 2002, somewhere around in there.

Q. What was your impression of them?

A. Well, I thought they were -- just small kids.

Q. When did you and Wendy move in together?

A. When did we move in together?

Q. (Affirmative nod).

A. We moved in together -- I stayed with her some up there on South Lewis -- well, first of are we moved to Our Road and lived together there for about six months to start with. We had the whole house.

Q. And then?

A. Then we moved over to South Lewis Street.

Q. Did y'all live in the trailer that she had lived in before?

A. No. Fred and Clara moved out because -- I don't remember what the issue was, but anyway me and Wendy moved in there.

Q. Where were the girls at that point? Where were they living?

A. They -- I'm trying to remember where Fred and Clara moved to after that.

It might have been -- they rented a house over behind Ingles in Pickens but I don't remember the address of that.

Q. So were you excited to get married?

A. Yes, that was years later when we got married. Yeah, I guess I was excited to get married because, you know, we had two boys and I wanted to make the relationship work.

Q. What about when your first son was born, were you excited to be a parent?

A. Yes. Yes, I was very excited to be a parent.

Q. Did you want to be a parent to

Wendy's girls too?

A. To be honest with you, I don't guess I ever really did because they didn't belong to me.

Q. But do you love them?

A. Yes, I love them.

Q. Do you love [MINOR 1] like a daughter?

A. Yes, I still love [MINOR 1].

Q. All right. So -- you heard Wendy testify yesterday that she went to great lengths to keep you away from her daughters. Did that not make you feel uncomfortable?

A. No, not really because she said that she didn't really trust them.

Q. I just want your answers. I don't need you to put words in anybody else's mouth.

A. Yes, ma'am.

Q. So you decided to marry a woman and have kids with a woman who didn't want you around her daughters. Right?

A. Well, it wasn't ---

SCOTT DOVER: I object to that question, Your Honor. That is not what he said. That's misleading the witness.

If he can't get into he hearsay, then I object to that. That's not what he said.

SOLICITOR ODOM: It's just ---

THE COURT: Re-ask the question.

CROSS EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. Did it not make you think twice about marrying a woman when you couldn't be around her daughters?

A. Well, I didn't really think a lot about it at the time. I guess I should have.

Q. All right. Are y'all still together now?

A. No, ma'am, we've been split up for two years, separated.

Q. Y'all got like a legal separation?

A. No, but we plan on getting a divorce.

Q. How often would you say that you and Wendy had sex when y'all were married?

A. Well, we had sex on a normal basis for a while but I was, you know, unfaithful a few times and it caused problems with the relationship.

Q. So for a while, what is "a while"?

A. A couple of years.

Q. Is that while the boys were being born?

A. What do you mean? The problem with sex?

Q. Yes.

A. No, it was after that. I mean, me and Wendy really had a troubled relationship the whole time that we was together, before we got married and even afterwards.

But, you know, we'd always get back together and try to make it work. But there was times, you know, when I would move out and go back to my mother's house. There were times when I'd go back.

Q. Where did you work at South Lewis Street?

A. I worked for John West, doing construction.

Q. And when you moved to Jane Lane, where did you work?

A. On Jane Lane, I worked for Masters Electric for a while and then I worked for Cornell Dubilier for a while.

Q. What about at High Top Drive?

A. High Top, let's see, let me think. High Top Drive. Give me just a second -- I went to work -- I worked for Tim Anderson for while. Anderson Construction at High Top. Then some of that time period I was unemployed.

Q. What would you do when you were unemployed?

A. Just try to find odd jobs, stuff like that.

Q. Would you keep the house?

A. You mean clean the house?

Q. Yes.

A. I would help clean the house some, yes.

Q. Wendy told us about an alcohol problem. Did you have an alcohol problem?

A. Wendy considers any drinking an alcohol problem. I did have a social drink with my friends, you know, like watching a ballgame and stuff like that. But I never drank every day and I was never an alcoholic.

Q. What about medications?

Q. What about any medications?

Q. Yes, sir.

A. I take Celexa for anxiety and depression.

Q. And how long have you been taking that?

A. For years I've been on anti-anxiety and anti-depression medicines, since my early twenties, since around twenty-four years old. I am forty-five now.

Q. You said that you and Wendy had some martial issues going on. Did you feel like you could talk to her about stuff?

A. Yes. I always kept the hope of us working things out because of the children, even though -- you know, there were a lot of times that me and Wendy didn't see eye to eye. But it wasn't all bad. There were times when we got along well, too. We just had what you'd call a rocky relationship.

Q. Y'all did love each other?

A. Yes, we still love each other. Yes.

Q. So what kind of things would you do with the girls when they were around?

A. When the girls were around, me and Wendy would go to the park or whatever with them. We'd go over to mama's some, for

Christmas and -- you know, just normal things.

Q. The girls lived with y'all at High Top?

A. At High Top Drive, Fred and Clara lived right below us a couple houses down, so they would come back and forth. They had a bedroom up there at High Top, so -- you know, they stayed there sometimes at night.

But also part of the time they would stay with Fred and Clara too, which was a couple of trailers down.

Q. All right. So you testified that you were just never ever alone with the girls?

A. No. I was fearful to ever watch them or babysit them in any kind of way.

Q. So you never took them to the grocery store on your own?

A. No.

Q. Your wife never took a bath, was in the bathtub for five minutes, or anything when the girls were in the house?

A. Not that I recall.

Q. And your wife went to sleep or

anything to give you an opportunity to even walk in the same room as [redacted]?

A. No, ma'am.

SOLICITOR ODOM: That's all that I have.

THE COURT: Redirect.

SCOTT DOVER: No redirect.

THE COURT: You may step down.

DEFENDANT: May I make one comment?

SCOTT DOVER: Please don't.

(WITNESS STEPS DOWN)

THE COURT: You may call your next witness.

SCOTT DOVER: The defense rests, Your Honor. The defense rests.

THE COURT: All right. If you will go back to your jury room at this time, I need to discuss something with the attorneys.

Do not discuss the case. We will be with you shortly.

(JURY OUT @ 9:30 A.M.)

THE COURT: What are your intentions?

SOLICITOR ODOM: I do have a rebuttal witness. I might need to get him on the stand outside the presence of the jury to re-

enforce that we're not going to talk about anything to do with MINOR 2.

THE COURT: Just one witness?

SOLICITOR ODOM: Yes.

THE COURT: How long is he going to take?

SOLICITOR ODOM: I don't think that it will be long since it's going to be kind of painful testimony since he's hard of hearing.

THE COURT: Okay.

SOLICITOR ODOM: But it won't be long on my part, I can't say as to Mr. Dover.

THE COURT: Okay, let's take just a few minutes and then you can call him. Five minutes.

(BRIEF RECESS)

(OFF RECORD DISCUSSION)

(DEFENDANT PRESENT)

THE COURT: Are you ready?

SOLICITOR ODOM: Yes, sir.

THE COURT: Who is your witness?

SOLICITOR ODOM: Fred Kelley.

THE COURT: Back on the record -- any Motions? Anything that we need to take up since the defense has rested?

SOLICITOR ODOM: None from the State?

SCOTT DOVER: Your Honor, I am going to renew my Motion at the end of our case.

THE COURT: Right. At the break you handed up the criminal record regarding the next witness, regarding a conviction or assault and battery of a high and aggravated nature.

My understanding that the State's position is that the actual -- not the conviction but the actual details behind it are not admissible. Is that correct?

SOLICITOR ODOM: That's my position.

THE COURT: Mr. Dover, I will be glad to hear from you. I don't see any cases offhand. Does anybody have any cases that kind of discuss this issue?

SOLICITOR ODOM: I've got one, *State v. Colf*.

THE COURT: What is the cite on it?

SOLICITOR ODOM: 337 South Carolina 622, but it is saying that there is no violation of the confrontation clause to refuse to allow cross examination on a witness' remote convictions. That's kind of

iffy on that one.

But then also that older convictions are very probative of credibility especially if the victim has not committed more crimes since his release.

So based on that case but also 609(a)(1) that with a witness, pursuant to Rule 403, evidence of conviction must be admitted if the probative value of admitting the evidence substantially outweighs prejudice, confusion of the issues or misleads the jury. Evidence of the conviction but not underlying facts.

THE COURT: Right. It's very specific -- it is carved out -- all right. *State v. Joseph* says, (reading): "*A witness may be impeached on prior convictions, however the details of the crime of which the witness' conviction where the details could be considered mitigating of aggravating are not admissible.*" That is *State v. Joseph*, 491 SE 2nd 275.

SCOTT DOVER: May I ---

THE COURT: Right. I think that goes with 609. It carves out a specific exception and it says a conviction and I think that is

very -- I think that goes along with that.

SCOTT DOVER: Your Honor, my argument is based upon the fact that we have recodified the law so many times since 1981 that the warrant, the arrest warrant of this next witness, if charged today would not be an assault and battery of a high and aggravated nature but would be more in the CSC 3rd or Lewd Act.

THE COURT: You say that but then every day people agree to assault and battery with this same facts as here, that a plea deal is worked out.

SCOTT DOVER: You're exactly correct. Your Honor, I just want to publish for the record my argument that the affidavit in which the next witness pled guilty before Judge Eppes states the following, (reading): *"That the accused, Fred Kelley, did commit the unlawful act of violent injury to the person of another, namely Sara Barnes, age thirteen, at their residence off Black Bottom Road, Liberty, South Carolina, by touching her in genital area, removed some of her clothes, attempted to penetrate her. Said*

*act was accompanied by certain sensitive aggravation to which the law of assault and battery of a high and aggravated nature."*

Your Honor, that is my argument. My client is charged with sort of the same offense at this time. To simply ask him would he pled guilty to assault and battery of a high and aggravated nature does not, in fairness, state exactly what he pled guilty to.

THE COURT: I understand your argument but I am not sure that we can go back and change the -- under Rule 609, I will allow the conviction but the conviction of the actual charge only.

SCOTT DOVER: Your Honor, I would like at some point to make a copy of this and put this in the record as a Court's -- as a proffer, at the appropriate time, to protect myself on that issue.

THE COURT: All right.

SCOTT DOVER: So what I'm hearing from the bench is that I may ask him -- that he may be impeached by the fact that he pled guilty to the offense of assault and battery

of a high and aggravated nature?

THE COURT: Correct.

SCOTT DOVER: Thank you, sir. I understand your ruling.

THE COURT: Do you want to mark that now and then you can make a copy?

SCOTT DOVER: Yes, sir.

COURT REPORTER: Defense Exhibit 1.

SCOTT DOVER: As a proffer.

COURT REPORTER: As proffer.

(SO ENTERED AS DEFENDANT'S EXHIBIT 1)

SCOTT DOVER: Thank you.

SOLICITOR ODOM: Anything else? Did you say that you wanted to ---

SOLICITOR ODOM: I do but after -- I just want to be clear that during cross that he is not going to attempt to elicit any testimony to try to open the door. I don't want him trying to trick the witness, because the witness is already hard of hearing and I don't want Mr. Dover to do anything to open the door.

SCOTT DOVER: Well, I may disagree with the Court's ruling but I would never do that. I will follow his instructions.

THE COURT: Do you want to do that before we bring in the jury?

SOLICITOR ODOM: Yes, sir. The State is calling Fred Kelley to the stand.

(WITNESS TAKES STAND)

FRED KELLEY, having been sworn to tell the truth, and nothing but the truth, testified as follows:

PROFFER TESTIMONY OF FRED KELLEY

DIRECT EXAMINATION

BY SOLICITOR ODOM:

Q. Can you state your name for the record?

A. My name? I'm hard of hearing.

Q. Yes, sir, can you state your name for the record?

A. My name is Fred Kelley.

Q. And do you know why you are here today?

A. Yes, sir -- yes, ma'am.

Q. I just want to make it clear that you know that we're not going to talk about MINOR 2 's case any.

A. Okay.

Q. If I stand here, can you hear me all

right?

A. Barely.

THE COURT: Can you hear me?

WITNESS: Yes, sir. If I can look at you, I can. I read lips too.

THE COURT: If you hear something coming from me, that means that you need to stop talking. Okay?

WITNESS: Okay.

SOLICITOR ODOM: I think I am good. Do you want him to remain on the stand or sit back down for the jury.

THE COURT: Why don't you have him ---

SOLICITOR ODOM: You can have a seat on the front row. We'll get the jury to come in and then I'll call you to the stand.

WITNESS: All right.

(WITNESS STEPS DOWN)

THE COURT: Okay, bring the jury in.

(JURY IN @ 9:58 A.M.)

THE COURT: Ladies and gentlemen, as indicated the defense has rested and now the State has an opportunity to call any reply witnesses.

Let me just tell you that the next

witness is hard of hearing, so you'll just have to be patient on this. There'll be a lot of hollering.

Call your next witness.

SOLICITOR ODOM: The State calls Fred Kelley.

(WITNESS TAKES STAND)

FRED KELLEY, having been sworn to tell the truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY SOLICITOR ODOM:

Q. What is your name?

A. Fred Kelley.

Q. And how are you -- are you related to [redacted]?

A. I am her grandfather.

Q. Who is -- how are you related to her?

A. She my daughter's child.

Q. Who is your daughter?

A. Wendy Williams.

Q. How long have you known [redacted]?

A. Ever since she was a baby, ever since she was born. I had her up to when she

was about six years old and then she was out and back with her mama and them.

Q. Before I forget it, let me go ahead and ask did you plead guilty to an assault and battery of a high and aggravated nature in 1981?

A. Yes, I did.

Q. How often would [MINOR 1] and [MINOR 2] stay with you?

A. Well, ---

SCOTT DOVER: Your Honor, I object unless she can lay a foundation for the timing that we are talking about.

THE COURT: Yeah.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. Do you remember the year when [MINOR 1] and [MINOR 2] first started staying with you?

A. Well, when [MINOR 2] was born -- Wendy stayed at my house. Whenever [MINOR 2] was born, whenever [MINOR 2] was three days ago her mama brought her, laid her in my lap and walked out the door. We seen her about five months later when she come back.

Q. Were you -- who is your wife?

A. Clara Kelley.

Q. Are y'all still married?

A. Yes, ma'am.

Q. Did y'all live together then?

A. Yes, ma'am.

Q. All right. At what age -- how old was MINOR 1, if you remember, when she started staying with her mama more?

A. Well, they was out and back by the time they was six but she was, I don't know, when we lived over there, ten or eleven and I was going to try to get custody of her and MINOR 2. Her mama had them all out to her house and had DSS ---

SCOTT DOVER: Your Honor, objection to what her mama -- objection.

THE COURT: All right.

SCOTT DOVER: I object to what her mother did.

THE COURT: Mr. Kelley, don't talk about what anybody else said. All right?

WITNESS: Okay.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. So when y'all lived on South Lewis,

where did Wendy live?

A. Well, she lived -- she stayed on South Lewis in the trailer that I did live there.

Q. So do remember the kids, [redacted] and [redacted], staying with Jodie and Wendy on South Lewis?

A. Yeah. They stayed with them some when they lived there. Yes, ma'am.

Q. Did you ever see [redacted] and Jodie there without Wendy?

A. When Wendy would be gone somewhere.

Q. Was that once or more than once?

A. Well, I -- I didn't see them as much there as the other places that they lived.

Q. Do you remember seeing [redacted] and Jodie without Wendy at High Top Drive?

SCOTT DOVER: I object to the leading question.

THE COURT: Hold on. I'm going to give her a little latitude in light of the circumstances.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. Where did you live when Wendy and

Jodie lived at High Top Drive?

A. I lived at that trailer down below them.

Q. Did you know MINOR 1 to be there with Jodie alone?

A. Yes, ma'am.

Q. How did you know that?

A. Well, when they went back home. She worked the third shift and when they'd stay up there, with Jodie.

Q. Was that often?

A. Yeah.

Q. One moment -- I will be right back.

A. Okay.

Q. Do you currently have any kids in your home now?

A. I have MINOR 2. MINOR 2, my other granddaughter.

Q. Do you have custody of her?

A. I have full custody of her.

Q. You and your wife?

A. Yes, ma'am.

Q. Did you ever have to go pick up MINOR 2 -- excuse me. Did you ever have to go pick up MINOR 1 from anyplace that she lived

late at night?

SCOTT DOVER: I object unless they can lay a foundation as to the dates and times, if he knows the dates and times that we are talking about during the indictment.

THE COURT: I am going to let it go. I think it's a proper question.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. Did you ever have to go pick up MINOR 1 late at night from any of the homes?

A. From Lee Street in Liberty.

Q. Did you ever have to go pick her up from anywhere else?

SCOTT DOVER: I object to that. Leading.

THE COURT: Sustained.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. On High Top Drive?

SCOTT DOVER: Your Honor, I object to that. He's answered. She asked him the question, leading as it was. He answered it. I object to her now ---

THE COURT: Rephrase your question.

Ask it again.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. One more question and then Mr. Dover will be able to question you.

A. Okay.

Q. I just want to be clear, did you ever see MINOR 1 alone with Jodie?

A. Yes, ma'am.

SOLICITOR ODOM: Please answer anything that Mr. Dover has for you.

CROSS EXAMINATION

BY SCOTT DOVER:

Q. Mr. Kelley, I don't think you're going to have any problem hearing me.

A. Okay.

Q. Can you hear me?

A. Not too well.

Q. Then I will stand close to you.

A. Okay.

Q. When MINOR 1 lived on Lee Street, she was more than ten years of age. They moved to Lee Street later on, didn't that? Not Lee Street -- yeah, Lee Street in Liberty.

A. No, they moved from High Top to Lee

Street.

Q. Right, after High Top. So it was after your granddaughter lived at High Top that they moved to Lee Street?

A. Yes, sir.

Q. Sir, what time do you go to bed?

A. What time do I go to bed?

Q. Yeah.

A. Different times.

Q. What time do you normally go to bed?

A. Well, 9:00, 10:00, 11:00, sometimes later according to how I feel.

Q. Who was the president in 2003?

A. Who was president in 2003?

SOLICITOR ODOM: I am going to object on relevance.

THE COURT: I am going to let him answer that.

WITNESS: George Bush, I guess.

CROSS EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. Was he?

A. Yeah.

Q. How many times have you met with the solicitor, Ms. Odom?

A. One time.

Q. This morning?

A. (Affirmative nod), one time. This morning.

Q. Did she talk to you about what she was going to ask you?

A. Some of it.

SCOTT DOVER: Thank you.

THE COURT: Any redirect?

SOLICITOR ODOM: No, sir.

THE COURT: You may step down.

(WITNESS STEPS DOWN)

THE COURT: Anything else?

SOLICITOR ODOM: No, sir.

THE COURT: Ladies and gentlemen, the State has rested on their reply, so that concludes all the evidence that is going to be before y'all.

We have some things that we have to go over to get ready for the charge and the closing arguments. So it is not time for you to start your deliberations yet.

But we're going to have to ask you to go back to your jury room so that we can go over everything. We will bring you back out as

soon as we can. Thank you. Do not discuss the case.

(JURY OUT @ 10:10 A.M.)

THE COURT: Anything from either party at this point? Defense first.

SCOTT DOVER: I renew my Motion for a directed verdict now at the conclusion of all the testimony.

I submit to you that the evidence is not sufficient to warrant the case going to the jury beyond a reasonable doubt of the allegations charged.

THE COURT: I think that the evidence that has been presented clearly presents a factual issue for the jury to make that decision.

SCOTT DOVER: Thank you, sir.

THE COURT: Motion denied.

THE COURT: Anything else from the State?

SOLICITOR ODOM: No, sir.

THE COURT: Do y'all want to discuss jury charges and verdict?

SCOTT DOVER: Yes, sir.

THE COURT: What I like to do normally

is kind of talk with the attorneys in chambers and then we can put anything on the record that needs to be.

(IN CHAMBERS CHARGE CONFERENCE)

THE COURT: We discussed the verdict form. You've both looked at the verdict form.

SCOTT DOVER: I'm sorry, Your Honor, if I could look at that.

(COUNSEL REVIEW OF VERDICT FORM)

SCOTT DOVER: Your Honor, you have my full attention now.

THE COURT: That's fine. You both have looked at the verdict form. Any objection?

SOLICITOR ODOM: None from the State?

SCOTT DOVER: I have reviewed it and it appears to be a proper form.

THE COURT: All right. Also we went through the jury charge. I don't believe that anyone had any issues with the jury charge?

SOLICITOR ODOM: No, sir, none from the State.

SCOTT DOVER: None, Your Honor.

THE COURT: Okay, are we ready for the

jury?

SOLICITOR ODOM: Yes, sir.

SCOTT DOVER: Yes, sir.

THE COURT: Anything else that we need to put on the record that I've failed to address?

SCOTT DOVER: Not from the defense.

SOLICITOR ODOM: Nothing from the State.

THE COURT: All right. I appreciate everyone's efficiency in getting this trial through -- everybody has done a good job. Bring in our jury.

(JURY IN @ 10:50 A.M.)

THE COURT: Ladies and gentlemen, as indicated before, both sides have rested. That means that all the evidence is before you for your consideration.

Now we'll be going into the closing arguments of counsel. This is not evidence. The evidence has been presented. This is their argument of what they believe the evidence shows.

Once they complete that, then I will charge you on the law.

At this time, please devote your attention to the attorneys. Ms. Odom.

SOLICITOR ODOM: Thank you, Your Honor. Mr. Dover.

The real tragic thing about having to call a child sex abuse to trial is getting this victim on the stand and she, or he in some cases, will disclose very embarrassing moments of some of the worst part of their lives.

We have to talk about that and get all these details, then for the rest of the case -- hours, days -- they are ripped apart. Everything that said is dissected. It's hard enough to get up here on the stand but then they are just attacked, belittled, blamed for something that was not their fault.

It's easy to see why sex abuse victims don't want to come forward.

[redacted], she got up here yesterday and she poured her heart out. She didn't want to have to do this. It wasn't something that she enjoyed, not something she was looking forward to. It didn't look like she was having fun up there.

She has nothing to gain by this, nothing to gain.

The defense wants to paint her as a liar and a terrible person. How long has this been going on. She's in her early twenties now and it started when she was just -- in kindergarten. It's been going on fifteen years. She disclosed three and a half years ago.

She's had to talk to so many people. We've had records of her, you know, her statement from before to various people at various places. She's always been consistent with the core facts. She knows what happened. She's told you what happened.

She was molested at a young age. It started gradually with touching and moved on. It got worse as she got older.

She testified that while it started with touching that it moved on to oral sex on her and then her performing oral sex on the defendant.

They want you to believe that she was -- that she was mad about something and that is why she made it up. That doesn't make sense.

That doesn't carry water, that some simple little family squabble some three-and-a-half years ago, that she has stuck to her guns, that she got up here and testify. Like some simple argument over a boy and she mad at her mama because she can't hang out with a boy. So she's going to accuse her stepdaddy of something and stick to it all these years?

Not only does it not make sense, but if you think about it as a whole she wasn't even living there. She wasn't living with her mom. She testified that she was living with her grandparents, she got pregnant, she had her son and two years is when all this arose. So if she wanted to hang out with a boy, she would have been hanging out with a boy. That just doesn't make any sense at all.

So what prompted her disclosure. Disclosure, you heard Ms. Galloway-Williams say yesterday is just when a victim tells, when they finally tell.

MINOR 1 says that she was upset that she had a little boy and her sister had a little girl, right at the same -- those kids are seven weeks apart. Her niece, Alexa, lived

with her mom, with Jodie, lived with her brothers. While the abuse had stopped at that point for [redacted], she was worried. She'd gotten older. She had begun to understand a little more about life in general. She'd had a baby. She was understanding more and sometimes knowledge becomes fear, because she knew what had happened. It happened to her. She was worried.

You know, she said how Jodie's friends were over there and stuff was going on that she didn't like. [redacted] testified that she knowledge that Jodie would keep Alexa, her niece. She was just uncomfortable about the whole thing.

It's one thing for yourself to be abused because you know what you can handle, you know what you can do. But it's another thing for someone that you love to be abused and for them to be in that situation. Especially someone who cannot ask for help, who is a child. So she was worried about her niece.

So how do we -- besides [redacted]'s testimony, how do we know that's true?

Wendy Williams, wonderful mother that she is, she got up her yesterday and said, 'Yeah, it's true. Jodie did -- that he had some issues. He had some people other to the house.' Scotty. That it was to the extent that she didn't like it or that it wasn't something that could wait for her to get off of work or handle with a phone call. She left work and went to the house to break it up. Something was going on to the extent that she didn't like it. That's exactly what MINOR 1 said.

Wendy Williams, as much as she wanted to push MINOR 1 under the bus, confirmed that for us. There was stuff going on there, stuff that MINOR 1 was worried about.

Now, a big to-do, I felt like, was made over that FaceBook post that MINOR 1 read out. A FaceBook posts made nearly four years ago. MINOR 1 used some pretty salty language. She was seventeen. I feel like it is pretty easy for people to forget what a teenager -- who a teenager is, how teenagers speak. Teenagers are different.

You have a girl, a child, a child who has

had a child herself, who is not in school, who has been shuffled around from place to place, who does not want what is going on -- you have someone who is angry. She was angry because she was scared that something might happen to her niece. So, yeah, she used salty language. That is how teenagers talk.

You know, to me it just wasn't -- yeah, maybe if she hadn't cussed so much that would be great. But that shows how genuinely upset she was.

Now, the drinking, that is another thing that Wendy Williams confirmed. MINOR 1 had said how the defendant, when he would abuse her, had often times been drinking. Drinking, you've heard, can lower your inhibitions, "liquid courage." Maybe you're not -- maybe you want to do something but you are not going to do it sober, you need just something to get you over to that point. Or maybe you're just going to get drunk and do what you want. But he had a problem bad enough for Wendy to have said something.

When he got on the stand he said, 'Yeah, I drink from time to time and Wendy thought

it was a big deal, she thinks any alcohol is a big deal.' But he doesn't think he necessarily has a problem. They're not having the same thoughts here.

So you've got a wife who says "no alcohol" and you have a husband who wants a beer every now and then. So he's going to drink if he wants to.

She was working third, so she doesn't know what was going on, whether he was drinking or not.

[redacted] testified to that, that a lot of times he would be drunk -- that she would smell the alcohol. A little bitty girl, knowing what beer smells like, because he's sat there drinking it and it's on his breath when he's all over her.

[redacted] also said that she had some adult conversations with him. That he had told her that him and her mom weren't fooling around, that they weren't intimate, that they weren't having sex. Now, for a child to know that somebody to tell them. She was pretty forthcoming with that yesterday and he was forthcoming with it today. They weren't

having sex.

I asked her yesterday, 'well, he wasn't getting it from you, I guess he was getting it somewhere else.' I hate that phrase and I hate that wording, but it is used so much. She said, 'yeah, he was, I caught him cheating on me.' She said he'd cheated on her.

He said he'd cheated on her. So he was going away from his wife to satisfy his needs.

Now, say -- you might say that the defendant didn't tell her that. Well, she knew it from someone. She knew that they weren't having sex, from someone. Jodie told her or her mama told her. Either way you have adults or an adult having a very adult conversation with a very little girl, a girl who should not know about that stuff.

That was confirmed through Angie Farmer over Behavioral Health Services, that this little girl had knowledge about sexual behavior.

Now, you could also say that's explained through some of the other testimony -- and I

want to touch on that just a little bit. I feel like there's been a lot of jumping up and down, objections, trying to adhere to the Rules and all that. That's just how Court goes. We need to make sure that everybody adheres to the Rules.

One thing that has kind of been drawn attention to is how there had been other potential sexual abuse regarding the girls. I have been a stickler about how that's been worded, so let's look at the testimony.

Ms. Farmer said yes, that was some -- two other men where MINOR 1 told Ms. Farmer that 'they tried to rape me.' Ms. Farmer said that was an unfounded case.

Well, what Ms. Farmer also said is that the mother gives the information during the assessment. The mother gives this information, the mother reports it to the counselor. The mother sits in there while the child is being interviewed. There is a lot going on in this child's life.

The other case wasn't commented about too much at all but, regardless, that happened a little later on in her life.

351

Now, Wendy Williams, her testimony -- I didn't know to really think of her. She'd never met with me. I'd never talked to her before yesterday, that was the first time that I ever saw her. Yet she thought it was real important to tell someone, not the prosecutor, but -- 'you know, this never happened.'

But when she got on the stand -- you know, I just couldn't quite figure her out. She was so, 'no, absolutely not -- one hundred percent, never could have happened.' It is so absurd to me that you're working these sixteen-hour days and you're just working like a dog, it's all you can do to take a breath but, yet, you know that your children are never around your husband -- even when your children are living with you? That just seems so absurd to me, that he never would have been around them even for one second. It was 'no', without any doubt.

What's her motive. What is her angle her. Well, maybe it's embarrassing for her to know that the man you're supposed to love, the man that you have kids with is messing

with your kid. Maybe it is embarrassing for her to think that all these years this was going on right under her nose and she didn't even know about it.

It's easier for people to put their head in the sand. It's easier for people to say 'this doesn't happen in Pickens County.' 'This doesn't happen to our kids here.' This happens other places. This happens here. It happened to MINOR 1.

Maybe Wendy Williams couldn't, you know, -- that the very thought of it just sickened her. It is sickening to think about.

But another way to think about it, you know, a mother protects their child. There is no easy fix for something like this.

And it is not easy for MINOR 1 to think about either. You know, when her mom goes to kiss her stepdaddy, that MINOR 1 knows where his face had been. It's not a pleasant thing to have to think about.

It's easier for people to push it away and to even blame the victim somehow. To say, 'No, she's making it up.'

Now, another point that Mr. Dover made

was, 'Well, you know, MINOR 1 has had other instances where she's been the victim of possible sexual abuse and she talked about those. So if she could talk about those, she could talk about this.' No, absolutely not.

There is no way that you can equate being abused by one person -- 'if you can talk about that, you can talk about this', (negative gesture). Even adults who have had different sexual partners may not want to talk about some of them. You know, a man that has been with three women may not -- there's one of those that he might not want to talk about. He might not want to disclose.

It's even worse when the person that abused you is someone who is supposed to love you, to protect you. Instead he's treating you like an adult when you're in elementary school. Of course it was confusing for her because she was a child.

Now, a lot was talked about on the addresses, dates, her grades. I tried to clean it up a little bit since we were going to have somebody from school come testify.

Like many of these cases, as you heard Shauna Galloway-Williams say, kids aren't great at remembering dates or timeframes or when something happened. They are going to remember like a big event. If you had a five-year-old in here today, you might say Christmas is four months away and they might be so excited because, 'on, that's so close, that's just four months away.' Oh, they could be like, 'but that's so far away, it's never going to get here.' Children don't have a solid concept of time like adults do. So I tried to narrow it down a little bit.

This is something that I've done just to demonstrate, this is not evidence. So if this contradicts anything that you've heard from the stand, go with your memory. I've done this to try to make it a little clearer, because I swear sometimes during this case I felt like we were running through mud or something. It was just a little bit difficult. This chart considers the testimony of different witnesses.

South Lewis Street, MINOR 1 testified that is when she first moved -- first lived with

Jodie. You heard her testify that she didn't remember the first incident but it was late at night, mama was asleep, she couldn't sleep -- [MINOR 1] couldn't -- because she had nightmares. She'd stay up watching TV. Jodie came in there and started rubbing on her, started grooming her; started talking to her, kissing on her a little bit. You heard Ms. Galloway-Williams say that that is very common, that that is how it starts. She equated it with maybe a touching of the butt that could be -- 'did he mean to do that.'

This was the same thing. You know, rubbing her chest, comforting her, rubbing her back. Maybe it could be something different but for a child they're not going to know. It is something that an adult would even have trouble with.

She testified that her and her sister walked to school. They lived close to Pickens Elementary and went to school there.

Now, in 2002, -- [MINOR 1] was born in 1996, July of 1996. So in 2002 she was going to be six, turning seven during that summer. So the abuse became then. She was very young.

Now, once they moved to Jane Lane. You heard that Jane Lane referred to as Six Mile or Pickens, towards Six Mile, possibly a Pickens address, Pickens County.

This was when the abuse escalated. It escalated to oral sex. Let me just talk about that for a second, and then I'll touch on it more in a moment.

But the oral sex was a little girl having to perform it on a man, or a man performing it on a little girl, it's still oral sex either way. They may have different terms, cunnilingus or fellatio, but they're both classified under the statute.

Now, after Jane Lane they moved to High Top Drive. This is where MINOR 1 testified the majority of the abuse occurred.

Now, before I forget to touch on it, another big thing that was made was how during one of her prior testimonies she'd stated that she didn't have to begin performing oral sex on him until they moved to High Top. Then when she testified yesterday she said, 'I think that it was the week before we moved from Jane Lane.'

A big deal was made about that one week, but she's been consistent about the abuse, about the timeframe. You're asking an adult who is trying to block this out to remember something that happened fifteen years ago at a specific house. It is a big deal in a criminal case because we have to prove jurisdiction, that it happened in Pickens County. That's why we harp on the addresses. But both of those addresses are in Pickens County.

High Top was the worse. She said that he started making her suck his penis, when he would ejaculate that she would have to go and brush her teeth. That is an interesting little tidbit to me, that he would always have her brush her teeth. Then she started brushing her teeth. She thought it was nasty, she didn't want it in her mouth. But him instructing her to do, I would venture to say that maybe that could be construed as maybe getting rid of evidence, getting rid of any possible smell.

Now, the last time that anything happened she is very clear about. It was the most

vivid description. The last time anything happened, she was twelve years old. She said it happened about a week before she lost her virginity. A few minutes ago I said that kids don't seem to remember things unless, as far as dates, something big happens. This was something big for her. Yeah, she was young. She was still a child. The order of stuff might not make sense but remembered this.

She remembered losing her virginity and she remembered Jodie driving her over there and him hanging out with the mom while she lost her virginity, the drinking going on and all that. That is very vivid, and she is very concrete on that.

She is concrete on everything but she is able to provide more details because of the event that happened and because when she let him know that she'd lost her virginity, he stopped fooling around with her.

You know, people do things for different reasons. Sometimes a defendant that is abusing a child, that be some of the guilt for doing something that they shouldn't.

Kind of "exciting", convenience that this child is in the home and he can get what he wants. You know, 'nobody is going to believe her.' Maybe he just feels a child is his own personal little doll.

But after [MINOR 1] lost her virginity, Jodie didn't want to have anything to do with her, for whatever reason.

Now, [MINOR 1] also said that he tried to hem it with her. Those are my words, not hers. When I say hem it up, he made a conscious decision to stop the abuse. He went to her, in an attempt to keep her quiet, to make sure that she wasn't going to say anything. For so very long she didn't say anything but now that he's ready to stop he needed to make sure that she wasn't going to be saying anything. So he told her that he was sorry. He seemed genuine to her. He told her that he'd ask God to forgive him. To her, it seemed genuine.

Now, the Judge is going to read you the law once the attorney get through with our closings. I just want to put it up there (on screen) while I talk about it. Sometimes I

talk fast, though I've been told that I talk slow. But just so that there is no misunderstanding I waned you to be able to see what the law is.

These crimes are criminal sexual conduct with a minor first degree and criminal sexual conduct with a minor second degree. That is what he has been charged with.

The date range for the criminal sexual conduct is that it stopped when she turned eleven. Even though the crime -- the facts are the same, that he was having a sexual relationship with her. The crimes are different because of her age. And in the criminal sexual conduct second degree, because of his age too.

You heard testimony from [redacted], from Wendy about his age. Criminal sexual conduct second with a minor, that he engaged in sexual battery with a victim fourteen years of age or less but who was at least eleven years old. With that, she testified that the last incident occurred when she was twelve. So she was eleven or older at that point.

Now, sexual battery. Sexual battery is

intercourse, cunnilingus -- which is when someone performs oral sex on a woman, -- fellatio -- when someone performs oral sex on a man. Those are sexual battery. So the accused engaged in sexual battery with the victim and the different crimes are based on her different ages.

The entire range these incident occurred was several years. MINOR 1 testified that it occurred on a regular, frequent basis depending on where they lived.

Now, a couple of other points that I want to make before I move on. These crimes would happen at nighttime when other people were asleep, they would happen when nobody else was around.

You know, mama wants you to believe that there is just no way possible. Even the defendant today, I asked about, *'is there any way possible'* and *'nope.'*

*'Mama never went to the store or anything?'*

*'Nope, no way possible.'*

All these years, you know, she moved out when she was fourteen or whatever, so ten

years of her living on and off with them, he never stayed home with the kids while mama went to the store? They never were left alone together, somebody was always with them? I kinda like wanted to get into him a little bit but there is no benefit for me there.

Like if I had kind of just tried to rip him to shreds, there's really no benefit there because he was pretty solid to the point where I said, *'Well, is it possible that your wife took a shower, took a bath and you had access to the girls?' 'No.'* So she never took a bath, never took a shower.

So I said, *'isn't it possible that she went to sleep and you were left alone with the girls.'* No, never went to sleep.

How crazy is this? How illogical is this, that they want you to believe that they went to such great lengths, to avoid sleep, just to make sure that her daughters never had a chance to be alone with him? This is preposterous.

Now, I want to talk about the witnesses a little bit, skim over them.

You heard Angie Farmer from Behavioral Health Services. She talked about MINOR 1 's counseling history. That is pretty alarming there. That a child her age had so many different cases, that she would go for an assessment and have maybe one appointment and then that was the end because nobody could be bothered to take a child who clearly had issues and clearly needed help -- no one could be bothered to bring her back for counseling. People were too busy. Mama said she had to work. Why didn't her parents do it?

It was very clear yesterday that nothing was mom's fault. It was very clear that it was other people who -- 'they should have done this', 'they should have done that.' I've never heard somebody use the word "I" so much in my life. Nothing was her fault.

The fact that MINOR 1 had issues, MINOR 1 was "horrible." Raising her was horrible, that's how she described her ten-year-old daughter, was "horrible."

MINOR 1 clearly needed help. Angie Farmer listed out symptoms of child abuse, child

sexual abuse. She separately listed out symptoms that [MINOR 1] had. [MINOR 1] clearly had issues. She had a lot going on in her life. She had aggression, she had anger. It is understandable to have anger when in the place you're supposed to feel safe you keep getting touched. She acted out, as any child does.

They made a big deal about it being alleged that she had lied. Children lie. Adults lie. You know, "lie" is such a nasty word. But, you know, if somebody walks by you in the morning and says, 'you having a good morning' and you say 'yeah', maybe you're not having a good morning and that's a lie. Or, you know, your best friend gets an outfit and you say, 'that's nice.' That may be a lie. So people lie. Children lie. Adults lie.

Angie Farmer told us that she had anxiety, aggression, depression. She was having problems with relationships. She was promiscuous at a young age. For a twelve-year-old to have sex, most twelve year olds wouldn't know where to start.

So she had all these issues, including nightmares and not trusting. She has been kicked around more than a soccer ball. She has had a rough childhood.

After Ms. Farmer -- well, she actually testified right before Ms. Farmer, was Ms. Galloway-Williams. She's an expert who deals in child sexual abuse, just like Ms. Farmer does.

Now, Ms. Galloway-Williams, she had never met with [redacted]. She didn't know all these little details of the case like Ms. Farmer did. She is what we call a "blind expert." They don't know the details of the case, they're just talking in general to better educate us, to educate the jury. People want to deny sexual abuse in our community and it's easy to just kind of look over the fact that is child abuse.

She explained disclosure, delayed disclosure. It's very common for there to be delayed disclosure because kids may not know how to disclose or may not be comfortable disclosing. [redacted] was in and out of that home for years. She didn't know when she was

going to go back or if was not going back. Why would she expose herself to potential harm if she didn't have to?

Furthermore, she got used to it and thought it was normal. He would give her gifts, give her alcohol, cigarettes, made her feel special by the things that he would say to her, treated her like an adult talking bad about her mama, telling her that she needed to help around the house, that she was so good, how much he loved her. That is grooming. That is like putting your foot in the door and easing on in. That's making somebody feel comfortable, especially for a child who doesn't know better. It's easy enough for adults to get fooled into relationships or have some confusion about exactly how the other person feels but this was a man manipulating a little girl. It went on for so long that she just kind of accepted it.

Sometimes it ends easier just to do what you've got to do and then move on. She testified that she was worried, she was worried that it was going to break up the

family. She loves her sister and she loves her little brothers and she didn't want anything to harm them. She loves her mom, strange as it is. But she had reasons herself to just kind of lay low.

When it came out, when all is said and done she's been thrown under the bus and attacked for speaking up. She'd gotten to that breaking point and was able to speak up.

Shauna also said the guilt, the shame, living in the house the fear of punishment, the fear of breaking up her family, he would threaten her, threaten to break up the family, threaten her that she would be sent away, to be embarrassed as a child to love someone even though they are doing something bad to you.

You know, as an adult we -- I may love my husband to death but when he doesn't help with the dishes and I get home from work and I have to the dishes, I'm not very happy with him. But just because I'm not happy in one aspect that doesn't mean that it ruins the entire relationship. That's a minor example but for a child -- for an adult we can say

dishes here, sex there. But for a child it's different, everything is different for a child.

She did say that being out of the home could affect the disclosure.

She talked about grooming some. That some possible indicators could be living with other people, coming back in the home, uh, you know, a single-parent home if the child needs attention or has a horrible relationship with the mom. All of these are possible indicators.

Now, she also touched on victims behavior, how it is normal in these cases for a victim to be aggressive, to have depression and that it can affect a child for the rest of their lives; just like it is doing with MINOR 1 now.

So with -- there is a bunch of stuff that you can consider in this case. This isn't -- you don't just have to take everything at their words, just consider black-and-white.

You can take a witness and -- for example, you can take everything that a witness says. You can believe everything

that a witness says, you can believe nothing, you can believe some of it. It's up to you to decide who is telling the -- who you believe and when you believe then. You don't just have to listen to what they say, you can remember how they said it, what motive they may have, their demeanor, are they biased in any way.

MINOR 1. Think about her motives.

The defendant. Think about his motive to lie in any way. Is he biased in any way?

His brother. Of course if your brother is in trouble, you're going to say what you need to say. You're going to take care of your own. He was going to say what he needed to say. One interesting tidbit that did come out with his brother is how the defendant said MINOR 1 never lived at South Lewis Street. The brother said, 'yeah, I'd go over there and we'd play video games with the kids, I spent time with them, they would come over to my mama's, and we'd go over there.' I mean, he confirmed that they lived there, even though his intention was to get up there and try to save the day, whatever. But his

bias is clear. That's the defendant's brother.

Now, the mother, her bias is clear too. The last thing I asked her was something about her sons. I said 'you love your sons, you don't want to see them get hurt do you.' Her sons, that's their daddy. Their daddy is on trial. Her sons still live with her, who are still young, whom she hasn't pawned off on somebody else. They still live with her. Of course she doesn't want to see them get hurt, she doesn't want to see their daddy get in trouble. And she doesn't want to admit that she was a crappy mother. So her motive was pretty clear.

Also her sister -- I wish they would have talked about their testimony beforehand because they weren't very consistent with the shifts, who worked which shift, what dates it was and things -- they just wanted to make it clear no way, no way, no way was those girls there. I asked, *'So you were with* [redacted] *twenty-four/seven.' So you knew, twenty-four/seven for five years, so you knew that she was never with Jodie.'*

She gave me some smart answer and rolled her eyes. Like the mama. Attitude. Snappy. Rolling the eyes, doing the little (lip smack) -- attitude galore. Wendy's daughter is up here pouring her heart out, her husband is on trial, and she wants to get up there and click her teeth, snap her tongue? Her sister wants to get up there and roll her eyes? This is serious. We're dealing with people's lives here and you're going to come up here and get an attitude?

The bottom line with them is that it is unrealistic to believe that they lived together on and off for ten years and they never had a moment alone together. That is unrealistic.

The standard you use in this case when you're deciding guilt is reasonable doubt. So reasonable doubt, the Judge is going to charge you is just the doubt that causes a person to hesitate to act. It is not a hundred percent, it's reasonable doubt.

So if you believe that this happened to MINOR 1, you believe that it happened to her before she turned eleven, he's guilty of

criminal sexual conduct first degree.

If you believe that it happened to her when she was between the ages of eleven and fourteen, he's guilty of criminal sexual conduct second degree.

Don't throw your common sense out the window. Use your common sense to look at everything, compare everything. This isn't some unreachable standard of one hundred percent. Are you sure this happened? Do you believe her when she got up here and told you this? Guilty.

With that, you can also -- you take the crimes separately. There are two charges. You can find him guilty on both, you can find him guilty on one and not the other. You can find him not guilty on both.

Look at them as separate charges. Just because they are two charges, your decision does not have to be the same. Consider them separate.

Now, there's been a lot of jumping up and down. You know, even with like with shaking hands with witnesses after they've testified. Sidebars and all our objections. There has

been a lot of action in this case. It may not seem like it to y'all but there has.

Sometimes what I'm feeling is written on my face. I've been told that by a lot of people, even growing up. If something was wrong with me, my mama could tell, it was written on my face. So if I've done anything to offend y'all or if y'all have thought, 'man, she needs to check herself', I apologize. This case isn't about me. It's not about Mr. Dover, it's not about the judge. So if I've done anything to offend you, if I've made any kind of faces at all, I apologize. This case isn't about us. It's about MINOR 1 [redacted].

One person that I didn't talk about that I need to talk about is the grandfather, Fred Kelley. He's hard of hearing. I was a little hesitant to put him up there because I knew that it would be kind of awkward. You never want to make someone testify but I needed to put somebody up there. All this about they were one hundred percent never alone? No.

Fred Kelley has been there from the

beginning. He was there the day that MINOR 1 was born, him and his wife. They helped raise those girls on and off when it was convenient for mama. At point you heard him say that they even tried to get custody, but nope, -- that meant no food stamps, DSS or whatever and mama wouldn't let them have custody.

But Fred Kelley said they were alone, *'we lived next to them, I could see she was at work, the kids would be there alone with him all the time.'*

Think about his testimony, consider him as a witness. Even though he was the last to testify, don't forget about him. The order of the witnesses doesn't matter. You look at each witness as a whole. You consider them as a whole.

As I said, this case isn't about me or Mr. Dover. It's about MINOR 1 [redacted]. It's about Jodie Williams. It's about what he did to her, what he made her do to him, for years. It is about her finally coming forward.

This kid, this young woman now, didn't

have a chance. She has lived in at least seven homes with two or three different people. She's been kicked to the curb. She's been thrown away. She's been thrown to the wolves. She's never had a chance.

It's easy for a victim of child abuse to know what you want but not to know how to get it. She wanted it to stop but didn't fully understand it. She's finally been able to come forward.

When you go back in the jury room, I ask you to give her, to give the defendant, to give everyone in the courtroom the respect of considering the evidence. You don't have to make a quick decision. It might be Friday and y'all might walk out of here and that might be the end of it. But for MINOR 1 [redacted] it's not the end of it. This will stay with her forever. Whether y'all say guilty or not guilty, it's not going to change the fact that she was molested for years. Give her the respect of considering all the evidence and do the only thing that you can do, find him guilty of both counts.

THE COURT: Mr. Dover.

SCOTT DOVER: May it please the Court, Ms. Odom.

Almost four years ago this December four people came to see me: Jodie Williams, Wendy Williams, Becky Miller and Chris Williams. They told me them, four years ago, that there is no way that what MINOR 1 [redacted] is saying occurred.

When you think about it, he would have been a fool to have put himself in that position. As I told you in my opening remarks yesterday the truth is constant, it never changes. It never changed from 2015 to 2017.

Shauna Galloway-Williams, not her first rodeo. I've tried other cases with her. I know what she believes. She has told me and she said, told you, over the years that when you have legitimate child abuse that child can go back in their brain -- it's like a ditch in the brain, at any time you can go right back to that. You can smell, you can taste, you can put yourself back in the very position you were in when it happened to you. You can remember it like it was yesterday.

You can remember it -- you can remember what the person smelled like, what the person was wearing, what you were wearing. It's like PTSD almost. She said that, that ability to laser focus in.

When I take this case and I stand up here, this is a case of he said versus she said. No one knows what happened at those addresses except MINOR 1 [redacted] and Jodie Williams. Those are the only two people that knows what happened. I don't know it. Ms. Odom doesn't know it. No one else in this courtroom knows exactly what happened except them two.

The law of the United States of America that was founded over two hundred years ago stated from England that you cannot prove yourself innocent. A person such as Mr. Williams, there's no way that he can prove himself innocent if someone comes up and say something like this about him. But he doesn't have to. Judge Gravely will tell you that.

The State of South Carolina must prove the facts of the case to you twelve, twelve

of the fourteen of you, must prove unanimously to all of you beyond a reasonable doubt that each and every thing that they are testifying to, that make up the facts of the indictments, are proven to you in such a manner that you would feel comfortable using that same evidence to make the most decisions of your day.

As I stated early on, the way that I try these cases, you can't prove someone innocence, but you can listen carefully and you can tell when someone is lying or not telling the truth.

Ms. Odom and I agree on one thing, that we are very passionate about our jobs. I take the truth as something that is very important. I'm sure that my emotions show too. When someone is not doing what I think is proper, it might seem like I am attacking them. I apologize for that, just like she does. I'd ask that you not hold it against my client if I was too attacking.

But when I know that there are kids out there in our community that are really getting sexually abused and need protection,

to have someone like MINOR 1 [redacted] come up here and do what she did, I get a little upset about it because I know what a child that gets abused -- at least what I've been told by the experts, like Ms. Galloway-Williams, as to what they can do.

I submit to you that there is no way that that young lady -- like Ms. Odom said, you can remember the important things of your life. She can remember when she lost her virginity. It does not make sense that she cannot remember where she was on the day that she -- the first time that she was told to put her lips on around a man's penis.

That fact alone, she said in her prior testimony that it only happened at High Top Drive. I had no way of knowing what her testimony was going to be today -- no way -- or yesterday. But when she said that (fingersnap), she's lying. It didn't happen at Jane Lane. She told y'all under oath that it happened at Jane Lane, in Six Mile. That is where she said -- that's what the exhibit says. But she swore under oath earlier that no, -- and I don't want to misquote her,

(reviewing deposition). (Reading): "*The oral sex had started when I was ten -- eleven years, and the only place the oral sex happened at was High Top Drive.*"

Almost four years ago the mother who loves her and the aunt who -- let me back up a little bit.

Ms. Odom spent a long time talking about the dysfunction of this family. If that's what this case is about, then you should find them all guilty because they're as dysfunctional as it gets.

But that is not what this case is about. That's what she wants you to focus on.

This case is about whether to not Jodie Williams had the opportunity and committed the acts charged.

When I first met with this family -- the mother -- the aunt that was always there to support her, the aunt was there when the police department took custody of these children, when the parents couldn't take care of them, Becky Miller did that. She always was there and loved these kids. These kids love her. MINOR 1 [redacted] loves her today.

She supports her, they both support each other.

She told me the and she told you today that there is no way that this could have happened because those kids were never left in Jodie's care at night. Now, remember, that she says all of this happened at night when her mother was sleeping or working the third shift. That's what she said.

The mother says, *'I never left my kids with him when I went on the third shift.'* Becky Miller said that as well.

The other witness, she said, *'I lived right next to them and I know that those kids weren't over there on Jane Lane.'*

But the situation is this, the mother knew -- remember at six years of age, before this even happened, this child was referred to counseling for lying and exaggerating physical abuse and sexual abuse.

At eight years old, her teacher referred her for lying and exaggerating stories of physical and sexual abuse.

She didn't have any problems disclosing sexual abuse at six and at eight. She had

accused other people -- three other people -- of raping her during that period of time. But she never opened her mouth that her stepfather was doing it, because he wasn't doing it. He didn't have that opportunity.

The only time that she said it was in 2013. She told the fourteen of you herself that she did it to protect her niece.

Well, she didn't know -- she didn't remember posting on FaceBook why she really did it. "World War III is about to begin."

I can't begin to comprehend the dysfunction between the mother and the daughter in this case. But I'm not going to -- Ms. Odom was taking great liberties in trying to interpret what people were thinking and doing. I'm not going to do that because I don't think it's my place.

But for whatever reason, this child lashed out at that mom. Said, 'Watch this.' She used some very bad language to her mother, and that was all over those boys.

When you do something like she -- and, remember, that she's a veteran at this. She has accused people all of her life of

sexually abusing her. She knew exactly what she was doing when she e-mailed her mother and then went to her dad, who she was estranged from, and told him and they called the police in 2013.

In 2011 she had been asked if he'd abused her and she said no.

In 2009 her counselor specifically asked her, on October 2nd, 2009, 'Is anyone else abusing you? Is your stepfather abusing you?' She denied it and defended him.

But in 2013 she was mad at her mom and she lashed out. She made a statement that she can't take back. When you say that, when you let that out and you make that kind of statement, then you're stuck with it. Law enforcement comes in, arrests are made and you go to court. You can't back out of your statement then, you've got to defend it. That is what she's tried to do.

But she couldn't do it, because she wasn't telling the truth.

I caught her in lie after lie. You can't have it both ways, folks. You owe it to the community at large to protect those innocent

kids who really are being abused.

Look at the facts of this case, those kids and all kids being abused, both experts said that you would remember exactly how and when it happened, that sort of thing. She couldn't, because it's not true. If she had been forced to oral sex with him at Jane Lane, she would have remembered that in 2015 when I asked her under oath.

These are tough cases, guys. They're tough on the lawyer, they're tough on the Judge, they're tough on the State. They are tough on the witnesses and their families. And what has happened here has torn this family even further apart.

But you fourteen stood up and raised your right hand, swore and took an oath, that you would listen to the evidence, you would weigh the evidence and you would determine if the State of South Carolina and MINOR 1 [redacted] had convinced you unanimously of the facts of the case beyond a reasonable doubt.

If you can ask yourself right now if she has done that and you don't have a doubt in your mind, a reasonable doubt in your mind

that she is telling the truth about this, then you should go back in that jury room and you should write Guilty on both counts and send this man to jail.

But if you do not believe -- if you don't have that type of conviction, if she has not proven that to you to that degree, then you are duty bound -- it's not what you believe, like Ms. Odom says, that is not the law. The law is have they proven it to you beyond a reasonable doubt. If they have not, then you owe our community the same duty and find him not guilty.

I appreciate your time. The family appreciates your time. Mr. Williams appreciates your time. We trust you now, the fourteen of you -- in a minute it will be whittled down to twelve -- to go back there, weight the evidence and determine did she prove her case beyond a reasonable doubt and then speak the truth.

Do the verdict that speaks the truth and nobody can argue with that.

I appreciate the time that you have given here today. Thank you.

THE COURT: Ms. Odom?

SOLICITOR ODOM: Thank you, Your Honor. I want to make a brief response to some of the remarks Mr. Dover made. I won't take much more of your time.

I don't want to have you confused, so I make no bones about it, my focus, your focus is on the facts. Yes, she had it rough from the beginning. But it doesn't matter if she'd had a perfect life. If she was abused, she was abused. Focus on the crime.

When you get back there you're not checking the sheet about 'yeah, she had a bad mom', this or that. You're checking the sheet about did the defendant sexually abuse her.

Now, Mr. Dover said that the defendant would have been a fool to have put himself in that position. The defendant testified that from the beginning he said that he wasn't left alone with them. By putting -- by saying, you know, that he would have been a fool to have put himself in that position, that's like a slap in the face to all the other stepdads out there. That is saying

that no stepdad should ever be alone with a stepchild because that's an inherent risk. That is saying that when moms and dads get married that have prior children, that the family shouldn't be blended. That you should try to have a good relationship. That you should push your child away. No. That makes no sense. And it makes no sense that mom would have gone to great lengths to keep the kids away from him like that.

Now, one point that I do disagree with Mr. Dover on is his view that Shauna Galloway-Williams kind of said everything is like a ditch, that you can go back to it and you can remember it exactly. No. I don't think that's what she testified to. But it is how you remember it. If y'all need to relisten to any testimony, that's fine.

But it my understanding that she testified that children have problems remembering specific things, that that is not unusual. You can draw from your own experience of being a child -- or having kids. Do kids have problems remembering things exactly.

He kind of harped on did the oral sex begin at High Top or on Jane Lane, and said that her not remembering doesn't make sense. I don't think a ten-year-old, when she is having to perform oral sex on her stepdad, she's not going to immediately get up and go find a calendar and mark on the calendar the first time she did oral sex. She is not going to find a calendar. She is not going to look at somebody's phone and go, 'it was this date.' She probably is not going to go outside and take a mental picture of, 'okay, I was living here.' She is going to remember being on her knees, she is going to remember the taste in her mouth. That's what she is going to remember.

He said about the aunt, that she has always been in her life. I don't think that was the testimony. The aunt testified that when they were younger, for a couple of years that she would ride to work with her parents, the grandparents. Then I think Lieutenant Kelley testified that aunt had brought her to the Sheriff's Office. So that's a gap of eight years, as I remember the testimony.

Now, he did say that nobody knows exactly what happened except the victim and the defendant. That is true in all of these type cases. This is a secret crime. Sex crimes are usually secret crimes. A defendant isn't going to take a little girl out to, you know, the parking lot of WalMart and sexually abuse her. He isn't going to do it while everybody is watching a football game in the middle of the living room. This is a secret crime. This is how it goes. This is how defendants get victims.

One thing that I take great exception to is him calling her a veteran. A veteran. That is disgusting. She is a victim.

Reasonable doubt. If you have a doubt, is it reasonable? If -- if you're outside and it starts raining and I say to you that that rain is coming from a cloud and you say 'no, because I think a ten-armed five-eyed space alien that lives a hundred light years away flew in, in a teacup, and poured a bottle of water out, I think that's where the "rain" came from.' Is that really reasonable if you have that like crazy doubt? It's a

reasonable doubt.

Give this victim the closure that she deserves. Find the Defendant guilty of both charges.

THE COURT: All right, ladies and gentlemen, it is now my opportunity to charge you on the law. This will take just a few minutes and then you will be able to get back to your jury room to begin your deliberations.

As I told you at the very beginning of this case, we have two indictments. The indictments charge the Defendant, Mr. Williams, with criminal sexual conduct with a minor in the first degree and criminal sexual conduct with a minor in the second degree.

I told you then and I want to remind you that the fact that a person was charged, arrested and indicted in this case is not evidence in any way to be considered by you. Nor does it create any presumption or inference.

These indictments are merely the charging papers which are presented to the court and bring to this court, uh, bring this matter to

this court for consideration.

I also remind you that your deliberations that you are only to consider the evidence and the law that I give you and not any previous experiences that you've had or specific knowledge that you may have. I'll go into that in a little bit more detail in just a few minutes.

As indicated, there are two separate and distinct charges here. The indictments are, again, criminal sexual conduct with a minor in the first degree and criminal sexual conduct with a minor second degree.

I will go into details on each of those charges and what the elements are but the basic difference are the age of the victim at the time of the alleged acts.

Each indictment charges a separate and distinct offense. You are to consider those separately, you are to consider the evidence and law applicable to each and your decision on each should be uninfluenced by your decision on the other one.

In other words, the defendant may be convicted or acquitted on any or all, on both

charges. You will be asked to write a separate verdict of guilty or not guilty on each charge.

As indicated, the Defendant has pled not guilty to these indictments, each indictment. That pled puts the burden squarely on the shoulders of the State to prove the Defendant guilty.

A person charged with committing a criminal offense in South Carolina is never required to prove themselves innocent. I charge you that this is an important rule of law.

A defendant in a criminal case, no matter what the seriousness of the charge(s), will always be presumed innocent of the crime for which an indictment is issued unless guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt.

This presumption of innocence does not end when you begin your deliberations but it accompanies the defendant throughout the trial until you have reached a verdict of guilt based on the evidence satisfying you of guilt beyond a reasonable doubt.

The presumption of evidence (sic) is like a robe of righteousness which is placed about the shoulders of a defendant. It remains with that defendant until it has been stripped from the defendant by a jury when they determine that he is guilty beyond a reasonable doubt.

The presumption of innocence is not a mere legal theory. It's a fundamental basis of our Constitutional government. It's not just a legal phrase. It's a substantial right to which every defendant coming in the courtroom is entitled unless you the jury is satisfied by the evidence of the defendant's guilt beyond a reasonable doubt.

All right. We've used this phrase "beyond a reasonable doubt." Let's go through that and let me tell you what that is under the law. A reasonable doubt is that doubt which would make a honest, conscientious juror searching for the truth in a case to hesitate to act.

Proof beyond a reasonable doubt if proof that leaves you firmly convinced of the defendant's guilt.

There are very few things in this world that are known with absolute certainty. In criminal cases the law does not require the State to overcome every possible doubt.

If based on your consideration of the evidence you're firmly convinced that the defendant is guilty of the crimes charged, you must find the defendant guilty.

If, on the other hand, you think that there is a real possibility that the defendant is not guilty, you must give the defendant the benefit of the doubt and find him not guilty.

As I said at the beginning, each of us has different duties in the trial of this case.

As the trial judge, it is my responsebility to preside over the case, rule one very evidence that is presented and determine what the law of the case is; which I am charging you at this time.

You are only to consider the competent evidence which was presented. If there was any testimony, questions or evidence stricken from the record in this case, you must

disregard that testimony or evidence. You should not consider that in any way during your deliberations.

You are only to consider the testimony that was admitted and any stipulations that were a part of the case.

I have a duty to charge you on the law that is applicable to this case. As the presiding judge, I am the sole judge of what that law is. You may have your ideas of what you think the law is or what the law should be, picked up from some TV program or some prior experience, but that's not what you should be considering. You've taken an oath that you will consider the law as I give it you and that you will disregard anything other than that.

In every case tried in a court before a jury, the jury is the sole and exclusive judge of the facts of the case.

As a judge, I am not allowed to have any opinion on the facts. If anything that I've done in this case has intimated, inferred or made you think that I have an opinion on the facts of the case, please disregard that

because I do not. That would be me invading your duties and your provence as the jury to determine what those facts are.

The law does not allow me to have an opinion about the facts. It is totally up to you to determine what the facts of this case are.

You are to give every piece of evidence the value, the weight and to determine what the truth of the evidence is.

There are two types of evidence in this matter. There is direct evidence and there is circumstantial evidence. There is really no difference in the weight that you are to give these, no different standard by which you judge the evidence.

Direct evidence is the testimony of a person who claims to have actual knowledge of a fact, such as an eyewitness. It is evidence that immediately establishes the main face to be proven.

Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of those facts. It is evidence which immediately establishes a fact from

which the main fact may be inferred. Circumstantial evidence is based on inference and not on personal knowledge or observation.

Again, the law makes no distinction between the weight or value to be given either circumstantial evidence or direct evidence. Nor is there a higher standard or a greater degree of certainty required of circumstantial evidence than of direct evidence. You are to weigh all of the evidence in the case to determine guilt beyond a reasonable doubt.

Again, after weighing all the evidence, if you are convinced by the evidence that the defendant is guilty, then you are to find him guilty.

If, on the other hand, you are not convinced of the defendant's guilt beyond a reasonable doubt, then you are to find him not guilty.

As I mentioned at the very beginning, one of the things that you have to determine in your deliberations is the credibility of the witnesses. Credibility means believability.

It becomes your duty to evaluate and

analyze the witnesses based on the common experiences of the twelve of you as to which ones are telling the truth, which ones are not.

In determining the believability of the witnesses who have testified, you may believe one witness over many, you may believe many witnesses over one. You may believe part of the testimony of a witness and reject the remaining part of the testimony of the same witness. Or you can accept testimony of a witness, or reject all the testimony of a witness. Again, there is no magic formula for that. It is the weight that you feel should be given that witness.

You may consider whether any witness has exhibited to you any interest, any bias, any prejudice or other motive in the case.

You may also consider the appearance and manner of a witness while on the witness stand.

There has been evidence presented that a witness or witnesses made prior statements which are not consistent with a witness' present testimony. You may use this to

decide if you believe a witness' testimony. You may also use evidence of the earlier contradictory statement to determine the truth of those statements. It is up to you to decide whether to believe any earlier statements or the testimony given here at trial.

If a witness has shown to have knowingly testified untruthfully concerning any material matter, you may consider this in determining whether to trust the witness' testimony as to other matters. You may reject all testimony of that witness of give all or part of the testimony the weight that you feel is appropriate.

There were several witnesses that were qualified as expert witnesses. As I told you at the time, normally a person is not allowed to testify as to their opinions. They are only allowed to testify on what they directly observed, smelled, tasted or felt.

An expert witness is an exception to that. If a person is an expert in their particular field, then they can testify about their opinion within that field. They may

state the reasons for the opinion.

You should consider any expert opinions received in this case like all other evidence. You are to give it the weight that you feel is appropriate.

If you feel that the opinions of an expert are not based on sufficient education and experience or if you conclude that the reasons given in support of the opinion area not sound or that the opinion is outweighed by other evidence, you may disregard the opinion of an expert in its entirety.

The testimony of an expert witness is to be given no greater weight than the testimony of any other witness simply because the witness is an expert.

Further, you are not required to accept an expert's opinion even though it is not contradicted. Again, it's like -- the basic rule is that you give it the weight that you feel is appropriate.

In order to establish criminal liability -- and now we are going into intent, what is described as intent.

In order to establish criminal liability,

criminal intent is required. For example, the mental state required to be proven by the State for a particular crime might be purpose, intent, knowledge, recklessness or criminal negligence. Criminal intent must be proven by the State beyond a reasonable doubt.

Criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation.

There is no way to prove intent to a mathematical certainty. There is no way that medical science can dissect a person's brain and determine what the person had in mind, so the law says that criminal intent may be inferred from the circumstances shown to have existed.

The particular charges here -- again, there are two separate charges: criminal sexual conduct with a minor in the first degree and criminal sexual conduct with a minor second degree.

Let me go through the elements with you on criminal sexual conduct with a minor in the first degree. First, the State must

prove beyond a reasonable doubt that the defendant engaged in a sexual battery with the victim. The second element is that the State must prove beyond a reasonable doubt that the victim was less than eleven years old at the time of the incident. All right.

So let me talk about the first element, sexual battery. A sexual battery -- and this comes straight from the statute, (reading): *"A sexual battery is sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any person's body or of any object into the genital or anal openings of another person's body except when the intrusion is accomplished for medically recognized treatment of diagnostic purposes."*

If you find that the State had not shown beyond a reasonable doubt that a sexual battery occurred, you would not deliberating as to this charge and your verdict would be Not Guilty as to this indictment.

But if you find that a sexual battery did occur, then you must decide the second element -- the age of the victim.

The second indictment is for criminal sexual conduct with a minor second degree. All of the elements are basically the same with the exception that the alleged victim, for second degree, must be between the ages of eleven and fourteen.

The defendant is charged with second degree and the elements are again -- first, that the defendant engaged in sexual battery with a victim -- and, again, I define sexual battery as the same definition as for first. It's the same for both second and first.

Again, the State must prove beyond a reasonable doubt that the defendant engaged in a sexual battery with a victim that was at least eleven years old but not more than fourteen years of age at the time of the battery.

Consent, willingness, ignorance or indifference on the part of a minor, if any, as to what was taking place, does not in any way affect the charge of criminal sexual conduct with a minor, because an unmarried woman under the age of fourteen cannot consent legally consent to sexual

intercourse.

Those are the two charges and the elements of those charges.

Now, I am going to go through the verdict form with you. Mister Foreman, I'm handing you the verdict form so you can follow along.

At the top of the form it has the caption of the case. That is for filing purposes and doesn't really have any relevance to you.

It says to please answer each question below. One is as to Indictment 15-GS-39-1030, that's as the charge of first degree criminal sexual conduct with a minor. It says, "We, the jury, unanimously find …" -- and you must check one or the other. You must check either Guilty or Not Guilty.

If you find that the State has met its burden on this particular charge on all elements beyond a reasonable doubt, you would check Guilty.

If you find as to this indictment that the State has failed to meet its burden, then you would check Not Guilty.

Then you go through the same exercise as to Indictment 17-GS-39-0700, a charge of

criminal sexual conduct with a minor second degree.

If you find that the State has met its burden and proven beyond a reasonable doubt all the elements of the charge of criminal sexual conduct with a minor in the second degree, you would check Guilty.

If you find as to this indictment that the State has failed to meet its burden, then you would check Not Guilty.

Don't pay any attention to the order the answers are listed in. Of course, I had to put them in some order.

Once you have reached your verdicts, you are the foreperson would sign you name, date it, and knock on the door to indicate to the bailiff that you have reached your verdicts.

Let me remind you that all twelve of you -- I say all twelve of you. Even though our alternates have sat diligently through the trial, heard everything and been an extremely important part of this process, unfortunately the law does not allow you to be a part of the deliberations. That doesn't mean that your role has not been important. Very often

a juror falls sick, is not able to make it back for some reason -- earlier this week it happened -- and the alternate has to be ready to step in. But when it comes to deliberations, if the first twelve can serve then the alternate cannot be a part of the deliberations. I don't want to minimize your role, because it has been very important.

As to twelve of you, all twelve must agree on the verdict. It has to be an unanimous verdict, cannot be the majority, on each charge, each indictment.

Your verdict cannot be based on sympathy, passion, prejudice, emotion or any consideration except the evidence in this case and the law that I have charged you.

Now I'm going to send you back to your jury room but you cannot start deliberating yet. We need to make sure that I haven't forgotten to tell you something or that I've misstated something.

Your signal to begin deliberations will be is when the bailiff brings you the exhibits and the verdict form. At that point

he will ask the alternates to step out. That is your signal when you may begin deliberating.

Let me give you a couple ground rules for deliberation. Should you have any questions, Mister Foreman, you will write out on a piece of paper what your question is, date it and sign it, and give that to the bailiff. The bailiff will bring it to me and I will respond either in writing -- if it is something that I need to bring you back in for, then we will return you to the courtroom.

I also want to let you know that all the evidence that you will use to deliberate with is in the record. Therefore -- the reason I say is that juries commonly come back and ask 'what about this case' or 'we'd like to see that report' or 'we'd like to see' whatever. That is not permissible. The evidence is closed. Whatever is in now, that's what you have to consider.

But if you have any other questions, just present those in writing to the bailiff.

Also, I'm not going to starve you to

death like I did yesterday. I want you to start your deliberations and we should have lunch delivered pretty soon if it is not already here. It's pizza. During your deliberations, it is totally permissible to continue your deliberations during lunch.

At this time, I'm sending you back to your jury room, all fourteen of you. Do not begin deliberating until you receive the exhibits and the verdict form and the alternates leave the jury room.

(JURY OUT @ 12:16 P.M.)

THE COURT: Any exceptions or objection to the jury charge? From the State?

SOLICITOR ODOM: No, sir.

THE COURT: Any exceptions or objections from the Defendant?

SCOTT DOVER: None.

THE COURT: Please review the exhibits with the court reporter. Well, we didn't have any evidence (sic), did we? I mean we didn't have any exhibits, did we?

COURT REPORTER: No, sir. Defense Exhibit 1 was a proffer, the State had no exhibits.

THE COURT: Take the verdict form back and have the alternates step out. We will be at-ease until we hear from the jury.

(JURY IN DELIBERATION @ 12:20 P.M.)

(ALTERNATES EXCUSED)

(NOTIFIED OF JURY QUESTION @ 1:00 P.M.)

(DEFENDANT PRESENT)

THE COURT: We have a question. The defendant and his counsel are present. State is present.

On the record, question number one, "Can we read the FaceBook post? Forrest Ballew, Foreman."

Response, "Although reference, the FaceBook post was not admitted as evidence." Signed "Perry Gravely, dated 9/1/17."

Any objection to that, from the State?

SOLICITOR ODOM: None from the State?

THE COURT: From the defense?

SCOTT DOVER: That it is not entered into evidence?

THE COURT: Not admitted in evidence.

SCOTT DOVER: Okay, that's fine. No exception.

COURT REPORTER: That has been marked

as Court's Exhibit 2.

(SO ENTERED AS COURT'S EXHIBIT 2)

THE COURT: Okay, we will be at-ease until we hear from the jury.

(JURY IN DELIBERATIONS)

(NOTIFIED OF JURY QUESTION @ 1:35 P.M.)

(DEFENDANT PRESENT)

THE COURT: Court's Exhibit 3 is another question, "Can we read or hear the transcript of [redacted]'s aunt?" Signed by Forrest Ballew with today's date.

(SO ENTERED AS COURT'S EXHIBIT 3)

THE COURT: Court's Exhibit 4 is another question, "Can we read or hear the transcript of Wendy Williams' testimony?" Also signed by the Foreman with today's date.

(SO ENTERED AS COURT'S EXHIBIT 4)

THE COURT: My court reporter advises me that Wendy's is thirty-one minutes long and Becky's testimony is twelve minutes long.

I don't know if they want to hear the whole thing but I'll bring them to determine if that is what they want to hear.

SOLICITOR ODOM: Your Honor?

THE COURT: Yes?

SOLICITOR ODOM: Just to bring it to the Court's attention, there are minors in the courtroom now. I don't know your policy on ---

THE COURT: As long as everybody acts nice. We are to have no response whatsoever. Bring the jury in.

(JURY IN @ 2:50 P.M.)

THE COURT: Mister Foreman, I have your questions, which have been marked Court's Exhibits 3 and 4.

Question 2, "Can we hear or read the transcript of [redacted]'s aunt?"

Question 3, "Can we read or hear the transcript of Wendy Williams' testimony."

We do not have a transcript but we can replay those for you. For your information, one was thirty-one minutes long and one was twelve minutes. Based on your questions, I understand that you want us to replay those two and that will be.

I think we need to turn the AC off so that we can hear, like we did on the last one.

If you hear what you want to hear, let us

know and we can stop replaying the testimony.

Anything from the State or Defense before we ---

SOLICITOR ODOM: Nothing from the State, Your Honor.

THE COURT: From the defense?

SCOTT DOVER: No, sir, Your Honor. We join in the request to turn the HVAC off.

THE COURT: Yes, if you (Clerk) could do that for us, we'd appreciate it.

CLERK: Yes, sir -- (complies).

COURT REPORTER: Testimony of Becky Miller, Direct Examination by Mr. Dover:

*REBECCA MILLER, having been sworn to tell the truth, and nothing but the truth, testified as follows:*

*DIRECT EXAMINATION*

*BY SCOTT DOVER:*

*Q. Ms. Miller, I am going to stand here to be sure that all jurors can hear you. How are you related to* MINOR 1 [redacted]*?*

*A. I am her aunt.*

*Q. You are her maternal aunt?*

*A. Yes, sir.*

*Q. You are her mother's sister,*

correct?

A. Yes, sir.

Q. Your sister just testified -- Wendy.

A. Yes.

Q. Were there times when the children were placed in your care, when MINOR 1 or MINOR 2 were placed in your care?

A. Yes, sir.

Q. Can you tell the jury what type of relationship that you had with your nieces?

A. I've got a good relationship with them.

Q. Do you get along with them and love them?

A. I do.

Q. Do they love you?

A. Yes.

Q. Do y'all talk frequently?

A. Yes, sir.

Q. Even today?

A. Yes, sir.

Q. Ma'am, your niece, have you been closely associated with her her entire life?

A. Yes, sir.

Q. How close in proximity have you

lived to her at times?

A. Very close.

Q. How close?

A. I could see their trailer from mine.

Q. Between July of 2003 when [MINOR 1] turned seven and 2009, where did [MINOR 1] live primarily?

A. With her grandparents.

Q. Your parents?

A. (Affirmative nod).

Q. Is that a yes?

A. Yes, sir.

Q. Why is that, ma'am? How do you know that?

A. Because that's my parents. I talk to them every day and I know that they stayed there.

Q. Did you live close to them?

A. What dates?

Q. From the time she was seven until the time that she was thirteen?

SOLICITOR ODOM: I am going to object to some of this as being hearsay. He is asking her to base her testimony on what someone else has told her.

DIRECT EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. I asked you what did you know. Did you know ---

THE COURT: All right.

DIRECT EXAMINATION CONTINUED

BY SCOTT DOVER:

Q. How do you know that, personally?

A. Because that's my parents, I know where they live.

Q. Tell me, what did you do and see to confirm that?

A. Because I was there, talked to my parents every day.

Q. Did you see them there, your nieces?

A. Yes.

Q. Would there be times when you were all in the same car together?

A. Yes.

Q. Why?

A. Well, I worked at the mill with my parents. I rode out and back with them every day, every morning and every afternoon.

Q. And what would you do every afternoon on your way home?

A. My parents would pick me up that morning and they would drop the girls off to Wendy, for them to go to school. We got off at 3:00, they would pick the girls back up because Wendy worked the second shift.

Q. Would you ride in the car home with them too?

A. (Affirmative nod), they would drop me off at my trailer.

Q. You have to say yes or no.

A. "Yes, sir."

Q. Okay. So did you see them on a daily basis?

A. Yes, sir.

Q. Do you know where they were living?

A. Yes, sir.

Q. Where were they living?

A. Let's see -- they moved so much: South Lewis Street, Hilltop (sic), and Jane Lane.

Q. Did you see your sister almost on a daily basis?

A. Yes, sir.

Q. And did you see your nieces on almost a daily basis?

A. Yes, sir.

Q. Was there ever an occasion that you know of that MINOR 1 spent the night at Jane Lane in Six Mile, South Carolina?

A. I've never known of her to stay there.

Q. What was the practice of the daughters, as far as where they would spend the night if Jodie Williams was spending the night with your sister, Wendy?

A. They always stayed at my parents whether he was there or not there.

Q. At night?

A. (Affirmative nod), at night.

Q. Do you know of any time that Jodie Williams would have been in the same home with MINOR 1 [redacted] without the mother or someone being there?

A. No, they was not there with him.

Q. Was there ever an occasion where the mother was working third shift, your sister, that those girls were in that house -- or that MINOR 1 was in that house alone with Jodie Williams, her entire life?

A. No.

*Q. Do you support your nieces?*

*A. I do.*

*Q. Have you been with them when they've been interviewed by Mr. Kelley?*

*A. (No verbal response).*

*Q. Have you taken them to law enforcement in this case?*

*A. I have.*

*Q. Have you always been there for them?*

*A. I have.*

*Q. Are you against them today?*

*A. No. I'm not.*

*Q. Based on your own personal knowledge of your niece,* [redacted], *was there ever a time when she would have access to Jodie Williams at night?*

*A. No.*

*SCOTT DOVER: That's all the questions that I have.*

*THE COURT: Cross-examination.*

*CROSS EXAMINATION*

*BY SOLICITOR ODOM:*

*Q. Have you talked to Mr. Dover before today?*

*A. Before today?*

*Q. Yes.*

*A. I haven't been to his office.*

*Q. That was not my question. Have you ever spoken with him?*

*A. Yes, I have.*

*Q. Were you with* [MINOR 1] *twenty-four/seven from the time she was seven until the time when she was thirteen?*

*A. No, I was not with her 24/7.*

*SOLICITOR ODOM: That's it.*

*THE COURT: Redirect?*

*SCOTT DOVER: None.*

*THE COURT: You may step down.*

COURT REPORTER: Next is the testimony of Wendy Williams, Direct Examination by Mr. Dover:

THE COURT: Let us know if you get to a point and you've heard enough.

*WENDY WILLIAMS, having been sworn to tell the truth, and nothing but the truth, testified as follows:*

*DIRECT EXAMINATION*

*BY SCOTT DOVER:*

*Q. Ms. Williams, how are you related to my client Jodie Williams?*

A. We were married by currently are separated.

Q. Pardon?

A. We were married. We're separated.

Q. You are separated now?

A. Yes.

Q. Tell me how you are related to Miss MINOR 1 [redacted]?

A. She's my daughter.

Q. How many children do you have?

A. Four.

Q. What are their ages?

A. Twenty-one, nineteen, one soon to be fifteen, one thirteen.

Q. How many grandchildren do you have?

A. Five.

Q. Ma'am, you have sequestered? Been here all day, under my subpoena?

A. That's correct.

Q. I am going to ask you some questions about your daughter's testimony and where y'all lived? Do you recall a time when you and your husband, Jodie Williams, lived on Lewis Street in Pickens, South Carolina?

A. Yes, sir. It was South Lewis

Street.

Q. Was there ever an opportunity -- was there ever a time when Mr. Williams, Your Honor, was left alone with your daughter, [redacted]?

A. No, sir.

Q. Could you please explain that to the jury, why you can say that?

A. At that time my children stayed with my parents. I would get them after school. Anytime they were in my home it was during waking hours only. The majority of the time he was at his mother's or at work. There were a few times that he would come in shortly before ---

Q. When you say "he", please tell us who you are talking about.

A. Jodie. Jodie would come in sometime shortly before my parents would come get them or I would take them. But during that time period they were not in the house during sleeping hours or in the evening, and they were never left alone with Jodie during that time.

Q. Was there ever a night that you,

your husband and your daughter, MINOR 1, would have been at that home overnight?

A. There was one time.

Q. All right. Tell us about it.

A. She had broke her collarbone, had a bicycle accident. I took her to the emergency room, she had broken her collarbone. They gave her some pain medication. She was pretty much knocked out, so I took her home with me and I propped her on the living room couch, head in my lap, and I stayed on the couch with her that night to make sure that she was okay, because I was leery with her having taken the pain medication.

Q. Your mother and father's names are what?

A. Fred and Clara Kelley.

Q. They -- your daughter lived with them on a nightly basis?

A. At night, (affirmative nod). Yes, sir.

Q. Was there -- do you know what I mean by the word "access", where there would have been an opportunity for Jodie to be sexually

*or nonsexually with your daughter at night?*

*A. I understand what you mean.*

*Q. Was there ever an opportunity at South Lewis Street, as this child's mother, that Jodie Williams had access to* MINOR 1 [redacted]*?*

*A. No, sir.*

*Q. Now, y'all moved from Lewis Street to where?*

*A. To Jane Lane.*

*Q. Tell us about the accommodations at Jane Lane?*

*A. They were horrible. There was only one bedroom that was suitable to stay in. So Jodie and the boys actually slept in that bedroom. I slept on the couch.*

*Q. Did your daughters ever spend the night there?*

*A. Spend the night?*

*Q. Yes.*

*A. No, sir.*

*Q. Ever?*

*A. No.*

*Q. Not one night?*

*A. No.*

Q. At Jane Lane?

A. No. There was not a decent bedroom there for them to stay in.

Q. Ma'am, did you ever work the third shift?

A. At Jane Lane?

Q. Yes.

A. No, sir.

Q. Did you ever work the third shift at South Lewis Street?

A. No, sir.

Q. Where and when did you work the third shift?

A. I started working weekend third shift at the Board of Disabilities May -- I don't remember the exact date, but it was in May 2010 (sic).

Q. When you worked third shift, what hours would you work?

A. I worked Saturday and Sunday, 8:00 p.m. at night until 8:00 a.m. in the morning.

Q. So you did not work the third shift prior to May of 2010?

A. Not since my children have been born, no.

*Q. When you did work third shift after May of 2010, what would you do with your children?*

*A. There were a couple of weeks, because of some stuff that happened with my parents, that* MINOR 1 *stayed with her friend, Angie. My other daughter stayed with my sister, Becky. My boys went to my mother-in-law's, Jodie's mother, Judy.*

*When I was working third shift, they would go there on Friday evenings and stay until Mondays. So they were not there past Friday and they did not come back home until my shift was completed. That was only while I was working third. I worked weekend third approximately a year before I switched to first.*

*Q. From July 8th, 2003 to July 8th, 2009, did you ever work the third shift?*

*A. I did work third shift. I started my job at the Board of Disabilities in May of 2007 on weekend third and I worked weekend third approximately one year before I switched to weekend first.*

*Q. Okay, so I misunderstood when I said*

*2010. So there was a time that you did work third shift during that period of time?*

*A. In 2007, yes. May of 2007 is when I began working there and I worked weekend third.*

*Q. Was there ever a night that your daughter,* [MINOR 1] *, was at your home when you were working weekend third?*

*A. No, sir. Actually there was no one in my home. Jodie and my boys stayed at my mother-in-law's house and the girls stayed with my parents.*

*Q. Was there ever an opportunity for your husband and your daughter* [MINOR 1] *to interact at nighttime, in any fashion?*

*A. During that timeframe, no, sir.*

*Q. When y'all moved to Hilltop Drive, was ---*

*A. High Top.*

*Q. High Top Drive. When you moved to High Top Drive, were there occasions when* [MINOR 1] *would spend the night at the home while Jodie was there?*

*A. At High Top Drive?*

*Q. Yes.*

A. Not while I was working. I was also there. There were some nights when she was at High Top Drive and Jodie was also at High Top Drive.

Q. Tell me what you did, your sleeping arrangements and what precautions you took during those periods of time ---

A. There were some family issues, some stuff going on actually about that whole entire time.

The master bedroom, Jodie and the two boys had that bedroom.

There were two bedrooms on the other end of the house that the girls actually shared a room. They had bunk beds and they shared a room.

I slept on the couch in the living room, which was in between the master bedroom and the bedroom on the other end. It was a doublewide.

Q. Do you ever remember hearing or seeing anything inappropriate between your daughter, [redacted], and your husband, Jodie, during those periods of time?

A. No, sir.

*Q. And y'all moved to Hilltop (sic) Drive when? High Top Drive.*

*A. We moved to High Top Drive in September of 2006. The girls came home and started staying nights with me -- it was sometime in 2007. I want to say August. I know that it was right around when school was starting. That's when I was switching over to weekend first. They started staying home at nights, with me, around -- I don't remember exactly but I'm saying around August 2007.*

*But sometime in 2008, I know it was the earlier part of the year ---*

*Q. According to school records, it was in April of 2008. Mr. Skelton testified to those.*

*A. Okay. I didn't remember exactly when but I know at some point in 2008, due to problems with* [MINOR 1] *and my other daughter,* [MINOR 1] *went back to live with my parents. She went to school at Liberty and lived with my parents.*

*She did come back home, maybe the end of that year or the beginning of the 2009 -- I*

*can't remember exactly but there was a while that she lived with my parents. She had issues there and my daddy told me to come get her.*

*Q. Don't tell me what he said.*

*A. Well, -- yeah. But I had to go get her maybe December 2008 is when I went back to pick her up.*

*She come back to High Top and we started the same thing, problems and issues, and she went back to my parents.*

*Then she didn't stay with me again until we moved to Lee Street, which was June 2010.*

*Q. You understand the dates that your husband has been charged with this actions on your daughter, 2003 to 2009?*

*A. Yes.*

*Q. There has been some testimony that you've not been supportive of her. How would you respond to that?*

*A. She is my daughter. I love her, I support her a hundred percent in everything I can. If me telling the truth seems that I am not supporting her, I can't help that because I am not going to lie for anybody and I'm not*

*going to lie on anybody. All I can do is tell the truth, that's all that I can do.*

*Q. And you -- thank you. That's all the questions that I have for you. Answer any questions that the State may have.*

*A. Yes, sir.*

*CROSS EXAMINATION*

*BY SOLICITOR ODOM:*

*Q. How old were the girls when you got with Jodie?*

*A. When I got with Jodie?*

*Q. Yeah, how old were they?*

*A. Are you talking about ---*

*Q. What were their ages?*

*A. I'm trying to think of when me and Jodie first started -- maybe three and five.*

*Q. Three and five?*

*A. (Affirmative nod).*

*Q. How long have you been knowing Jodie?*

*A. I've been knowing Jodie -- he was a neighbor when I was around nine years old.*

*Q. And y'all used to date when y'all were teenagers?*

*A. I knew him. I wouldn't say we*

*"dated" but, yes, I hung out some and stuff when I was fifteen. My friend and I used to walk and sometimes we'd stop down there.*

*Q. You said three and five is how old your daughters were?*

*A. I think. I don't remember exactly. We talked but we didn't date seriously until -- we started dating seriously, I think in May of 2001.*

*Q. When did y'all get married?*

*A. When did we get married? Oh, gosh, when did we get married. October of 2006, I think.*

*Q. You are not sure?*

*A. (No verbal response).*

*Q. Do you know?*

*A. I think it was 2006. We were together before we got married.*

*Q. How long were you together before you got married?*

*A. As I said, we started dating seriously as a couple in May of 2001. Before that we were just friends. The boys were born before we were married.*

*Q. So when did you first move in*

*together?*

*A. That would have been -- I don't remember the exact date.*

*Q. What year?*

*A. I want to say the very end of 2001, beginning of 2002.*

*Q. Where did y'all live?*

*A. We moved into a house on Howell Road. I actually lived there as a child also.*

*Q. Where did y'all live next?*

*A. From that house we went to South Lewis Street. As you know, we moved into South Lewis Street before -- I moved there before* M.W. *was born.* M.W. *was born in September of 2002, so it would have been July or August of 2002 when we moved into South Lewis Street. It was my parents' home.*

*Q. What was -- what is the date of birth of* MINOR 1 *?*

*A.* [redacted]*-96.*

*Q. How old are your parents?*

*A. Let's see. My daddy is seventy-one and my mama is sixty-six, I think. Sixty-seven. She turned sixty-seven in January.*

*Q. So you love your kids?*

*A. Very much so.*

*Q. You'd do anything that you could to help them?*

*A. Of course.*

*Q. Why didn't you take* [MINOR 1] *to counseling?*

*A. I did. I took* [MINOR 1] *for counseling many times. I'd set her up for counseling.*

*There was times when I had to work and I would ask my parents to take them, because they were always with my parents when I was working and ---*

*Q. So it's not your fault that she didn't go back to counseling. It's your parents' fault?*

*A. No. I would take her if I was off work. They would not take her when I was working.*

*Q. In 2003 was her first case at Behavioral Health Services and she went one time, and she was six years old. Why didn't you take her?*

*A. Because I was working and I was the only one with income coming into the house,*

*and I could not miss work.*

*Q. Why couldn't Jodie take her if he's not working?*

*A. Because Jodie would not have interaction with my girls. He would not take them. He was never left alone with them and he would not take them to appointments ---*

*Q. You've really harped on that, how he was never, never, ever alone with them. Why were you so scared to leave them alone with him?*

*A. I didn't like leaving my children with anyone other than my parents. Also ---*

*Q. What about your little boys?*

*A. --- I ---*

*SCOTT DOVER: Let her answer the question. She keeps interrupting her.*

*WITNESS: Actually he was the boys' father. But there had been previous accusation made by* [redacted], *and my other daughter, against other men. Because of that, I was always leery. Jodie wasn't their father and I just feel comfortable leaving the girls alone or having him take care of them anywhere alone when they were little.*

*CROSS EXAMINATION CONTINUED*

*BY SOLICITOR ODOM:*

*Q. You didn't trust him enough to try to have a blended family?*

*A. It's not that I didn't trust him enough. I was worried because of what I'd experienced where* [redacted] *'s father put her up. She told numerous things on me ---*

*Q. Ma'am, do not -- you do not need to comment on what anyone told you.*

*A. No. This is what I experienced myself, going through DSS cases.*

*THE COURT: All right, you need to answer the questions.*

*WITNESS: That is why. I was always worried because I had been put in that situation, I didn't want him to be put in that situation.*

*CROSS EXAMINATION CONTINUED*

*BY SOLICITOR ODOM:*

*Q. So you cared a lot about him?*

*A. I would care about -- I wouldn't want anybody to be put in a situation ---*

*Q. How much money did you put towards his attorney?*

A. Out of pocket, that was my own personal money, that wasn't joint money?

Q. No, any money? You said that he is not working, so how much money did you put towards the attorney?

A. There was tax money where he was on my taxes but it was very little. His family paid his attorney.

Q. Where were you sitting this morning in the courtroom?

A. I don't understand the question.

Q. Where were you sitting this morning in the courtroom?

A. When they brought us in for the jury? I was on the back pew, back row.

Q. Who was -- were was his mom, was she back there with you?

A. Yes, she was on down. I was sitting beside my sister.

Q. You said that Jodie, when you weren't home that he wouldn't stay home even though the girls weren't there. Why wouldn't he want to be comfortable in his own home?

A. Jodie has nerve problems. He would go to his mother's because he couldn't take

*care of the boys properly by himself and he wanted his mom's help. He went to his mother's and she helped take care of them.*

*Q. What about his drinking? Was that ever a problem with y'all?*

*A. He does a problem with alcohol, yes. Because of an incident that occurred in December of 2002, I wouldn't let him drink in the house. If he drank at friends, I'd make him stay there. Or I would leave if he was intoxicated.*

*Q. Now, when y'all moved to Lee Street, he would have friends over; is that right?*

*A. At Lee Street?*

*Q. (Affirmative nod).*

*A. A couple of times, yes, when I was at work.*

*Q. Would that upset you or anything, that he would have friends?*

*A. I wasn't upset that he friends. He had one particular friend that I didn't want in my house, around my children. That did upset me and I did run him off.*

*Q. What was that friend's name?*

*A. Scotty Hamilton.*

*Q. Would Scotty Hamilton upset* MINOR 1 *too? Didn't y'all have a discussion about Scotty? Wasn't she pretty upset that Scotty was over at the house?*

*A. They actually called me -- I was at work and I left work and made him leave my house, yes*

*Q. Now, you testified about the bedrooms at all these different places, how the girls didn't have a bedroom, all this and that. So at Jane Lane, tell me again -- because I am getting the houses confused -- whose bedroom was where?*

*A. Jane Lane was a small trailer. I can't remember if it was two bedrooms or three bedrooms but I know that there was only one bedroom that was useable.*

*I remember the back bedroom, that the floor was falling in.*

*I know that there was only one bathroom, because the commode was literally falling through in that house.*

*I moved there because I had to from Lewis Street because my son* A.W. *had really bad asthma and there was mold that was causing*

him to stay really sick. I didn't have a lot of money so I kind of had to go where I could at the time, and my dad was letting the trailer on South Lewis Street go back. So this was kinda of to get where I could get as a home.

I, so, I moved there and Jodie and the boys did stay in that back bedroom. I put the crib and all of that in there and I slept on the couch.

Q. All right. So at High Top, the girls had a room there; right?

A. Yes.

Q. Where was that bedroom?

A. It was a doublewide and when you walked in the door -- the house was -- you know, you walked in the door this way.

The master bedroom was to the right.

There was the living area and the kitchen.

There was a short hallway, a bathroom on the left and then a bedroom on the corner which is where the girls slept.

Another bedroom to the right.

Q. So the girls had a room together?

A. Yes. Later on MINOR 1 moved into that other bedroom. She didn't really stay there a lot but -- for the majority of the time that she was there, her and MINOR 2 shared that one room and slept at my parents.

Q. Where did the boys stay?

A. The boys slept in our room because they were used to it, and I was on the couch. So they usually slept in my bed.

Jodie and I were split up a good bit of the time that we were on High Top.

Q. Ma'am, you don't need to -- that's fine, there is not a question.

So you testified that you and Jodie hadn't shared a bed -- well, on Lee Street, did y'all share a bedroom?

A. Not really.

Q. So were y'all having sex?

A. No.

Q. So y'all just didn't -- weren't intimate for -- for years?

A. It was a while. He cheated on me and I let him stay because of the boys, but we weren't intimate for a lot of that time.

Q. So you think that he was getting it

somewhere else? He was cheating or whatever?

A. I know he was.

Q. Now, you weren't in here earlier but I'm sure you know that [MINOR 1] had nine different counseling cases open with Behavioral Health Services. We have talked about the first one. You said that she didn't go back because your parents wouldn't take her?

A. And I was working at the time. That is when she was smaller. And I did try to get her in counseling to where they would meet with her at the school.

Q. Now, that was the next time, the second case.

What about the third case, why did she only go once? Why didn't you take her then?

A. What year was that? I guess that's when we went to High Top and she was -- she refused to go and I spoke with the counselor about that. There were several times that I would get [MINOR 1] in and then she would ---

Q. How old was she?

A. At High Top?

Q. Yes.

A. I don't remember the exact year that we put her in counseling.

Q. What year did you live at High Top?

A. We moved there in 2006, moved out in 2010.

Q. So how old would she have been in 2006?

A. I'm trying to remember if she started counseling after she came back from living with my parents or before she went to live with my parents, because ---

Q. Well, how old would she have been when ---

A. She would have been between eleven and thirteen but I don't remember if it was before or after when she had the counselor actually come to the house. Sometimes she would meet her there. But then MINOR 1 refused to talk to her and ---

Q. And you said that you -- you think this was 2008?

A. I know that she lived with my parents in 2008. I can't remember if that counselor -- when I sent her to counseling, I can't remember if it was all before all of

that happened with her and MINOR 2 and she went to live with my parents and come back or if it was after she come back after she'd lived with my parents.

Q. The first counseling session, in 2003, you didn't take her because you were working.

In 2004, she went at school.

In 2007, she was ten years old. Why did she just go to one visit? Why didn't you take her in 2007?

A. I was taking her in 2007.

Q. She had one visit. Why wouldn't you take her back?

A. I took her in 2007 when I could. But MINOR 1 refuse, she would throw a fit. That's why I requested that they meet with her at school.

Q. So at ten years old, you didn't take her because she didn't want to go?

A. MINOR 1 would physically fight you from the time she was six years old if she did not want to do something. It was horrible. There would be times I'd take her to school and I'd have to have the principal

come out to get her out of the car.

Q. So September of 2008, one visit. Why didn't you take her then?

A. She was living with my parents. They were supposed to be taking her to counseling. The school requested counseling. During the whole time she was living with my parents, that's when she was living with my parents.

Q. Okay, 2009? I'm guessing it's just going to be the same, that it is never going to be your fault that's she didn't go. Right?

A. I encouraged her. I wanted her to go to counseling. I tried to get help for [redacted]. I really wish I had known when she was living with my parents -- because the teachers then actually said something and I actually may have gotten somewhere, gotten help for her. But I was not made aware of any of that.

Q. Why did your daughters live with your parents before you and Jodie got married?

A. Because their father was extremely

*abusive. He tried to kill me. He called on numerous occasions, threatening my life. He didn't actually threaten the girls' life but some people that he hung out with -- and he called certain people gypsies and he'd say that they would kill me and they would also kill my daughters.*

*Q. So that threat went away when your daughters started living with you?*

*A. I don't understand what you're asking.*

*Q. You said that they didn't live with you because you felt threatened by him.*

*A. Well, he started threatening me and after he tried to kill me, broke in my house and tried to kill me, and I was working in Greenville, my parents were keeping my children, I was working the second shift. But when I would have the girls he would threaten -- he tired to kill me. He come got me one night, he tried to bash my head into a bathtub.*

*Q. All right.*

*A. So I did not feel that my children were safe. He was into drugs ---*

*Q. Well, what changed? My question is what changed? They started living with you at some point, so what happened to change to where you didn't feel ---*

*A. Well, what happened is that once -- once I finally got away from him, because he took off because he had warrants on him, once I felt the threat was over and, uh, when we moved into South Lewis Street, I wanted to bring the girls home. I tried to bring them home but they were used to sleeping with my mom and being with my mom, so when they would wake up in the evenings they would cry and they would scream and they would call my parents. Even -- several times I asked them not to come get them, because I wanted them to get used to staying with me. But they would come anyway.*

*Q. But you are the parent, right?*

*A. Yes, but I felt like it was traumatizing to my children because they were used to my parents. I had to work so much, because -- with everything that I went through, there was one point that I was working sixteen hours a day, seven days a*

week.

Q. So was it just easier for your parents to keep them?

A. With me working. I could not keep my children while I worked.

Q. You didn't work twenty-four hours a day, did you?

A. At one point I was working sixteen hours a day, seven days a week. I left my children with my parents while I was working. I was with my children when I wasn't working.

Q. So all these years you've just kind of dumped them off on your parents. Then you get them back and you wouldn't even take your daughter to counseling?

A. I never dumped them off on my parents. When I would try to take her to counseling once she was back in my home, when she would go to counseling, I would take her to counseling. I even set up a counselor, her name was Bonnie, and she come out to the house because I felt like if she would come to the house that it would do away with the fight of trying to get MINOR 1 there. Her name was Bonnie Forbes and she actually come

to my house to counsel MINOR 1 .

Q. Did you ever catch MINOR 1 smoking cigarettes?

A. I did.

Q. Did you catch her drinking?

A. The only time, if you want to call it caught her drinking, was at a New Year's party. But this was when she was older, like thirteen or fourteen. She had snatched a bottle of liquor from a friend's house, jumped in the closet and drank it.

Q. How do you feel about the girls having babies at such young ages?

A. Well, I definitely wish that they would have waited.

Q. What did you do to kind of keep an eye on them to keep it from happening?

A. I ---

SCOTT DOVER: I am going to object to that. What relevance does that have to with my client, whether he did this or not?

THE COURT: Yeah.

SOLICITOR ODOM: It is going to her credibility.

THE COURT: I will let her go into this

*a little bit.*

*SCOTT DOVER: Okay.*

*CROSS EXAMINATION CONTINUED*

*BY SOLICITOR ODOM:*

*Q. Who was watching the girls when this happened?*

*A. They got pregnant once we moved to Lee Street. And* MINOR 1 *actually had went back to my parents. David, who is the father of my oldest grandchild, actually lived at my parents with her.*

MINOR 2 *was supposed to be staying with a friend. I went to the house and everything. It was a girl. But come to find out that Isaiah lived there and she was going there on the weekends.*

*As I stated, I switched to weekend first. I worked from 8:00 a.m. to 8:00 p.m. on Saturdays and Sunday.*

*At first, you know, when they were a little bit younger, they would go to my parents but then it got to where they would stay there and then they would stay with friends on weekends.*

*I did check out -- I did go to the house*

*where MINOR 2 was staying with her friend. A girl come to the door. I met a lady, a next door neighbor. And I didn't know until David, which was dating MINOR 1, told me that Isaiah was there, because that was his cousin.*

*Q. How old was MINOR 2 when she got pregnant?*

*A. She had Alexa when we was thirteen -- she was twelve. So January of 2012 -- she was thirteen when she had Alexa. I don't believe that she had turned thirteen when I found out that she was pregnant.*

*Q. So you didn't have eyes on your daughters at all times?*

*A. Ma'am, when you work, do you have your eyes on your children?*

*Q. Ma'am, there is no need to get an attitude. Answer my question.*

*A. I answered your question. I could not watch my kids while I worked.*

*Q. Even though you couldn't watch your kids all the time, you know without a doubt that they were never alone with Jodie?*

*A. You're talking about Lee Street, so*

you're talking about after the accusations. She stopped the accusations in 2009. I didn't move to Lee Street until 2010. My grandchildren were not born until 2012. So you're asking me questions pertaining to Jodie after she says it stopped.

Q. I'm ---

A. I'm telling you that prior to ---

Q. Ma'am, I didn't ask a question, so you don't need to ---

THE COURT: Yes. Listen to the question. You can explain your answer after you answer the question.

WITNESS: Yes, sir.

CROSS EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. Do you have a problem with authority?

A. I do not.

Q. Do you have a problem with aggression?

A. I do not.

Q. Do you get angry easily?

A. I do not.

Q. Would you do anything to protect

*your kids?*

*A. Of course.*

*Q. Would you do anything to keep your boys from being hurt?*

*A. Of course.*

*SOLICITOR ODOM: No further questions.*

*THE COURT: Redirect?*

*SCOTT DOVER: No redirect.*

THE COURT: Okay. I believe those are the two testimonies that y'all wanted to hear. Please return to your jury room and continue your deliberations.

(JURY OUT @ 2:18 P.M.)

THE COURT: Anything from the State?

SOLICITOR ODOM: Nothing from the State?

THE COURT: From the Defendant?

SCOTT DOVER: Nothing from the Defendant.

THE COURT: All right, we will be at-ease until we get another question.

(NOTIFIED OF JURY QUESTION @ 2:40 P.M.)

SCOTT DOVER: My client is in the restroom but he'll be right back.

THE COURT: Okay.

(DEFENDANT ENTERS COURTROOM)

(DEFENDANT PRESENT)

THE COURT: Okay, we have another question. Court's Exhibit ---

COURT REPORTER: Court's Exhibit 5.

(SO ENTERED AS COURT'S EXHIBIT 5)

THE COURT: Question number four, which is Court's Exhibit 5, "Can we hear the MINOR 1 's testimony again?" Signed by Forrest Ballew, dated today.

Ms. Garrison, how long is this?

COURT REPORTER: It's about eighty to ninety minutes.

THE COURT: I want to put on there a question of, "If there is a specific portion that you want to review, ---

SCOTT DOVER: Or all.

THE COURT: Right. " --- a specific portion or all of it."

Then we have another question, Question Number 5, which is Court's Exhibit 6, is: "If we cannot agree on a verdict, what do we do? What happens?"

(SO ENTERED AS COURT'S EXHIBIT 6)

THE COURT: At this point, I don't think at this time that I want to give the

*Allen* charge. I want to send this question back and see if they want to listen to any specific portion of MINOR 1 's testimony. On the other note I'm going to write that they should continue deliberating. So I am going to send both of those notes back there and see what kind of response we get.

Any objection or exception to that?

SCOTT DOVER: On the *Allen* charge, should we say that's premature or something, just in your own words, at this time and that we can address that if it comes to it. That's my thought.

THE COURT: Okay, here are my responses. To question four, Court's Exhibit 5, "Can we hear MINOR 1 's testimony?"

Response, "This testimony is approximately ninety minutes. Do you want to hear a specific portion or all of it?"

Question 5, Court Exhibit 6, "If we cannot agree on a verdict, what do we do? What happens?"

My response is, "Continue your deliberations. If you continue to have an impasse, I will give you additional instructions at that

time."

Any exceptions to that, from the State?

SOLICITOR ODOM: No, Your Honor.

THE COURT: Or the Defendant?

SCOTT DOVER: None.

THE COURT: All right, give those to the jury.

(NOTES DELIVERED TO JURY @ 2:45 P.M.)

THE COURT: If you'll just wait, we should have an answer shortly.

If there are any minors in the courtroom, I don't want them to be in here if we have to replay MINOR 1's testimony, due to the graphic nature of it. I don't want a minor to hear that.

SCOTT DOVER: I don't believe that there are any in here now.

(NOTIFIED OF JURY NOTE @ 2:50 P.M.)

COURT REPORTER: Court's Exhibit 7.

(SO ENTERED AS COURT'S EXHIBIT 7)

THE COURT: Okay, we have a response and they want to hear the testimony. The response is, "Several want to hear it again." So we will bring them in and replay that. Cut the HVAC off again, please.

CLERK: (Complies).

(JURY IN @ 2:52 P.M.)

THE COURT: Mister Foreman, I understand that you want to hear the testimony of MINOR 1 [redacted]. If at any point you've heard enough, just let us know.

COURT REPORTER: Testimony of MINOR 1 [redacted], direct examination by Solicitor Odom, (audio playing):

MINOR 1 [redacted], *having been sworn to tell the truth, and nothing but the truth, testified as follows:*

*DIRECT EXAMINATION*

*BY SOLICITOR ODOM:*

*Q. What is your name?*

*A.* MINOR 1 [redacted].

*Q. What is your date of birth?*

*A.* [redacted]*-1996.*

*Q. How old are you now?*

*A. Twenty-one (21).*

*Q. Tell me about your family. Do you have any kids?*

*A. I do, I have three little boys: a five-year-old, an eighteen-month-old and a four-month-old.*

Q. What town do you live in now?

A. I live in Liberty, South Carolina.

Q. Who do you live with?

A. I actually stay with my grandparents and am in the process of getting my own place.

Q. Do you have any brothers and sisters?

A. I do. I have a sister, MINOR 2, and two brothers, M.W. and A.W..

Q. Does your -- how old is your sister?

A. My sister just turned nineteen and my brothers are twelve and fourteen. They were born in 2000 and 2002, I think. I haven't got to see them a lot in the last few years.

Q. Do you have any nieces or nephews?

A. I do. I have two nieces, one is five and one is two months.

Q. Who is their parent?

A. My sister, MINOR 2.

Q. So your sister has a five-year-old and a newborn?

A. Yes, ma'am.

Q. What about your mom and dad, do you

-- tell me their names?

A. My dad Ernest Allen Cisson and my mom's name is Faye Williams (phonetic).

Q. And do you have much of a relationship with your dad?

A. Not really. It's been kind of in and out my whole life.

Q. Were your parents married?

A. They were but they separated when I was around two or three, I was really small.

Q. Where is the first address that you remember living when you were little?

A. The first address I remember living at was South Lewis Street. My grandparents actually lived there and I stayed there. That was before my mom and daddy moved into the exact same place where my grandparents had moved out. That's when I started staying with them.

Q. So who is Jodie?

A. Joseph Williams is my stepdad.

Q. And do you remember how old you were when you met him?

A. I was around four or five when I met him. I believe that I was four when they

first got together, but my mom was like -- they dated for a while before she actually took me around him. The first time that I met him was at him mother's house, Judy Williams'.

Q. So did you ever come to live with the defendant? You said that he moved in when your grandparents moved out?

A. South Lewis Street, (affirmative nod). That's actually when -- when Jodie and my mom started dating, my grandparents lived at [redacted] South Lewis Street.

My grandparents actually moved out when I was around six, almost seven. That's when my mom and Jodie moved into their house and took over payments on the trailer that they were purchasing. That's when we -- like when I started living with him.

Q. Can you describe the trailer?

A. On South Lewis Street?

Q. How many bedrooms did it have?

A. It had three. You walk in, there was the living room, kitchen was to the left, the master bedroom that was my mom's and Jodie's was on the far end. There was a

*little washroom like in between the kitchen and the bedroom. To the right there was a middle bedroom, then another bedroom and a bathroom.*

*Q. Did you have your own bedroom there?*

*A. We did have our own room there, the back room. But when we was there, I would sleep in the living room floor and watch TV until I fell asleep. I have really bad night terrors when I was young.*

*Q. Did you start school when you lived there?*

*A. I did. I had always went to Pickens Elementary and then whenever Mama and Jodie moved into South Lewis Street is whenever I started -- I was like seven and my sister was five, my brother was -- I can't remember, but he wasn't --* M.W. *wasn't born then. But I do know that I had to walk me and my sister to school from South Lewis Street when we stayed with my mama and Jodie.*

*Q. How far is the school from the trailer?*

*A. Not far. If you're familiar with*

*Pickens Elementary School, there is a Catholic church in between and there was a trailer park right below. We lived in that trailer park, in the first trailer. So we had to cross two roads and go through the church parking lot to get to the school.*

*Q. Now, [MINOR 1], I know this is going to be hard but I need to get into some detail about why we're here today. Do you remember when any abuse started?*

*A. The first time that anything started with me and Jodie Williams, I was around seven -- in between seven and eight. I was in first grade at Pickens Elementary School and I lived on South Lewis Street.*

*I was laying in the floor one night in the living room. Him and my mama had been arguing, Jodie was up drinking. My sister, she was already in bed. My mom, she has already went to her room and laid down. Jodie had been outside and, you know, the majority of that time while I was watching TV.*

*I was scared. I was, like, always scared for some reason. I had night terrors.*

*Jodie come in there one night, he laid down in the floor beside me on the pallet. He was playing with my ear. He was rubbing my back. He started rubbing me on the legs. You know, kissing me on the side of the head. Telling me everything was going to be okay.*

*Then it went from like everything being okay to he wanting to talk about my mom, him and my mom's problems. That kind of like where the rubbing started. Then later on, throughout the time from that very first incident until I was twelve, it steadily led up to more and more.*

*Q. That first night though when you said that he started rubbing on you and he was rubbing on your legs and -- where else was he rubbing?*

*A. He was rubbing on my -- close to my privates, like right at my leg and my groin. But he didn't do anything that first time besides rub on me and like kiss me on the cheek and stuff.*

*He tried to make it out like he was just trying to help me go to sleep, that my mama wouldn't talk to him and he needed, you know,*

to talk to somebody. It was just really -- I don't know how to explain it. That was the first time that he'd ever really touched me like that.

Q. Did he rub you on your chest?

A. He basically rubbed me like everywhere.

Q. Did he rub you under your clothes?

A. Under my shirt, on my stomach and on my back. But at that point he'd never put his hands in my pants at that time.

Q. And you said that your mom was in the bed at this point?

A. Yes, ma'am.

Q. Tell me how the abuse progressed from there.

A. Well, it kinda just happened like that several times. You know, he would get drunk, him and my mom would argue, then he would come talk to me about my mom not wanting to have anything to do with him. I am not sure why I was being talked to about that. But, uh, my mom wouldn't have sex with him and he was always drinking and cheating on my mom.

*Then we had moved to Jane Lane in Six Mile, uh, and that is when he started like kissing on my private area and stuff like that. And also a lot of the -- the first time -- the first time he made me su-- -- (emotional) -- made me put my mouth on his penis, the first time was right before I had to leave Jane Lane. Then I had to go stay with my grandparents for a little while because my mom and my youngest brother, M.W. [redacted], broke out in some kind of rash at Jane Lane. They'd found out that whoever lived there prior had cooked meth or something the trailer and me and my sister went to my grandparents. My grandparents at the time lived on Railroad Street and we stayed there until my mom and Jodie moved to [redacted] High Top Drive. That is where the majority of everything that he done to me happened at.*

*Q. Going back to Jane Lane, describe that trailer to me.*

*A. You walked in, it was kind set up the same way as Lewis Street, three bedrooms. You go in the living room and the kitchen and*

*living room was kind of together.*

*There was a very back bedroom on the end that was supposed to be my brothers, that had all their toys and stuff in it. But, you know, they didn't stay in it. My brother never stayed in their own room.*

*On the other end there was a bedroom -- a middle bedroom that was mine and* [MINOR 2]*'s, me and* [MINOR 2] *had the smallest room in the house with a twin-size mattress that we shared when we stayed there.*

*Jodie and* [M.W.] *and* [A.W.]*, my two brothers, slept in the back bedroom.*

*My mother slept on the couch.*

*Q. Now, you say when you stayed there. Was it common for y'all to stay somewhere else from time to time?*

*A. We have always, our entire lives, been out and back between my mom and Jodie's and my grandparents. We have been out and back so many times that it is very hard for me to tell you dates and exact times, because my life was never stable enough for me to do that.*

*But on Jane Lane, we would stay with them*

some, but we was out and back until the whole thing with the rash happened with my mom and my brothers, and we had to stay with Nana and Papa there completely for a couple of months until they moved to High Top.

Q. Now, I need to talk about the abuse in a little more detail. You stated that at South Lewis ---

SCOTT DOVER: I'm going to object to her leading. She was leading her a little bit before, suggesting where he'd touched her and stuff like that.

THE COURT: All right. Don't lead, please.

SOLICITOR ODOM: I was just stating her exact testimony, what she'd said. I was not leading.

THE COURT: Okay.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. So what you said was that the abuse began at South Lewis.

A. (Affirmative nod).

Q. And you said that he touched you.

A. (Affirmative nod).

*Q. At Jane Lane, what was the abuse escalating to?*

*A. Like I said, when it started on Lewis Street it kept happening, talking about my mom and his situation, trying to make me feel like it was my job to fill her shoes, to watch after my brothers, to be there for him, that he loved me. That's how it all started. He made me feel like I, as a child, should be an adult.*

*Then at Jane Lane, the times that I would stay by myself -- because there were times when my sister would go to my grandparents and I would still be there, because I had a friend that lived next door that I would hang out with there as well.*

*There were times that he would come in my room there. That was the first time -- it was maybe a week or two before I moved in with my grandparents from Jane Lane, was the first time he had made me -- (pause) -- made me suck his penis.*

*Q. Did he ever perform oral on you?*

*A. Yes.*

*Q. Tell me about that. When would that*

occur? What time of day would it be?

A. It happened a couple of times on Jane Lane. That's the first time he ever -- as far as oral sex happened, was Jane Lane. Up until that point it was always just rubbing and like kissing on me and talking to me about stuff.

He put his mouth on my private area. He rubbed my privates with his hands, with his fingers. He never fully penetrated me with his fingers but he did, like, -- this is really hard to explain.

Q. Take your time.

A. He would take his fingers and, you know, rub them on the outside of -- and have his mouth on me.

Q. Where would your mom be?

A. A lot of times my mom was in bed in her room or on the couch -- (emotional), sorry. My mom slept on the couch on Jane Lane. I don't really understand why she -- I don't know why they were together, they never slept together.

Q. What rooms would the abuse occur in?

A. Usually when -- like on Jane Lane,

it was always when my sister would spend the night somewhere else. It would happen in my room.

Q. Were you still having night terrors at this point?

A. I still have them to this day.

Q. Where would your brothers be?

A. My brothers were always asleep in the back room, the very back room. At that time on Jane Lane they had a queen size bed mattress and my brother had twin size mattresses kind of like pushed up against the queen size mattress. That is where my brothers slept, was on the twin mattresses.

Q. Moving on to High Top, do you remember how old you were when you lived there, what grade you were in?

A. I know that when we lived on High Top, that when we moved there that I was starting fifth grade and that was the first time that I'd ever switched schools, was Holly Springs. In the fifth grade I was -- (pause) -- I was ten, I believe, when we went to High Top.

Q. And where did ---

A. Eleven, I was almost eleven. Ten, almost eleven.

Q. Where did your grandparents live when y'all lived at High Top?

A. My grandparents? We lived at [redacted] High Top and my grandparents actually lived -- I can't remember their house number but it was actually like a couple of driveways down from us.

Q. What happened at High Top, what sort of abuse?

A. The continuance of making me suck his dick, several times repeatedly it happened. Nine times out of ten he would be drunk or high when this happened.

I tried to stay at my grandparents when I lived on High Top Drive. I did stay with them some there. I tried my best to stay with my grandparents as much as I could.

But my grandparents at that time had tried to talk to someone to get custody of me and my sister. When they done that, DSS was involved and we were forced to go back and live with my mom and Joseph on High Top Drive.

*Q. Now, when the oral sex would occur, when you would perform oral sex on the defendant, would he ejaculate?*

*A. Most of time when I -- I had -- when I had to do it, whenever he would start to get off I would spit, because it was nasty. Then after I -- after I'd done that he would make me go brush my teeth.*

*Q. Did you have to brush your teeth every time?*

*A. Every time.*

*Q. Did you do that on your own or at his instruction?*

*A. At his instruction and on my own, because it was nasty.*

*Q. At High Top, do you remember where your mom or Jodie worked?*

*A. My mom, at High Top Drive, worked at where she still works at now, the Pickens County Board of Disabilities and Special Needs.*

*Joseph at that time, he had done side jobs for people and stuff like that, but Joseph -- my mom, as far as financial and stuff like that would -- was the family*

provider. It was not him.

Q. When this abuse was occurring, was the defendant -- you've touched on it a little bit, but what kind of things would he say to you?

A. Well, when -- like I said, you know, with it starting earlier with him talking to me about stuff with my mom, uh, my mom -- my mom and my biological dad had a lot of problems. In return, I did have a lot of issues because I didn't understand, being so young, why my dad was taken away from me and stuff. And Jodie was always there to comfort me through that and, you know, be there for me and make me feel that my mom hated me. You know, that she was a bitch, that she did not love me. I -- to this day, it is still a struggle to try to work through that with my mom because he turned me against her. He made me feel that I had to do things for him to have a life, for him to do things to me.

Q. When you say that, what do you mean that you had to do things to him?

A. My mom, she -- I don't know or know -- I know that she didn't mean to hurt me but

she did by staying locked up in her room, because Joseph abused everybody. It was not just ---

Q. All right. Getting back to the things that he would say, were you ever -- is there anything else that he would say while he was abusing me?

A. He would tell me that the only reason he was doing it was because he loved me and that he didn't have a choice because my mom would not have anything to do with him, that it was my job to protect my brothers, to be there for them. That I couldn't tell anybody because if I told anybody that we would all be ripped away.

So I was scared, I was terrified. My brothers and my sisters, I took care of them. I didn't want to see anything happen to them.

But he made me feel it was normal. He did. I really thought that what I was doing was normal.

Q. Would he ever give you anything?

A. He'd give me cigarettes, he'd give me beer, he'd give me liquor, pot, stuff that I -- you know, I cannot believe. I was so

young. Just having kids now just makes me more disgusted with it. I mean, I spent most of my childhood doing drugs.

Q. Did your mom ever catch you smoking?

A. My mom did catch me smoking cigarettes a few times. Every time she would take them and tell me not to do it, but she never really knew that the whole time that Jodie was the one buying them for me either.

Q. Did you feel special when he would give you stuff?

A. Yeah, it made me feel kinda like I was -- I don't know, an adult maybe. I mean, I was young and he'd kind of put me up on a pedestal like. You know, anything that I'd done he'd give me cigarettes and the like. I felt like I was my brothers' mom. I felt like I was the woman of the house, if that makes any sense.

Q. Did they ever talk to you about other adult things, like bills or anything?

A. Not really like that because my mom always took -- that's the only thing that my mom really done, was work and take care of bills.

*Q. Do you remember the last time that any abuse occurred?*

*A. The very last time that the abuse occurred, it was around like the week before I turned thirteen. Because I'd gotten my first boyfriend, his name was Jimmy. And then I actually found out that Jodie knew my boyfriend's mother, they went to school together. And I lost my virginity, I'd had sex for the first time about a week before I turned thirteen.*

COURT REPORTER: The balance of that answer was stricken by the Court on Motion of Mr. Dover.

*THE COURT: Ladies and gentlemen, I've ordered that be stricken. You are not to consider that in any way during your deliberations.*

*DIRECT EXAMINATION CONTINUED*

*BY SOLICITOR ODOM:*

*Q. You were just saying that you lost your virginity when you were twelve.*

*A. (Affirmative nod).*

*Q. What location were you at?*

*A. I was at my boyfriend's mom's house.*

It was over off of Reece Mill Road. I don't remember the address. We didn't date long.

Q. Were you -- how did you get to the house?

A. Jodie took me.

Q. So Jodie took you over there that night?

A. Yes.

Q. After you had sex with your boyfriend, did you tell Jodie?

A. He knew. We were all given alcohol that night. It was a party.

SCOTT DOVER: Objection. The question was did she tell Jodie.

THE COURT: Please respond to the question.

WITNESS: Yes, sir.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. You said that he knew, but did you tell him?

A. (No verbal response).

Q. Did y'all discuss it?

A. Yes.

Q. After that, did the abuse stop?

A. About a week after that happened, Jodie come to me and he told me that he asked God to forgive him, and he asked me to forgive me. He swore to me that if I would forgive him that he would never touch me again. At that time, I was really kind of confused because of what I thought was normal. I said 'I forgive you' and I started dating other people. It never happened again.

Years went by and that's when -- that's when it stopped.

Q. You said earlier that you still have night terrors.

A. (Affirmative nod).

Q. Do you have any other issues?

A. I suffer from anxiety and PTSD. I was recently diagnosed in the last few years. I've been struggling with it.

Q. Do you ever have trouble with relationships?

A. I've had a lot of issues. My oldest son's dad was -- I've allowed myself to be hurt by many people because of what I've been through. I've went through a lot of

counseling and classes here the last few months to try to learn what healthy relationships are because that was something that I was never taught.

Q. Does this abuse affect your intimate life, your intimate relationship?

A. Sometimes it does. It used to a lot more than it does now, but through the lady that I've been talking to about it I've become more of what I feel is a survivor than a victim and that's helped a lot.

Q. Now, tell me -- do you remember how old you were when you disclosed about the abuse?

A. When I reported it, it was in November of 2013. I was 17.

Q. What prompted you to report?

A. I don't want to say anything that I am not allowed to say. There were some things going on in my mom's, uh, with my sister and her friends. There was some partying going on there. My niece was there, involved.

Q. How old was your niece at that time?

A. She was about two.

*Q. So were you and your sister pregnant at the same time?*

*A. Yes. My oldest little boy and her oldest little girl are like seven weeks apart.*

*Q. So how old were you when you had your little boy?*

*A. I was fifteen.*

*Q. And how old was your sister?*

*A. Thirteen.*

*Q. So your niece was living at the home?*

*A. Yes.*

*Q. Why would that have prompted you to tell?*

*A. There was an incident that happened a couple of days before I made the report. Jodie and a friend of his ---*

*SCOTT DOVER: Your Honor, I would object unless she has some foundation for what happened. If she was there and has an independent recollection of this -- I don't know what she's getting into. If it is based on what was going on at ---*

*THE COURT: Hold on. If you could ask*

the questions ---

SOLICITOR ODOM: I can rephrase it.

THE COURT: Rephrase it.

SCOTT DOVER: Thank you.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. Were you worried about your niece?

A. Yes, I was.

Q. How old did you say your niece was?

A. She was two.

Q. Where were you living at that point when you disclosed?

A. They was living at my mom's at that point.

Q. Where were you living?

A. I was living with my grandparents. I moved in with my grandparents again after -- when I found out that I was pregnant.

Q. Who was living at your mom's house on Lee Street?

A. At that time it was Jodie, my mom, my brothers, my sister, my niece.

Q. Did your mom work?

A. She did, at the Board of Disabilities.

*Q. Who kept your niece?*

*A. My sister was supposed to be the one that took care of her but ---*

*SCOTT DOVER: Your Honor, this is where I would the Solicitor -- I would object except as to what this witness knows of that. Not what she heard. Now, if she knows who was keeping the niece, then that is a proper question. But if it is based on hearsay or speculation, I would object.*

*THE COURT: You may ask her that question -- and make sure that you respond to the question.*

*WITNESS: Yes, sir.*

*DIRECT EXAMINATION CONTINUED*

*BY SOLICITOR ODOM:*

*Q. Do you have personal knowledge?*

*A. I have personal knowledge that my mom took care of my niece through the week and when she worked on the weekends that my sister was leaving my niece under the care of Joseph.*

*Q. Would you still -- even though you lived with your grandparents, would you still go visit with your mom and them?*

A. Yes, I would go see my sister, my brothers and my niece.

Q. All right. So when you told -- let law enforcement know, where were you?

A. I actually called the police from Lee Street, at my mom's house. The police -- because of my mom leaving work and actually coming over there to her house where I had called the police, Pickens County asked if we could move it to my grandparents to take the statements, at [redacted] Wiley Road in Liberty.

So I was followed by the police to my grandparents, to give the statement there.

Q. So which officer did you speak with at that point?

A. It was a Pickens County deputy and, honestly, -- I reported almost four years ago and I cannot remember his name.

Q. After you gave your initial statement, did you speak with any other officers?

A. Yes, ma'am.

Q. Who did you speak with?

A. Jan Kelley.

Q. Did you also give him a statement?

A. I did.

Q. Do you have personal knowledge about how the defendant is?

A. (No verbal response).

Q. Do you know how old Jodie is?

A. Yes, ma'am.

Q. How old is he?

A. He's 44.

Q. How do you know that?

A. Because his birthday was [redacted], 1972.

Q. And how do you know his birth date?

A. Am I allowed to say? I just know his birthday. When we were little and my mom got food stamps, that was our pin code -- his date of birth. That's how I've always known.

Q. Is Jodie Williams in the courtroom today?

A. Yes, he is.

Q. Can you point him out to me?

A. He's sitting right there.

Q. Can you tell me what color shirt that he has on?

A. He has a blue shirt on.

SOLICITOR ODOM: Your Honor, at this

*time I would like the record to reflect that she is pointing out the defendant.*

*SCOTT DOVER: Without objection.*

*DIRECT EXAMINATION CONTINUED*

*BY SOLICITOR ODOM:*

*Q. Is he the man who molested you?*

*A. He is.*

*Q. I just have a few more questions for you, [MINOR 1]. Were there times when you lived with your mom and Jodie that she worked late or where she was at work and you were at home?*

*A. Can you repeat that?*

*Q. Sure. Were there times when you lived with your mom and Jodie that she worked late or where she was at work and you were at home?*

*A. Yes.*

*Q. Were there times when you were alone with Jodie?*

*A. Yes.*

*Q. Would you go to visit Jodie's mother any?*

*A. There were some times when we would go to Judy's. Me and my sister never really*

got invited to stuff at his mom's house. His mom did not like us at all. But there was times when I would be riding with Jodie to go drop my brothers off, for him to go out to, uh, what he'd say was band practice.

Q. Do you remember any times when you were living with your mom and Jodie that he would just stay at his mom's house?

A. There were times that Jodie stayed at his mom's house, but he did not always stay at his mom's house. Only if him and mama was arguing.

SOLICITOR ODOM: Beg the Court's indulgence one moment.

THE COURT: Sure.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. Do you remember how often the abuse would occur?

A. It was often but it was like random. It was a lot, too many times for me to count.

Q. Did it occur before you turned eleven?

A. It's hard for me to remember exactly ages. I know that the first time that it

*happened was not long before we left Jane Lane and went to stay with my grandparents. That was the first time he made me do that oral sex to him.*

*Then after High Top is when the majority of when that happened, of the oral sex.*

*Then it stopped about a week before I turned thirteen.*

*SOLICITOR ODOM: Please answer any questions that Mr. Dover has for you.*

*THE COURT: Cross-examine.*

*SCOTT DOVER: May it please the Court.*

*CROSS EXAMINATION*

*BY SCOTT DOVER:*

*Q. Ma'am, the offense that you just told the jury about, would you agree with me that had that happened that would be one of the most traumatic things in a person's life?*

*A. It has been.*

*Q. And it is one that people -- it would be etched in your memory forever?*

*A. It has been.*

*Q. And you would remember exactly the way that it occurred?*

*A. I would.*

Q. And isn't it true, ma'am, that if these events happened the way that you said they did that the only witnesses to these events would be yourself and Jodie Williams?

A. That's correct.

Q. There is no physical evidence, correct?

A. (No verbal response).

Q. You never went to the doctor and got checked out or anything like that?

A. No, sir.

Q. And you never uttered a word to anybody about my client, Jodie Williams, doing any of these thing to you for ten years. Is that correct?

A. (Affirmative nod). No, sir, I did not.

Q. So that is correct?

A. That is correct.

Q. And you just told this jury today that the first time that it occurred was when you were living at South Lewis Street, when you were about seven or eight years old. That you were lying on the floor, that your mom had already laid down -- am I correct

about those two things?

A. Yes.

Q. That you were on a pallet in the floor, is that right?

A. Correct.

Q. That Jodie laid down beside you, started talking to you, kissing you, caressing you and rubbing on you. Is that the truth?

A. That is the truth.

Q. But, ma'am, earlier -- I've asked you these same questions before, haven't you?

A. You sure have.

SCOTT DOVER: Your Honor, if I could approach the witness.

SOLICITOR ODOM: Your Honor, if I could see ---

SCOTT DOVER: Sure, (tenders).

SOLICITOR ODOM: (Review).

CROSS EXAMINATION

BY SCOTT DOVER:

Q. Turn with me in that document to Page 10.

A. Okay.

Q. You were placed under oath and sworn

to tell the truth when these questions were asked of you. Is that correct?

A. Give me just a second to read this.

Q. Yes, take your time.

A. What ---

Q. Turn back with me to the cover page. This testimony was provided by you on June 22, 2015. Is that right?

A. Yes, sir.

Q. Two years ago?

A. Yes, sir.

Q. Turn with me to Page 16. I am going to stand over here next to Ms. Odom so that she can see what I am asking. When you were asked what happened two years ago, please tell the jury, starting on Line 4 of what you said happened then. Just read it.

A. (Reading): "I was around seven or eight years old. It was while I was still at Pickens Elementary. I am pretty sure I was in first or second grade. My mom had done went to bed. It was late. I was still up. Jodie was still up. Jodie had been drinking."

Q. Go ahead.

A. (Reading): "It started off with, 'Do you want to try this cigarette?' It was a different flavored cigarette. I'm sure, I was little. I didn't know anything about it and I started smoking vanilla-flavored cigarettes. The next thing I know he asked me if I wanted to go lay on the floor and watch a movie and he'd make a pallet."

Q. All right. Now, you also told this jury just a few moments ago that my client required you or asked you to perform oral sex on him while you were living at Jane Lane in Six Mile, South Carolina. Didn't you tell tem that?

A. Yes, the first time that it happened was at Jane Lane.

Q. And that would certainly be something that a young woman at your age would certainly remember in her life, your life; wouldn't it?

A. Yes.

Q. Where that occurred, don't you think?

A. I do remember.

Q. Turn over to Page 18, ma'am, of your

same testimony, two years ago.

A. Okay.

Q. Under oath when I asked you that question, starting on Line 5, tell this jury what you testified to under oath then.

A. Where do you want me to ---

Q. Line 5, that's your answer.

A. (Reading): "One of the first times he put his mouth on me is when we had -- it was right we had moved to High Top Drive in Pickens, is when the oral sex had started, around ten or eleven years old. That is the only place the oral sex happened at, was High Top Drive."

Q. Over two years ago you stated that the only place the oral sex occurred was at High Top Drive. Didn't you tell us that?

A. Yes. I've also spoken with them as well because this happened to me so many times that I had to go back -- there was times in counseling, trying to get this out of my head that I was confused about dates and times because of being so young when this happened to me.

Q. But, ma'am, you would agree with me,

*just like you told this jury a few moments ago, that if that had occurred to you that you would have remembered exactly the place you were living when it occurred. Don't you think?*

*A. I can ---*

*Q. Don't you think?*

*A. I can remember seeing him do it to me. I suffer from PTSD, like I can visually see it.*

*Q. And for someone to do that, you would be going back in time to that very place where it occurred. People have a vivid memory, to where you can -- people can remember where you were, what you were wearing, what ---*

*SOLICITOR ODOM: I am going to object. I'm not sure what his question actually is or if he has one.*

*SCOTT DOVER: I'll re-ask it.*

*THE COURT: Okay.*

*CROSS EXAMINATION CONTINUED*

*BY SCOTT DOVER:*

*Q. Wouldn't you believe that you'd be able to go back and remember exactly where*

you were when that happened to you?

A. I can remember several places visually.

Q. And you told us two years ago -- strike that, I withdraw that question.

Is your memory better today of these events that happened fourteen years ago than they were two years ago?

A. I have went back and really, really made sure that I went over little detail. This was over a five-year period of time that this happened to me. I'm sorry if I can't remember every single little detail but the main things that hurt me, that traumatized me is what I remember and have to live with every day of my life.

Q. Ma'am, you just told this jury that at ten years of age, that you had to put your mouth on your stepfather's penis; didn't you tell them that?

A. Yes, because I did.

Q. And wouldn't you think that you would remember where you were when that happened?

SOLICITOR ODOM: Your Honor, I am going

*to object. This has been asked and answered.*

*THE COURT: I'll let her answer this question.*

*WITNESS: The first time ---*

*CROSS EXAMINATION CONTINUED*

*BY SCOTT DOVER:*

*Q. Don't you think you'd remember?*

*A. The first time ---*

*SOLICITOR ODOM: Objection, he needs to let her answer.*

*THE COURT: She can answer the question, then explain.*

*WITNESS: The first time I ever put my mouth ---*

*SCOTT DOVER: Please answer my question.*

*CROSS EXAMINATION CONTINUED*

*BY SCOTT DOVER:*

*Q. Please answer my question, don't you think that you would remember where you were when that type event occurred to you at ten year old?*

*A. I do remember. I do remember.*

*Q. And you just told this jury that it was in Six Mile, South Carolina not at High Top in Pickens County; didn't you?*

A. Correct.

Q. And you told ---

A. I didn't have -- it happened so many times that it is very hard to remember. I was seven to twelve years old.

Q. You remember ---

A. I'm sorry if I make a mistake.

Q. --- vividly the first time that you had sex and where that was. Correct?

A. Yes.

Q. Don't you think you -- is it not reasonable to believe that you would remember the first time that you put your mouth on a male's penis?

A. I do.

Q. And don't you think you'd be able to tell consistently where that happened?

A. At that time the Family Court was very, very stressful for me.

Q. You -- I'm sorry, I didn't mean to cut you off.

A. I remember visually the first time that I had to put my mouth on his penis. I will sit here if I need to and give detail as to where and when.

*Q. You just told this jury that it happened in Six Mile and you told us two years ago that it happened on High Top Drive. Didn't you?*

*A. The majority of the stuff happened on High Top Drive.*

*Q. Well, am I quoting you right that "the only place that the oral sex happened was at High Top Drive", Lines 7 and 8. Did I read that right?*

*A. That's correct. I made one mistake, because the last time -- the last week that I stayed in Six Mile was the first time that he made me put my mouth on his penis, and then I went to my grandparents.*

*Q. So that's one of those little things that you made a mistake about?*

*A. I did make a mistake.*

*Q. You told us -- isn't it true, ma'am, that you made this report and told the police about it while you were in the presence of your father, your biological father?*

*A. Yes, the first person that I reported to was my biological father. And my biological father did tell me ---*

*SCOTT DOVER: I object. Your Honor, I didn't ask her to say what ---*

*THE COURT: Sustained. Don't say what anyone else said. Just answer the question.*

*CROSS EXAMINATION CONTINUED*

*BY SCOTT DOVER:*

*Q. And would you also agree with me that at the time that you told this that you were in a pretty difficult argument/fuss with your mother?*

*A. Am I allowed to say what went on?*

*Q. Were y'all having a fuss, an argument?*

*A. There was a dispute. Yes, there was a fuss.*

*Q. And you were upset that your mother was allowing your sister to be around a boy that she wouldn't allow you to be around, by the name of Joseph Bates? Isn't that correct?*

*A. No.*

*Q. Was law enforcement on November of 2013, the first people that you told that Jodie Williams had abused you?*

A. The first person that ever knew anything, my oldest son's dad, I'd told him that stuff had happened. I never told him details. But the very first person that I fully come out to and finally opened up to was my biological father, Ernest Cisson.

Q. But you did tell any individual named David Baker, the father of your first child, you did tell us that you told him about this earlier on; didn't you?

A. I was fourteen years old and he had questioned me about me and Jodie being around each other. He was very controlling and he asked me if anything had ever happened. I said stuff had happened but that I didn't want to talk about it. It was not his concern. I never went into detail with him.

Q. You didn't in 2010 tell me that you told David Baker that Jodie Williams had required you to have oral sex with him?

A. I remember talking to you.

Q. Turn to your testimony on Page 19. Let's look at that question. Line 14, your answer -- the question was, who was the very first person who you told what was going on?

*Am I reading this correctly, (reading): "The first person that I ever told was my son's dad. I was fourteen years old. It was not long after I got pregnant with my little boy... "*

*SOLICITOR ODOM: Your Honor, I am going to object. He's just reading off the transcript. He's not actually asking ---*

*SCOTT DOVER: I'm asking her.*

*CROSS EXAMINATION CONTINUED*

*BY SCOTT DOVER:*

*Q. Isn't that what you said to us?*

*A. What I said in that statement is true. I had always struggled with oral sex with anybody that I'd been in a relationship with and that did bring on him questioning me about Jodie.*

*Q. So you would expect us, if the jury is going to listen to this testimony, that David Baker is going to be a witness that is going to come forward and be a witness and say that you told him this in 2010?*

*SOLICITOR ODOM: Objection to this, because he is asking her ---*

*THE COURT: Sustained.*

*CROSS EXAMINATION CONTINUED*

*BY SCOTT DOVER:*

*Q. Did you tell David Baker that this happened to you in 2010?*

*SOLICITOR ODOM: Objection to the wording of the question. That could be answered in two different -- two completely different ways.*

*CROSS EXAMINATION CONTINUED*

*BY SCOTT DOVER:*

*Q. Did you tell David Baker that you had a problem with oral sex because of your abuse by Jodie Williams in 2010?*

*A. I did.*

*Q. Are you telling this jury under oath, let's make sure that I've got this correct, that there were nights that you spent at the home of your mother when your sister was not present. Is that what you are telling this jury?*

*A. Yes.*

*Q. And are you telling this jury also that there were nights that you spent alone with Jodie Williams while she was at work. Did I get that right?*