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SC Court of Appeals

VOLUME II OF II

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Kershaw County

Honorable Robert E. Hood, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JONATHAN DWAYNE WILSON,

APPELLANT

APPELLATE CASE NO. 2024-002184

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1 10 minutes, and we'll be ready for you, okay?

2 MR. PARKER: All right.

3 THE COURT: Thank you. All right. 10 minutes.

4 (Off the record at 3:37 p.m.)

5 (On the record at 3:48 p.m.)

6 THE COURT: Okay. Good. Mr. Kirincich?

7 MR. KIRINCICH: Yes, sir.

8 THE COURT: State good? Okay.

9 MR. BRADBURY: Yes, your Honor.

10 THE COURT: Let's bring them in.

11 (Jury Enters Courtroom at 3:50 p.m.)

12 THE COURT: Okay, look at that. Welcome back. People
13 are changing up seats. All right. Some of you are, some of
14 you are not. That means you're normal. Okay. Look at this
15 one, she's going to get some of that candy when she comes in
16 here. Candy helps you stay awake. That's right. Okay,
17 welcome back. And State may call their next witness.

18 MR. BRADBURY: Thank you, your Honor.

19 THE COURT: Okay.

20 MR. BRADBURY: All right. The State calls David
21 Parker.

22 THE COURT: All right.

23 THE CLERK: Mr. Parker, can you place your left hand on
24 the Bible and raise your right hand?

25 DAVID PARKER,

1 being duly sworn, testified as follows:

2 THE CLERK: You can have a seat in the witness chair
3 and state your full name for the record.

4 THE WITNESS: David Parker.

5 DIRECT EXAMINATION

6 BY MR. BRADBURY:

7 Q. Thank you, your Honor. Good afternoon, Mr.
8 Parker.

9 A. Afternoon.

10 Q. Yeah. Thank you for being here today. Now, do
11 you know the Defendant in this case, Mr. Jonathan Dwayne
12 Wilson?

13 A. Yes.

14 Q. How do you know Mr. Wilson?

15 A. My cousin -- my first cousin.

16 Q. Your first cousin?

17 A. Uh-huh.

18 Q. And are you close?

19 A. We used to be.

20 MR. BRADBURY: Yes, ma'am. Yeah.

21 BY MR. BRADBURY:

22 Q. Back in 2017, were you close?

23 A. Yeah.

24 Q. Okay. And did you grow up with Mr. Wilson, or did
25 you meet each other later?

1 A. We grew up.

2 Q. Okay. So about how long had you been close with
3 Jonathan Wilson?

4 A. Since I can remember. Since I was young.

5 Q. And what does "be close with him" mean to you?
6 And did you all hang out all the time? You know, once a
7 month, once a week, every day? What is close to you?

8 A. Sometimes every day, sometimes weekly. Just
9 depends, but -- you know, just close family.

10 Q. So was his family -- it sounds like he was a
11 friend as well.

12 A. Yes.

13 Q. Now in -- remember November of 2017, where was
14 Mr. Wilson living?

15 A. Staying out with me in my trailer.

16 Q. Why was he staying with you in your trailer?

17 A. He fell on a hard time and just needed a place to
18 stay.

19 Q. And then you gave that to him?

20 A. Uh-huh.

21 Q. All right. Did you have any question about giving
22 him a place to stay?

23 A. I'm sorry?

24 Q. Did you question giving him a place to stay at the
25 time?

1 A. No.

2 Q. Okay. So just kind of a natural thing to make
3 sure that he had somewhere to -- had a roof over his head?

4 A. Uh-huh.

5 THE COURT: All right. You got to say "Yes," or "No."

6 THE WITNESS: Yes -- yes.

7 THE COURT: If you can't say "Yes," or "No," I can't
8 pick it up. Thank you.

9 BY MR. BRADBURY:

10 Q. Now, prior to that -- oh, actually -- so November
11 5th, 2017, at that point, how long had he been staying at
12 your place?

13 A. Well, I want to say maybe a few months, give or
14 take.

15 Q. And had he ever stayed at your place before he
16 moved in?

17 A. Maybe overnight.

18 Q. Now, when he would stay there overnight before he
19 moved in, then once he moved in where would he sleep?

20 A. In the guest bedroom.

21 Q. All right. Now, you've ever drawn a diagram of
22 your house?

23 A. Yes.

24 Q. Did you draw a diagram previously for us?

25 A. Yeah, I did.

1 Q. I mean, first exhibit was previously marked for
2 identification purposes in State's Exhibit 1, house diagram.
3 Have you seen this?

4 A. (Inaudible).

5 Q. And do you recognize to have been (inaudible) to
6 the State exhibit form?

7 A. Yes.

8 Q. Now what is this? (Inaudible) Is this?

9 A. It's where I was living.

10 Q. Did -- did you draw those?

11 A. Yes.

12 Q. Has it changed or amended in any way other than
13 the sticker saying "State's 1"?

14 A. No.

15 Q. All right. Clearly and accurately represents
16 drawing date back on August 7th this year?

17 A. Yes.

18 MR. BRADBURY: Your Honor, the State will submit
19 Exhibit 1?

20 MR. KIRINCICH: No objection, your Honor.

21 THE COURT: All right. State Number 1 (inaudible).
22 (State's Exhibit Number 1 admitted into evidence.)

23 THE WITNESS: Your Honor?

24 THE COURT: Yes, sir.

25 THE WITNESS: Are we getting sound? Now it is. Okay.

1 MR. BRADBURY: Okay. Your Honor, the State would move
2 to publish to the jury.

3 THE COURT: Granted.

4 MR. BRADBURY: Thank you, your Honor.

5 THE COURT: All right.

6 BY MR. BRADBURY:

7 Q. Mr. Parker, if maybe you can stand up and come
8 over to the corner so you can see the big screen here. This
9 is what has just been admitted to evidence. It's State's
10 Exhibit 1. Now, what are we looking at here?

11 A. (Inaudible).

12 Q. And what is this?

13 A. That's the (inaudible).

14 Q. And then (inaudible) guest room? And that was the
15 whole guest room, right?

16 A. Yes.

17 Q. (Inaudible).

18 A. Yes.

19 Q. All right. And you walk to the corridor and take
20 a left through your kitchen, is that accurate?

21 A. Yes.

22 Q. And then bedroom number one. Who was at number
23 one?

24 A. (Inaudible).

25 Q. Your room? And then master bathroom. Is there a

1 way to access that bathroom through bedroom one?

2 A. Yeah.

3 THE CLERK: (Inaudible).

4 THE COURT: Yeah. You got to keep your voice up.

5 BY MR. BRADBURY:

6 Q. So when you testified that after Mr. Wilson moved
7 in he would stay in, was labeled bedroom number two, or as
8 you testified, the guest bedroom, correct?

9 A. Yes.

10 Q. Was that room hard to access?

11 A. No.

12 Q. Was there anything blocking the door?

13 A. Uh-Uh. No, sir.

14 Q. Was there dragging in the way?

15 A. No.

16 Q. Was it furnished? Was there like a...

17 A. Yes.

18 Q. Bed in there?

19 A. Yes.

20 Q. Did -- was accessible?

21 A. Yes.

22 Q. All right. Now the guest bathroom was that a
23 functioning bathroom?

24 A. Yes. The shower didn't work, but the sink and the
25 toilet did.

1 Q. Sink and the toilet worked?

2 A. Yeah.

3 Q. Now, when Mr. Wilson was staying over, other than
4 if he had to take a shower would he use the guest bathroom or
5 the master bathroom as he's staying in bedroom number two?

6 A. The guest.

7 Q. Okay. And say you're in the living room and the
8 hall, nature strikes, right? Would you go and use the guest
9 bathroom or would you go over to the master bathroom?

10 A. What, I?

11 Q. You.

12 A. I would go to the master bathroom.

13 Q. And was that kind of your bathroom?

14 A. Yeah.

15 Q. All right. Okay. So turn your attention to the
16 fourth day of November of 2017. Was Mr. Wilson living in the
17 home at that point?

18 A. Yes.

19 Q. Okay. And did you have anybody else over, any
20 other guests over on the 4th of November?

21 A. No.

22 Q. You have any sleepover for the kids?

23 A. Well, yeah. My kids and -- my kids and John
24 Watkins' kids.

25 Q. And how many kids is that?

1 A. Five.

2 Q. All right. And did Mr. Wilson have a kid?

3 A. Yeah, he had his son with him.

4 Q. All right. So total would be six kids?

5 A. Yes.

6 Q. Now did they kind of have a playdate or a
7 sleepover that day?

8 A. Yes.

9 Q. And were they there all day or did they come over
10 in the evening for a sleepover?

11 A. I think they came over the evening before or
12 afternoon before.

13 Q. So would they have spent two nights there or just
14 one?

15 A. Well, they had come over then, in the afternoon
16 and then spent the night, and then stayed throughout the
17 remainder the next day.

18 Q. All right. Now, for the remainder of the next
19 day, anything significant, anything sticks out in your mind
20 or was significant about that day? Anything happened that
21 day?

22 A. Yeah, that's when it all kind of come unraveling.
23 John Watkins, he had talked to his daughter and -- you know,
24 he came back and that's when the -- that's when the scuffle
25 initiated.

1 Q. And you say, "The scuffle initiated," what are you
2 talking about?

3 A. John Watkins and John Wilson's fight.

4 Q. All right. And can you describe that? Did you
5 witness that fight?

6 A. Yes.

7 Q. All right. Can you describe that fight?

8 A. John Watkins, he pretty much bust through the
9 front door and kind of in a sprint, ran through the kitchen
10 into the master bedroom -- to the master bathroom where the
11 other John was, and then they just started fighting.

12 Q. Now, was there anything blocking the way to get
13 into the master bedroom?

14 A. No, I don't believe so.

15 Q. The door into the master bedroom from the kitchen,
16 was that a normal door, like a normal man-sized door?

17 A. No, it was a -- I don't know what you call it. It
18 was like a sliding door. It kind of -- it was on the
19 railroad kind of folded open.

20 Q. Kind of like an accordion?

21 A. Yeah. So it was at least double the width -- you
22 know, of a normal door.

23 Q. So like two people would be able to walk through
24 it at the same time, when you say it's double the width or is
25 it

1 A. Yeah. I mean -- if it was open all the way?

2 Yeah.

3 Q. Now, during this sleepover, where did the kids
4 sleep?

5 A. In my room.

6 Q. How were they situated in your room?

7 A. The girls was on the bed and the boys had a pallet
8 on the floor.

9 Q. Now, did you set up anything special for -- for
10 the kids to help them sleep that night or to keep them cool?

11 A. I think I had a fan.

12 Q. And you had set it up on the floor?

13 A. No, I had it on a -- it would've been on the
14 table. Matter of fact, it would've been one of my daughters'
15 tables, little mini house table, but -- and the other bed
16 kind of situated in the door.

17 Q. Okay.

18 A. A point on it.

19 Q. How -- how big was this table?

20 A. It wasn't big.

21 Q. All right. Can you walk past this table and go
22 through the doorway?

23 A. Yeah. That's how we were able to keep it there --
24 you know, because the doorway was wide and the table wasn't
25 that big. So you had -- you easily bypass it.

1 Q. Is that kind of how you kept things set up when
2 the kids were sleeping in that room?

3 A. Yeah.

4 Q. All right. Had they been over there before, had a
5 sleepover before?

6 A. Yeah.

7 Q. Had they been over there before and had sleepovers
8 before when Jonathan Wilson was around?

9 A. I can't really recall.

10 Q. Now, kind of going back to relationships and
11 closeness, how close were you with John Watkins?

12 A. Not really close. I mean -- you know, he was --
13 we kind of had an understanding because -- you know, he was
14 married to my ex-wife and stepfather of my kids. So I'll say
15 we -- we kind of got along the best we could for the kids,
16 but, you know, that was about it.

17 Q. So you want to say you were friends?

18 A. We weren't best friends, man.

19 Q. Okay. Got along the best you could for the kids?
20 That'd be somewhere you guys would hang out, just the two of
21 you, or...

22 A. I mean, we have been together, but -- you know, I
23 guess you could say hung out, but -- you know, that's about
24 it.

25 Q. Okay. Were you closer with John Watkins than you

1 were with Jonathan Wilson?

2 A. At the time, no.

3 Q. Okay. Did you have a better opinion of John
4 Watkins at that time than Jonathan Wilson?

5 A. I would say, no.

6 Q. No. So going back to the 5th of November, you
7 said that John Watkins came busting over -- busting into the
8 door, basically. And just to paraphrase -- correct me if I'm
9 wrong, but in your testimony was basically that the bum
10 rushed back there to Jonathan Wilson and they kind of went at
11 it. Did you see that actual physical fight?

12 A. Yeah -- I mean, I was the one that kind of broke
13 it up. It did last for a matter of seconds, but yeah.

14 Q. Okay. And when you broke it up, did you pull one
15 of them off the other, who was getting the best at who in
16 your estimation?

17 A. I remember pulling John Watkins off of John
18 Wilson.

19 Q. And at that point, did Mr. Watkins say anything to
20 you that drove you to want police presence out there?

21 A. Yeah. He -- he told me what...

22 MR. KIRINCICH: Objection, your Honor. Hearsay.

23 MR. BRADBURY: Okay, your Honor. I was just asking for
24 a yes or no, whether there was a --

25 THE COURT: Okay.

1 MR. BRADBURY: -- Police presence. So...

2 THE WITNESS: Yes.

3 BY MR. BRADBURY:

4 Q. Okay. Thank you. Okay. And did law enforcement
5 arrive out there?

6 A. Yes.

7 Q. Do you know who called them?

8 A. I believe it was John or either Betsy.

9 Q. But they did arrive out there?

10 A. Yes.

11 Q. All right. And did they arrest anybody that
12 night?

13 A. No, I don't believe so.

14 Q. Everybody's able to kind of leave on their own?

15 A. Yes.

16 Q. That night? And did you ask them to do anything
17 related to Jonathan Wilson being allowed to come back to your
18 property?

19 A. Yeah. The thing I did or what do you call, a
20 trespass, or?

21 Q. So you -- trespassing that night through law
22 enforcement?

23 A. Yeah.

24 Q. Okay. And that was back in 2017, so seven years
25 ago, right?

1 A. Yeah.

2 Q. Have you spoken with Jonathan Wilson since that
3 time?

4 A. No.

5 Q. Have you invited him back over to your house since
6 that time?

7 A. No.

8 Q. You haven't had really any contact at all with him
9 since that time?

10 A. No.

11 Q. Any desire to have any contact with him?

12 A. No.

13 Q. That goes from spending almost every day, I
14 believe it was at some point in your life with him?

15 A. Yes. Growing up and having sleepovers, you know.

16 MR. BRADBURY: Thank you. I don't have anymore, your
17 Honor?

18 THE COURT: Yes, sir.

19 MR. BRADBURY: Thank you.

20 CROSS-EXAMINATION

21 BY MR. KIRINCICH:

22 Q. Thank you. So going back to the night before,
23 where -- you said that Jonathan Wilson, generally stayed in
24 bedroom two, the guest room here was where he supposed to
25 stay that night?

1 A. In the guest bedroom, bedroom two.

2 Q. All right. Did you tell him to?

3 A. I mean, it's kind of an understanding we had, you
4 know, because prior to that, he had already been staying
5 there a little while and that's where he'd been sleeping.

6 Q. All right. So he'd already been sleeping in
7 there?

8 A. Yeah.

9 Q. All right. And where did you sleep?

10 A. Master bedroom.

11 Q. Where did you sleep that night?

12 A. Oh, that night? In the living room.

13 Q. In the living room? Where in the living room?

14 A. I believe I fell asleep in the recliner.

15 Q. In the recliner? Okay. Now, before you fell
16 asleep where was Jonathan Wilson? Was he sitting out there
17 in the living room with you?

18 A. Yeah, I believe so.

19 Q. Okay. So as you fall asleep in the recliner, he
20 sat out there in the living room with you, and your
21 understanding is that he was going to sleep where that night?

22 A. The guest bedroom.

23 Q. Okay. All right. And just one last question.
24 What is the address there?

25 A. There?

1 Q. Right.

2 A. 1620 Etters Lane.

3 Q. All right. And is that in Kershaw County?

4 A. Yes.

5 MR. KIRINCICH: Thank you. Thank you, your Honor.

6 BY MR. KIRINCICH:

7 Q. Mr. Parker, you're familiar with the drawing you
8 did, right?

9 A. Yes.

10 Q. Okay. Single-wide trailer?

11 A. Yes.

12 Q. About how many square feet?

13 A. I couldn't even tell you, to be honest.

14 Q. How long have you lived there?

15 A. Since 2015, I believe. 2014.

16 Q. Now it's fair to say that the trailer itself had
17 several problems, right?

18 A. Yes.

19 Q. You had a bad electrical problem, was probably the
20 main thing, correct?

21 A. Yes.

22 Q. And what you called the guest bedroom and
23 bathroom, there were actually no lights at all on that end of
24 the house, right?

25 A. Right.

1 Q. And going back into your bedroom and the master
2 bathroom, not all the lights work there either, right?
3 Didn't you have to use a flashlight to go into the bathroom
4 then in the house?

5 A. In the guest bathroom.

6 Q. And on your side of the house as well, didn't you
7 have to have a flashlight to go in there?

8 A. The master bathroom?

9 Q. Yes.

10 A. I don't -- maybe at one time. I don't believe so,
11 though. I think it was mainly the guest bathroom.

12 Q. And the master bathroom, it had some plumbing
13 problems as well, though, correct?

14 A. The master?

15 Q. Yes.

16 A. No. The -- the toilet -- everything worked in
17 there, the shower, the sink, the toilet.

18 Q. All right. The -- the drawing doesn't have any
19 dimensions on it. Do you remember about how big the bedroom
20 was? The master bedroom?

21 A. I mean, I don't know how to compare. I mean...

22 Q. Was it 10 by 10? Was it bigger than that?
23 Smaller?

24 A. I'd say at least a 10 by 10.

25 Q. And what size bed did you have in there?

1 A. I think it was a queen.

2 Q. You had a queen bed in a 10 by 10 room? And on
3 the night in question, you had three girls sleeping on the
4 bed, right?

5 A. Yes.

6 Q. And you had three boys sleeping on the floor?

7 A. Yes.

8 Q. Right. And those three boys were Mr. Wilson's
9 son, **Son** your son, **Stepbrother**

10 A. Yes.

11 Q. And **Brother**

12 A. Yes.

13 Q. Right. And you remember how old your son was at
14 the time?

15 A. I'd have to think about it. I can't.

16 Q. Do you remember how old any of the kids were at
17 the time?

18 A. I don't know. I want to say **Stepbrother** was around --
19 around seven -- seven -- eight, maybe. I know **Stepsister 2** was
20 still in pull-Ups.

21 Q. And that's your youngest daughter?

22 A. Yes.

23 Q. Who was asleep on the bed?

24 A. Yes.

25 Q. And **Stepsister 1** is your oldest daughter who's asleep

1 on the bed, right?

2 A. Yes.

3 Q. And then **Minor** was asleep on the bed?

4 A. Yes.

5 Q. Right. Do you remember where this pallet was set
6 up on the floor?

7 A. To the -- just beside the bed, like to -- like,
8 the bed was on this side. Here's the entrance to the
9 bathroom and they were on the floor right here.

10 Q. Kind of in between the -- the double door, the
11 4-foot door, the accordion door, and the bathroom door,
12 right?

13 A. Yes.

14 Q. And part of that door was at least partially
15 blocked by a small table and a fan, right?

16 A. Yes.

17 Q. And do you remember telling the officer you set
18 the fan up because like you, your girls were used to the
19 noise of a box fan or some sort of fan?

20 A. Yes.

21 Q. All right. Now, Mr. Wilson had been staying with
22 you, you said a couple months maybe, right?

23 A. Yes.

24 Q. Now, during that time, your brother had also been
25 living with you, right?

1 A. I believe he may have stayed with us here and
2 there, but I don't...

3 Q. Didn't your brother live in that guest bedroom for
4 a while?

5 A. It's really hard to recall. Well, I can't say for
6 sure he was when John was staying there.

7 Q. You don't remember Mr. Wilson sleeping on the
8 couch while your brother was occupying that guest bedroom?

9 A. Yeah. But that was -- he didn't live there,
10 though. He stayed there may be a night here and there.

11 Q. Yeah. But he did keep stuff there right at your
12 house in that bedroom?

13 A. Not at that time.

14 Q. Not at that time?

15 A. No. Because I remember at that time, John -- he
16 had all his stuff in the room. He had his clothes and
17 everything. He even had his blankets on the bed.

18 Q. All right. Mr. Watkins kind of bust in the front
19 door. Where were you at the time?

20 A. At the front door.

21 Q. Okay. And he just immediately knew to go back to
22 the bathroom? Is that what happened?

23 A. He asked -- he asked where he was, and I kind of
24 nodded that way and he just took off running.

25 Q. All right. And when you went back there, you saw

1 Mr. Watkins hitting Mr. Wilson, right?

2 A. Yes.

3 Q. And I think he said that Mr. Wilson wasn't really
4 fighting back, right?

5 A. Right.

6 Q. Mr. Wilson wanted to talk about things, didn't he?

7 A. I guess it appeared so; he was...

8 Q. He wanted to find out why Watkins was actually
9 hitting, right?

10 A. I mean, he wasn't really talking, but he wasn't
11 fighting back either.

12 Q. And that was sometime early afternoon, right?

13 A. Yeah.

14 Q. All right. There's still light outside?

15 A. Yes.

16 Q. Okay. And then after that where did you all go?
17 Did you all sit inside the house or did you all go outside to
18 talk?

19 A. We went outside.

20 Q. Outside? And at some point, Mr. Wilson called his
21 mom to come to the house, right?

22 A. Yes.

23 Q. And you knew his mom, right?

24 A. Yes.

25 Q. And she came over there, right? And Betsy came

1 over there?

2 A. Yes.

3 Q. Betsy's your ex, mother of your children, right?

4 A. Yes.

5 Q. And at some point, all of you were talking,
6 correct?

7 A. Correct.

8 Q. And then Mr. Watkins -- I believe you said, called
9 the police, right?

10 A. Right.

11 Q. And Mr. Wilson stayed there the entire time,
12 right?

13 A. Right.

14 Q. He talked to law enforcement in your front yard,
15 right?

16 A. Right.

17 Q. And then he left whenever they told him to leave,
18 right?

19 A. Right.

20 Q. And I don't think it really matters, but didn't
21 Lieutenant Royalty start the trespass notice before he talked
22 to you? You might not know that, but...

23 A. Yeah, that was a long time ago. I don't.

24 Q. He just came up to you and asked if you wanted to
25 do it, right? You didn't think of that and say, "Well, I

1 need to get him off my property." Did you?

2 A. I don't really...

3 Q. You know, it doesn't really even matter for the
4 purposes here, but -- they asked you about if you had contact
5 with Mr. Wilson, but -- with the trespass notice he was told
6 like he can't actually contact you or come get anything out
7 of your house, right?

8 A. I guess that's what's included. I don't know.

9 Q. Okay. So he hasn't tried to -- he didn't try to
10 bother you about anything, did he? You said no contact,
11 right?

12 A. You're talking about after the fight?

13 Q. After the fight.

14 A. No.

15 Q. Yeah. You slept in the chair all night. Right?

16 A. Yes.

17 Q. You never saw Mr. Wilson in there with the kids;
18 did you?

19 A. I did not myself.

20 Q. But that next morning you woke up and Mr. Wilson
21 was already awake, right?

22 A. Yes.

23 Q. And **Minor** was awake, correct?

24 A. Again, that was a long time ago. I don't -- I
25 can't remember the details like that.

1 Q. Okay. Do you remember telling anybody previously
2 that **Minor** was awake and eating a Pop-Tart on the couch
3 with Mr. Wilson? That bring anything back?

4 A. It kind of does. So I just -- I told law
5 enforcement.

6 Q. Did you tell anybody? Do you remember **Minor**
7 coloring there on the couch?

8 A. Yeah.

9 Q. And Mr. Wilson was there. Does that help a little
10 bit more, you need a little more detail?

11 A. Yes.

12 Q. So coloring and eating a Pop-Tart just out there
13 in your living room with Mr. Wilson, right?

14 A. Saying when I woke up?

15 Q. Yes.

16 A. Yeah, a little bit, yeah.

17 MR. KIRINCICH: Okay. Your Honor, if I can have a
18 second?

19 THE COURT: Yes, sir.

20 BY MR. KIRINCICH:

21 Q. I do -- I do have a couple more questions. At
22 some point the investigator for the case contacted you,
23 right? After the night when the deputies came?

24 A. Yes.

25 Q. All right. Did they ever come to your house and

1 take any photos that you remember?

2 A. No.

3 Q. Did anybody come to your house to try to collect
4 evidence or anything else like that?

5 A. No. I mean, they reached out about doing it, but
6 at the time my brother's staying there and -- I mean, I
7 reached out to him to try to get permission and he wouldn't
8 ever get back.

9 Q. When -- when did you move out of that house? It
10 wasn't like that next day, was it?

11 A. No. I moved out -- I don't know. It was, I mean,
12 it was a while after. It was a couple years, maybe after.

13 Q. A couple years? And in that time, nobody ever
14 came to take photos while you were living there, right?

15 A. No.

16 MR. KIRINCICH: Okay. No further questions, your
17 Honor.

18 RE-DIRECT EXAMINATION

19 BY MR. BRADBURY.

20 Q. Very briefly, your Honor. Now, Mr. Parker, Mr.
21 Kirincich asked you about this trespass and the terminology
22 of the trespass and whether Sergeant Royalty had begun a
23 trespass notice before or after you asked. Had Mr. Wilson
24 not been trespassing; was he welcome to stay on your
25 property?

1 A. If he wasn't trespassing?

2 Q. No. But would you allow him to have stayed?

3 A. No.

4 MR. BRADBURY: Thank you. Thank you, your Honor.

5 THE COURT: Thank you, Mr. Parker. You may step down.

6 All right. Is that as far as we are going today?

7 MR. BRADBURY: Yes, your Honor.

8 THE COURT: Okay. All right, ladies and gentlemen,
9 we're going to go ahead and stop there for the day. So we've
10 kind of reached a sweet spot in the testimony where we made
11 it through the three witnesses we intended to today. We
12 picked the jury, did opening statements. That's a lot for
13 Monday. So we're going to go ahead and stop. So I'm going
14 to -- I release you for the evening. I want to remind you
15 kind of the rules.

16 Number one, you are not to discuss this case with
17 anybody in any way, shape or form. Number two, you should
18 not be doing any of your own independent research on the case
19 or looking into the case, or -- a lot of times jurors say,
20 "Well, I really want to know this, so I'm going to try to go
21 figure it out." We're not doing that. You're not having any
22 contact with anybody involved in the case. And the last
23 thing I want to do is give you an example.

24 So in the world of 2024, my children say, "Well, why is
25 that the rule?" Right? Okay. That's -- you know, these

1 things I hear from them constantly. So I'm going to explain
2 to you why we have these rules. So -- I don't know, give or
3 take, a year ago I was trying a home invasion case in
4 Darlington County. And I had a wonderful looking jury just
5 like you people.

6 I had a woman on the jury who was the CEO of a
7 corporation, very well educated. And we were at this point,
8 just like we are today, we had done openings, we made it
9 through a few witnesses, and I was releasing them for the
10 evening. And she got in the car and drove to her mother's
11 nursing home care.

12 And she sat down and told her mom all about the case.
13 "Let me tell you all about the case, and this is what's going
14 on," and all these things. And her mother's caregiver was
15 the Defendant's mother in the case. Okay. So I don't just
16 make up these rules just to make up rules or to torture you,
17 okay. But these rules are all in place for a reason, okay?
18 And they're -- they've been the rules that kind of help
19 identify how we deal with jury trials and juror contact and
20 jurors having outside influence.

21 So the rules are in place for a purpose. You can tell
22 your loved ones, you know, "I'm on a jury and the judge won't
23 let me talk about the case." And I'll take full
24 responsibility for it. But that's why we have these rules
25 kind of in place. And so I do ask that you follow them.

1 Tomorrow morning, I need to do, what, five minutes before I
2 preview them?

3 MR. BRADBURY: Yes, your Honor.

4 THE COURT: Okay. So tomorrow morning, let's start at
5 9:45. You should be in your jury room and ready to go at
6 9:45. We'll get started with the next witness. Please be on
7 time. I can't do anything in the case until you get here.
8 So if you're one of those people that's perpetually late,
9 please do your best to be on time tomorrow so we can go ahead
10 and get moving into the next few witnesses. Thank you very
11 much for your hard work today. You'll head right out this
12 way. We'll see you at 9:45 tomorrow. Thank you.

13 (Jury Exits Courtroom at 4:24 p.m.)

14 THE COURT: Okay. And we have witnesses lined up for
15 the morning?

16 MR. BRADBURY: We do, your Honor.

17 THE COURT: Okay. And then let's go ahead -- let's
18 just plan on us being in here in the morning at 9:30. And
19 that way I can advise whoever it is that needs to be advised
20 of whatever we need to advise them of. Just to make sure
21 we're clear and have all that lined up. And is that okay
22 with the Defense?

23 MR. KIRINCICH: Yes, your Honor. I do have one other
24 matter I'd like to address.

25 THE COURT: Okay. All right, go ahead.

1 MR. KIRINCICH: Your Honor, on the witness list
2 tomorrow is John Harvey Watkins. As Mr. Bradbury said
3 earlier, Mr. Watkins is currently in the Kershaw County
4 Detention Center.

5 THE COURT: Okay.

6 MR. KIRINCICH: Mr. Watkins has also failed at a drug
7 court. It's not the reason he's in our detention center now.
8 Your Honor, he pled into drug court in 2022. He had a
9 seven-year sentence imposed at the time. Your Honor, he has
10 subsequently picked up new charges and just happens to be on
11 the docket for later this week for a plea.

12 THE COURT: Okay.

13 MR. KIRINCICH: Your Honor, we do ask that the State
14 reveal any sort of deal that Mr. Watkins has been offered to
15 include -- your Honor, if they're only offering concurrent
16 time to what he's already been sentenced to by Judge
17 Benjamin, I believe that would in and itself be a deal. It
18 would be some sort of leniency.

19 So I just ask that they officially either give us a
20 memo in writing, something as to anything he may have been
21 offered, other than (inaudible) being left out after failing
22 out of drug court, picking up new charges kind of sets the
23 scene there.

24 THE COURT: Okay.

25 MR. BRADBURY: And your Honor, it'd be a very short

1 memo. There is no offer. That is Mr. Pauling's case, and
2 this matter, he was actually set to plead. He is represented
3 by Greg Collins. He was set to plead, I believe, in August
4 and in September. I think those are the two months where I
5 do know that he was on for plea twice previously.

6 And we -- myself and Ms. Bell have kept ourselves
7 separated from that aspect of it for -- I mean, the obvious
8 appearance of impropriety. We want to avoid that. I do not
9 know why the plea fell through those two previous times, but
10 I know that Mr. Collins has been trying to get him pleaded
11 and I don't know that the offer has changed at all. It has
12 not come from us. There is no offer of leniency or anything
13 to do with that.

14 THE COURT: Here's what I hear you saying. Mr. Watkins
15 has a lawyer and that's Greg Collins, is that right?

16 MR. BRADBURY: Yes, your Honor.

17 THE COURT: Okay. And then Mr. -- The Prosecutor
18 assigned to Mr. Watkins' case is Mr. Pauling?

19 MR. BRADBURY: That's correct, your Honor.

20 THE COURT: So we need to get confirmation tonight or
21 in the morning from Mr. Pauling if there is any plea deal in
22 any way, shape or form. Then we need to pass that along to
23 Mr. Kirincich. And have you turned over Mr. Watkins'
24 criminal history? So they have that for any 609 stuff.

25 MR. BRADBURY: I believe we turned it over back in

1 April, but if not, I can get a right -- I believe that we
2 covered that.

3 THE COURT: Can we run a fresh wrap on Mr. Watkins --

4 MR. BRADBURY: Yes, sir.

5 THE COURT: -- and get that turned over to Mr.

6 Kirincich?

7 MR. KIRINCICH: And he's correct, your Honor. I do
8 have it from April of this year.

9 THE COURT: Okay.

10 MR. KIRINCICH: I think probably the only thing that's
11 going to show up are new arrests, but no convictions.

12 THE COURT: Okay.

13 MR. KIRINCICH: But if we can get a new one that'll --
14 yeah.

15 THE COURT: You don't -- let's not make any assumptions
16 about that. All right. Let's get some kind of confirmation
17 from Mr. Pauling as to the status of a plea offer or no plea
18 offer, or this is the plea offer or whatever it is or it
19 isn't, so that we're all confirmed on that. And make sure
20 Mr. Kirincich knows what that is.

21 MR. BRADBURY: Yes, your Honor. Absolutely.

22 THE COURT: Okay. And then somebody can get him
23 transported for me tomorrow.

24 MR. BRADBURY: He is -- he's already been coordinated
25 with jail, your Honor.

1 THE COURT: He's already been coordinated?

2 MR. BRADBURY: Yes.

3 THE COURT: Wonderful.

4 MR. BRADBURY: And also on that, your Honor --

5 THE COURT: Does his lawyer know he's coming over?

6 MR. BRADBURY: He does.

7 THE COURT: Okay.

8 MR. BRADBURY: He does. And, your Honor, we do have
9 some street clothes for him. We just ask if he can be
10 allowed to wear.

11 THE COURT: I don't care. He can wear.

12 MR. BRADBURY: Thank you, your Honor.

13 THE COURT: If he wants to dress out, that's fine. If
14 he doesn't, that's fine for me too.

15 MR. BRADBURY: Yeah. Thank you, your Honor.

16 MS. BELL: Your Honor, the only other thing -- just to
17 clarify, is that as soon as I became involved in this case --
18 I was assigned the case with John Watkins -- and as soon as I
19 knew I was going to be a part of this, he had already been
20 offered drug court and everything. I came in on the back
21 end.

22 THE COURT: Okay.

23 MS. BELL: That case was immediately assigned to Mr.
24 Pauling. So there were no discussions or plea offers.

25 THE COURT: Okay. What else? Good. Okay.

1 MR. KIRINCICH: I'm good.

2 THE COURT: You all are going to coordinate them doing
3 second appearances?

4 MR. BRADBURY: Yes, your Honor. We're going to do it
5 in the -- or Mr. Pauling is going to do it downstairs in the
6 lobby.

7 THE COURT: Okay, excellent. Good. And then will
8 people be coming for first appearances? Will people be
9 coming for first appearances?

10 MR. BRADBURY: They will, your Honor. What's been put
11 out to the bar is that clients need to be there and attorneys
12 need to be there between 9:00 and 9:30 to get the (inaudible)
13 notices. And then for second appearance, we're going to be
14 here between 2:00 and 2:30. All of that's going to happen
15 out there in the lobby.

16 THE COURT: Very good. Okay. All right. Anything
17 else from the State before we break for the night?

18 MR. BRADBURY: Nothing further from the State, your
19 Honor.

20 THE COURT: Okay. From the Defense?

21 MR. KIRINCICH: No, your Honor.

22 THE COURT: All right. Mr. Wilson, casual reminder, if
23 you don't come back tomorrow, we're going to go forward
24 whether you're here or not, and I will issue a warrant for
25 your arrest, but you understand all that?

1 MR. WILSON: I do.

2 THE COURT: Okay. Thank you very much. Thank you all
3 for your hard work today. We'll see you tomorrow at -- let's
4 do 9:30 with those witnesses, and then we'll start with the
5 jury at 9:45.

6 MR. KIRINCICH: Yes, sir.

7 MR. BRADBURY: Thank you, your Honor.

8 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED

9 AT 4:30 p.m.)

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CERTIFICATE OF TRANSCRIBER

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I, JACKSON ALEXANDER, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had, and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 5 of Kershaw County, South Carolina, on December 16, 2024.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

May 20, 2025.

A rectangular box containing a handwritten signature in dark ink, which appears to read "Jackson Alexander".

JACKSON ALEXANDER
Transcriber

1 CONTINUATION OF PROCEEDINGS- DECEMBER 17, 2024.

2 THE COURT: Okay. Do we want to get -- so Minor is
3 testifying and Stepsister 1 is testifying, is that right?

4 MR. BRADBURY: That's correct, your Honor.

5 THE COURT: All right. We want to get both of them in
6 here at the same time.

7 MR. BRADBURY: And we also have Mr. John Watkins or
8 Minor father is coming right now.

9 THE COURT: Well, let's do him separately.

10 MR. BRADBURY: Yes, absolutely, your Honor.

11 THE COURT: Hey, good morning. How are y'all? Just
12 come right over here to the middle really quick for me.
13 Right. There's good. Hang on one second. Let me get a mic.
14 Thank you, Ms. Bell. All right, good morning.

15 MS. Stepsister 1 Good morning.

16 MS. Minor Good morning.

17 THE COURT: How are y'all?

18 MS. Minor Good.

19 MS. Stepsister 1 Good

20 THE COURT: Good. Okay. And so I assume Stepsister 1 is in
21 the black jacket, is that right?

22 MS. Stepsister 1 Yes, sir.

23 THE COURT: Okay. And Minor is in the pink shirt,
24 is that right?

25 MS. Minor Yes, sir.

1 THE COURT: Okay. All right, so I just wanted to meet
2 with you. I think we did this last time before you guys
3 testified. I just wanted to make sure you're aware of some
4 rules that need to be in place during your testimony, okay?
5 All right. If you don't understand me, just say "I don't
6 understand," or "That doesn't make sense," or "I don't know
7 what that word means," or whatever. The goal of this is that
8 you understand me. Okay? So, kind of rule number one is
9 that we're not going to talk about the previous trial.

10 MS. **Stepsister 1** Yes, sir.

11 THE COURT: Okay. So y'all remember five or six months
12 ago we had a trial that we had to stop, right? Okay. We're
13 not going to talk about that. We're not going to say there
14 was a previous trial that occurred. Okay? Both of you
15 understand that?

16 MS. **Minor** Yes, sir.

17 MS. **Stepsister 1** Yes, sir.

18 THE COURT: Okay. Very good. Second thing is, this
19 trial is just about **Minor** Okay? So **Minor** you can't
20 say that anyone did anything inappropriate, and you know what
21 -- do you know what I mean by "inappropriate"?

22 MS. **Minor** Yes, sir.

23 THE COURT: Speak up.

24 MS. **Minor** Yes, sir.

25 THE COURT: Okay. You can't say that anybody did

1 anything inappropriate towards **Stepsister 1** or towards **Stepsister 2**

2 And you know who **Stepsister 2** is, right?

3 MS. **Minor** Yes, sir.

4 THE COURT: Okay. And same thing for you, **Stepsister 1**

5 You can't say that anybody did anything inappropriate to you

6 or to **Stepsister 2** This is just about what happened with **Stepsister 1**

7 on the night in question. Does that make -- I mean with

8 **Minor** Sorry. The names are so similar. It takes me

9 just a second. This is just about what happened with

10 **Minor** at Mr. Parker's trailer back in November of 2017.

11 Does all that make sense, **Stepsister 1**

12 MS. **Stepsister 1** Yes, sir.

13 THE COURT: Okay. And do y'all have any questions

14 about that?

15 MS. **Minor** No, sir.

16 MS. **Stepsister 1** No, sir.

17 THE COURT: Okay. So let's kind of create what I'm

18 going to call "A signal." Okay? So if in the middle of --

19 when you're testifying up here, if you feel like the only way

20 to answer is to say something that I just told you you can't

21 talk about, I want you to look at me, okay? And just kind of

22 give me a little hand sign, right? And I'll just stop, we'll

23 send the jury out of the room, okay? Then we'll resolve

24 whatever the issue is, then we'll start back up. Okay?

25 So don't just blurt something out, right? If you feel

1 like the only answer is to say something that we just
2 discussed not talking about, just kind of look at me and just
3 give me a little sign, you know, and then we'll just stop,
4 we'll send the jury out of the room, we'll figure it out and
5 then we'll start right back up. Okay? Does that make sense?

6 MS. Minor Yes, sir.

7 THE COURT: Okay. And Stepsister 1 you okay with all that?

8 MS. Stepsister 1 Yes, sir.

9 THE COURT: I know nobody wants to be here, right? And
10 it's not -- so, I got that memo and I understand that, but we
11 just need to make sure that those kind of guidelines are in
12 place for your testimony, okay?

13 MS. Minor Yes, sir.

14 THE COURT: Okay. Anything else you think I need to
15 cover with them?

16 MR. BRADBURY: Nothing from the State, your Honor.

17 THE COURT: Okay. Mr. Kirincich, anything else?

18 MR. KIRINCICH: No, your Honor. I think that covers
19 everything. Well, just to -- just to be sure, in Stepsister 1
20 interview, she says she heard other things about Mr. Wilson.

21 THE COURT: Right.

22 MR. KIRINCICH: So just that there's nothing else about
23 anything she says she heard from her mom or anybody else
24 about Mr. Wilson.

25 THE COURT: Right. We don't need to go into any of

1 that. Okay?

2 MS. **Stepsister 1** Yes, sir.

3 THE COURT: All that makes sense?

4 MS. **Stepsister 1** Yes, sir

5 MS. **Minor** Yeah.

6 THE COURT: Okay. All right. Thank you, ladies.

7 Great. Okay. Can we bring in Mr. Watkins? Can we get Mr.
8 Watkins out the back? Who's first this morning?

9 MS. BELL: **Minor** your Honor.

10 THE COURT: Okay. Yeah, yeah, yeah. All right. Mr.
11 Watkins, just stand right there for me, okay?

12 MR. WATKINS: Yes, sir.

13 THE COURT: Good morning. How are you?

14 MR. WATKINS: Fine, how're you?

15 THE COURT: Great, thank you. So we're going to create
16 what I would call "some guidelines for your testimony," okay?

17 MR. WATKINS: Okay.

18 THE COURT: And if you don't understand what I'm saying
19 or it doesn't make sense, or you're confused, now is the time
20 to ask me, okay?

21 MR. WATKINS: All right.

22 THE COURT: All right. So this trial today is about
23 whatever happened with **Minor** on November the fifth of 2017
24 at Mr. Parker's mobile home.

25 MR. WATKINS: Yes, sir.

1 THE COURT: You -- you -- you understand what I mean
2 when I say all that, right?

3 MR. WATKINS: Yes, sir.

4 THE COURT: All right, so we're not going to go into
5 anything about what may or may not have happened with Stepsister 1
6 and we're not going to go into anything about what may or may
7 not have happened with Stepsister 2

8 MR. WATKINS: Yes, sir.

9 THE COURT: And you understand who those two people
10 are?

11 MR. WATKINS: Yes, your Honor.

12 THE COURT: Right. Okay. And does that make sense?

13 MR. WATKINS: Yes, sir.

14 THE COURT: Okay. Second thing is as you know we've
15 had a previous trial that --

16 MR. WATKINS: Yes.

17 THE COURT: -- We made it partway through and stopped.
18 We're not going to be discussing the previous trial.

19 MR. WATKINS: Yes, sir.

20 THE COURT: Okay. Now in -- so -- in kind of what I've
21 done with the other witnesses, and I'll do the same with you.
22 If you're testifying and you feel like the only answer that
23 you can give to the question is in violation of one of those
24 guidelines, you just need to look at me. Right?

25 Just make eye contact with me and give me a little hand

1 sign. Right? And I'll just stop, don't answer the question.
2 I'll stop. I'll send the jury out of the room and then we'll
3 sort through what your answer could be or not be. Does that
4 make sense?

5 But don't just blurt something out. You know, if you
6 feel like the only way, I have to answer that is to say
7 something about **Stepsister 1** or **Stepsister 2** or the previous trial,
8 then just stop, look at me. Just make eye contact with me.
9 Of course, I'll be sitting right here, right next to you.

10 MR. WATKINS: Yes, sir.

11 THE COURT: And I'll just say, "Hey, ladies and
12 gentlemen, we need to take a break." I'll send them back to
13 their jury room, then we'll resolve all those issues, then
14 bring them back in. You're okay with all that?

15 MR. WATKINS: Yes, sir, your Honor.

16 THE COURT: Okay. And anything else you think I need
17 to cover with Mr. Watkins, Mr. Bradbury?

18 MR. BRADBURY: Nothing from the State, your Honor.

19 THE COURT: Okay. Mr. Kirincich?

20 MR. KIRINCICH: Nothing at this time, your Honor.

21 THE COURT: Okay. Perfect. Thank you, Mr. Watkins.

22 MR. WATKINS: Yes, sir.

23 THE COURT: Okay. And those are all the witnesses that
24 I needed to go through, is that right?

25 MR. BRADBURY: That is correct, your Honor.

1 THE COURT: Okay. All right. Yes, sir.

2 MR. KIRINCICH: Your Honor, I think we needed to hear
3 from Mr. Pauling about any current deals that have been made
4 with Mr. Watkins.

5 THE COURT: Okay. Is he here?

6 MR. BRADBURY: He is, your Honor.

7 THE COURT: Okay.

8 MS. BELL: He's in an appearance at this time, your
9 Honor, but we can grab him.

10 THE COURT: Okay. Let's grab him really quick and make
11 sure that is clear. Thank you for reminding me of that, Mr.
12 Kirincich.

13 MR. KIRINCICH: Yes, sir.

14 THE COURT: And do we need to -- are we okay without
15 Mr. Tate for the moment?

16 MR. KIRINCICH: Yes, sir.

17 THE COURT: Okay. Hey, Mr. Pauling. Come on in.

18 MR. PAULING: Morning, Judge.

19 THE COURT: Good morning. Thank you. All right, so we
20 have Curtis Pauling here, so the record is clear, who is the
21 deputy solicitor, and he's currently handling John Watkins'
22 pending criminal case. I believe he has a pending -- he got
23 kicked out of drug court and then he's got some new charges.

24 MR. PAULING: That's -- that's correct, your Honor.

25 THE COURT: His lawyer is Greg Collins, is that

1 correct?

2 MR. PAULING: That's correct, your Honor.

3 THE COURT: Okay. And then the purpose -- thank you
4 for being here, Mr. Pauling. The purpose of it is are there
5 any plea negotiations, deals, could be deals, want to be
6 deals, any promises, anything made to Mr. Watkins or his
7 attorney in exchange for his testimony?

8 MR. PAULING: No, sir. Not in exchange for his
9 testimony, Judge. With these new charges -- and I'll just
10 put on the record if you would like, Judge. Yes, he got new
11 charges, incident from May 10th of this year.

12 He was arrested on June 21st of this year for petty
13 larceny, property enhancement, five counts, grand larceny,
14 property enhancement, criminal conspiracy and obtaining
15 property by false pretenses, five counts. These incidents
16 encompassed two days, May 10th and May 11th, 2024 here in
17 Kershaw County. Greg Collins is his attorney and actually
18 represented him -- is my understanding, on the drug court
19 cases.

20 THE COURT: Okay.

21 MR. PAULING: He had previously failed out of drug
22 court. The -- my understanding is the -- and -- and let me
23 back up, Judge. When he had those drug court cases, Ms.
24 Christina Allard was prosecuting that case. There was some
25 -- there was a drug charge and a forgery case that he pled

1 into drug court.

2 One of the charges was for seven years suspended to the
3 successful completion of drug court. The other one was five
4 years suspended to the successful completion of drug court,
5 and that was back in -- he pled into drug court back in
6 October of 2022. Subsequent to that, he was charged with
7 failure to return rental objects.

8 And so that case is also still pending. That's from
9 July of 2023, Ms. Allard had that case as well. But at any
10 event, Judge, he failed out of drug court. He got these new
11 charges and so as far as a plea offer as it relates to this,
12 what I've offered to Mr. Collins is that Mr. Watkins plead to
13 one count of petty larceny, property enhancement, one count
14 of obtaining property by false pretenses, the grand larceny
15 property enhancement, and the failure to return a rental
16 object was going to dismiss the remaining charges.

17 It's two victims: the individual he stole items from,
18 and then the individual he sold the stolen items to, your
19 Honor. But again, it was all out of the same incident over a
20 two-day period. But the State's recommendation is seven
21 years active to run concurrent with whatever he's going to
22 get on the drug court sentencing.

23 Because that's all he's going to come back for on drug
24 court, is to be sentenced, your Honor. Now, none of that was
25 predicated upon him testifying for the State in this case.

1 And Judge, as it relates to the most recent charges -- again,
2 that incident was in May which was after the first trial,
3 Judge.

4 THE COURT: Okay.

5 MR. PAULING: But if the Court has any other questions
6 --

7 THE COURT: My question would be, does Mr. Kirincich
8 have any?

9 MR. PAULING: Oh, I'm sorry. Right.

10 MR. KIRINCICH: Your Honor, he also has what I see as a
11 failure to appear maybe a bench warrant in Darlington County.
12 I don't know if there's been any discussion about a
13 resolution.

14 MR. PAULING: I have not discussed any resolution with
15 Darlington County.

16 THE COURT: Okay. All right. Okay. Anything -- any
17 other information you would like, Mr. Kirincich, or any
18 clarifying information you may need on what Mr. Pauling just
19 said?

20 MR. KIRINCICH: Your Honor, if I got -- if I got just a
21 second to look back at his RAP sheet here?

22 THE COURT: Yes, you may.

23 MR. KIRINCICH: Your Honor, I don't think I have any
24 questions other than I'm just clarifying that what I heard
25 was the recommendation if he was to plea to four charges is

1 seven years concurrent to the seven-year sentence that Judge
2 Benjamin imposed at the -- the drug court plea. Now, I don't
3 know how the Court actually handles that when another judge
4 has done a -- a plea. If the Court feels that it can go
5 underneath it, I don't know. But my understanding again is
6 that it is a seven-year concurrent plea.

7 MR. PAULING: That's correct, your Honor.

8 THE COURT: I think that if you want to boil it down to
9 a small nutshell, that's what it is. Yeah. There are more
10 details with Mr. Pauling, has been a specific -- to the
11 specific charges, but basically the deal is, our
12 recommendation is seven years concurrent to the seven-year
13 drug court plea.

14 MR. PAULING: That's correct.

15 THE COURT: Did I say that right?

16 MR. PAULING: That's correct, your Honor.

17 THE COURT: Okay.

18 MR. KIRINCICH: Yes, sir.

19 THE COURT: And that's not negotiated, that's a
20 recommendation.

21 MR. PAULING: That's correct, your Honor.

22 THE COURT: So the sentencing judge on the new charges
23 and arguably on the drug court charges, could still do
24 whatever he or she wants to do?

25 MR. KIRINCICH: Yes, sir.

1 THE COURT: Okay.

2 MR. PAULING: Yes, sir.

3 THE COURT: Does that give you enough to be able to
4 question him about that?

5 MR. KIRINCICH: It does, your Honor, and I think not
6 only on the convictions that he has, but also whatever bias
7 he might have for testifying whether he believes that he is
8 going to get a deal is -- is irrespective of the State
9 saying, well, it's not predicated on that.

10 THE COURT: Right.

11 MR. PAULING: So, yes, sir.

12 THE COURT: Okay.

13 MR. BRADBURY: And your Honor, the problem that we run
14 into here is that's throwing open the door to the previous
15 trial. All these new charges that appear as Mr. Kirincich
16 intends to try to -- to show the jury bias his testimony,
17 follow his previous sworn testimony where he was very
18 thoroughly examined by Kirincich.

19 And if Mr. Watkins provides different testimony, I
20 don't know how it would be more favorable to the State, but
21 if he provides a different testimony on the stand, Mr.
22 Kirincich has the -- the opportunity to use that previous
23 sworn testimony to impeach him.

24 But if we go into this argument that these charges that
25 follow the first trial are somehow resulting in a sweetheart

1 deal for him to provide the same testimony, then we're in a
2 position where we almost have to argue that, "Hey, he already
3 provided this testimony before these charges even existed."
4 And it forces us into that corner, your Honor.

5 So I just ask that the Defense be precluded from
6 bringing up the new charges when they're trying to impeach
7 his testimony or doing the cross-examination of Mr. Watkins,
8 if that is their intent.

9 MR. KIRINCICH: Your Honor, at this point, I have no
10 idea what Mr. Watkins is going to testify to me today.

11 THE COURT: I'm going off memory, you understand
12 there's a lot of things that I hold in my head, right? But
13 my memory of his testimony is he picks up his daughter at
14 some point on the way home or when they get home. I'm not
15 sure exactly when she tells him about whatever happened. So
16 he is a time-and-place witness, right? Because he can
17 testify as to she reported -- I mean, what is it time,
18 location, and what's the other one?

19 MS. BELL: Time and place -- time and place.

20 THE COURT: Time and place. And then he gets in the
21 car and drives back over there and proceeds to start beating
22 on Mr. Wilson, right?

23 MR. BRADBURY: That's right, your Honor.

24 THE COURT: Okay. So -- I mean, it's not the most
25 earth-shattering testimony in the history of the world. But

1 I think we just need to see kind of how it plays out. If you
2 think we need to stop or you feel like you don't have a
3 choice but to ask him something, but -- I mean, the deal is
4 the deal and you know, I think he can be cross-examined on it
5 and the fact that he picked up new charges since then is -- I
6 don't know how we get around that, so let's just see what
7 happens.

8 MR. KIRINCICH: Yes, sir.

9 THE COURT: Okay. All right.

10 MR. BRADBURY: Thank you, your Honor.

11 THE COURT: All right. Thank you, Mr. Pauling.

12 MR. PAULING: Yes, sir.

13 THE COURT: All right. Anything else, Mr. Kirincich?

14 MR. KIRINCICH: No, your Honor.

15 THE COURT: Mr. Bradbury?

16 MR. BRADBURY: Nothing from the State, your Honor.

17 MR. KIRINCICH: Oh, your Honor, I'm sorry. Just to put
18 this on the record, Mr. Bradbury gave me another copy of the
19 redacted video yesterday. I'm assuming that has been
20 provided to the Court.

21 THE COURT: It has.

22 MR. KIRINCICH: And that you went through it. The only
23 thing, and it's not a problem -- and I think it's going to be
24 submitted to the jury, but if the State had any way to cut
25 the last 10 seconds -- I mean, if you don't, you don't. It's

1 just the interviewer begins to ask another question and it's
2 like truncated right there.

3 I didn't know if that would be in any way confusing the
4 jury. She asked, "Has anybody ever showed you any, like,
5 pictures or videos of adults?" You know, something along
6 those lines.

7 THE COURT: So you can kind of -- the standard
8 household safety questions.

9 MR. BRADBURY: Right.

10 MR. KIRINCICH: Yeah, it's just a little confusing, but
11 I don't think it's going to be a big deal if it's explained
12 that, "Hey, there are some gaps in here, some things that
13 were cut out that are, you know, not for consideration."

14 THE COURT: Okay.

15 MR. BRADBURY: And -- and -- and we also -- we do have
16 (inaudible) actions instructions for (inaudible).

17 THE COURT: Okay. That's fine.

18 MR. BRADBURY: And in the meantime, I'll see if Mr.
19 Barn from the office can prepare some documents.

20 THE COURT: Okay, cool.

21 MR. KIRINCICH: Thank you, your Honor.

22 THE COURT: All right, let's bring them in.

23 (Jury Enters Courtroom at 10:02 a.m.)

24 THE COURT: All right, ladies and gentlemen, welcome
25 back. Thank you very much for being on time. We've been

1 working here for a little while on some issues to try to get
2 things a little bit more streamlined when you come in. So I
3 thank you for your patience and thank you for being on time.
4 And we will continue now with the presentation of the State's
5 case, and the State may call their next witness.

6 MS. BELL: May it please the Court, your Honor? The
7 State calls Minor

8 THE COURT: Okay.

9 THE CLERK: Place your left hand on the Bible and raise
10 your right hand, please.

11 Minor

12 being duly sworn, testified as follows:

13 THE CLERK: Thank you. State your full name for the
14 record.

15 THE WITNESS: My middle name too? My middle name?

16 THE CLERK: Yes. Your full name.

17 THE WITNESS: Minor

18 DIRECT EXAMINATION

19 BY MS. BELL:

20 Q. Good morning, Minor

21 A. Good morning.

22 Q. I'm going to ask you to speak up. You kind of
23 have a soft voice but the jurors need to hear everything that
24 you say and the court reporter also needs to hear what you
25 say as she's transcribing the record, okay?

1 A. Yes, ma'am.

2 Q. So I'm going to ask you to speak up as we go
3 through your testimony, okay?

4 A. Yes, ma'am.

5 Q. Speak up.

6 A. Yes, ma'am.

7 Q. Okay. So how old are you, Minor

8 A. 13.

9 Q. 13? And when's your birthday?

10 A. .

11 Q. Okay. Can you tell the jury what grade you're in?

12 A. Eighth.

13 Q. Eighth grade? And do you have any activities that
14 you like; hobbies or things?

15 A. Soccer.

16 Q. Soccer?

17 A. Yes.

18 Q. Okay. And you play soccer through your school?

19 A. Yes, ma'am.

20 Q. What position do you play?

21 A. I don't know.

22 Q. Okay. Just wherever you're needed?

23 A. I haven't done tryouts.

24 Q. Okay. I'm going to ask you a few questions about
25 some folks, and if you could, just let me know if you know

1 that person and how you know that person. Okay?

2 A. Yes, ma'am.

3 Q. Okay. So do you know Betsy Watkins?

4 A. Yes, ma'am.

5 Q. And how do you know Betsy Watkins?

6 A. My mama.

7 Q. Okay. And then do you know John Watkins?

8 A. Yes, ma'am.

9 Q. And how do you know him?

10 A. He is my dad.

11 Q. And then do you know David Parker?

12 A. Yes, ma'am.

13 Q. How do you know him?

14 A. My sister's dad.

15 Q. Okay. And your sister, who?

16 A. Stepsister 1 and Stepsister 2

17 Q. Okay. And so Stepsister 1 and Stepsister 2 are your

18 stepsisters?

19 A. Yes, ma'am.

20 Q. Okay. And then do you have a brother?

21 A. Yes, ma'am. I have two.

22 Q. Okay. And what's your brothers' names?

23 A. Brother and Stepbrother

24 Q. Okay, very good. Do you know a person named

25 Jonathan Wilson?

1 A. Yes, ma'am.

2 Q. And the person -- how do you know that person?

3 A. He was at David's house.

4 Q. Okay. And you know him when you see him?

5 A. Yes, ma'am.

6 Q. Do you see him here in the courtroom today?

7 A. Yes, ma'am.

8 Q. Okay. And where is he located?

9 A. Right there.

10 MS. BELL: Okay. Let the record reflect that the
11 witness has identified knowing the Defendant, Jonathan
12 Wilson.

13 THE COURT: Okay. So reflected.

14 BY MS. BELL:

15 Q. Okay. Now I'm going to go back in time with you,
16 okay?

17 A. Yes, ma'am

18 Q. To 2017.

19 A. Yes, ma'am.

20 Q. And did you have an occasion in November of that
21 year to be at -- would that be your stepfather or **Stepsister 1**
22 father's house?

23 A. **Stepsister 1** father's house.

24 Q. Okay. And then did you have an occasion to be
25 there?

- 1 A. Yes, ma'am.
- 2 Q. And were you spending the night there?
- 3 A. Yes, ma'am.
- 4 Q. Now when you got there, who all went with you
- 5 there?
- 6 A. **Brother** **Stepbrother** me, **Stepsister 2** and **Stepsister 1**
- 7 Q. Okay. So the five of you went over there?
- 8 A. Yes, ma'am.
- 9 Q. And when you got there, was it daytime?
- 10 A. Yes, ma'am.
- 11 Q. Okay.
- 12 A. Wait, no, it was nighttime.
- 13 Q. It was nighttime?
- 14 A. Yes.
- 15 Q. Okay. And then did you spend the night there?
- 16 A. Yes, ma'am.
- 17 Q. And then you were there part of the next day, is
- 18 that correct?
- 19 A. Yes, ma'am.
- 20 Q. Okay. So when you got there, who all was at Mr.
- 21 Parker's house?
- 22 A. The five of us.
- 23 Q. Okay.
- 24 A. And then I think it was his child.
- 25 Q. When you say "his," who are you referring to?

1 A. Jonathan's.

2 Q. Okay. So the Defendant's child was there?

3 A. I'm pretty sure, yes.

4 Q. Okay. And about how old -- do you know how old he

5 was?

6 A. No, ma'am.

7 Q. Okay.

8 A. He looked about **Stepbrother** age.

9 Q. And how old is **Stepbrother**

10 A. 17 now.

11 Q. 17 now?

12 A. Yes, ma'am.

13 Q. And so if that was seven years ago, how long would

14 that -- how old would he have been?

15 A. 10.

16 Q. Okay, then can you tell us the ages of your

17 siblings?

18 A. Now or 10 years ago?

19 Q. Oh, back then if you could.

20 A. **Stepsister 1** was 11, I was like six or seven, and then

21 **Stepsister 2** was six or seven and **Brother** was eight or nine, and

22 **Stepbrother** was 10.

23 Q. Okay. And so had you been over to Mr. Parker's

24 house before?

25 A. Yes, ma'am.

1 Q. Okay. Was this the first time you had spent the
2 night or you had spent the night before?

3 A. I'm not sure.

4 Q. Okay. And so what were you doing when you first
5 got there? Do you remember?

6 A. No, ma'am.

7 Q. Just generally?

8 A. I think we were all just hanging out.

9 Q. Okay. At some point, did you get ready for bed?

10 A. Yes, ma'am.

11 Q. Okay. And do you remember -- did you bring like
12 something to -- wear to sleep in?

13 A. Yes, ma'am.

14 Q. Can you tell the jury what it is that you wore, if
15 you remember?

16 A. My dress pajamas.

17 Q. Your what pajamas?

18 A. It was like a pajama dress.

19 Q. Okay.

20 A. Like a night dress.

21 Q. Okay. And did it have like a theme to it?

22 A. Yes, ma'am.

23 Q. And what was that?

24 A. Princesses.

25 Q. Okay. And so tell us how -- do you know what room

1 that you would've gone to bed? Which room it would've been?

2 A. It was the master bedroom.

3 Q. Okay. And when you went to bed, how was the
4 layout there?

5 A. It was **Stepsister 1** **Stepsister 2** and me, and then the boys
6 were on the floor.

7 Q. Okay. So when you say "**Stepsister 1** **Stepsister 2** and me,"
8 where were you all sleeping?

9 A. On the master bed.

10 Q. Okay. So you -- you were on the bed?

11 A. Yes, ma'am.

12 Q. And the boys were on the floor?

13 A. Yes, ma'am

14 Q. Was it, like, a pallet on the floor?

15 A. Yes, ma'am.

16 Q. Okay where were you situated in that room? In the
17 bed, I'm sorry. Like what position were you in, in the bed?

18 A. Like laying down?

19 Q. I'm sorry, I asked that. I meant to tell you too.

20 You're doing exactly right. If you don't understand a
21 question, ask me to rephrase it, okay?

22 A. Yes, ma'am.

23 Q. Sometimes we as lawyers may ask questions that are
24 a little not as clear as they should be.

25 A. Yes, ma'am.

1 Q. So I apologize for that. In the bed, you said
2 that it was you and your two stepsisters?

3 A. Yes, ma'am.

4 Q. How were you all -- like, who -- who was in the
5 middle?

6 A. I'm pretty sure it was **Stepsister 2**

7 Q. Okay, then -- so you -- but no doubt you were in
8 the bed?

9 A. Yes, ma'am.

10 Q. Okay. And then do you recall anything -- did
11 anything wake you up that night?

12 A. Yes, ma'am.

13 Q. Okay. And what woke you up that night?

14 A. Jonathan.

15 Q. Okay. And when you say "Jonathan," you mean the
16 Defendant that's over there?

17 A. Yes, ma'am.

18 Q. Okay. And how was it that you were awakened by
19 the Defendant?

20 A. He kept coming in the room.

21 Q. Okay. And when he came in the room, did he come
22 towards you at all?

23 A. Yes, ma'am.

24 Q. Okay. Please tell the jury what it is. When he
25 came to you, what happened?

1 A. He sexually assaulted me.

2 Q. Okay. Now, when you say "He sexually assaulted
3 you," what did he do?

4 A. He kept pulling down my, like, Pull-Up and then
5 whenever I pulled it back up, he came back and he pulled it
6 back down and then he sexually assaulted me.

7 Q. Okay. Now when you say "He sexually assaulted"
8 you, could you see him clearly?

9 A. Yes, ma'am.

10 Q. Okay. And did he have anything with him?

11 A. Yes, ma'am. It was like a phone flashlight.

12 Q. He had a what?

13 A. It was like a flashlight, like a phone flashlight.

14 Q. A phone flashlight?

15 A. Yes, ma'am.

16 Q. Okay. Was -- did that help you be able to see
17 him?

18 A. Yes, ma'am.

19 Q. Okay. When you say "He sexually assaulted" you,
20 and I know this is difficult, but I need you to be specific,
21 okay? For the jury so they can understand exactly what it is
22 that he did to you.

23 A. Yes, ma'am.

24 Q. So when you say "He sexually assaulted" you, how
25 did he sexually assault you?

1 A. Ma'am?

2 Q. How did he sexually assault you?

3 A. He used his fingers.

4 Q. Okay. And he used his fingers where?

5 A. In my private part.

6 Q. Okay. And when you say your "private part," -- I

7 know, **Minor** but when you say your private part, where did

8 he use his fingers?

9 A. My vagina.

10 Q. In your vagina?

11 A. Yes, ma'am.

12 Q. Okay. And was it -- did he touch around your

13 vagina or in your vagina?

14 A. In.

15 Q. Okay. And how did that feel to you?

16 A. I really don't remember.

17 Q. Okay. Is that something you tried to forget?

18 A. Yes, ma'am.

19 Q. Okay. But no doubt he put his finger inside your

20 vagina?

21 A. No doubt. I know for a fact he did.

22 Q. Okay. And what did you do at that point?

23 A. I tried my best to go back to sleep.

24 Q. Okay -- okay. Now I'm going to -- did he touch

25 you anywhere else or did he do anything else that you

1 remember at this time?

2 A. No, ma'am.

3 Q. Okay. Could he have lifted up your pajama shirt
4 or the top?

5 A. It was like a dress, so it like went down to like
6 my (crosstalk).

7 Q. Okay -- okay. In order to get to your private
8 part -- your vagina, would he have had to lift your dress up?

9 A. A little bit. Yes, ma'am.

10 Q. Okay. All right. And then -- so that was at
11 nighttime?

12 A. Yes, ma'am.

13 Q. Did you see where the Defendant went after that?

14 A. Well, whenever he came in, he went to the bathroom
15 and he came back in and he went into the living room.

16 Q. Okay, very good. Who else -- were there any other
17 adults at the house at that time?

18 A. Yes, ma'am.

19 Q. And do you know what other adults were there?

20 A. David.

21 Q. Okay. Do you know where David was or what he was
22 doing at that time?

23 A. David was sleeping.

24 Q. Okay. And he was not in the room with you all,
25 was he?

1 A. No, ma'am.

2 Q. Okay. Were there other bathrooms in the house?

3 A. Yes, ma'am.

4 Q. Okay. Were there other bedrooms in the house?

5 A. Yes, ma'am.

6 Q. Okay. Now I'm going to move to the next morning

7 --

8 A. Yes, ma'am.

9 Q. -- After the Defendant assaulted you.

10 A. Uh-huh.

11 Q. Do you remember anything about that morning?

12 A. A little bit.

13 Q. Okay. What did you do that morning?

14 A. I just remember waking up and then leaving with,

15 like -- we had some fun. I remember us playing the Wii, and

16 then my dad picked me and **Brother** up.

17 Q. Okay. So your dad was picking you up because it

18 was just a weekend --

19 A. Yes, ma'am.

20 Q. -- sleepover? Is that right?

21 A. Yes, ma'am.

22 Q. Okay. So your dad comes to pick you up, but you

23 play with the Wii?

24 A. I'm pretty sure.

25 Q. Okay. Did you do any coloring that day?

1 A. Not so sure.

2 Q. Okay. Did you have anything to eat that morning?

3 A. I really don't remember.

4 Q. Okay. When you -- when your dad comes to get you,

5 where were you all going?

6 A. Back to my house.

7 Q. Okay. And on your way back home, did anything --

8 did you have any conversations -- I'm not asking you at this

9 point to say anything, but did you have any conversations

10 with anybody in the vehicle in your car?

11 A. Yes, ma'am.

12 Q. Okay. And who did you have a conversation with?

13 A. Whenever we got home, my dad went to the bathroom

14 and me and **Brother** was still in the truck and I talked to

15 **Brother** about it and **Brother** wanted me to tell my dad.

16 Q. Okay. And did you tell your dad?

17 A. Yes, ma'am. I did.

18 Q. Okay. And at that point, what did your dad do?

19 Well, first of all, what did you tell your dad?

20 A. I told my dad what happened.

21 Q. Uh-huh.

22 A. And then he -- like, I waited for him to go to the

23 bathroom and then we drove back to David's house and then I

24 sat in the truck while everything else happened.

25 Q. Okay. All right. Do you remember what your dad

1 was acting like when you told him this?

2 A. He was mad.

3 Q. Okay. And when you got back to Mr. Parker's
4 house, did you get out of the car?

5 A. No.

6 Q. You stayed in the car?

7 A. Yes, ma'am.

8 Q. Okay. I'm going to move forward in time a little
9 bit.

10 A. Yes, ma'am.

11 Q. At some point, did you have an occasion to go to
12 Florence to -- to have what we call "A forensic interview"?

13 A. Yes, ma'am.

14 Q. Okay. And do you remember speaking with someone
15 there?

16 A. Yes, ma'am

17 Q. Did you tell that individual what had happened to
18 you?

19 A. Yes, ma'am.

20 Q. Back in November?

21 A. Yes, ma'am

22 Q. And did you also -- were you shown a photograph --
23 like, a picture of a person?

24 A. Yes, ma'am.

25 Q. Like a body part?

1 A. Yes, ma'am.

2 MS. BELL: Beg the Court's indulgence. Your Honor, may
3 I approach the witness?

4 THE COURT: Yes.

5 MS. BELL: Thank you.

6 BY MS. BELL:

7 Q. Let me show you what's been marked as State's
8 Number 1 for identification.

9 A. Yes, ma'am.

10 THE COURT: Oh, I thought we already had a 1.

11 MS. BELL: I mean 2, I apologize.

12 THE COURT: 2? Okay.

13 BY MS. BELL:

14 Q. What's been marked as State's 2 for
15 identification. I'm going to ask you to take a look at this
16 and see if you recognize this.

17 A. I do.

18 Q. Okay. And where do you recognize this from?

19 A. The forensic interview.

20 Q. The forensic interview?

21 A. Yes, ma'am.

22 Q. Okay. And at that time, were you asked to point
23 out where it is that you were assaulted?

24 A. Yes, ma'am.

25 Q. Okay. And did you point that out?

1 A. Yes, ma'am.

2 Q. And while we're here, I'll also show you what's
3 been marked as State's Number 3 for identification, and ask
4 you, do you recognize this document?

5 A. Yes, ma'am.

6 Q. Okay. And where do you recognize that from?

7 A. The interview.

8 Q. Okay. That's not your handwriting here, is it?

9 A. No, ma'am.

10 Q. Okay. Now right here there's --I want to direct
11 your attention to the area here, and I'm going to ask you, do
12 you recognize that square?

13 A. Yes, ma'am

14 Q. And what does that square depict?

15 A. The bed.

16 Q. Okay. And there's like stick people here. Do you
17 recognize that?

18 A. Yes, ma'am.

19 Q. Okay. And is that information that you gave at
20 that forensic interview?

21 A. Yes, ma'am.

22 Q. Okay. Your Honor, I'm going to ask now that these
23 -- well, let me ask you, since you recognize Number 2. When
24 you say that --so there's a picture of the front and back of
25 a girl, right?

1 A. Yes, ma'am.

2 Q. Okay. And then you have circled in front and the
3 back area of a girl. Do you see that?

4 A. Yes, ma'am.

5 Q. Okay. In the back area --the area that's circled,
6 what is that referred to?

7 A. Which one?

8 Q. This one here.

9 A. Butt.

10 Q. Okay. Now, back in 2017, did you refer to your
11 private part as your "butt"?

12 A. Yes, ma'am.

13 Q. Okay. And so if you would've said that the
14 Defendant was -- had put his finger in your private part, did
15 you refer to it as your butt?

16 A. I referred to it as my butt because I was six and
17 I didn't understand it.

18 Q. Okay. You now -- but the area that he touched you
19 at that time, was it actually your butt?

20 A. No, ma'am.

21 Q. Okay. What was it?

22 A. My vagina.

23 Q. Okay. And when he touched you, he also -- you
24 indicated, inserted his finger where?

25 A. Right there.

1 MS. BELL: Okay. And, your Honor, I'm going to ask
2 that Number 2 and Number 3 be moved into evidence.

3 THE COURT: I think Mr. Bradbury wants to tell you
4 something.

5 MS. BELL: Oh, okay. So Number 2.

6 MR. KIRINCICH: Your Honor, at this time, we would
7 object what the State was going over was somebody else's
8 drawing. Mr. Bradbury discovered it was somebody else's
9 drawing.

10 THE COURT: Oh, okay.

11 MR. KIRINCICH: So the identification is completely
12 wrong.

13 THE COURT: Okay.

14 MS. BELL: I think I can move here and (inaudible).

15 THE COURT: Okay.

16 BY MS. BELL:

17 Q. I'm going to show you what's been marked as
18 State's Number 2 and ask you, do you recognize this document?

19 A. Yes, ma'am.

20 Q. Okay. And does it have a name at the bottom of
21 it?

22 A. Yes, ma'am.

23 Q. And what name does it have on the bottom of it?

24 A. My name.

25 Q. Okay. Where do you recognize this document from?

1 A. The interview.

2 Q. Okay. And when you referred to your private part
3 and where the Defendant sexually assaulted you, did you
4 circle where that was?

5 A. No, ma'am. She did.

6 Q. She did? Okay.

7 A. Yes, ma'am.

8 Q. Did you tell her where it was?

9 A. Yes, ma'am.

10 Q. And what did you tell her?

11 A. Ma'am?

12 Q. Where did -- where did the Defendant sexually
13 assault you?

14 A. In my private part.

15 Q. Okay, back in 2017, did you refer to your private
16 part as your butt?

17 A. Yes, ma'am.

18 Q. Okay. And if you were to say that the Defendant
19 was (inaudible) in your butt, where was he then?

20 A. Right there.

21 Q. Okay. And would you point that to the jury,
22 please?

23 A. Right there.

24 Q. Okay. Which is what area?

25 A. My vagina.

1 Q. Okay. Any doubt about that?

2 A. No, ma'am.

3 MS. BELL: Your Honor, at this time, we would ask that
4 the State's Exhibit Number 2 be introduced as evidence and be
5 published to the jury.

6 MR. KIRINCICH: Your Honor, if I can just see them
7 directly and then I'll --

8 THE COURT: Yes, you may.

9 MR. KIRINCICH: -- let the Court know.

10 THE COURT: Of course

11 MR. KIRINCICH: Your Honor, I'm good. Your Honor. No
12 objection to Number 2.

13 THE COURT: Okay. So that's the correct one?

14 MR. BRADBURY: Yes, your Honor.

15 THE COURT: Okay. State's Exhibit Number 2 is admitted
16 without objection.

17 (State's Exhibit Number 2 admitted into evidence.)

18 THE COURT: Yes, you may publish.

19 BY MS. BELL:

20 Q. Minor in this particular document here that I
21 showed you, the State's Number 3 with the square bed?

22 A. Yes, ma'am.

23 Q. Does it have a name down at the bottom of it?

24 A. Yes, ma'am.

25 Q. And what name does it have?

1 A. My name.

2 Q. Okay. And is this information that you provided
3 to the forensic interview?

4 A. Yes, ma'am.

5 Q. Okay. And this information was based on what you
6 said, correct?

7 A. Yes, ma'am.

8 Q. And this is how you were in the bed on the night
9 of November 5, 2017?

10 A. Yes, ma'am.

11 MS. BELL: And your Honor, we could ask that the
12 State's Exhibit Number 3 be introduced as evidence?

13 MR. KIRINCICH: No objection, your Honor.

14 THE COURT: State's Number 3 is admitted without
15 objection.

16 (State's Exhibit Number 3 admitted into evidence.)

17 MS. BELL: And, your Honor, may we publish to the jury?

18 THE COURT: Yes, you may.

19 MS. BELL: Thank you.

20 THE COURT: Does that work?

21 MR. BRADBURY: Yes, you Honor.

22 THE COURT: Okay.

23 BY MS. BELL:

24 Q. **Minor** back in 2017, did you know the
25 difference between the words of "vagina" and your "butt

1 area?"

2 A. No, ma'am.

3 Q. Okay. Did you refer to your whole area as your
4 butt area?

5 A. Yes, ma'am.

6 Q. That would've included your vagina and your
7 bottom?

8 A. Yes, ma'am.

9 MS. BELL: Okay. I beg the Court's indulgence.

10 THE COURT: Yes, ma'am.

11 BY MS. BELL:

12 Q. Okay. One last question for now, **Minor** can
13 you please -- can you tell the jury who it is that dug in --
14 at the words you used back then, dug in your butt back in
15 November of 2017? Do you see that person here in the
16 courtroom today?

17 A. Yes, ma'am.

18 Q. And can you point to that person for the jury?

19 MS. BELL: Your Honor, please let the record reflect
20 that the witness has pointed to the Defendant.

21 THE COURT: So reflected. Thank you.

22 MS. BELL: No further questions at this time. Thank
23 you.

24 THE COURT: All right, cross-examination?

25 CROSS-EXAMINATION

1 BY MR. KIRINCICH:

2 Q. Good morning, Minor

3 A. Morning.

4 Q. Now Minor you -- you've practiced this
5 testimony before, right?

6 A. Yes, sir.

7 Q. And you've met with the solicitors in their office
8 and gone over this before?

9 A. Yes, sir.

10 Q. Trying to take you back to that day seven years
11 ago, you were only six at the time, right?

12 A. Yes, sir.

13 Q. You don't remember everything clearly that
14 happened back then, do you?

15 A. No, sir.

16 Q. Okay. You said you didn't remember eating
17 breakfast that day?

18 A. No, sir.

19 Q. Does it jog your memory if you heard that you had
20 a Pop-Tart to eat that morning?

21 A. No, sir.

22 Q. It just doesn't bring anything up at all, does it?

23 A. I don't remember that part.

24 Q. Do you remember playing at Mr. Parker's house?

25 A. Yes, sir.

1 Q. Okay. What kind of stuff did you do to play that
2 day?

3 A. I know we played the Wii.

4 Q. And the Wii is obviously inside the house, right?

5 A. Yes, sir

6 Q. Do you remember an argument about who was going to
7 get to play the Wii?

8 A. Not really, no, sir.

9 Q. Do you remember Mr. Wilson having to separate the
10 boys and girls so everybody would have a chance to play the
11 Wii?

12 A. No, sir.

13 Q. Do you remember telling the interviewer, that you
14 met in Florence, that Mr. Wilson was kind of mean when y'all
15 were being bad, but kind of nice when y'all were being good?

16 A. Yes, sir.

17 Q. And you said that he fussed at y'all when y'all
18 were being bad, right?

19 A. Yes, sir.

20 Q. What were y'all doing to be bad?

21 A. Probably just arguing.

22 Q. Arguing?

23 A. On who's playing.

24 Q. Okay. But that was something that you remember?

25 A. Yes, sir.

1 Q. Okay. Do you remember him having to send your
2 brother, **Brother** outside?

3 A. Not really. No, sir.

4 Q. Was your brother **Brother** kind of rambunctious? Was
5 he a little bit hyper?

6 A. Yes, sir.

7 Q. Did he sometimes hit other people?

8 A. Not really, unless we was all playing around.

9 Q. Did he get argumentative? Would he want to argue
10 about things with you?

11 A. Yes, sir.

12 Q. Okay. And you don't remember Mr. Wilson sending
13 him outside and closing the door?

14 A. No, I don't.

15 Q. All right. But you remember playing with your --I
16 think you just called them your siblings, right? Everybody's
17 your sibling?

18 A. Yes, sir.

19 Q. Except for his son?

20 A. Yes, sir.

21 Q. All right. But there were six kids there, and
22 y'all just played in and out of the house, right?

23 A. Yes, sir.

24 Q. You played hide and seek and tag and stuff like
25 that?

1 A. Yes, sir.

2 Q. All right. And when was that?

3 A. When we was at his house.

4 Q. Yeah, because I think you said that you came there

5 at nighttime, so that was the -- the next day?

6 A. Yes, sir.

7 Q. That you were playing outside?

8 A. Yes, sir.

9 Q. And do you remember -- excuse me, I think you said

10 you don't remember coloring that morning?

11 A. Yes, sir.

12 Q. Is that something that you liked to do when you

13 were six?

14 A. Yes, sir.

15 Q. Now they showed you the layout of the bedroom and

16 you saw that, right?

17 A. Yes, sir.

18 Q. And you agreed that that's what you told the

19 interviewer back in 2017?

20 A. Yes, sir.

21 Q. Okay. And I don't want to trick you.

22 A. I can see it.

23 Q. You can see it?

24 A. Yes, sir.

25 Q. Just specifically, where -- where are you located

1 on the bed?

2 A. Right there.

3 Q. And would that be on the outside or in the middle?

4 A. In the middle.

5 Q. So you remember at that time that you were
6 actually in the middle of the bed?

7 A. Yes, sir.

8 Q. All right. And you were wearing your princess
9 pajama nightgown?

10 A. Yes, sir.

11 Q. Right. And a Pull-Up?

12 A. Yes, sir.

13 Q. Right? Okay. I'm not trying to embarrass you,
14 but how long did you wear Pull-Ups? Like what age did you
15 stop wearing Pull-Ups?

16 A. I think I was like six or seven.

17 Q. Okay, so you were six at the time, so you were
18 still wearing them?

19 A. About seven.

20 Q. All right. And you remember that you actually
21 talked with **Brother** about this in the car before you told your
22 dad, right?

23 A. Yes, sir.

24 Q. And up until that point, you didn't tell anybody
25 at all, did you?

1 A. No, sir.

2 Q. You didn't tell **Stepsister 1** right?

3 A. No, sir.

4 Q. And **Stepsister 1** is your stepsister, but she would've

5 been the oldest one there?

6 A. Yes, sir.

7 Q. And you trusted **Stepsister 1** right?

8 A. Yes, sir.

9 Q. Was this the first time you had met Mr. Wilson?

10 A. Yes, sir.

11 Q. So you didn't know him before this?

12 A. No, sir.

13 Q. And you have not had any interaction with him

14 since that time, right?

15 A. No, sir.

16 Q. Now, today on the stand, you said, "He sexually

17 assaulted me." Those aren't words that you just made up

18 yourself, right? Did somebody help you with that phrase?

19 A. No, sir.

20 Q. Nobody helped you with that?

21 A. No, sir.

22 Q. Okay. Where did you hear those words?

23 A. I guess like -- just my phone in general.

24 Q. Your phone?

25 A. Yeah, like watching videos and stuff.

1 Q. Okay. So you -- you've kind of looked up some
2 stuff about this over the years?

3 A. No.

4 Q. You just happened to -- just came across your
5 phone?

6 A. Yes, sir.

7 Q. Right. There were six people, you included, in
8 this room. Was the room very big?

9 A. Yes, sir. It was the master bedroom.

10 Q. Do you remember any sizes on anything at six years
11 old?

12 A. Sizes?

13 Q. How big the room was?

14 A. I really don't.

15 Q. Okay. But only the three girls slept in the bed,
16 right?

17 A. Yes, sir.

18 Q. And the boys all slept on the floor?

19 A. Yes, sir.

20 Q. Do you remember kind of where they were on the
21 floor?

22 A. I really don't, no, sir.

23 Q. You don't remember? Do you remember if they were
24 in the walkway between the bedroom door and the bathroom
25 door?

1 A. Not really. I don't.

2 Q. You just don't remember?

3 A. I don't.

4 Q. All right. You never got up out of the bed that

5 night, did you?

6 A. No, sir.

7 Q. You never tried to wake anybody else up, did you?

8 A. No, sir.

9 Q. Who do you live with now? Who lives in your

10 house?

11 A. My mom, me, **Stepsister 2** **Stepsister 1** **Stepbrother** and my

12 grandma.

13 Q. Okay. And you say your mom, you mean Betsy,

14 right?

15 A. Yes, sir.

16 Q. And Betsy was your stepmom and you just call her

17 "Mom" now?

18 A. Yes, sir.

19 A. All right. But **Brother** doesn't live with y'all

20 anymore?

21 A. No, sir.

22 Q. Do you know why **Brother** doesn't live with you?

23 MS. BELL: Objection to relevancy.

24 THE COURT: Help me, make it relevant.

25 MR. KIRINCICH: Your Honor, do you mind to address this

1 outside of the jury? I mean, we can come up there?

2 THE COURT: Yeah, come up here.

3 (Bench Conference at 10:38 a.m.)

4 THE COURT: I overrule the State's objection. You may
5 proceed with the question. You can ask it again if you need
6 to.

7 BY MR. KIRINCHICK:

8 Q. I just said, do you know why Brother doesn't live
9 with you anymore?

10 A. Yes, sir.

11 Q. And what's that reason?

12 A. Because he was like a bad kid, like he got himself
13 in trouble with the people he hung around with.

14 Q. Okay. And I think you said Stepbrother was 10 at the
15 time?

16 A. Yes, sir.

17 Q. And Stepbrother is your stepbrother, right?

18 A. Yes, sir.

19 Q. So Brother is your full-blood biological brother?

20 A. Yes, sir.

21 Q. Stepsister 1 is your older sister and she's your
22 stepsister, right?

23 A. Yes, sir.

24 Q. And then Stepbrother is younger than Stepsister 1

25 A. Yes, sir.

1 Q. And then **Stepsister 2** and you are about the same age?

2 A. Yes, sir.

3 Q. Right? Okay. And you said whenever you went back
4 to the house with your dad driving you there, you just stayed
5 in the truck, right?

6 A. Yes, sir.

7 Q. You agreed with me earlier that you remembered
8 making a statement that John was nice when y'all were being
9 good. Do you remember what that meant at the time or do you
10 remember now what that means that he was nice?

11 A. Yes, sir.

12 Q. What was he doing that was nice?

13 A. Like, you know, if adult gets mad that they're
14 going to punish you if you do something bad?

15 Q. Uh-huh.

16 A. He was just like a normal parent. He -- if you
17 got in trouble he was going to, like, punish you because
18 that's what adults do. And then if you was good, like he was
19 going to be nice. Because if you're not doing nothing, adult
20 is not going to be mad.

21 MR. KIRINCICH: Your Honor, if I can have just a
22 moment?

23 THE COURT: Yes, sir.

24 MR. KIRINCICH: Thank you. Thank you, **Minor** And
25 Honor, I don't have any further questions.

1 THE COURT: Okay. Any re-direct?

2 MS. BELL: Just briefly, your Honor.

3 RE-DIRECT EXAMINATION

4 BY MS. BELL:

5 Q. Have you had any -- Mr. Kirincich asked you about

6 **Brother** Have you had any recent contact with **Brother**

7 A. Yes, sir.

8 Q. Okay.

9 A. I mean, yes, ma'am.

10 Q. Okay. All right. Did you did you make this
11 allegation up with **Brother** back then?

12 A. What allegation?

13 Q. About you being sexually assaulted. About the
14 Defendant sticking his finger in your vagina. Is that
15 something you made up with **Brother**

16 A. No, sir -- I mean, no, ma'am.

17 Q. Okay. And I think you also indicated on direct
18 that that's what adults do if you're bad, they punish you, if
19 you're good, they'll be nice to you, correct?

20 A. Yes, ma'am.

21 Q. Okay. And would you make up something on somebody
22 on -- of this nature just if they fussed at you?

23 A. No, ma'am.

24 Q. Okay. You've gotten fussed at before, haven't
25 you?

1 A. Yes, ma'am.

2 Q. Okay.

3 RE-CROSS EXAMINATION

4 BY MR. KIRINCICH:

5 Q. Just very briefly, **Brother** was the first one you
6 talked to about this in the truck, right?

7 A. Yes, sir.

8 Q. And he said you needed to tell your dad this, is
9 what you testified to?

10 A. Yes, sir.

11 MR. KIRINCICH: Thank you. I have no further
12 questions.

13 THE COURT: Okay. Thank you. You can step down. All
14 right. Who's next?

15 MS. BELL: Your Honor, at this time the State will call
16 **Stepsister 1**

17 THE COURT: Okay.

18 **Stepsister 1**

19 being duly sworn, testified as follows:

20 THE WITNESS: My name is **Stepsister 1**

21 DIRECT EXAMINATION

22 BY MS. BELL:

23 Q. Good morning, **Stepsister 1**

24 A. Good morning

25 Q. How old are you, **Stepsister 1**

1 A. 18.

2 Q. 18. When did you turn 18?

3 A. [REDACTED].

4 Q. Okay. And are you working now?

5 A. Yes, ma'am.

6 Q. Okay. Feels good to have a job?

7 A. Yes, ma'am.

8 Q. Okay. Are you in school now?

9 A. Yes, ma'am.

10 Q. Okay. In high school?

11 A. Yes, ma'am.

12 Q. Okay. I'm going to ask you about some individuals

13 and ask you if you know them and how do you know them, okay?

14 A. Yes, ma'am.

15 Q. So do you know Betsy Watkins?

16 A. Yes, ma'am.

17 Q. And how do you know Betsy Watkins?

18 A. It's my mother.

19 Q. Okay. And that's your biological mother?

20 A. Yes, ma'am.

21 Q. And then do you know Minor [REDACTED]

22 A. Yes, ma'am.

23 Q. And how do you know Minor [REDACTED]

24 A. It's my sister.

25 Q. Okay. And you say sister, is she your stepsister?

1 A. Yes, ma'am.

2 Q. But in your mind and eyes, she's your sister?

3 A. Uh-huh.

4 Q. No distinction, correct?

5 A. Yes, ma'am.

6 Q. Okay. And then do you know Brother

7 A. Yes, ma'am.

8 Q. And how do you know Brother

9 A. My brother. My stepbrother.

10 Q. Okay. And then do you know Stepbrother

11 A. Yes, ma'am.

12 Q. And how do you know him?

13 A. My brother.

14 Q. Okay. And then Son Do you know Son

15 A. Yes, ma'am.

16 Q. And how do you know Son

17 A. My cousin. He is my cousin.

18 Q. Okay. And who is Son dad?

19 A. John.

20 Q. John who? Okay. And you -- you shifted your

21 eyes. Do you see John's dad? I mean, I'm sorry, Son dad

22 in the courtroom?

23 A. Yes, ma'am.

24 MS. BELL: And can you point to him, please? Okay, let

25 the record reflect that the witness pointed to the Defendant.

1 THE COURT: Okay.

2 BY MS. BELL:

3 Q. So the Defendant is actually your cousin, is that
4 correct?

5 A. Yes, ma'am.

6 Q. Okay. And who is David Parker?

7 A. My dad.

8 Q. Okay. I'm going to take you back to 2017. Where
9 was your dad staying during that period of time?

10 A. On Etters Lane.

11 Q. Okay. And what -- what part -- is that in Kershaw
12 County?

13 A. Yes, ma'am

14 Q. Do you know what part of Kershaw County that is?

15 A. Can't say.

16 Q. Okay. And then were you staying with your dad at
17 that time?

18 A. I was visiting.

19 Q. Okay. Who did you stay with?

20 A. My mom.

21 Q. Okay. And when you say your mom, that's Betsy
22 Watkins?

23 A. Yes, ma'am.

24 Q. So you were staying with **Minor** as well?

25 A. Yes, ma'am.

1 Q. Okay. And did you -- from time to time, go over
2 and visit your dad?

3 A. Yes, ma'am.

4 Q. Back on November the 5th of 2017, do you remember
5 there being a sleepover?

6 A. Yes, ma'am.

7 Q. At your dad's house?

8 A. Yes, ma'am.

9 Q. Okay. And do you remember who all was there?

10 A. Yes, ma'am. It was me, my dad, my dad's cousin,
11 my cousin, my stepbrother, my stepsister, my biological
12 brother, my biological sister.

13 Q. Okay. So as far as adults that were there during
14 the whole time, who were the two adults that were there?

15 A. My dad and John.

16 Q. Okay. Then do you remember what time of the day
17 you all got there?

18 A. No, ma'am.

19 Q. Okay. Do you remember at some point in time that
20 you all went to bed that evening?

21 A. Yes -- yes, ma'am.

22 Q. Okay. And what -- where would you sleep or where
23 did you sleep on that particular night?

24 A. All the kids slept in my dad's room.

25 Q. Okay. Was that considered the master bedroom?

1 A. Yes, ma'am.

2 Q. And how were -- how were the kids situated as far
3 as who slept where?

4 A. The boys made a pallet on the floor and the girls
5 had the bed.

6 Q. I'm sorry?

7 A. The girls had the bed and the boys made a pallet
8 on the floor.

9 Q. Okay. And do you remember how the girls were
10 situated in the bed?

11 A. Yes, ma'am.

12 Q. What positions they were in?

13 A. Yes, ma'am.

14 Q. Oh, could you tell the jury?

15 A. Stepsister 2 was closest to the wall, Minor was in
16 the middle and I was on the outside closest to the bathroom
17 door.

18 Q. Closest to the bathroom door?

19 A. Uh-huh.

20 Q. Okay. And so you went to bed and did anything
21 during that night awaken you?

22 A. Yes, ma'am.

23 Q. Okay. So you did not sleep that entire night?

24 A. No, ma'am.

25 Q. Okay. Did you see the Defendant in the bedroom

1 anytime that night?

2 A. Yes, ma'am.

3 Q. Okay. Did you see the Defendant anywhere near
4 Minor that particular night?

5 A. Yes, ma'am.

6 Q. Could you please tell the jury about that?

7 A. I woke up several times throughout the night and
8 he was at the end of the bed. He -- he was at the end of the
9 bed.

10 Q. Okay. And could you see -- you could see him, no
11 doubt it was him?

12 A. Uh-huh.

13 Q. You would know the difference between your dad and
14 the Defendant, correct?

15 A. Yes, ma'am.

16 Q. Okay. As far as it relates to Minor what if
17 anything, did he -- did he say anything to you related to --

18 A. That he was checking on us.

19 Q. Okay. So he knew that you were awake?

20 A. No.

21 Q. Okay.

22 A. I woke up.

23 Q. You woke up? Okay. And when you woke up, is that
24 when he said that to you?

25 A. Uh-huh.

1 Q. Okay. Now, where is the bathroom located? When
2 you go into the bedroom, do you have to go past the bed to go
3 to the bathroom?

4 A. Yes, ma'am.

5 Q. Okay. And do you recall the Defendant ever going
6 to the bathroom?

7 A. Yes, ma'am.

8 Q. Okay. Did you get up at any time during that
9 night?

10 A. Yes, ma'am

11 Q. And why did you get up?

12 A. To wake my dad up.

13 Q. Okay. Where was your dad located?

14 A. In the recliner. In the living room.

15 Q. Okay. Were you able to wake your dad up?

16 A. No, ma'am.

17 Q. Okay. As it relates to the Defendant, did you
18 hear or see him go into any other room in the house?

19 A. Yes, ma'am

20 Q. And where was that?

21 A. He went into the -- his bathroom after he came out
22 of ours.

23 Q. Okay. That's in another room?

24 A. Uh-huh. At the end of the house.

25 Q. Okay. At the other end of the house?

1 A. Uh-huh.

2 Q. Okay. Did you hear anything when he went into
3 that other room to the bathroom?

4 A. He just went in there and flushed the toilet.

5 Q. Okay, so the toilet was working?

6 A. Uh-huh.

7 Q. Okay that was -- you refer to that as his bedroom.
8 Is that where he was known to have slept when he was there?

9 A. He was staying with my dad at the time, yes.

10 Q. Okay -- okay. Did the -- did you see the
11 Defendant with anything in his hand or anything that would
12 help you see that it was him there in the room?

13 A. Like, anything that I remembered that would tell
14 me it was him in the room and not my dad?

15 Q. Right, right, right. Or did you see him --

16 A. Like voice?

17 Q. -- with a phone or anything?

18 A. He had a flashlight.

19 Q. Okay.

20 A. To see.

21 Q. Okay. All right. And did that help you see him
22 as well?

23 A. No, I heard him. He talked to me.

24 Q. Oh, okay. Very good -- very good. How old were
25 you at the time?

1 A. Ten.

2 MS. BELL: Okay. And -- I beg the Court's indulgence.

3 BY MS. BELL:

4 Q. How many times did the Defendant come into the
5 bedroom that night? Do you remember?

6 A. No, I just remember every time I woke up he was in
7 there.

8 Q. Okay. More than once?

9 A. Uh-huh.

10 Q. More than twice?

11 A. Uh-huh.

12 Q. Okay. And how is it that you knew that he went
13 into the other bedroom/bathroom?

14 A. You mean when he -- I woke up and he was in our
15 bathroom. He left our bathroom, went to his room, but he was
16 in the bathroom outside of his room. But I heard the toilet
17 flush and that's when I was trying to wake my dad up. So I
18 just ran back to the bed and went back to sleep.

19 MS. BELL: Okay. All right. Okay. Thank you,

20 **Stepsister 1** Nothing further at this time.

21 MR. KIRINCICH: Your Honor, no questions.

22 THE COURT: Okay. Thank you very much. You may step
23 down. All right. State may call their next witness.

24 MR. BRADBURY: Thank you, your Honor. Your Honor, the
25 State would call John Watkins.

1 THE COURT: Okay.

2 THE CLERK: Mr. Watkins, can you place your left hand
3 on the Bible and raise your right hand?

4 JOHN HARVEY WATKINS, being duly sworn,
5 testified as follows:

6 THE CLERK: You may have a seat. Please state your
7 full name for the record.

8 THE WITNESS: John Harvey Watkins.

9 MR. BRADBURY: Thank you, your Honor.

10 DIRECT EXAMINATION

11 BY MR. BRADBURY:

12 Q. Good morning, Mr. Watkins. How are you doing
13 today?

14 A. Fine. You?

15 Q. I'm doing well. And just to put yourself in the
16 room right off the bat, are you in -- in custody right now?

17 A. Yes, sir. I am.

18 Q. You're in custody for anything that has to do with
19 this case?

20 A. No, sir, I'm not.

21 Q. All right. And -- well, what are you in custody
22 for?

23 A. I'm in custody for shoplifting and petty larceny
24 and stuff like that.

25 Q. Okay. And do you have a criminal record?

1 A. Yes, sir, I do.

2 Q. Okay. And it would be a fairly lengthy one?

3 A. I mean, not really lengthy, a couple drug charges
4 here and there, but that's about the case of it.

5 Q. You -- there's some low-level drug charges?

6 A. Yes, sir.

7 Q. Some low-level property crimes?

8 A. Yes, sir.

9 Q. Petty larceny, shoplifts, things of that nature?
10 And have you -- have you ever assaulted anyone before or been
11 charged with assault?

12 A. Yes, sir, I have.

13 Q. Okay. And when was that?

14 A. 2013, but it was thrown out.

15 Q. Okay. All right. Now you get to the matter at
16 hand. Does that criminal record or your current pending
17 charges or the fact that you're in custody right now, does
18 any of that have anything to do with the allegations against
19 Mr. Jonathan Wilson related to your daughter, **Minor**
20 Watkins?

21 A. No, sir.

22 Q. All right, thank you. Now, do you know Jonathan
23 Wilson?

24 A. Yes, sir.

25 Q. All right. How do you know Mr. Wilson?

1 A. He's my step-kid's father's cousin.

2 Q. Okay. And how long have you known Mr. Wilson?

3 A. Since -- I guess 2014, whenever me and my wife got
4 together.

5 Q. 2014, were y'all close?

6 A. I mean, I knew him, but I mean, we wasn't hanging
7 out or nothing, but...

8 Q. All right. So like, you know him to greeting with
9 you, like passing in the store or on the sidewalk or
10 anything, but he --

11 A. Yes, sir. When he was with his cousin David,
12 which is my step-kid's father.

13 Q. Okay. Did you have any conflict with him?

14 A. No, sir.

15 Q. All right. Now, did that change in November of
16 2017?

17 A. Yes, sir.

18 Q. Right about the fourth day of November of 2017
19 where was your daughter, **Minor**

20 A. She went and stayed with my step-kid's father,
21 James A. Parker, his house, with her step-brother and
22 step-sisters.

23 Q. And was that just kind of a sleepover, just
24 hanging out?

25 A. Yeah, this is normal sleepover. Whenever he had

1 kids on his weekend or whenever it was that he got his kids
2 sometime I would go there and stay with him and stay with
3 her.

4 Q. All right. And -- and that's basically like
5 staying with family --

6 A. Yes, sir.

7 Q. -- because you had David there, right?

8 A. Yes, sir.

9 Q. All right. And was there anything unusual about
10 the arrangement that night?

11 A. No, sir.

12 Q. Or that day?

13 A. He's been there -- Mr. Wilson's been over there
14 before with him, with his son and they all -- everybody got
15 along with. Everything was good.

16 Q. Okay. And you already said you didn't really have
17 any beef with him or compliment before then?

18 A. Nothing. Nothing to throw a red flag why it
19 wasn't okay for her to go over there.

20 Q. Okay. And how long did Minor stay over there?

21 A. Just that night.

22 Q. And it would be Minor and Brother right?

23 A. Yes, sir.

24 Q. Your two kids? So did you come pick them up the
25 next day?

1 A. Yes, sir.

2 Q. And about how far away from David's house do you
3 live? Or did you live at that time?

4 A. Three miles maybe give or take, a mile or two,
5 somewhere not far.

6 Q. All right. So -- so barely driving this?

7 A. Yes, sir.

8 Q. All right. And did -- did you talk with your kids
9 on the --on the drive home?

10 A. No, sir. But when I got back to the house my
11 daughter said, "Daddy, can I talk to you in private?" And
12 she talked to me in private and she told me something I
13 should have never have to hear. And I told her to get back
14 in the truck -- both of them get back in the truck and went
15 back over there and confronted Mr. Wilson about it.

16 Q. When you say, "something that you should never
17 have too hear," what was that?

18 A. She said that when she was asleep, she woke up
19 with him putting his fingers in her butt. That's what she
20 told me at the time.

21 Q. And you said like at that point, immediately you
22 got back in the truck and headed back over, and I believe you
23 said to confront Mr. Wilson?

24 A. Yes, sir.

25 Q. And did you confront Mr. Wilson?

1 A. Yes, sir, I did.

2 Q. Where'd you find him?

3 A. He was in the back bathroom in the master bedroom.

4 Q. Was he taking a shower back there or anything?

5 A. No, sir.

6 Q. Hanging out?

7 A. Yes, sir.

8 Q. All right. And what happened when you confronted

9 him?

10 A. I swung on him, hit him.

11 Q. All right. And again, you never had any problem

12 with him?

13 A. No, sir.

14 Q. This wasn't a normal thing, like you greet each

15 other and swing on him, right?

16 A. Yes, sir. Correct.

17 Q. No. I'm saying that in the past, it wasn't

18 somewhere you just --

19 A. No, sir. We had no problems. It wasn't nothing

20 like that.

21 Q. All right. And you never swung at him before?

22 A. No, sir.

23 Q. Okay. Now, after you swung at him, what happened?

24 A. I heard my stepdaughter scream and Mr. Parker

25 pulled me off of him and I was saying, "He hit my little --

1 he touched my little girl, he touched my little girl, let me
2 go." And then we went and called 911.

3 Q. All right. And so you called 911?

4 A. I'm not sure if I did or my wife did, I'm not --

5 Q. Okay.

6 A. -- Pretty sure. But I knew I had to get my ID to
7 fill out a statement, that's all I remember.

8 Q. All right. And did you fill out a statement that
9 day? Did -- did -- sorry. Did law enforcement ever arrive?

10 A. Yes, sir.

11 Q. And who arrived from law enforcement?

12 A. I'm not sure. I was kind of -- my main focus was
13 going on my little girl. I don't know if exactly what deputy
14 it was or --

15 Q. When law enforcement arrived, did you give them a
16 statement or an oral statement or a written statement?

17 A. I know I've given a written statement. I don't
18 remember when it was that night or what it was at the
19 sheriff's department. I can't recall.

20 Q. All right. Would reviewing any written statement
21 help refresh your recollection and assist you in your
22 testimony?

23 A. Yes, sir. As far as date-wise, it would.

24 MR. BRADBURY: Perfect. Thank you. Request to
25 approach the witness with what has been marked for

1 identification purposes as State's Exhibit 4?

2 MR. KIRINCICH: Your Honor, the witness has not
3 indicated he's having any issue remembering. I'm not sure
4 why he's giving him a statement to help him recollect.

5 MR. BRADBURY: He said, "I can't remember" twice, your
6 Honor.

7 THE COURT: Okay. You can show it to him for
8 recollection purposes.

9 MR. BRADBURY: Thank you, your Honor.

10 THE COURT: What's that? I can't see (inaudible).

11 THE WITNESS: Yeah. Yes, sir. He was at the house.
12 That's all (inaudible) that day.

13 BY MR. BRADBURY:

14 Q. Now, when law enforcement arrived, did you give
15 him any problems or anything?

16 A. No, sir, I did not.

17 Q. Okay. Did anything happen with you and law
18 enforcement that night?

19 A. Yes, sir.

20 Q. And what was that?

21 A. I thought they had a warrant for a bad check I got
22 written and I got put in handcuffs and put in the back seat.

23 Q. Were you the only one put in handcuffs that night?

24 A. Yes, sir, I was.

25 Q. Okay. And sir, since that time back in November

1 of 2017, have you had any interaction with Mr. Wilson?

2 A. Yes, sir.

3 Q. And what's the nature of those interactions?

4 A. It wasn't good. I was confronted about my
5 daughter and I guess I hit him again.

6 Q. You -- you hit him again, you said?

7 A. Yes, sir, I did.

8 Q. All right. And since that time, seven years ago,
9 has there ever been a time when you've seen Mr. Wilson when -
10 - that you haven't had an altercation with him?

11 A. Yes, sir. I've seen him at the gas station called
12 "Rabbit's" in my hometown, but I had my little girl with me
13 and I wasn't going to bring the attention that she -- he was
14 there and while she was there and so -- I've also seen him
15 passing before I had my kids with me.

16 Q. But if your kids weren't with you?

17 A. When I was alone in the restroom that's when I got
18 him.

19 Q. And a fight ensued?

20 A. Yes, sir.

21 Q. All right. Now, prior to November, 2017, you said
22 that you weren't really close, you wouldn't really hang out,
23 but you'd see him with some frequency?

24 A. Yes, sir.

25 Q. And when you saw him, would you interact with him?

1 A. Yeah, everything was cordial, wasn't no problems.

2 It was --

3 Q. And then November, 2017, seven years ago,
4 everything changes?

5 A. Yes, sir.

6 Q. There was no change back? Thank you.

7 A. Thank you, sir.

8 MR. BRADBURY: Thank you, your Honor.

9 THE COURT: Pardon me, how long are you going to be?

10 MR. KIRINCICH: Less than 10.

11 THE COURT: Okay.

12 MR. KIRINCICH: Is that good?

13 THE COURT: Yeah, let's go ahead. I'm not holding you
14 to that. If you need to go longer, that's fine. I was just
15 --

16 MR. KIRINCICH: Yes, I understand.

17 THE COURT: Good.

18 CROSS-EXAMINATION

19 BY MR. KIRINCICH:

20 Q. Mr. Watkins, I'm really not trying to pile on here
21 with you. Because I think you were trying to address
22 everything when it was asked.

23 A. Yes, sir.

24 Q. But you're -- you're also awaiting sentencing from
25 a failure for drug court, right?

1 A. Yes, sir.

2 Q. So you were previously before the Court, pled
3 guilty, the judge sentenced you to seven years suspended for
4 drug court, right?

5 A. Yes, sir.

6 Q. And you did not complete that program?

7 A. Correct.

8 Q. So you're -- you're expecting to come back for
9 sentencing at some point?

10 A. Yes, sir.

11 Q. And receive seven years, right?

12 A. Yes, sir.

13 Q. But I believe you probably like less than that.

14 A. I'm not sure, sir. That's up to my lawyer in the

15 --

16 Q. And you've talked to your lawyer about that?

17 A. No, sir, not really. Not much.

18 Q. And you've been out awaiting sentencing for how
19 long?

20 A. To my best recollection? I was discharged from
21 drug court in February-ish and I was out till May.

22 Q. Okay. And that's just something that hasn't
23 happened? You haven't been brought back in to complete your
24 sentence yet, right?

25 A. Yes, sir.

1 Q. Just a couple of questions. When you got back to
2 the house -- actually, sorry, let me withdraw that one. You
3 heard **Minor** and **Brother** talking about something in the back
4 seat when you were taking them home, right?

5 A. Vaguely, yes.

6 Q. And then it was sometime very shortly thereafter
7 that you talked to **Minor** right?

8 A. Yes, **Minor** confronted me.

9 Q. And then you went to Mr. Parker's house, correct?

10 A. Yes, sir.

11 Q. And when you got into Mr. Parker's house, you saw
12 Mr. Wilson in the master bathroom, right?

13 A. Yes, sir.

14 Q. And that's where the altercation occurred?

15 A. Yes, sir.

16 Q. And some point thereafter, law enforcement was
17 called, whether you or Betsy did it, correct?

18 A. Yes, sir.

19 Q. All right. And Mr. Wilson was there when law
20 enforcement arrived, right?

21 A. Yes, sir.

22 Q. And everybody talked to law enforcement?

23 A. Yes, sir.

24 Q. I probably need to break that down. There was Mr.
25 Wilson, Mr. Parker, you and your wife, Betsy, right?

1 A. Yes.

2 Q. And everybody individually had an opportunity to
3 talk to law enforcement, correct?

4 A. That's my recollection, yes.

5 Q. Okay. And again, I'm not trying -- I mean, you
6 left that night too, right? Like they allowed you to turn
7 yourself in later?

8 A. Yes, sir. Allowed to go fix the bad check the
9 next day.

10 Q. All right. And Mr. Wilson, you said, left, he was
11 not arrested that night?

12 A. Correct.

13 Q. And when you confronted Mr. Wilson -- and I
14 believe you had told this to law enforcement, he -- he denied
15 all of this to you, correct?

16 A. No, of course he did.

17 MR. KIRINCICH: Thank you. No further questions, your
18 Honor.

19 THE COURT: Re-direct?

20 MR. BRADBURY: Very briefly, your Honor.

21 RE-DIRECT EXAMINATION

22 BY MR. BRADBURY:

23 Q. Yeah. Mr. Kirincich asked you some questions
24 about pending sentencing and you hope to get a lighter
25 sentence. You and I had already had a conversation that

1 basically all your charges, your current and former charges
2 had nothing to do with the case here today?

3 A. Yes, sir.

4 Q. Now, you provided a sworn statement -- or multiple
5 sworn statements in this case in previous hearings, correct?

6 A. Yes, sir.

7 Q. All right. And those hearings occurred before in
8 your current arrest, is that correct?

9 A. Yes, sir.

10 Q. All right. And does your testimony today
11 contradict those previous sworn statements in any way?

12 A. No, sir.

13 MR. BRADBURY: All right. Thank you. Thank you, your
14 Honor.

15 MR. KIRINCICH: Nothing else.

16 THE COURT: All right. Thank you, Mr. Watkins. Have a
17 nice day.

18 MR. WATKINS: Yes, sir.

19 THE COURT: All right ladies, gentlemen, we're going to
20 take our morning break. Remember we're not going to talk
21 about the case, we're not going to let anybody talk to us.
22 Keep an open mind, we'll take our full morning break. It'll
23 be about 10, 15 minutes. We'll see you back at that time.
24 Thank you very much. You can head right out that door.

25 (Jury Exits Courtroom at 11:09 a.m.)

1 THE COURT: All right. Anything we need to take up
2 before the break? From the State?

3 MR. BRADBURY: Nothing from the State, your Honor.

4 MR. KIRINCICH: No, sir, from the Defense.

5 THE COURT: All right, let's take about a 10, 15-minute
6 break. Thank you.

7 (Off the record at 11:10 a.m.)

8 (On the record at 11:32 a.m.)

9 THE COURT: You want to be on the record?

10 MR. KIRINCICH: No -- no. I just -- I mean, we might
11 need to put it on the record. Depends on what you say later,
12 right? Does the clerk's office have a clean computer for --
13 and she's shaking her head "No" for the jury to watch it,
14 just how are we going to figure that out?

15 THE COURT: I think they usually do.

16 MR. KIRINCICH: And I'll say, your Honor, last time I
17 was told that it wasn't a clean computer. So if we can just
18 verify that before?

19 THE COURT: You're welcome to look it over.

20 MR. KIRINCICH: Yeah, if you have -- during the break,
21 if I could just look at it. Again, I was told that one time
22 previously, and it was not. So...

23 THE COURT: Should it have mic signs on it that say
24 Bradbury's cool?

25 MR. KIRINCICH: I believe if to give both of these

1 prosecutor's credit, this was prior to them coming here,
2 so...

3 THE COURT: Yeah. During lunch break, you're welcome
4 to look at the computer.

5 MR. KIRINCICH: Okay. Thank you.

6 THE COURT: Anything else?

7 MR. BRADBURY: No, your Honor.

8 THE COURT: Okay. Bring them in. Because they have
9 like a translate code for Bradbury speech.

10 MR. BRADBURY: That's impossible, your Honor.

11 MR. KIRINCICH: We'll talk about that later.

12 (Jury Enters Courtroom at 11:33 a.m.)

13 THE COURT: Welcome back, ladies and gentlemen, are we
14 missing one?

15 JUROR: Yes, sir.

16 THE COURT: Did y'all lose somebody back there?

17 JUROR: Yeah.

18 THE COURT: All right. All good. Welcome back, ladies
19 and gentlemen. We'll continue now with the presentation of
20 the State's case. And the State may call their next witness
21 when they're ready.

22 MR. BRADBURY: Thank you, your Honor. All right.
23 State will call -- call Renee McLeod.

24 THE COURT: All right. Please come forward, Ms.
25 McLeod, and be sworn.

1 THE CLERK: Please raise your right hand.

2 RENEE LYNN MCLEOD,

3 being duly sworn, testified as follows:

4 THE CLERK: State your name for the record.

5 THE WITNESS: Renee Lynn McLeod.

6 DIRECT EXAMINATION

7 BY MR. BRADBURY:

8 Q. Thank you, your Honor. And how are you employed?

9 A. I'm currently employed with the Office of
10 Inspector General, which is through SCDC, South Carolina
11 Department of Corrections.

12 Q. Second Carolina Department of Corrections,
13 Inspector General, what's your job there?

14 A. I'm a special agent with the Office of Inspector
15 General and I specialize in the Special Victims Unit, working
16 sex crimes and also with major crimes and public corruption
17 cases.

18 Q. All right. And how long have you worked there?

19 A. Since February of 2024. This year.

20 Q. 2024?

21 A. This year, yes.

22 Q. I see. And how long have you worked in law
23 enforcement?

24 A. Since 2012.

25 Q. What was your first law enforcement job?

1 A. Well, I briefly worked at the detention center for
2 a couple months, and then I started in 2012 at the Kershaw
3 County Sheriff's Office.

4 Q. And what was your role there?

5 A. I started out here in the courthouse, but I was a
6 patrol deputy then.

7 Q. All right, and how long have you been on patrol?

8 A. I was on patrol until --I believe it was April of
9 2015.

10 Q. 2015, what happened?

11 A. I was promoted to investigations.

12 Q. Investigations and -- what do you do in
13 investigations? Is it kind of in the name?

14 A. Yeah, initially I was the juvenile investigator.
15 So I worked juvenile crimes. I also transitioned to domestic
16 violence. I was a domestic violence investigator, and then
17 eventually I transitioned to child abuse and sexual abuse.

18 Q. When did you transition to child abuse and sexual
19 abuse?

20 A. It would've been approximately 2016, '17.

21 Q. '16 Or '17? And sexual assault investigation is
22 what you do now?

23 A. For the most part, majority-wise.

24 Q. So would it be fair to say that you investigated
25 as at least part of your job, sexual crimes since 2016, maybe

1 early 2017?

2 A. That's correct.

3 Q. And have you received any training in
4 investigating sexual crimes?

5 A. Yes, I have. Numerous over the years.

6 Q. And approximately how many courses have you gone
7 to?

8 A. Majority of them were at the sheriff's office. I
9 mean, there were several of them. I can't really give you an
10 exact number.

11 Q. Okay. But were most of those geared towards
12 investigating sexual offenses?

13 A. Yes. Child abuse and sexual offenses.

14 Q. In your current role, what percentage of your
15 cases would you say are sex crimes?

16 A. Over 75 percent.

17 Q. So 75 percent of the time that you're an officer
18 you're working on sex offenses?

19 A. Yes.

20 Q. Now, turning your attention back to November 2017,
21 I believe you said that you started investigations
22 approximately a year or maybe a year and a half before that?

23 A. Yes, sir.

24 Q. And were you an on-duty investigator or -- were
25 you in the on-duty investigator rotation in November of 2017?

1 A. What? Meaning if I was on call?

2 Q. Right.

3 A. I don't know if I -- we take call at the sheriff's
4 office. I believe it's the same way now. The investigators
5 rotate call one week at a time. Typically, I think it was
6 Monday to Monday. I'm not sure when I took call that year.
7 What -- if I wasn't on call that November.

8 Q. And do you know Investigator Justin Dill?

9 A. I do.

10 Q. And was he in that rotation?

11 A. He was.

12 Q. Okay. Now, when you're on call as an
13 investigator, if you get a call out for an investigation from
14 like, road patrol identifies the scene needs further
15 investigation, and they call in for the on-duty, or the
16 on-call investigator, and it's not something that's inside
17 and like in your wheelhouse, would you refer that
18 investigation to somebody who was, like, say for drugs maybe
19 to Brad Lawson or somebody who was an expert in that type of
20 investigation?

21 A. Absolutely, yes.

22 Q. And on the receiving end of that, if another
23 investigator was on call and they received a call about
24 something that was your expertise, like SVU or child abuse,
25 would they refer that to you?

1 A. Ideally, yes.

2 Q. Now you've been in -- in the courtroom for the
3 whole trial, right?

4 A. Yes, sir.

5 Q. All right. And you know the Defendant in this
6 case?

7 A. I do.

8 Q. Who is that?

9 A. It'd be Jonathan Wilson.

10 Q. Jonathan Wilson? And did you know him before this
11 case existed?

12 A. No, sir.

13 Q. Okay. Were you ever assigned an investigation
14 into conduct by Mr. Jonathan Wilson?

15 A. Prior to this? No. Up until this one? No. But
16 for this particular case? Yes, I was assigned this one.

17 Q. And did you investigate the offense and the
18 allegations that we're here in court for this week?

19 A. I did.

20 Q. What brought Mr. Jonathan Wilson to your
21 attention?

22 A. It was a Monday morning in November, I was
23 assigned a case by my supervisor.

24 Q. Okay. And would that have been, what, the 6th,
25 7th?

1 A. Whichever that Monday was. I believe it was the
2 6th.

3 Q. Okay. And you said you were assigned that case by
4 your supervisor?

5 A. Yes.

6 Q. All right. And now when you're assigned a case,
7 just continue away from the instant investigation, just go
8 with any investigation, when you're assigned a case, what --
9 what steps do you take? What's kind of your standard
10 operating procedure for receiving a case?

11 A. Usually, the first thing you do is either contact
12 the victim or -- you know, in a case where the child is the
13 -- is the victim, you contact the parents. You make that
14 initial contact with the victim or the victim's family to
15 kind of get a better feel from them, gather a little bit more
16 information to kind of decide where you need to go in that
17 investigation.

18 Q. Okay. So you just kind of like gather the basic
19 information, like the parties involved?

20 A. Yes.

21 Q. All right. And did you do that in this case?

22 A. I did.

23 Q. All right. Who did you contact?

24 A. My first contact on the case was -- I believe,
25 late Monday afternoon, approximately 4:00 p.m., and I

1 contacted the victim's mother, or I believe stepmother. It
2 would be Betsy.

3 Q. All right. And -- Betsy Watkins?

4 A. Yes.

5 Q. And were you able to get any information from her?
6 And did you -- just as a basic allegation, there had been
7 something to do with her daughter?

8 A. Right. Correct. We just basically went over
9 everything that was in the report. I gather a little bit
10 more information and try to understand a little bit more of
11 the family dynamics since it is a blended family. And I also
12 would explain to her sort of the general process of that sort
13 of investigation.

14 Q. Okay. And what is the process of that sort of
15 investigation?

16 A. In a case like this where you have a child sexual
17 abuse victim, law enforcement typically, we are not the
18 people to speak to children or interview children. These
19 type -- these types of allegations or these cases. So we
20 then refer those children for forensic interviews, the people
21 who are specialized in that line of work. So I explained all
22 of that to Ms. Watkins that day, made sure that -- since it
23 is a voluntary thing, made sure that she was on board with
24 all of that so we could proceed with going forward.

25 Q. Okay. And when you say you're not, once you

1 talked to the children, you refer them to a forensic
2 investigator. What is a forensic investigator? Or
3 interviewer? Sorry.

4 A. A forensic interviewer is someone who is
5 specifically trained to interview children of -- in this case
6 would be a child victim, to do so in a almost a generic way
7 or a way that is not in a leading, you know, they don't ask
8 leading questions to try to get the child's side of the story
9 without being, you know, guiding in any sort of way.

10 Q. Okay. And is that forensic interviewers -- do
11 they work in your office or do they work for another agency
12 or how are they employed?

13 A. This one in particular, they're employed by a
14 children's advocacy center. So they are a third party.
15 They're not any kind of affiliation with the sheriff's office
16 or law enforcement. They're their own entity. And we also
17 do that for the fact of the integrity -- integrity of the
18 investigation so that there's a third party interviewing and
19 speaking to the children. It's not law enforcement.

20 Q. All right. So that forensic interview is
21 basically like a tool in your toolbox?

22 A. Exactly.

23 Q. Right. What other tools do you have -- commonly
24 used tools do you have in that toolbox for a sexual
25 investigation -- a sex crime investigation?

1 A. It depends on the situation, of course, but you
2 have the forensic interviews. In certain cases, you have a
3 what we call "A SANE examination" that you could have the
4 victim if they choose to, they can partake in to collect any
5 sort of evidence. Of course, we also -- we interview
6 witnesses and try to collect as much information as possible.

7 Q. Okay. And do you use all those tools in every
8 case?

9 A. No, not every case is the same. And so each case
10 -- you know, you use the ones that -- well, you can apply to
11 that case, you use what is appropriate for that case.

12 Q. Okay. And so you didn't talk to the kids because
13 that's something that would go out to this, this third-party
14 agency CARE House of the Pee Dee.

15 A. That's the one we used.

16 Q. Where did they get the forensic interview? So who
17 do you talk to in this investigation?

18 A. I'm not sure what you're -- you mean which CAC?

19 Q. To collect it -- you collected evidence and
20 statements from individuals, right?

21 A. Oh, we did, yes.

22 Q. Okay.

23 A. I believe that the first person I reached out to
24 was Betsy Watkins. I also -- I interviewed her, I
25 interviewed John Watkins and I interviewed Jonathan Wilson.

1 Q. Jonathan Wilson?

2 A. Yes.

3 Q. All right. And how'd you interview him?

4 A. Mr. Wilson? I interviewed him at the sheriff's
5 office.

6 Q. Okay. Did you bring him down there? Was he in
7 cuffs?

8 A. No, sir. He -- we -- I scheduled an appointment
9 for him to come down and meet with me at the sheriff's
10 office. And he came down, and I interviewed him in our
11 interview room at the sheriff's office.

12 Q. Okay. And what did you talk -- talk with him
13 about there?

14 A. I sat down and just got his side of the story.
15 Basically, I asked him what happened from his perspective
16 that night.

17 Q. And what was his side of the story?

18 A. He told me that -- he denied the allegations of
19 inappropriately touching or sexually assaulting **Minor** that
20 night. But what stuck out to me is that the story slightly
21 changed from what I had seen on body cam video and a written
22 statement from that -- the night of the report as far as what
23 he did and did not do as far as using the restroom or going
24 into the master bathroom, master bedroom.

25 Q. So what did he tell you he did?

1 A. He told me that he may have gotten into the master
2 bedroom, master bathroom.

3 Q. That he may have?

4 A. May have.

5 Q. All right. And you said that -- and did you talk
6 to the other officers who had been on scene that night?

7 A. I reviewed their body camera video that night and
8 I read the statements that they collected, the written
9 statements.

10 Q. Now, did you have any -- any further conversation
11 with Mr. Wilson in this investigation? That day you said he
12 denied the allegation, said that he may have gone into the
13 bedroom, may have gone into the bathroom. Was that the end
14 of the conversation?

15 A. Other than him just going over there, I asked him
16 if he -- going over the actual allegations asking him if he
17 did touch or sexually assault **Minor** in which he denied.

18 Q. And at the end of that conversation, did you
19 arrest him?

20 A. I did not.

21 Q. All right. And why not?

22 A. My investigation was not complete at that time.

23 Q. Okay. And are you in the habit of arresting
24 people before you complete an investigation?

25 A. I'm sorry?

1 Q. Are you in the habit of arresting people before
2 you complete an investigation?

3 A. No.

4 Q. Okay. And was there -- there any reason for you
5 to believe that if you did not arrest him that day, that you
6 would not be able to complete your investigation?

7 A. No.

8 Q. Okay. Now, to complete that investigation, you
9 previously mentioned that you refer -- refer -- out child
10 interviews to the forensic interviewer, did you do that in
11 this case?

12 A. I did.

13 Q. All right. And did **Minor** complete a
14 forensic interview?

15 A. She did.

16 Q. And I believe you said that it was at the CARE
17 House of the PeeDee?

18 A. It was, yes.

19 Q. And were you present when that -- that interview
20 took place?

21 A. I was.

22 Q. Did you watch the entire interview?

23 A. I did.

24 Q. Was a video recording made of that interview?

25 A. Yes, it was as it typically is.

1 Q. Okay. And have you had an opportunity to review
2 that video?

3 A. I have more than once.

4 Q. When was the last time you reviewed that video?

5 A. The most recent time was this morning.

6 Q. And do you recognize this disc?

7 A. Yes, that is the -- that is Minor
8 forensic interview.

9 Q. All right. And how do you recognize it?

10 A. I can see it's --

11 Q. It was previously marked as State's Exhibit 5.

12 A. Yeah, that is -- that is Minor
13 forensic interview. And I know that because it has my
14 initials on it. And it's dated from the last time I reviewed
15 it.

16 THE COURT: That you said it was today?

17 THE WITNESS: Yes. That's this morning.

18 BY MR. BRADBURY:

19 Q. And when you reviewed it this morning, was it
20 changed or altered in any way from when you first saw the
21 interview? When you saw the interview in person when the
22 video was made. Does it fairly and accurately represent the
23 interview as you saw it?

24 A. Yes, it does.

25 Q. All right. And was any -- any part of that video

1 altered by any means, like, edited to change the content of
2 it?

3 MR. BRADBURY: If I may approach?

4 (Bench Conference at 11:49 a.m.)

5 THE COURT: Okay. All right, ladies and gentlemen, by
6 stipulation of the parties meaning the State and the Defense
7 the video has been edited. So there have been things in the
8 video that have been redacted or removed from the video that
9 are not relevant to any issue in this case. So the answer to
10 her question is "Yes." Which I think she was trying to say,
11 but everybody knows the video's been redacted. Both sides
12 have seen the redacted version of the video. I've seen the
13 redacted version. And they -- what they've done is they've
14 taken out the things that aren't relevant to the issue that
15 you have to decide in this case. And so that State's exhibit
16 number what?

17 MR. BRADBURY: 5, your Honor.

18 THE COURT: Okay. So any objection to the redacted
19 video?

20 MR. KIRINCICH: No objection to the redacted video.
21 Your Honor, we put all this on the record, I think prior to
22 the jury coming in.

23 THE COURT: Very good. All right, so State's Exhibit
24 Number 5 is admitted.

25 (State's Exhibit Number 5 admitted into evidence.)

1 MR. BRADBURY: Thank you, your Honor. Move to publish?

2 THE COURT: You may. Yes.

3 MR. BRADBURY: Thank you, your Honor.

4 THE COURT: And there's audio and video, right?

5 MR. BRADBURY: There is, your Honor.

6 THE COURT: Okay.

7 (Video playback begins at 11:51 a.m.)

8 (Video playback ends at 12:09 p.m.)

9 MR. BRADBURY: Your Honor, that's State's questions.

10 THE COURT: Okay. Any further questions for

11 Investigator McLeod? From the --

12 MR. BRADBURY: No. That's State's questions.

13 THE COURT: Okay. All right. Cross-Examination,
14 please.

15 CROSS-EXAMINATION

16 BY MR. KIRINCICH:

17 Q. Hey, good afternoon.

18 A. Good afternoon.

19 Q. The State asked you about tools and your toolbox
20 as an investigator. One of the things you mentioned was the
21 forensic interview, right?

22 A. Yes, sir.

23 Q. You also mentioned a SANE examination. What does
24 SANE stand for, S-A-N-E?

25 A. Sexual Assault Nurse Examination.

1 Q. And what happens during a Sexual Assault Nurse
2 Examination?

3 A. I'm not a forensic -- or a forensic nurse, but
4 from what I have gathered through my years and, you know,
5 training experience, my limited knowledge is, it is an exam
6 of a victim of -- a possible victim of a sexual assault where
7 possible evidence is collected.

8 Q. And that sexual assault nurse is a specially
9 trained nurse, correct?

10 A. Yes.

11 Q. And they collect physical evidence, right?

12 A. Correct.

13 Q. They also collect clothing from the alleged
14 victim, right?

15 A. Yeah, I think it depends on the circumstance, but
16 it's possible.

17 Q. And the physical evidence they collect might be a
18 swab of their privates or the area they said they were
19 touched. Right?

20 A. It can be part of it.

21 Q. And they're looking for some DNA of some sort,
22 right?

23 A. Possibly.

24 Q. And then in other cases, they might be looking for
25 hair or any sort of transfer of -- you know, body parts to

1 other body parts kind of thing, like, right? Somebody's hair
2 or something underneath their fingernails. They do a pretty
3 thorough examination, right?

4 A. That's correct.

5 Q. And that sexual assault nurse examiner is also the
6 first person that probably talks to the alleged victim as
7 well, right? And gets their side of the story?

8 A. I wouldn't say necessarily the first. Typically,
9 if it's a child victim, yes, it's --

10 Q. If it's a child victim?

11 A. Potentially, yes.

12 Q. Okay. And what is that time frame that you want
13 to have that done as an investigator?

14 A. The sooner the better.

15 Q. Okay. Is that something that needs to be done
16 within 72 hours?

17 A. I am not comfortable testifying to the exact hours
18 because I know it varies. It can vary and I know that they
19 have actually changed protocols in the past too, as far as
20 the hours, and I think it varies. It may vary from child to
21 adult, so I don't want to give an exact number.

22 Q. Okay. So you are not sure of an exact number, but
23 some of the things that they ask is if the alleged victim has
24 showered, right?

25 A. Correct.

1 Q. If the alleged victim has used the bathroom since
2 that time, right?

3 A. Correct.

4 Q. So those -- those are things that we can infer
5 would happen, you know, not weeks later, but, you know,
6 within hours, right?

7 A. That's correct.

8 Q. Okay. You also said a tool in your toolbox was to
9 interview witnesses and try to collect as much information as
10 possible, right?

11 A. Yes, sir.

12 Q. Okay. How many kids were in that bedroom?

13 A. There were six.

14 Q. And how many kids got interviewed?

15 A. There were five.

16 Q. Which five kids got interviewed?

17 A. It would be Brother Stepbrother Stepsister 1 Stepsister 2 and
18 Minor

19 Q. Are you sure that Stepbrother got interviewed?

20 A. I'm not sure. I would have to verify with my
21 notes.

22 Q. Okay. Do you have any forensic interview
23 recollection for Stepbrother Is it more -- I mean, is it just
24 possible you just misspoke that Stepbrother did?

25 A. It is possible I may have misspoke, yes.

1 Q. Okay. And Son was in the bedroom as well, right?

2 A. Correct.

3 Q. And Son was never interviewed, was he?

4 A. No, he wasn't.

5 Q. So Stepbrother and Son were never interviewed?

6 A. You are correct.

7 Q. Okay. One of the things that was discussed, and
8 you were in here, and it wasn't really mentioned, but photos.
9 Photos are another thing that could be a tool in your
10 toolbox, right?

11 A. Correct.

12 Q. And at some point, you tried to make contact with
13 Mr. Parker to get photos, right?

14 A. Yes, I did try.

15 Q. But ultimately no photos were ever taken of the
16 scene, were they?

17 A. Not at the inside of the home. No, not really.

18 Q. All right. And kind of going back on it, they
19 asked if you knew investigator Dill which you said you do,
20 right?

21 A. I do.

22 Q. And he was the on-call that night?

23 A. Yes, he was.

24 Q. Okay. Did anybody contact you that night as the
25 sexual assault investigator?

1 A. No. The first time I got to look at this case was
2 that Monday afternoon.

3 Q. I'm sorry, when?

4 A. No, nobody contacted me. The first time I was
5 made aware of this case was Monday afternoon.

6 Q. But you reviewed the entire case file and you
7 understand that Investigator Dill didn't ask for a sexual
8 assault nurse examiner to be involved, right?

9 A. That night? That's correct.

10 Q. And did not indicate that any photos need to be
11 taken, correct?

12 A. I don't know the extent of the conversation that
13 he had with Lieutenant Royalty that night.

14 Q. But ultimately, no photos were ever taken?

15 A. No photos were taken.

16 Q. You never got dimensions on this master bedroom,
17 did you?

18 A. No, sir.

19 Q. You never went to the scene at all, did you?

20 A. No, sir. Just arrangements. I tried to make
21 arrangements do it several times.

22 Q. Did you view the forensic interviews of all the
23 children?

24 A. I did. Yes.

25 Q. All right. And you said the reason that Mr.

1 Wilson wasn't arrested when he came in for his interview is
2 because you still had more investigation to do, right?

3 A. Correct.

4 Q. So your job as the investigator is to get all of
5 the information possible and then try to make a decision on
6 whether he is going to be charged at all and what he is going
7 to be charged with, right?

8 A. That is correct.

9 Q. Okay. Now you said you reviewed body cam footage
10 during this, correct?

11 A. Yes, sir.

12 Q. All right. And you saw Mr. Wilson talk to Deputy
13 Richards and tell her that he had to get on the kids, he was
14 pretty stern with them, right?

15 A. Yes.

16 Q. Okay. And you heard in **Brother** interview where
17 he indicated that Mr. Wilson had to get onto them, correct?

18 A. I prefer to look over the forensic interview notes
19 before.

20 Q. Do -- do you have like your case notes?

21 A. I do. Well, not my case notes, but I have the --
22 we have the case file.

23 Q. Would you like to get your notes?

24 A. Please. Before I answer.

25 MR. KIRINCICH: Your Honor, If I can -- if she can get

1 her -- if she can step down to grab her notes.

2 THE COURT: That's perfectly fine. Yes.

3 MR. KIRINCICH: Thank you.

4 MR. BRADBURY: Your Honor, I would ask to approach
5 Mr. Kirincich.

6 THE COURT: Okay.

7 (Bench Conference at 12:19 p.m.)

8 BY MR. KIRINCICH:

9 Q. And you looked at what you needed to look at?

10 A. Yes, sir.

11 Q. Okay. And **Brother** at some point told the
12 interviewer -- and you were there, you were present, you were
13 watching, right? That -- that Mr. Wilson had to separate the
14 children and like keep the boys outside?

15 A. That is what he said. Yes.

16 Q. Did you ever follow up with **Stepbrother** and **Son** about
17 that?

18 A. No, I did not.

19 Q. That would have been important, though, right? To
20 corroborate the story that you were given?

21 A. In my investigation, I really wasn't concerned
22 about what happened that day afterwards with them playing,
23 horsing around, any sort of indiscipline.

24 Q. You weren't concerned with getting any physical
25 evidence either, were you?

1 A. I don't know what you mean by that.

2 Q. I mean, nobody went and gathered any physical
3 evidence in this case, did they?

4 A. I don't see any -- I don't know of any physical
5 evidence I could have obtained.

6 Q. All right. So just removing yourself from the
7 equation, would you agree that this was a serious case?

8 A. Absolutely.

9 Q. Okay. That it involved an allegation of sexual
10 abuse?

11 A. Correct.

12 Q. From the initial report to 911, right?

13 A. Correct.

14 Q. So when this call goes out to the Kershaw County
15 Sheriff's Office, this is a report of sexual abuse on a
16 six-year-old child?

17 A. Correct.

18 Q. Serious case?

19 A. Serious case.

20 Q. But no investigator decides to go out that night,
21 right?

22 A. Yes.

23 Q. You are assigned the case the next day, less than
24 24 hours later, and you don't go to the scene, right?

25 A. It was -- it was more than 24 hours later.

1 Q. Okay. If the deputies responded six o'clock
2 Sunday night, what time did you get it on Monday?

3 A. The actual assault that was not 6:00 p.m. on
4 Sunday. That's just when it was recorded.

5 Q. Okay. What time did you get it on Monday?

6 A. I'm not sure when the time that it was assigned,
7 but I first reviewed it at approximately four o'clock on
8 Monday afternoon.

9 Q. Okay. So maybe just outside of 24 hours, maybe?

10 A. Yes.

11 Q. Okay. And you contacted Ms. Watkins on that same
12 day, right?

13 A. Yes.

14 Q. You never asked her to bring the child to the
15 hospital, right?

16 A. No.

17 Q. Didn't get any sort of medical exam done?

18 A. No.

19 Q. Didn't collect any clothing from that night?

20 A. No.

21 Q. Didn't collect any photos?

22 A. No.

23 Q. Didn't try to get DNA from Mr. Wilson? Didn't try
24 to get DNA from anybody at all, did you?

25 A. No.

1 Q. Have you reviewed your -- your individual case
2 notes from the incident report?

3 A. I have.

4 Q. Okay. Mr. Wilson came to see you at the sheriff's
5 office on November 27th?

6 A. Yes.

7 Q. Okay. You didn't get a warrant until after the
8 new year, so after January 1, 2018?

9 A. Correct.

10 Q. Right? Was there any additional information that
11 you received between that meeting and January? I mean, the
12 forensic interviews were done, you said your investigation
13 was not complete. So what else did you do between November
14 27th and January 3rd when you got the warrant?

15 A. There were different -- very -- there was
16 different -- I believe I needed some more interviews from
17 David Parker. I was trying to collect interviews from all
18 the adults still, and also coordinate with Mr. Parker as far
19 as getting into that residence and trying to photograph for
20 the purpose of getting a layout of the inside of the house.

21 Q. That never happened, right?

22 A. No, it didn't.

23 Q. Did you ever just drive over there and knock on
24 the door, wait for him to get home? Nothing?

25 A. No. Not knowing his work schedule and not having

1 a lot of communication with him. It was during that time; it
2 had been hard. I remember -- recall playing kind of phone
3 tag with him. I was not able to leave a voicemail on his
4 phone at that time and then when he would call me to try to
5 speak to me, of course, he would have to leave a voicemail.
6 At the time we had a pretty large case load.

7 Q. So a large caseload kept you from fully
8 investigating this case?

9 A. No -- no.

10 Q. That's not what you just testified to, that you
11 couldn't make contact with him because of the large case
12 load?

13 A. No, it was hard. I attempted several times to
14 make contact with him.

15 MR. KIRINCICH: Okay. No further questions, your
16 Honor.

17 THE COURT: Re-direct?

18 MR. BRADBURY: Yes, your Honor.

19 RE-DIRECT EXAMINATION

20 BY MR. BRADBURY:

21 Q. Just going through the -- Mr. Kirincich's
22 questions about this examination and potential examination
23 from a SANE nurse and that -- he mentioned possible evidence
24 would be collected and clarify that as physical evidence.
25 What physical evidence would you look for in any sexual

1 assault?

2 A. Potentially, you could have touch DNA, you could
3 have saliva if a victim fought back, you could have --
4 collect -- you could collect scrapings from underneath
5 fingernails to try to get DNA. You could also, you would be
6 looking for possibly hair, you would be looking for semen,
7 anything like that.

8 Q. And what was the allegation or the form of sexual
9 assault that you were investigating from November 5, 2017?

10 A. It was a digital penetration.

11 Q. All right. No penile penetration?

12 A. No penile penetration was ever disclosed.

13 Q. Oral copulation?

14 A. No.

15 Q. Your training and experience in these in -- all
16 these years, I believe was since 2016. In your investigation
17 of sexual assaults has in your training experience, you
18 testified that you received over those years as well as the
19 multitude of cases that you have investigated for sexual
20 assault, do you believe that it is likely that you would be
21 able to get any usable evidence?

22 MR. KIRINCICH: Objection, your Honor. He's asking her
23 to speculate on what could be found.

24 THE COURT: Overruled. I think he's asked based upon
25 her training and experience.

1 MR. BRADBURY: Yes, your Honor.

2 THE COURT: She can answer that.

3 MR. BRADBURY: Thank you, your Honor.

4 BY MR. BRADBURY:

5 Q. From a digital penetration that you would find in
6 usable evidence, from a SANE exam?

7 A. Well, it depends on -- typically when it comes to
8 a SANE exam, the sooner you can have this done, the better.
9 The fresher that evidence is, the better. The greater your
10 chances of actually collecting usable evidence from the
11 victim's body. The longer that time, the more hours, days go
12 by or that victim brushing teeth, bathing, urinating,
13 defecating, anything like that, the chances of you collecting
14 usable evidence from that sink it.

15 Q. And specifically, from a digital penetration
16 sexual assault?

17 A. It's not as likely from that versus, let's say,
18 there was ejaculation.

19 Q. Okay. And when you're making a decision in any
20 investigation that you do -- and for -- for a sexual assault,
21 what factors do you weigh in determining which of those tools
22 in your toolbox you're going to use?

23 A. Well, I can say in this one particular, especially
24 when you are dealing with a child, even a younger child, you
25 have to also -- you always have to keep in mind that these

1 children have already been through a traumatic experience.
2 Something that a child should not have to go through. So you
3 take that into account, you put a lot of weight on that. Is
4 the -- does the cost, you know, outweigh the benefit of
5 having anything you know, these examinations done?

6 Q. And what does it cost?

7 A. We are basically re-traumatizing that victim
8 because they are very intrusive and uncomfortable
9 examinations. I mean, it would be for an adult. So for a
10 child, you could just imagine how much more, you know, no
11 child really has to go through it.

12 Q. So when you're weighing these factors in
13 determining which tool you're going to use, if you don't
14 believe that you're going to get usable evidence from an
15 examination from one of those tools, would you choose not to
16 use it to avoid that traumatization?

17 A. If I feel that the likelihood of us collecting any
18 usable evidence doesn't outweigh the risk of having to
19 re-traumatize a victim of that age, then yes, that would be a
20 judgment call.

21 Q. Okay. And this of course happened seven years
22 ago. And you testified that in the intervening seven years,
23 that you have continued on as an investigator of sexual
24 assaults and multitude of additional cases and trainings and
25 expertise. And if you could jump in time machine right now,

1 go back in time and change your decision on whether or not to
2 get a SANE exam in this case, would you change your mind or
3 would you stand by the decision you made to not get one?

4 A. With this particular case and the set of
5 circumstances playing out the exact same way? No, I would
6 have made the same decision for her sake.

7 MR. BRADBURY: Thank you. Thank you, your Honor.

8 RE-CROSS EXAMINATION

9 BY MR. KIRINCICH:

10 Q. Investigator, I think we need to be clear. Nobody
11 made that decision one way or the other back in 2017, did
12 they?

13 A. What decision is that, sorry?

14 Q. On whether to have a sexual assault nurse examiner
15 examine the child. No Investigator -- excuse me. You can
16 answer that. I'm sorry. Nobody made that decision in 2017,
17 did they?

18 A. It was not offered to the family at that time.

19 Q. Okay. No investigator responded to the scene,
20 correct?

21 A. Not the night of the report.

22 Q. No investigator asked for this in the time that it
23 would have been most crucial, correct?

24 A. That's correct.

25 Q. Okay. And Mr. Wilson is the one that's on trial,

1 right?

2 A. Correct.

3 Q. Okay. And so that potential evidence could also
4 be helpful to Mr. Wilson, correct?

5 A. If it would have been collected.

6 MR. KIRINCICH: If it would have been collected. Thank
7 you. No further questions, your Honor.

8 THE COURT: All right. And Ms. McLeod, you may step
9 down. Thank you very much. And State may call their next
10 witness.

11 MR. BRADBURY: Your Honor, the State rests.

12 THE COURT: Okay. All right. Y'all approach really
13 quick. You can all stand up, stretch, twist, turn while I
14 have a conversation with the lawyers really quick.

15 (Bench Conference at 12:31 p.m.)

16 THE COURT: All right, ladies and gentlemen, the State
17 has rested their case. There are some issues that I need to
18 take up with the lawyers outside of your presence, which is
19 standard operating procedure. So let's do this. Let us come
20 back at two o'clock. Be back in your jury room at two
21 o'clock and ready to go. Do not discuss the case. Keep an
22 open mind, enjoy your lunch. We will see you at two o'clock.
23 Thank you.

24 (Jury Exits Courtroom at 12:33 p.m.)

25 THE COURT: All right, any motions from the Defense at

1 this point in time?

2 MR. KIRINCICH: (Inaudible) Yeah. All right. Sorry,
3 your Honor. I was not on the record. Your Honor, pursuant
4 to Rule 19 of the South Carolina Rules of Criminal Procedure,
5 the Defendant moves for a directed verdict. Your Honor, this
6 is a defense motion.

7 So taking the evidence in the light most favorable to
8 the State. The State has failed to present evidence beyond a
9 reasonable doubt sufficient to convince a reasonable juror
10 that the Defendant is guilty of criminal sexual conduct with
11 a minor in the first degree.

12 Your Honor, we would also renew all of our motions and
13 objections that we have made that would have been
14 incorporated from the last trial to this one. Anything that
15 we have made today, your Honor, we do ask that you grant a
16 directed verdict in favor of the Defendant at this time.

17 THE COURT: Okay. Thank you, Mr. Kirincich. Any brief
18 response?

19 MR. BRADBURY: Yes, your Honor. Your Honor, I believe,
20 most favorable to the State we have heard testimony from
21 well, two witnesses, but most importantly from **Minor**
22 Watkins who did identify the Defendant and did state that he
23 stuck his finger inside her vagina, that it is inside and
24 also identified what age she was at the time, which was under
25 11. We believe that we have hit all the elements of this

1 charge and that there is evidence before the Court. So a
2 question for the jury on whether or not the Defendant is in
3 fact guilty.

4 THE COURT: All right. And the standard before the
5 Court is found in Rule 19, the South Carolina Rules of
6 Criminal Procedure, the standard that the Court is held to is
7 the existence of the evidence, not the weight of the
8 evidence.

9 And the evidence should be considered in the light most
10 favorable to the non-moving party, which is the State. Based
11 upon the testimony of the seven witnesses that the State has
12 called, the State has introduced evidence that a criminal
13 sexual conduct with a minor -- with a victim under the age of
14 11 has occurred.

15 So the State must prove beyond -- or has to introduce
16 evidence that the Defendant engaged in a sexual battery.
17 Sexual battery is defined as sexual intercourse or any
18 intrusion, however slight of any part of a person's body or
19 of any object into the genital or anal openings of another
20 person's body. They have to prove that the child was under
21 the age of 11.

22 She has testified, her birth date has been entered, and
23 consent and all those kinds of things are not factors. So
24 based upon the standard that's before the Court, which is the
25 existence of the evidence and not the weight of the evidence,

1 the Defense's motions for a directed verdict is denied. And
2 I find that you have ruled -- I renewed all your previous
3 motions and my ruling upon those would be the same for the
4 reasons that I stated before.

5 MR. KIRINCICH: Thank you, your Honor.

6 MR. BRADBURY: Thank you, your Honor.

7 MR. KIRINCICH: Your Honor, at this time, we are
8 outside the presence of the jury. The only witness that the
9 Defense would intend to call would be Mr. Wilson.

10 THE COURT: Okay.

11 MR. KIRINCICH: If he so chooses to testify. I have
12 spoken with them -- with him, excuse me, about his right.
13 Whether to testify or not testify. But your Honor, if the
14 Court would like to advise him, Mr. Tate and I will have an
15 opportunity over the lunch break to further talk to him about
16 it.

17 THE COURT: Okay. And does he have any criminal
18 history the State would use for impeachment purposes?

19 MR. KIRINCICH: I believe everything would be outside
20 of the 10 years, your Honor, and otherwise does not involve a
21 crime of dishonesty.

22 THE COURT: I don't know. So I --

23 MR. BRADBURY: That's correct, your Honor.

24 THE COURT: Okay. All right. So Mr. Wilson, stand up
25 for me, please. And please raise your right hand. And do

1 you swear or affirm everything you're going to tell me to be
2 the truth?

3 MR. WILSON: Yes.

4 THE COURT: Okay, great. All right, you can put your
5 hand down. Thank you very much. So at this point in time,
6 I'm going to explain some of your rights to you. If you
7 don't understand anything that I say, please just let me
8 know. If you want me to explain anything in more detail,
9 please just let me know, okay?

10 MR. WILSON: Yes, sir.

11 THE COURT: Great. Now we have now reached the stage
12 of the trial where you are allowed or you may present a
13 defense. You have the right to claim the protections that
14 are given to you by the Fifth Amendment to the Constitution
15 of the United States. And this amendment states in part that
16 no person shall be compelled in any criminal case to be a
17 witness against himself.

18 And what that means basically, is that you cannot be
19 required to testify in this case. You have the right to
20 testify on your own behalf, if you want to. However, nobody
21 can make you do this or force you to do this. This is a
22 personal right, and nobody can waive or give up this right
23 except for you. If you do decide to testify, you will be
24 subject to the same rules that govern all the other witnesses
25 and you may be examined and cross-examined on any relevant

1 issue in this case.

2 Now we, there's no impeachment thing, so we will skip
3 over that part. So, if you decide to testify, this decision
4 on your part must be made freely, voluntarily and
5 intelligently with the knowledge of the protections that are
6 given to you by the 5th Amendment and the consequences of
7 your decision to testify. If you decide not to testify, I
8 will instruct the jurors that they cannot give the fact that
9 you did not testify any consideration whatsoever, and that
10 there is to be absolutely no prejudice to you because you did
11 not testify.

12 It is left entirely up to you whether or not you
13 testify. You may talk with your attorneys or your family or
14 anyone else, but the final decision is entirely yours. Now,
15 do you understand what I have explained to you so far?

16 MR. WILSON: Yes.

17 THE COURT: Do you have any questions for me about what
18 I have explained to you?

19 MR. WILSON: No, sir.

20 THE COURT: Okay. Now, you don't need to tell me what
21 you discussed, but prior to this moment, have you and your
22 lawyers talked about this issue?

23 MR. WILSON: This issue meaning the case, or?

24 THE COURT: No, whether or not you want to testify?

25 MR. WILSON: Yes, sir. We have.

1 THE COURT: Like in -- sometime in the past seven
2 years, you know, prior to right now I assume y'all have had a
3 conversation about, "Do I testify, do I not testify?" Is
4 that right?

5 MR. WILSON: Yes.

6 THE COURT: Okay, great. And would you like some more
7 time to speak with your lawyers?

8 MR. WILSON: Yes, sir. Please.

9 THE COURT: Okay. So I'm going to grant you that
10 request. Okay?

11 MR. WILSON: Thank you.

12 THE COURT: And so, when we come back after lunch,
13 you'll need to be prepared to tell me whether or not you want
14 to testify.

15 MR. WILSON: Yes, sir.

16 THE COURT: Okay. Does that make sense?

17 MR. WILSON: Yes, sir.

18 THE COURT: So y'all can take the lunch break, I
19 believe Mr. Kirincich has ordered in some food. You can
20 evaluate the case, evaluate what's happened, what's not
21 happened. I'm not telling them what to do. These are just
22 things that normally happen. But when we come back from
23 lunch at two o'clock, you'll need to be prepared to tell me
24 whether or not you want to testify.

25 MR. WILSON: Yes, sir.

1 THE COURT: Okay. Does all that make sense?

2 MR. WILSON: Yes, sir.

3 THE COURT: And you have any questions for me about any
4 of that?

5 MR. WILSON: No, sir.

6 THE COURT: Okay. And Mr. Kirincich, anything else you
7 think I need to put on the record in regards to that?

8 MR. KIRINCICH: No, your Honor.

9 THE COURT: Okay. And anything else from the State?

10 MR. BRADBURY: No, your Honor.

11 THE COURT: Okay. All right so we'll be down till two
12 o'clock. Thank you very much. We'll see you at 2:00.

13 (Off the record at 12:51 p.m.)

14 (On the record at 2:02 p.m.)

15 THE COURT: All right, Mr. Wilson, did you have enough
16 time to speak with your lawyers about whether or not you want
17 to testify?

18 MR. WILSON: Yes, sir.

19 THE COURT: And tell me what your decision is, please.

20 MR. WILSON: I'll testify.

21 THE COURT: Okay, great. And you understand all the
22 ramifications of that?

23 MR. WILSON: Yes, sir. I believe so.

24 THE COURT: And has anybody forced you or threatened
25 you to get you to do this?

1 MR. WILSON: No, sir.

2 THE COURT: You understand it's completely and totally
3 your decision?

4 MR. WILSON: Yes, sir.

5 THE COURT: Okay. And do you need any more time to
6 speak with your client about it, the decision, Mr. Kirincich?

7 MR. KIRINCICH: No, your Honor. I think Mr. Tate and I
8 went over everything with him. I think he understands it's
9 completely his decision.

10 THE COURT: Okay. All right. And Mr. Tate, you concur
11 with that?

12 MR. TATE: I do, your Honor.

13 THE COURT: Okay, great. Okay. You may be seated.
14 Thank you very much. Now he's not in any restraints, is that
15 correct?

16 MR. KIRINCICH: That's correct, your Honor. He's been
17 out on bond this week.

18 THE COURT: Right.

19 MR. KIRINCICH: He is not --

20 THE COURT: There is no -- there's nothing on him. So
21 he is able to walk up (crosstalk).

22 MR. KIRINCICH: That's correct, your Honor.

23 THE COURT: -- Under witnesses. Okay, great. Just
24 wanted to double check. Didn't want to lose sight of that.
25 Okay, let's bring them in.

1 (Jury Enters Courtroom at 2:03 p.m.)

2 THE COURT: All right, welcome back, ladies and
3 gentlemen. When we last left, the State had rested their
4 case, and now the Defense has an opportunity to put on a case
5 if they want to. They do not have to. As I explained to you
6 in the very beginning, it's the State's burden to prove the
7 case.

8 So the Defense is not required to call any witnesses,
9 but we always give them the opportunity to, if they would
10 like to call any witnesses. So, Mr. Kirincich, at this time,
11 would you like to call any witnesses?

12 MR. KIRINCICH: Thank you. And yes, your Honor.
13 Mr. Wilson would like to take the stand.

14 THE COURT: All right. Come on up, Mr. Wilson. Thank
15 you.

16 THE CLERK: Mr. Wilson, can you place your left hand on
17 the Bible and raise your right hand?

18 JONATHAN DWAYNE WILSON, DEFENDANT,
19 being duly sworn, testified as follows:

20 THE CLERK: Have a seat on the witness chair and state
21 your full name for the record.

22 THE WITNESS: Jonathan Dwayne Wilson.

23 MR. KIRINCICH: Thank you, your Honor.

24 DIRECT EXAMINATION

25 BY MR. KIRINCICH:

1 Q. Mr. Wilson, we have known each other now for seven
2 years, right?

3 A. Yes, sir.

4 Q. You know why you are here this week?

5 A. Yes, sir.

6 Q. And why are you here this week?

7 A. Allegations.

8 Q. And you're not currently in custody?

9 A. No, sir.

10 Q. And you've been out of custody how long?

11 A. Six, seven years.

12 Q. Mr. Wilson, you've been here this week. You've
13 heard the testimony, but do you -- do you remember the
14 allegations from back in November of 2017?

15 A. Allegations? Yeah.

16 Q. And do you have some specific memories of that
17 date back in 2017?

18 A. Some.

19 Q. We will just cut right to it. Did you sexually
20 assault **Minor**

21 A. No, sir.

22 Q. Did you perform a sexual battery on **Minor**
23 Watkins?

24 A. No, sir.

25 Q. Did you touch **Minor** inappropriately?

1 A. No, sir.

2 Q. Why were you at David Parker's house?

3 A. I was staying there temporarily. I didn't have
4 anywhere else to go really at the time.

5 Q. And what do you remember about Mr. Parker's house?

6 A. It wasn't the greatest of places, wasn't a Motel
7 6, you know.

8 Q. What was wrong with it from what you remember?

9 A. The plumbing was bad. The electrical was bad.
10 Everything -- when you walk in the front door, everything to
11 the right was no electrical, no plumbing.

12 Q. And what -- what area of the house would that have
13 been, you know, kind of based on the drawing that Mr. Parker
14 talked about?

15 A. To the right of the front door.

16 Q. And which rooms were down there?

17 A. The guest room and the secondary bedroom and the
18 secondary bathroom.

19 Q. And did you stay in those rooms?

20 A. No, sir.

21 Q. Where did you normally sleep?

22 A. On the couch or on the floor in the living room.

23 Q. And why is that?

24 A. Because his brother was staying there and had all
25 his stuff on the bed in the other room, and it was basically

1 full, you know.

2 Q. Mr. Wilson, how many kids do you have?

3 A. One.

4 Q. And -- and who is that child?

5 A. Son Wilson.

6 Q. So how old is he now?

7 A. 17.

8 Q. So if we're talking seven years ago, he would have
9 been 10?

10 A. Yes, sir.

11 Q. And was Son living with you at Mr. Parker's
12 house?

13 A. No, sir.

14 Q. This weekend in question, on November 4th and
15 November 5th, did Son stay with you that weekend?

16 A. Yes, sir.

17 Q. And what else was going on that weekend?

18 A. That was about it. I had a sleepover.

19 Q. Okay. And who was at that sleepover?

20 A. Everybody that's been here, John Watkins, David --
21 no, excuse me, David Parker, me and six kids.

22 Q. And those six kids, do you remember all their
23 names?

24 A. Minor Stepsister 2 Stepsister 1 and Brother Stepbrother and
25 Son

1 Q. Okay. So three boys, three girls?

2 A. Yes, sir.

3 Q. All right. And was this a big trailer that he
4 lived in?

5 A. No, it's a single wagon.

6 Q. You remember how wide it was?

7 A. Roughly about 12, maybe 13 feet in width.

8 Q. And during the sleepover where did all these kids
9 end up sleeping?

10 A. In the master bedroom.

11 Q. Now, did the power work in the master bedroom?

12 A. I think the light may have worked, but everything
13 else did not.

14 Q. There's been this discussion about this -- this
15 table and fan. Do you remember the table and fan?

16 A. Yes, sir.

17 Q. How was that plugged in?

18 A. The fan was plugged into where the kitchen is and
19 they -- David set it right in front of the door on a table.

20 Q. And do you remember what the door mechanism was?
21 If it was a swinging door, an accordion door, or --

22 A. I think it was a bifold door. They keep one side
23 open. So it was kind of a small narrow doorway there.

24 Q. So it wasn't this large doorway?

25 A. No, sir.

1 Q. Just a smaller, you said bifold?

2 A. Yes, sir.

3 Q. And where was the table and fan in location to
4 that door?

5 A. In the opening.

6 Q. And so that table and fan sort of became a point
7 where you told law enforcement about it. Do you remember
8 talking to law enforcement?

9 A. Yes.

10 Q. Okay. I guess, kind of backing up, excuse me.
11 When did the kids come over to David's house?

12 A. I forget what day it was. It was like Friday
13 night.

14 Q. You think all the kids came on Friday night?

15 A. Yeah.

16 Q. And they were there Friday night, Saturday night?

17 A. Yes.

18 Q. And what did the kids do at the house?

19 A. The boys, they were playing, watching movies until
20 we made a pallet and then David went and picked up the other
21 two girls and brought them home.

22 Q. Okay. So not all the kids were there, like your
23 son was there with another boy?

24 A. Right.

25 Q. Before the other kids came over?

- 1 A. Right.
- 2 Q. Okay, I understand. The other kids -- David's
- 3 children. David has three children?
- 4 A. Correct.
- 5 Q. And who are his three kids?
- 6 A. Stepbrother Stepsister 2 and Stepsister 1
- 7 Q. And had you been around those three kids before?
- 8 A. Yes.
- 9 Q. And then obviously your son Son was there?
- 10 A. Yes.
- 11 Q. And you've been around him his whole life?
- 12 A. Oh yeah.
- 13 Q. The other two children, Minor and Brother had
- 14 you been around them previously?
- 15 A. No, sir.
- 16 Q. Had they ever spent the night while you were
- 17 there?
- 18 A. No, never seen them.
- 19 Q. Was David more familiar with all the kids?
- 20 A. Yes.
- 21 Q. Do you know if they had spent the night at David's
- 22 house previously?
- 23 A. Probably.
- 24 Q. At some point, did David leave the house?
- 25 A. Yes.

1 Q. And who was there with the kids?

2 A. Just me.

3 Q. All right. And was that during the day or at
4 night?

5 A. During the day.

6 Q. And do you remember what happened when David left
7 the house and you were there with the kids?

8 A. Yes.

9 Q. And what was that?

10 A. The little boys were kind of arguing and fighting,
11 and **Brother** was hitting one of the kids over the head with a
12 Nerf gun. And so, I took the Nerf gun.

13 Q. Did it progress beyond that?

14 A. Yeah. Well, I put the girls inside to play the
15 Wii and made the boys sit on the front porch playing.

16 Q. So boys outside?

17 A. Right.

18 Q. Girls inside?

19 A. Yes.

20 Q. All right. And who got upset about that?

21 A. The little boy did.

22 Q. And when you say "the little boy," who are you
23 talking about?

24 A. **Brother**

25 Q. Okay. And do you remember how he expressed that

1 he was upset to you?

2 A. Yeah, he told me not to touch him or touch his
3 sister.

4 Q. Did you think anything of that at the time?

5 A. No, sir.

6 Q. All right. And then later when you talked to the
7 investigator -- excuse me, the first deputy, do you remember
8 who that was?

9 A. Ms. Richards.

10 Q. And what was one of the first things that you told
11 Ms. Richards?

12 A. That I had gotten stern with the kids earlier that
13 day. And basically, everything else that went about that
14 day, Mr. Watkins came, picked up his kids, left, came back,
15 was mad at me and --

16 Q. So you kind of told her everything that you sort
17 of remembered in that moment, right?

18 A. Yes, sir.

19 Q. Well, you talked about Mr. Watkins. And I know
20 it's been seven years ago. What was your sort of memory
21 about Mr. Watkins picking up his kids that day?

22 A. What do you mean?

23 Q. You know, was it still daylight outside when he
24 picked the kids up?

25 A. Yes.

1 Q. Do you have kind of a guess on the time?

2 A. I think it was around 1:00 or 2:00, maybe, when he
3 picked them up and came back about 3:00 or 4:00.

4 Q. Okay. And what happened when he came back?

5 A. He was mad and aggravated. He come straight in
6 the bathroom to me, swinging on me, talking about I touched
7 his little girl.

8 Q. You said he came in the bathroom. Which bathroom
9 are we talking about?

10 A. The master bathroom.

11 Q. And why were you using the master bathroom?

12 A. I was putting my -- trying to put my contacts in.

13 Q. Okay. Did you -- did you have stuff in the guest
14 bathroom?

15 A. Yes, sir.

16 Q. But why were you using a master bathroom if you
17 had some stuff in the guest bathroom?

18 A. Well, the guest bathroom was like storage, you
19 know, the other bedroom was full.

20 Q. Did it work? The guest bathroom, did it work so
21 that you could put your contacts in?

22 A. Not in that bathroom, no.

23 Q. And what do we mean, or what do I mean? Or you
24 mean -- excuse me. What was not working in that bathroom?

25 Excuse me.

1 A. The plumbing, you know, I had to wash my hands and
2 all in the sink. So...

3 Q. So was it uncommon for you to use the master
4 bathroom?

5 A. No.

6 Q. Was that the best bathroom to use in that house?

7 A. Yes, sir.

8 Q. All right. So Mr. Watkins comes over, and how
9 does he approach you in that bathroom?

10 A. Swinging.

11 Q. I'm sorry?

12 A. Swinging.

13 Q. Swinging?

14 A. Yeah.

15 Q. And who stops him from hitting you?

16 A. David.

17 Q. All right. Did you try to go back after him?

18 A. No.

19 Q. What did you want to do in that moment?

20 A. Just try to restrain him and talk to him.

21 Q. All right. Did he tell you why he was hitting
22 you?

23 A. Well, at first, I didn't know, but then he said
24 somebody touched his little girl and -- you know, I tried to
25 tell him that I didn't, not like he was thinking nothing, you

1 know.

2 Q. Okay. Eventually did Mr. Parker get him out of
3 the bathroom?

4 A. Yeah.

5 Q. And where did y'all go after that?

6 A. We went outside for about five minutes. He didn't
7 want to hear what I had to say. They all went back in the
8 house.

9 Q. And what did you do?

10 A. I sat in the truck and called my mother with my
11 son and had her come pick him up.

12 Q. Did you leave at any point?

13 A. No, sir.

14 Q. At some point, did he tell you that he called law
15 enforcement?

16 A. Yes, sir.

17 Q. And did you leave then?

18 A. No.

19 Q. About how long had he been there before he called
20 law enforcement?

21 A. A couple hours.

22 Q. And from the time he told you he called law
23 enforcement; do you know how long it took them to get there?

24 A. It was a little while.

25 Q. Okay. What was it like outside when law

1 enforcement arrived?

2 A. It was dark.

3 Q. So we've gone from the afternoon to -- it's now
4 dark?

5 A. Yes, sir.

6 Q. Did you think that you were not free to leave at
7 any point?

8 A. No.

9 Q. So what does that mean? Could you have left?

10 A. Yeah, I could have.

11 Q. You talked to Deputy Richards. Do you remember
12 talking to anybody else that night?

13 A. I spoke with Mr. Benjamin.

14 Q. Lieutenant Royalty?

15 A. Yeah. For a split second.

16 Q. And he asked you some questions about this fan and
17 the table, right?

18 A. Yes.

19 Q. Do you remember what you told him?

20 A. Yeah, I told him there was no way I could go in
21 the room that night because of the table and the fan in the
22 doorway.

23 Q. Did you tell him you couldn't go in the room or
24 that you couldn't go in the room without making noise?

25 A. I don't really recall.

1 Q. Why would you be concerned with making noise going
2 in there?

3 A. I don't know.

4 Q. You don't know?

5 A. I guess waking people up.

6 Q. You kind of said you thought the trailer was about
7 12 feet wide and this was the master bedroom. Do you
8 remember how the kids were laid out in the bedroom?

9 A. Yes.

10 Q. How was that?

11 A. The three boys were on a pallet on the floor and
12 the girls were on the bed.

13 Q. Now, this pallet on the floor, was this the one
14 that was between the entry to the bedroom and the bathroom?

15 A. Yes, sir.

16 Q. So if you were to walk through there, would you
17 have to step over them?

18 A. Yes, sir.

19 Q. So you told deputy, or -- excuse me, Lieutenant
20 Royalty, Sergeant Royalty, I think at the time. Did you tell
21 him that you touched **Minor** in any way?

22 A. No, sir.

23 Q. What did you tell him about that?

24 A. I told him I didn't touch her in any kind of
25 inappropriate way.

1 Q. And did he arrest you at that time?

2 A. No, sir.

3 Q. Did he tell you that you had to leave?

4 A. Well, yeah.

5 Q. And what happened when he told you that?

6 A. Well, first Ms. Richards, I signed a restraining
7 order or trespassing notice, whichever, and then he told me
8 to leave.

9 Q. Okay. And you left, correct?

10 A. Yeah.

11 Q. All right. Before you left, do you remember
12 giving deputy Richards your contact information?

13 A. Yes.

14 Q. Did somebody later contact you?

15 A. Yes.

16 Q. And do you remember who that was?

17 A. Ms. McLeod.

18 Q. And what did you do when she contacted you?

19 A. I went to the sheriff's office, spoke with her.

20 Q. Did you tell her that you touched **Minor** in an
21 inappropriate way?

22 A. No, sir.

23 Q. What did you tell her?

24 A. The same thing pretty much that I told Ms.
25 Richards and Mr. Royalty that I didn't touch any kids

1 inappropriate.

2 Q. And did she arrest you at that time?

3 A. No, sir.

4 Q. Did she get in touch with you sometime after
5 January 1st?

6 A. Yeah.

7 Q. January 1, 2018. What did she tell you then?

8 A. I wasn't told anything. I was arrested.

9 Q. Were you given the opportunity to turn yourself
10 in?

11 A. Yes, sir.

12 Q. So did she tell you she had a warrant for you?

13 A. Somebody else told me.

14 Q. Okay. Somebody else from the sheriff's office?

15 A. Yes, sir.

16 Q. I'm sorry. And upon learning that, did you turn
17 yourself in?

18 A. Yes, sir.

19 Q. Mr. Wilson, you -- you've waited a long time for
20 your day in court. Is there anything else that you would
21 like to tell the jury?

22 A. I didn't touch the kids in any kind of
23 inappropriate or sexual or criminal way. An that's about all
24 I got to say about it.

25 MR. KIRINCICH: All right. Thank you, Mr. Wilson. If

1 you will answer any questions that the State has?

2 THE WITNESS: Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. BRADBURY:

5 Q. Good afternoon, Mr. Wilson.

6 A. Good afternoon.

7 Q. So it's kind of a -- going through some of -- some
8 of the things you spoke about with your attorney, Mr.
9 Kirincich, here. You have the opportunity to prepare for
10 today with Mr. Kirincich and Mr. Tate?

11 A. Yes.

12 Q. And he mentioned that you guys have known each
13 other for quite some time. I believe he got assigned this
14 case about six years ago. Would that be correct?

15 A. Yes, sir.

16 Q. Now, you did tell the jury -- in response to this
17 question, that you didn't have anywhere else to go, and
18 that's why you were living there with David. And why didn't
19 you have anywhere else to go?

20 A. I was just in hard times at the time.

21 Q. And isn't it true that you've been living with
22 your mom before then?

23 A. Not really. I mean, I stayed there maybe once or
24 twice a month.

25 Q. Isn't it true that your mom told you that you

1 weren't welcome back there?

2 A. No, it's not true.

3 Q. Okay. Now, your relationship with David, who is
4 David to you?

5 A. My cousin.

6 Q. All right. First cousin?

7 A. Yes.

8 Q. Y'all grow up together?

9 A. Yep.

10 Q. And approximately how long would you say that --
11 in 2017, how long have you known each other?

12 A. All my life.

13 Q. All right. Were you pretty close?

14 A. Yeah.

15 Q. All right. Hang out all the time?

16 A. Oh, yeah.

17 Q. And you saw him up here on the stand? You know,
18 he said that y'all hung out almost daily, I believe was --
19 Would you say that that's correct from your recollection?

20 A. Yeah.

21 Q. That's basically peas in a pod?

22 A. No. I was tighter with his brother. We were the
23 same age.

24 Q. Okay.

25 A. So David was the baby.

1 Q. All right. So then just basically looked kind of
2 like a kid brother to y'all?

3 A. Yeah.

4 Q. Got you. Now, did you ever have any beef with
5 David or any issue with David?

6 A. No.

7 Q. All right. You never had any conflict?

8 A. I mean, yeah. Trying to make him do right, but
9 other than that, no.

10 Q. All right. Back in 2017, were y'all fighting or
11 anything? Any issues with the living situation where you
12 were living in his home?

13 A. Nah.

14 Q. All right. You have any reason why he might lie
15 about you?

16 A. Who?

17 Q. Why David would lie about you?

18 A. Nah. Drugs.

19 Q. Now you, I was going through a whole line of
20 question with Mr. Kirincich about the trailer. You know, you
21 go in, you go to the right, say there's no electrical, no
22 plumbing over there, and I think you said there's no plumbing
23 there a couple other times. Now is the toilet plumbing? Is
24 that toilet working?

25 A. No, sir.

1 Q. It wasn't?

2 A. Nope.

3 Q. And why would David say it was?

4 A. I don't know. Couldn't tell you.

5 Q. Why would Stepsister 1 say it was?

6 A. I don't know.

7 Q. And you would store some of your stuff in there?

8 Like that's basically, where you keep things, I believe?

9 A. Yeah.

10 Q. And so would you spend a lot of time in that

11 bathroom?

12 A. No.

13 Q. You just store things in there?

14 A. Yeah.

15 Q. All right.

16 A. Bags of clothes.

17 Q. You also testified that you couldn't get into the

18 guest room because David's brother's stuff. I believe it

19 says that your closer friend was in there. How long had he

20 been staying there?

21 A. He was staying there before, you know, I stayed

22 there. Probably a couple months before.

23 Q. So was he staying there at the time?

24 A. No, sir.

25 Q. All right. So it was vacant?

1 A. Yeah.

2 Q. And you've been here for the entire trial and you
3 heard David's testimony, but why would David say that you had
4 your blankets and your sheets and your clothes in there, that
5 you had your blankets and your sheets on the bed and that you
6 had all your clothes in there?

7 MR. KIRINCICH: Objection, your Honor. He's pitting
8 witnesses against each other.

9 THE COURT: Sustained. You can rephrase your question.
10 BY MR. BRADBURY:

11 Q. Yes, your Honor. Now, so you heard David's
12 testimony that you kept your items in that room now, but your
13 testimony is that you would sleep on the couch or on the
14 floor?

15 A. Right.

16 Q. So did you have like two sets of sheets and
17 blankets in there or --

18 A. No, I didn't have all that.

19 Q. You didn't have any of that?

20 A. All that stuff in the other room was his
21 brother's. My stuff was in the other bathroom, like two bags
22 of clothes and whatnot.

23 Q. Okay. So I'm just going to ask you directly. I
24 don't think Mr. Kirincich asked you this direct question, but
25 here on stand under oath, did you enter the master bedroom on

1 the night of November 4th into November 5th?

2 A. No, sir.

3 Q. You never entered?

4 A. No, sir.

5 Q. All right. Why did you not enter?

6 A. Well, I don't remember entering -- I mean, pretty

7 sure I didn't.

8 Q. You are pretty sure you did or you didn't?

9 A. I'm pretty sure I didn't.

10 Q. Pretty sure you didn't?

11 A. I didn't.

12 Q. You didn't?

13 A. No, sir.

14 Q. All right. Now, so that is what you told Deputy

15 Richards, correct?

16 A. Right.

17 Q. You said you didn't enter?

18 A. Right.

19 Q. And then later on you told her that you couldn't

20 enter. Is that correct?

21 A. Right.

22 Q. And you told her you couldn't enter because of

23 this fan and table?

24 A. Right.

25 Q. And then when you spoke with Lieutenant Royalty at

1 the time, Sergeant Royalty, you told him that you couldn't
2 enter because of the fan and the table, correct?

3 A. Right.

4 Q. And then you tell him, "Oh, I did enter." Isn't
5 that correct?

6 A. No, I told him, "I could have."

7 Q. Sir, isn't it true that you gave a definitive
8 unequivocal statement? "I did enter and I did use the
9 restroom."

10 A. No, I said, "If I did go in there, it was to use
11 the restroom," but I couldn't go in there because the table
12 and the fan.

13 Q. So your testimony right now is that you're not
14 sure at the time on November 5, 2017, that at that time when
15 -- your whole world is focused on what happened in that room?

16 A. Right.

17 Q. Your whole attention -- everybody in your world
18 out there at 1620 Etters Lane is focused on what happened in
19 that room. And you don't remember whether you went in there
20 --

21 A. I do.

22 Q. -- at that time?

23 A. I did not go in there.

24 Q. And then why would you tell Sergeant Royalty you
25 did?

1 A. I didn't.

2 Q. You remember talking to Investigator McLeod?

3 A. Yes.

4 Q. Okay. You remember talking about that, entering
5 that bedroom with her?

6 A. I don't remember a whole lot of conversation with
7 her.

8 Q. Okay. Do you remember telling her that you
9 entered that bedroom and you may have gone into the bathroom
10 at the back of that bedroom?

11 A. I might have told her that, you know, "If I did go
12 in the room, it was to use the bathroom."

13 Q. So we basically got a few different versions of
14 whether you did, couldn't have, could have, didn't enter that
15 room. You provided a very, very close time to the incident,
16 correct?

17 A. Say it again.

18 Q. When you spoke with Richards, Royalty and McLeod
19 that there was different -- there were different versions of
20 your story, you're kind of equivocal in your statements.
21 Would that be fair? That you weren't definitive?

22 A. Yeah, sure.

23 Q. All right. Was whether or not you entered that
24 room fairly important in your life at that point?

25 A. Yeah. It kind of.

1 Q. Kind of? Now you said that when John came in and
2 he attacked you, at first, he didn't give you an explanation,
3 he didn't say why he was attacking you, it was just, you were
4 in there putting your contacts in and all of a sudden John
5 Watkins comes in and starts swinging on you?

6 A. Correct.

7 Q. And did -- at that point, like, you're putting in
8 contacts and you get attacked -- I mean, was it from behind?
9 Was it from the front? Did he address you first or was it
10 just like through the door and jumps on your back?

11 A. I didn't see him coming. He just came in and
12 started swinging. I just knew somebody was there attacking
13 me.

14 Q. All right. So you knew you were being attacked
15 and your first instinct is, "I need to talk to this guy."

16 A. Right.

17 Q. Okay. But you knew why you were being attacked,
18 didn't you?

19 A. No.

20 Q. You ever fought with John before?

21 A. No, sir.

22 Q. Ever have any issues with him before?

23 A. Somewhat.

24 Q. Somewhat?

25 A. Yes, sir.

1 Q. Like an argument, or?

2 A. Yeah.

3 Q. All right. And y'all didn't get along, or?

4 A. Not really.

5 Q. All right. Have you got along since?

6 A. Yeah. Not really.

7 Q. Not really? Now, you also said that you called
8 your mom to pick up **Son** that evening. Now -- well, why
9 would you call your mom to pick up **Son**

10 A. Because I didn't want him to be around what was
11 going on.

12 Q. All right. Did you have transportation on your
13 own there?

14 A. Yes, sir.

15 Q. In your truck, right?

16 A. Yep.

17 Q. Okay. And did **Son** spend most of his time over
18 your mom's?

19 A. What do you mean?

20 Q. I mean, did he stay with your mom frequently?

21 A. Not frequently.

22 Q. Well, where did he stay?

23 A. He stays with his mother and I used to get him on
24 those weekends.

25 Q. All right but didn't --

1 A. Often on the weekends, I would go to my mom's with
2 him.

3 Q. Okay. So the two of y'all would stay over at your
4 mom's on the weekends?

5 A. Yes.

6 Q. All right. And then during the week, where would
7 you stay?

8 A. I would stay with David.

9 Q. So there's no plumbing. So David and **Stepsister 1** are
10 lying, that'd be correct?

11 A. Yes.

12 Q. And they're just lying?

13 MR. KIRINCICH: Objection, your Honor. He's pitting
14 the witnesses again.

15 THE COURT: Sustained.

16 MR. BRADBURY: Sorry, your Honor.

17 MR. KIRINCICH: If we could just get a curative
18 instruction on that.

19 THE COURT: Let's move on from the pitting witnesses.

20 MR. BRADBURY: Yes, your Honor.

21 BY MR. BRADBURY:

22 Q. And what were you and David doing that night?

23 A. Just hanging out.

24 Q. Just hanging out?

25 A. Yeah.

1 Q. Having some drinks?

2 A. Yeah.

3 Q. All right. And how did you end the night?

4 A. Sorry?

5 Q. How did you end the night?

6 A. We went to bed.

7 Q. You went to bed?

8 A. Yeah.

9 Q. Which bed did you go to?

10 A. I crashed on the couch. He passed out in the
11 recliner beside me.

12 Q. And that's the last thing you remember?

13 A. Yes, sir.

14 MR. BRADBURY: Thank you. Thank you, your Honor.

15 MR. KIRINCICH: No re-direct, your Honor.

16 THE COURT: Okay. Mr. Wilson, thank you very much.
17 You may step down, sir.

18 MR. WILSON: Yes.

19 THE COURT: All right. Any of -- the Defense may call
20 their next witness.

21 MR. KIRINCICH: Your Honor, the Defense rests.

22 THE COURT: Okay. All right. And does the State
23 intend on calling any reply witnesses?

24 MR. BRADBURY: May the Court pardon?

25 THE COURT: Does the State intend on calling any reply

1 witnesses?

2 MR. BRADBURY: No, your Honor.

3 THE COURT: Okay. All right. So ladies and gentlemen,
4 the Defense has rested their case and the State is not
5 calling any reply witnesses. So we kind of have a -- we need
6 to have a conversation about timing. Okay? So it's 2:30.
7 It will take me -- the next stage in the process is what we
8 call "closing arguments." Okay?

9 So that's when the lawyers come in, they get to make
10 their closing arguments, the State will go first, the Defense
11 will go second, the State will go third. Okay? Once that's
12 over, I have to tell you what the law is, okay? And that's
13 called "a jury charge." And I -- it'll take me approximately
14 30 to 45 minutes from right now to have all that done and
15 ready before we can start that process. Okay?

16 So you have two options, okay? Option number one is we
17 take about a 30-to-45-minute break. I get the jury charge
18 where it needs to be to when we're ready. We come back in,
19 we start closing arguments. I charge you on the law, you
20 start deliberating at the end of that. And we just kind of
21 stay here until the evening hours when you finish. Okay?

22 Now, I'm not a super late-night kind of judge. Some
23 judges think it's fun to be up here at 1:00 a.m. That's not
24 me. There would come a point in the evening if you hadn't
25 reached a decision where we would stop and come back

1 tomorrow. Okay? But that's not going to be at five or six
2 o'clock. I would just -- I don't ever know how long juries
3 are going to be. Does that make sense?

4 So the ones that I think are going to take forever
5 happen quickly. The ones that I think happen quickly take
6 forever. I -- there's no rhyme or reason. Okay? So option
7 number one is we just push forward this afternoon. That will
8 involve us kind of staying here into some form of the evening
9 hours. But if you finish tonight, that means you're finished
10 for the week. Okay?

11 Option number two is we stop right now. I do all the
12 work I need to do with the lawyers. You all go home and when
13 we come back tomorrow morning, we argue -- they do their
14 closing arguments and I charge you on the law and you have
15 the case by lunchtime.

16 And so I do not have a preference, okay? And so what I
17 want y'all to do is go back to your jury room. And does
18 everybody understand the two options? Does anyone have any
19 questions about the two options? Okay. So go back to the
20 jury room. Option number one is stay. Let's try to -- we'll
21 definitely get through arguments and jury charges, and it'll
22 just be however long y'all deliberate. We'll stay up here
23 till the evening hours, until you finish.

24 Or option number two is, we stop right now, y'all go
25 home. We come back tomorrow morning and we argue, we charge

1 and we start deliberating a little bit before lunch. And
2 then whenever you finish tomorrow, you're completely in --
3 totally done for the week. Okay?

4 So just go back there. Y'all talk about it doesn't
5 matter to me. I have no preference. I'm happy to do either
6 one. Okay? Just let me know. Do you want to try to finish
7 it today or do you want to come back tomorrow? Just send
8 back a little note that says which one. Okay?

9 All right, then we're not talking about the case. All
10 right? We're not talking about the case. We are just
11 talking about, are we staying today or we want to come back
12 tomorrow? Okay. And just send us out a note. Okay? Thank
13 you.

14 (Jury Exits Courtroom at 2:36 p.m.)

15 THE COURT: Okay. Let's go ahead -- go ahead and make
16 your motions while we're waiting on them.

17 MR. KIRINCICH: Your Honor, at this time, the Defense
18 would renew our directed verdict motion. Your Honor, I don't
19 have anything additional to add.

20 THE COURT: Okay. All right. And I assume this reply
21 from the State would be the same?

22 MR. BRADBURY: It would be, your Honor.

23 THE COURT: I assume you renew all previous motions and
24 ask for our ruling on those as well?

25 MR. KIRINCICH: That's correct, your Honor. I do renew

1 all previous motions, ask the Court to reconsider its rulings
2 on those knowing, again, this motion is my motion directed is
3 most favorable to the State.

4 THE COURT: All right. And so your motion for directed
5 verdict is respectfully denied. Based upon the reasoning
6 that I gave earlier, I find for the record that you have
7 renewed all your previous motions and my ruling upon them
8 would be the same based upon the reasons that I stated on the
9 record at that time. Okay. All right. Does anybody have
10 any jury charges you want me to look at?

11 MR. BRADBURY: The only additional charge, your Honor,
12 would be the redaction, just a one-line instruction on
13 redaction.

14 THE COURT: Okay. And what do you want that to say?

15 MR. BRADBURY: Your Honor, that would be -- some video
16 statements were entered into evidence. You may only consider
17 the content in the video and may not draw a negative
18 inference against either the State nor the Defense in the
19 redactions.

20 THE COURT: Some video statements were entered into
21 evidence.

22 MR. BRADBURY: You may only consider the content in the
23 video and may not draw a negative inference against either
24 the State or the Defense in the redactions.

25 THE COURT: You may not draw a what?

1 MR. BRADBURY: A negative inference against either the
2 State or the Defense in the redactions.

3 THE COURT: Any objections to that from the Defense?

4 MR. KIRINCICH: Your Honor, it sounds pretty innocuous,
5 but I don't know if there's any case law or anything they're
6 citing to support that.

7 THE COURT: I don't think there is. I think it's just
8 a...

9 MR. KIRINCICH: I think the Court addressed it, you
10 know, stipulated that the parts were not relevant. Kind of
11 draws a little more attention to it than anything else. But
12 if the Court decides to do it, I don't think it's a...

13 THE COURT: I don't know that it is a bad thing because
14 what I don't want them doing is going -- well, what do they
15 leave out and what does the -- you know, that kind of thing.
16 I think that could play -- that could play actually worse for
17 the Defendant than it could for the State. So I think I
18 probably will give that just as simple that they have to
19 stick to the video that's in evidence. They can't speculate
20 or guess about whatever else may be in the video.

21 MR. KIRINCICH: Yes, sir. Like I said, it didn't seem
22 harmful in any way. It just...

23 THE COURT: Yeah. Okay.

24 MR. KIRINCICH: The one thing about it though, Your
25 Honor, is Mr. Bradbury did stop the video about 10 seconds

1 left. I don't know if they have one that is actually now
2 reflective of what was introduced. You know, what the last
3 question is completed.

4 MR. BRADBURY: Right. And, your Honor, I have not
5 heard back from Ms. Morris from Columbia office yet on that,
6 but...

7 THE COURT: It's just a question and there's no answer.

8 MR. BRADBURY: Correct, your Honor.

9 THE COURT: Okay. All right. And did you get a chance
10 to look at the clean computer?

11 MR. KIRINCICH: I did, your Honor. Investigator Davis
12 who is in the courtroom went over it with me. Just in a
13 quick search of what I found before, there's nothing there.
14 I went through the recycle bin. I opened just several common
15 programs to see if there were any recent files including the
16 two video players that were on there.

17 I did not see anything that the jury could get into.
18 Obviously, it's a computer. It has got lots of folders and
19 files, but I will take the State at its word plus my -- you
20 know, brief inspection that it is indeed a clean computer.

21 THE COURT: Okay. All right. Any other jury charges
22 or jury charge request from the State?

23 MR. BRADBURY: None from the State, your Honor.

24 THE COURT: All right. They want to come back
25 tomorrow. So, all right. Let's bring him back in here. I'm

1 going to tell them not to discuss the case, not to do any
2 research, all those kinds of good things. And we will start
3 -- and we will come back on the record and finish what we
4 need to finish. Okay. Just bring them back in.

5 (Jury Enters Courtroom at 2:42 p.m.)

6 THE COURT: All right. Just come back in and grab a
7 seat really quick and I'm going to get you out of here. All
8 right. So, Mr. Foreman, the way I read this note is y'all
9 want to come back tomorrow? Is that correct?

10 MR. FOREMAN: Yes.

11 THE COURT: Okay. All right. That's perfectly fine.
12 That's great. All right. So I just need to warn you as we
13 go through the evening, remember you're not an investigator
14 on this case. You're not the research assistant. Right?
15 You shouldn't be -- you may have heard some terms today that
16 are not part of your normal vernacular. You shouldn't even
17 be going out and looking up those words. Okay?

18 You shouldn't have any contact with anybody involved in
19 the case. You shouldn't be sitting at home -- I know it.
20 Human nature is, you're sitting there going, "Well, I want to
21 know this and I want to know that." And, you know, that I
22 understand that those feelings and those feelings are real,
23 but you can't go out and have any outside influences on you.

24 You can't have any contact with anybody involved in the
25 case. You can't talk about the case. You can't let anybody

1 talk to you about the case. And then we will come back
2 tomorrow morning at 9:30. Okay?

3 And can we do lunch tomorrow, Ginger? Okay. So we'll
4 order your lunch for you tomorrow when you first get here.
5 And then we'll start at 9:30. And I think that's the better
6 way to do it because that gives the attorneys the evening to
7 kind of process through what all's come out.

8 So they're not -- they don't feel rushed. And then I
9 don't mind deliberating into the evening, but people are
10 sitting there thinking about who's getting so and so from
11 school and all those other kind of stresses with life. So I
12 would have stayed the night, but I think you made the right
13 decision. Everybody be fresh in the morning and then kind of
14 the time pressure that may be on you is kind of off.

15 So just follow the normal rules in place. When you
16 come in tomorrow morning, we'll jump right into closing
17 arguments. I'll have the jury charge completely done, and
18 then y'all can eat lunch and deliberate. And we'll finish up
19 tomorrow, and then you'll be completely and totally done for
20 the week. Okay. All right. So thank you very much for your
21 hard work today. We'll see you tomorrow morning at 9:30, and
22 have a great afternoon. Thank you.

23 (Jury Exits Courtroom at 2:45 p.m.)

24 THE COURT: Okay. And jury charge requests from the
25 Defense?

1 MR. KIRINCICH: Your Honor, I don't have anything
2 specifically at this time, but with the jury making the
3 decision to come back in the morning probably is better for
4 all of us. As you said, it gives Mr. Jacob a time to share
5 the jury charge instructions with both the State and the
6 Defense. And if we have any objections, we can let you know.

7 I'm not making his timetable of yours, your Honor, but
8 if we get them this afternoon, we can let you know this
9 afternoon. This was not a particularly complex case. There
10 aren't any odd legal issues. Your Honor, I don't think
11 there's going to be anything outside of the standard charges
12 that the judge gives on in any trial. Plus, a little bit on
13 criminal sexual conduct.

14 THE COURT: Okay. All right. So we're probably 90
15 percent, if not more done. So did you want to add anything
16 on jury charge?

17 MR. BRADBURY: No, your Honor.

18 THE COURT: Okay. So we -- what our plan will be, do
19 you have their email addresses? Okay. So here's what our
20 plan will be, is we're going to stay here and finish up the
21 jury charge. Before we leave here, we will email both sides
22 the jury charge and the verdict form so you have them. If
23 there's an objection or if there's something else you want me
24 to look at, or some case you want me to read or something
25 like that, send it to me as soon as possible. And then we

1 can knock out the rest of that in the morning, but we will
2 get you emailed copies of the charge in the verdict form
3 before we leave the building today. Is that okay with you?

4 MR. BRADBURY: Absolutely, your Honor.

5 THE COURT: Is that okay with you?

6 MR. KIRINCICH: Yes, your Honor.

7 THE COURT: Okay. And Mr. Wilson, you're reminded --
8 you can keep your seat, thank you for setting it up. I
9 appreciate that. I know you're not trying to be
10 disrespectful.

11 MR. WILSON: Yes.

12 THE COURT: You're reminded that you are still out on
13 bond. If you don't come back tomorrow, the case can go
14 forward without you being here. Your attorneys can explain
15 to you how that usually doesn't look that good. But I would
16 also issue a warrant for your arrest. Okay? All right.
17 Anything else we need to take up from the State?

18 MR. BRADBURY: Nothing from the State, your Honor.

19 THE COURT: Okay. From the Defense?

20 MR. KIRINCICH: No, your Honor.

21 THE COURT: Okay. And do y'all -- okay, let's go off
22 the record.

23 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED

24 AT 2:47 p.m.)

25

1 **CERTIFICATE OF TRANSCRIBER**

2

3 I, JACKSON ALEXANDER, a court-approved transcriber, do
4 hereby certify that the foregoing is a true, accurate, and
5 complete Transcript of Record of the proceedings had, and
6 evidence introduced in the trial of the captioned case,
7 relative to appeal, in the South Carolina Circuit Court 5 of
8 Kershaw County, South Carolina, on December 17, 2024.

9

10 I do further certify that I am neither of kin, counsel, nor
11 interest to any party hereto.

12

13

June 1, 2025.

14

15

A rectangular box containing a handwritten signature in dark ink. The signature appears to be "Jackson Alexander" written in a cursive or semi-cursive style.

16

17

JACKSON ALEXANDER

18

Transcriber

19

20

21

22

23

24

25

1 CONTINUATION OF PROCEEDINGS- DECEMBER 18, 2024.

2 THE COURT: Okay. And is there anything we need to
3 take up from the State before we start?

4 MR. BRADBURY: And -- and there is nothing from the
5 State, your Honor.

6 THE COURT: Anything from the Defense before we start?

7 MR. KIRINCICH: Yes, your Honor. I am sorry. I
8 apologize. I apologize, your Honor. I was looking for
9 something. Your Honor, the -- the Defense did put up a
10 witness and put in evidence in this case through that
11 witness, your Honor.

12 So we understand that the State will go first then the
13 Defense and then the State. Your Honor, at this time we move
14 that the State be required to open fully on the law and the
15 facts of the case.

16 We ask that you allow them in the reply -- excuse me,
17 in their second closing to only address issues that have been
18 raised by the Defense for reply. Your Honor, we are doing
19 this pursuant to due process protections -- excuse me, under
20 the State and Federal Constitutions, your Honor, this is
21 allowed by -- this is allowed by the Court because as we
22 stand now, there is really no general rules on how these
23 things proceed.

24 It was addressed in State v. Beaty, 423 S.C. 26, your
25 Honor. These should be decided on a case-by-case basis by

1 the trial judge, your Honor, that has the authority to
2 require the State to open full on the facts and the law and
3 to restrict them to only reply to arguments raised by the
4 Defense in our closing. So, your Honor, we would ask that
5 you give that instruction to the State.

6 MR. BRADBURY: Your Honor, the State doesn't object.

7 THE COURT: Yeah, that's what the law is. I don't
8 really know what we are talking about so. Okay. All right.
9 Bring them in.

10 (Jury Enters Courtroom at 9:45 a.m.)

11 THE COURT: All right. Welcome back, ladies and
12 gentlemen. I hope you had a nice evening last night and
13 Cocks won, which is a miracle. So we will take that as we
14 can get it. But we are here now for the purposes of closing
15 arguments. So let me kind of give you a road map of what
16 this is going to look like so you know. First, the State
17 will make their closing argument. Then the Defense will make
18 their closing argument.

19 And then the State will be allowed to make what we call
20 a reply argument. Okay? Once those three arguments have
21 occurred, I will then instruct you on the law as it pertains
22 to the issues that have arisen in this case. And then I will
23 kind of walk through with you how to deliberate, and when you
24 may start deliberating.

25 Now you all have done an excellent job this week of

1 paying attention to me, paying attention to the witnesses,
2 paying attention to the lawyers. We all very much appreciate
3 that. I know that the lawyers do as well, but this is their
4 final opportunity to come before you and to summarize the
5 case from their respective points of view. So I would ask
6 that you give them your undivided attention. And who is
7 closing for the State?

8 MR. BRADBURY: I am, your Honor.

9 THE COURT: Okay. Mr. Bradbury, whenever you are
10 ready, sir.

11 MR. BRADBURY: Thank you, your Honor.

12 THE COURT: Thank you.

13 MR. BRADBURY: Madam Clerk? Thank you. Good morning,
14 ladies and gentlemen. Now, when Ms. Bell first spoke to you
15 at the beginning of this case, she told you that I would be
16 talking to you after we present all evidence, and that I
17 would be asking you to find the Defendant, Mr. Jonathan
18 Dwayne Wilson, guilty as charged of the crime of criminal
19 sexual conduct with a minor in the first degree. I am here
20 to do that.

21 Now, in each trial, we hold inside these walls, we seek
22 to answer the question of whether a defendant is guilty or
23 not guilty. But rarely do we encounter the issue of
24 innocence. And when I talk about innocence, it's not a legal
25 concept, but innocence, like a childlike innocence. And

1 that's something that I want to ask you to bear in mind as
2 you weigh the evidence before you, as you weigh the testimony
3 of **Minor** as you weigh the testimony of **Stepsister 1**
4 Parker.

5 A childlike innocence where a child doesn't understand
6 the gravity -- the gravity of what has been done to them.
7 Okay. Note that when Mr. Kirincich first spoke to you, he
8 told you the victim's story doesn't make sense. So it
9 doesn't make sense. Now I would say what doesn't make sense
10 is a group of children inventing a story about his client
11 because his client got stern with **Minor** brother, **Brother**
12 over a video game seven years ago.

13 And **Minor** steadfastly stuck by a fabricated story
14 about a man she barely knows for seven years, and remained
15 wholly consistent in that story that you can rely on your own
16 memory of the evidence, you can review video. The only
17 change between her testimony as a six-year-old on the stand,
18 and as a 13-year-old, was that now she knows about sexual
19 assault.

20 Does it make sense that David Parker would lie about
21 his cousin, Mr. Wilson, staying in his guest room rather than
22 on the living room floor? Since then you are going to simply
23 forget, you are not going to miss a man of Mr. Wilson's size
24 sleeping on your living room floor.

25 So if David Parker denies that, it has to be a lie.

1 Does it make sense that David and **Stepsister 1** would lie about
2 whether the toilet in the guest bathroom worked? Conversely,
3 does it make sense that Mr. Wilson be so adamant that the
4 toilet didn't work, that he had to use the master bathroom if
5 he never went in the master bathroom? Why does that matter?
6 Does that make sense? Does it make sense that a man Mr.
7 Wilson barely knew and had never had a problem with before,
8 Mr. John Watkins, decided that he would fight Mr. Wilson on
9 site anytime his children were not with him for the
10 intervening seven years because Mr. Wilson had scolded his
11 children?

12 Does it make sense that Mr. Wilson would be assaulted
13 from behind in a bathroom by a man he barely knows, Mr.
14 Jonathan Watkins, and his first and only instinct is not to
15 defend himself, not to fight back, but to talk to that man?
16 Or does it make more sense that he knew why that man was
17 attacking him?

18 Does it make sense that David Parker, Mr. Wilson's
19 first cousin, a man he viewed as his kid brother and hung out
20 with on almost a daily basis, who allowed Wilson to move into
21 his home when he had nowhere else to go permanently breaking
22 off contact with Mr. Wilson because he had scolded -- he had
23 scolded David Parker's stepchild?

24 Does that make sense? Does it make sense that Mr.
25 Wilson cannot remember whether or not he passed through what

1 could possibly be the most significant doorway in his entire
2 life, not only now seven years later, but less than 24 hours
3 after the incident? Does that make sense? And again, does
4 it make sense that if Mr. Wilson's defense, as he told you on
5 the stand, was that he never entered that bathroom, never
6 entered that bedroom, then why does it matter whether or not
7 the guest bathroom worked?

8 Why does it matter? And that's the only thing that he
9 seemed con -- confident of and consistent on. Now, unlike
10 Minor like seven years ago as a six-year-old, Mr. Wilson
11 was a grown man and understood the gravity of the situation.
12 He understood the consequences of different stories of lying
13 and telling the truth, of making a consistent statement. And
14 oddly enough, Mr. Wilson, the grown adult, is the
15 inconsistent one.

16 Now, you heard from, writer witnesses, you heard from
17 Deputy Kristy Richards that when she spoke with Mr. Wilson,
18 he said -- first said he didn't enter that master bedroom,
19 and he said he could not. Not that it was a choice that he
20 didn't, but it's an impossibility he could not have entered.
21 There is a fan on the table there.

22 And then he clarified that saying also he could not
23 enter the master bedroom without making noise. Why does that
24 matter? If you are going in there to use the restroom, why
25 does it matter if you make noise? Then you heard from

1 Benjamin Royalty that when he spoke with the Defendant that
2 same night right after Chrissy Richards and Mr. Wilson tells
3 him that he didn't enter that master bedroom four to six
4 times, just repeatedly over and over and over again.

5 And finally, when pressed he says, "Okay, I did enter,
6 but it's just to use the bathroom." Why would you lie about
7 using the bathroom? Does not make sense. You heard from
8 Renee McLeod and when she spoke with Mr. Wilson that he tells
9 her, "I may have gone in, but only to use the bathroom."
10 Those slight changes again. Then you heard from Jonathan
11 Wilson himself when Mr. Kirincich was talking to him, that he
12 didn't go into that bedroom, that he didn't use that
13 bathroom.

14 Now, cross-examination said he may have gone into the
15 bedroom, but then he clarified, "If I went in, it was only to
16 use the bathroom." He has never remained consistent on
17 whether or not he walked through that significant doorway,
18 that life-changing doorway. In 24 hours of the incident, he
19 still cannot tell the truth.

20 Now, you heard from Minor She is direct,
21 she is respectful. "Yes, sir." "No, sir." "Yes, ma'am."
22 "No, ma'am." Gave direct answers. She stood by those
23 answers. When she is pressed by Mr. Kirincich on cross, she
24 meets steadfast in her responses. If she didn't know
25 something, she said she didn't know. If she knew an answer,

1 she would be direct on it.

2 If you go back and deliberate, you know, once the Judge
3 is going to tell you, you can weigh the evidence and you can
4 decide to believe all of the witness's testimony, some of the
5 testimony or none of the testimony. You all walk through
6 these doors carrying your common sense. You carry that back
7 in deliberation.

8 You imply the common sense that life experience to your
9 assessment of the testimony that you have heard. And I ask
10 that you do that. Apply common sense to what you have heard,
11 what makes sense? What doesn't? What is true? What is not?
12 What does **Minor** have to gain by maintaining a lie about a
13 man she barely knows for seven years? What is the benefit?
14 Why would you lie? Why would you remain consistent? You
15 weigh that.

16 Is her testimony truthful or is it not? That is a
17 question for you all to decide. I would submit to you that
18 her testimony is the most believable thing you have heard.

19 You have heard from three members of law enforcement
20 who have -- if -- if any contact with these individuals or
21 any knowledge of these individuals, it's -- it's in passing
22 the -- the -- the -- they are not invested in the
23 relationships in this family. They are not invested in these
24 individuals.

25 They have nothing to gain or lose by testifying or gain

1 or lose by completing statements or collecting evidence there
2 -- there is no benefit to them to make anything up. Their
3 testimony has been consistent. You heard from **Stepsister 1**
4 Parker. **Stepsister 1** knew that it was Jonathan Wilson who
5 came in there. She recognized him, just as -- just as
6 **Minor** did. He walked in there, had his phone out with the
7 light down at the edge of the bed. **Stepsister 1** said every time
8 she woke up, he was standing there.

9 Now, why do you think she was waking up? Do you think
10 that maybe John Wilson was making noises as he entered that
11 room? There is a sense that something was amiss and that's
12 why **Stepsister 1** was waking up and she would see Mr. Wilson at the
13 foot of the bed every time she woke up. Remind you that Mr.
14 Wilson's child was also there, but his child was over here on
15 the floor.

16 Why is he standing over a bed occupied by children who
17 are not his? If he is just checking on them as he tells
18 **Stepsister 1** why are you not checking on your kid? Why are you
19 only focused on the girls? What makes sense? You also had
20 the opportunity to travel back in time and hear the testimony
21 of six-year-old **Minor** You know, she doesn't know
22 what has happened to her. I mean, she knows physically what
23 happened to her.

24 She doesn't know what that means, what the significance
25 of that is. "He dig in my butt; he was inside me." This

1 child doesn't know what that means. "He was inside me, he
2 digs in my butt." Why would she say that? In -- in that
3 same interview again, she doesn't understand the significance
4 of what has happened. In that same interview, she describes
5 Mr. Wilson as like, "He's -- he's nice when we are good, and
6 he is mean when we are bad like parents are."

7 She describes it that way. She doesn't have any malice
8 for him. She doesn't understand what has happened to her.
9 She just sees that, "Hey, when we are good, just like all
10 adults, he is nice to us when we are bad, just like all
11 adults, he is mean to us." She doesn't identify this
12 specific act as being mean. She does identify as she felt
13 unsafe.

14 There is something in her that told her that there is
15 -- there is something wrong about this. As you heard from
16 **Minor** she told her brother on the ride home, "Hey, you
17 know, he -- he touched me." And **Brother** tells her, "You need
18 to tell Dad. You need to tell Dad." They get home. Very
19 shortly after they get home, she does tell John Watkins,
20 tells her daddy. Daddy grabs her, puts her in the truck,
21 tells his wife, Betsy Watkins, "Hey, I am going back.
22 Something happened." And he goes right back. He doesn't
23 know Jonathan Wilson. He knows him, but they don't hang out.
24 They are not friends; they are not enemies. They don't have
25 beef, but he knows of him from the area. But like John --

1 John Watkins said, they don't hang out, but he immediately
2 goes over there and immediately locates the Defendant,
3 Jonathan Wilson.

4 Tell you that -- that disclosure that he made to her,
5 you see the weight of the evidence, John Watkins, that was
6 genuine when he said, "I heard what I never should have had
7 to hear." And I had to drag it out of him. "What did you
8 hear?" He -- he -- (inaudible), he doesn't want to say what
9 it was, but he did. And he says that **Minor** disclosed to
10 him what happened to her.

11 So she is consistent with **Brother** and John Watkins.
12 (Inaudible) This forensic interview and then on the stand,
13 again the only change to her story is that now she knows what
14 sexual assault is. Now the charged offense is criminal
15 sexual conduct with a minor in the first degree.

16 This is the law. This is a law in the State of South
17 Carolina, South Carolina, Code 16-3-655, a person is guilty
18 of criminal sexual conduct with a minor in the first degree
19 if the actor engages in sexual battery with a victim who is
20 less than 11 years old. It's a simple statute. We are not
21 going through pages and paragraphs and paragraphs of a law.
22 This is not a complicated law.

23 Now, the evidence that you have heard over the past two
24 days clearly establishes each element of this, that Jonathan
25 Wilson digged in **Minor** butt, that he digitally

1 penetrated her vagina. He put his finger inside her for his
2 own sexual gratification, that Minor was six years
3 old at the time this happened. It's not a complicated case.
4 It's not. It's up to you members of the jury to assess the
5 testimony that you have heard, apply weight to that
6 testimony, determine who you are going to believe, who you
7 are not going to believe, and that's your duty to return a
8 just verdict.

9 Now, I would submit to you that there is only one
10 verdict that you can return with, and that's guilty, the
11 charge of criminal sexual conduct with a minor in the first
12 degree and that Jonathan Wilson committed a sexual battery
13 against six-year-old Minor on or about the fifth
14 day of November, the year 2017. I ask you to do that. Thank
15 you. Thank you, your Honor.

16 THE COURT: All right, thank you very much, Mr.
17 Bradbury. And does the Defense wants to make their closing
18 argument?

19 MR. KIRINCICH: Yes, your Honor.

20 THE COURT: Okay.

21 MR. KIRINCICH: May it please the Court?

22 THE COURT: Yes, sir. Whenever you are ready.

23 MR. KIRINCICH: Thank you. Ladies and gentlemen of the
24 jury, Jonathan Wilson is not guilty. He has repeatedly said
25 he didn't touch Minor I understand the State

1 wants to focus on -- on did he go in this room, did he not go
2 in this room? But he has repeatedly said he didn't touch

3 Minor [REDACTED]

4 He has never run from the allegation and he has never
5 wavered on his innocence. He told John Watkins, he told
6 David Parker, he told Betsy Watkins, he told Kristy Richards,
7 Ben Royalty, and Investigator Renee McLeod, and you, the
8 jury, that he didn't do this. He spoke freely with the
9 deputies and he was released from the scene.

10 He spoke freely with Renee McLeod and was released from
11 the sheriff's office. He later turned himself in some two
12 months later when he is told that he finally got a warrant.
13 Seven years later, he is here bringing his case in front of
14 you, a jury of his peers. And he has testified that he
15 didn't touch Minor [REDACTED] in any sexual way.

16 Now I understand what the allegations are, and you are
17 going to learn from the Judge what the burden of proof is in
18 this case, and you will learn that the State has to carry
19 that burden of proof. And I am telling you now, you cannot
20 convict Mr. Wilson on a failed investigation. The Kershaw
21 County Sheriff's Office failed to fully investigate this case
22 and it hurt -- hurts both the prosecution and Mr. Wilson.

23 Lieutenant Royalty said this was a serious case. He
24 said the call to dispatch involved a potential fight and was
25 for a serious allegation that Mr. Wilson touched a

1 six-year-old child. Royalty responded as a backup officer
2 and as a supervisor. He testified, he said, "The sheriff's
3 office wants the road officers to defer to investigations on
4 serious cases."

5 So he knew to call investigations, but no investigator
6 showed up at the scene and no investigator ever went to the
7 scene. The on-call investigator didn't get the on-scene
8 deputies to collect any evidence such as pictures, clothing,
9 or maybe most importantly have a sexual assault nurse
10 examiner's kit completed.

11 Now, those on-scene deputies didn't take pictures,
12 collect clothing or refer **Minor** to a medical profession --
13 professional because kind of in their words, "That was not
14 their job." Royalty said road patrol and investigators do
15 different things. They look at the scene differently, but
16 those are things that should have been done. He said it was
17 the investigators that should have done it, but it was
18 probably a mistake that he didn't take pictures.

19 David Parker said he lived in that trailer for a few
20 more years and no one ever came out to do any follow-up
21 investigation. Investigator McLeod blamed part of the
22 problem on her large caseload. She said she was never able
23 to get with David Parker because of phone tag and her large
24 caseload, but she also said that she was not the on-call
25 investigator that night.

1 And by the time she got the case, just the next day,
2 there was no need to do a sexual assault nurse examiner's
3 kit, but she agreed that, yes, it could have been helpful to
4 Mr. Wilson if it was collected that night.

5 Now, no one on the scene, no investigator showed up, no
6 one from command staff showed up, no one got **Minor** any
7 medical attention at all that night. No one had a medical
8 professional check her for any injury. No one collected
9 clothes. The Pull-Up that she was wearing, the bedsheets,
10 nobody swabbed for any DNA. Investigator McLeod talked a
11 little bit about touch DNA and how it's -- how it can be
12 gotten from an alleged victim, but no one swabbed, and she
13 agreed that evidence could have been helpful to Mr. Wilson.

14 I submit to you that the Kershaw County Sheriff's
15 Office as a whole wasn't interested in fully investigating
16 this case. The officers you heard from all point the finger
17 at someone else and say, "That's not my job. I am just the
18 responding deputy. I was not the on-call investigator.
19 I got the case after the time period this evidence should
20 have been collected. I had too much to do."

21 The State talked about this investigator's tool bag,
22 but the sheriff's office did not use those tools. The
23 investigator knew what the tools are, but the on-call
24 investigator didn't direct the deputies to take photos.

25 The on-call investigator didn't involve any medical

1 professionals and definitely didn't order a sexual assault
2 nurse examiner to get involved. McLeod didn't go back and
3 take photos. She didn't interview the two other boys that
4 were in the room.

5 Now, why is that important to us on the Defense? Why
6 is that important to Mr. Wilson? And why should it be
7 important to you? Photos would show us what the scene looked
8 like at the time of the allegation. This was a single wide
9 trailer, estimated room size of 10 by 10 with a queen size
10 bed in it. Queen size bed is about 5 feet wide and 6 feet
11 long in a 10 by 10 room. There are three boys sleeping on
12 the floor beside the bed between the bedroom door and the
13 bathroom door. I would like to know what other furniture was
14 in there.

15 Was it even possible to get to a child in the middle
16 position of a queen size bed? What was the issue with the
17 fan and the table blocking the door? Hey, what would the
18 other boys have said? Would they tell more about Wilson's
19 side about disciplining the kids and Brother behavior?

20 Again, sheriff's office was not interested in actually
21 investigating what Mr. Wilson told them, even though his
22 story was actually corroborated by both Minor and Brother
23 . When asked why she didn't arrest Mr. Wilson at the
24 time of the interview, Investigator McLeod said that she
25 wanted to do more investigation, but you heard that nothing

1 else happened between the time of the interview and the time
2 that she got the warrant, nothing. There was no further
3 investigation.

4 Now, I told you at the beginning what Mr. Wilson said
5 to Deputy Richards and she testified to the same. And I will
6 say right now, I think it's human nature for all of us to
7 ask, "Why would a six-year-old make up this allegation?" And
8 I will tell you, at this point, I am sure she believes what
9 she is saying. Now, you can see from the video that she
10 talks about things that she wouldn't know about otherwise
11 unless she talked to her family before she went to the
12 interview.

13 An example of that is, she said she stayed in the car,
14 but she knew that Mr. Watkins went in there. Her dad went in
15 there to fight Mr. Wilson. She said she's met with the
16 prosecutors to prepare for this case. She remembered the
17 allegations when asked by the prosecutors, but she didn't
18 really remember anything about the rest of the day.

19 She says she's watched some videos on her phone where
20 she learned the term "sexual assault." Ladies and gentlemen,
21 this has been built up in her life over the last seven years,
22 but you can see from the interview back in 2017, she said,
23 "Yeah, John was kind of mean when we was bad and kind of nice
24 when we be good." And why is that important and why did I
25 tell you to listen to it in my opening statement?

1 I believe that corroborates the story that Mr. Wilson
2 told Kristy Richards, the first deputy to arrive on the scene
3 and talk with him. Remember, Mr. Wilson and Mr. Parker
4 stated that everybody -- all the adults were there for
5 several hours before law enforcement was called. Mr. Wilson
6 was told that law enforcement was going to be called. He did
7 not run.

8 He stayed there and waited for law enforcement. He
9 called his mother to come out and got her to take his son so
10 he could talk to the adults and law enforcement. Now, he
11 tells Deputy Richards that he had to get pretty stern with
12 the kids and he thinks that might be why they are saying
13 this.

14 Now, Mr. Wilson had no idea what **Minor** and **Brother**
15 were going to say in the forensic interviews. Those
16 interviews were done two weeks later, and as you heard; he
17 had no contact with anybody after being placed on trespass
18 notice from that location. The interviewer asked how John
19 behaved or how John acted when they were bad, and he said he
20 just fusses.

21 **Brother** told the interviewer that Mr. Wilson sent the
22 boys outside and blocked the door to keep them from coming in
23 the house because of how they were acting. Now, the State
24 had **Brother** on his witness list. That was read out to
25 you before you were selected as jurors. The State chose not

1 to call him as a witness.

2 So you heard through Investigator McLeod yet that --
3 yes, **Brother** said he had to be disciplined by Mr. Wilson and
4 he and the other boys had to stay outside because of problems
5 in the house. That wasn't something that Jonathan Wilson
6 made up. Now that day **Minor** tells you that she woke up
7 first, okay? Now she actually said that **Stepsister 1** woke up and
8 then went back to sleep, but she woke up first and the only
9 other person in the house awake was Mr. Wilson.

10 Now, **Minor** didn't tell her sister, **Stepsister 1** what
11 happened that morning. She didn't tell the other adult,
12 David Parker. Later that day when her dad picked them up,
13 she and **Brother** were whispering in the back of the truck and
14 **Brother** told her she needed to tell her dad. **Minor**
15 testified to that, and Mr. Watkins confirmed that he heard
16 her and **Brother** talking about something in the back seat
17 before she told him.

18 Now, ladies and gentlemen, we don't have a lot of
19 evidence. **Brother** not here to testify, but you heard that
20 **Brother** no longer lives in the home because he was a bad kid,
21 in his sister's words, and he was doing stuff that he was not
22 supposed to do. So your job now is to judge that evidence
23 that has been presented to you. It's not your job to figure
24 out why she made up a story, but if you believe there is a
25 chance that she made something up, or if you believe there is

1 a chance that things didn't really happen as she stated,
2 that's reasonable doubt and you must find Mr. Wilson not
3 guilty.

4 I said the story didn't make sense. So does the story
5 that State presents that Mr. Wilson met Minor a
6 six-year-old girl, for the first time on a Saturday in
7 November at a spend-the-night party for six kids, and later
8 that night in a darkened room with five other kids in that
9 room, including his own son and her in the middle of a
10 queen-sized bed wearing a nightgown and a Pull-Up, that he is
11 going to use a flashlight to go over there and sexually
12 batter her, that he is going to dig his finger into her
13 vagina with five other kids in the room with a flashlight
14 illuminating the scene.

15 Both John Watkins and David Parker said there were no
16 issues with him before. John Watkins specifically said,
17 "There were no red flags about letting my kids around him."
18 David Parker said, "My kids had been around him. Mr. Wilson
19 had been staying there with them." Now, Stepsister 1 did say she
20 woke up throughout the night. I thought she said she didn't
21 really see anything, she just recognized John by his voice.
22 I don't think she said "I saw him doing anything."

23 And then even though Minor doesn't remember it now,
24 you know, she -- she's practiced her testimony with the
25 prosecutor. She knew what they were going to ask and she

1 knew how to answer those questions. But I think it's
2 somewhat significant that back in 2017, she did tell the
3 interviewer that -- that she got up in that morning, that Mr.
4 Wilson was the only one awake, that she got him to get her a
5 Pop-Tart and she colored beside him on the couch.

6 Now, the State is trying to get you to focus on whether
7 Mr. Wilson used the bathroom that night and whether the
8 plumbing was working in the other bedroom, and who was more
9 truthful about those memories. Ultimately, I submit to you
10 that it -- it really doesn't matter. Does not matter if the
11 plumbing was working in one room and it was not working in
12 the other. It doesn't really go to the heart of the case.
13 And that's: Did Mr. Wilson sexually batter **Minor**
14 He has said, "No, I didn't."

15 And as you heard from the witnesses, he continuously
16 said, "No, I didn't go in there. Well, if I did, it was only
17 to use the bathroom," right? But then the other witnesses
18 were like, "Well, he used the other bathroom." Okay?
19 Ultimately, I tell you it doesn't matter. But if he used the
20 other bathroom, then why was he in the master bathroom using
21 it to put his contacts in when Mr. Watkins came back to the
22 house? I think the State is trying to move the ball and get
23 you to focus on something that ultimately doesn't go to the
24 heart of the matter.

25 Now, there doesn't have to be dozens of examples of

1 reasonable doubt. Any reasonable doubt is enough to find Mr.
2 Wilson not guilty. And to be honest with you, I hesitate to
3 talk about reasonable doubt because I don't want you to think
4 that we are arguing for some legal technicality. Jonathan
5 Wilson has been steadfast in his innocence. He never ran.
6 He talked freely with law enforcement multiple times.

7 Now, the Court is going to define reasonable doubt for
8 you, and that's the definition you must use. You have to
9 find him guilty only if you believe that there is proof
10 beyond a reasonable doubt. And it's a high burden for the
11 State to meet, and it should be.

12 As you heard from the responding officer. This is a
13 serious allegation and you cannot convict Mr. Wilson of a
14 criminal sexual conduct with a minor in the first degree
15 unless you are firmly convinced beyond a reasonable doubt
16 that he did this. You cannot convict him if you think it
17 possibly happened, you cannot convict him if you think it
18 might have happened, you cannot convict him if you think it
19 could have happened, you cannot convict unless you are firmly
20 convinced by the State's evidence beyond a reasonable doubt
21 that it did happen.

22 You have sworn an oath and you are now the judge of the
23 facts and the evidence. You don't have a duty to protect
24 anyone. You must decide this case without passion or
25 sympathy. Now, I submit to you that ultimately there will be

1 12 people deliberating, and jurors as a group are strong, but
2 jurors as individuals are strong as well.

3 This is a serious case and it deserves serious
4 consideration within yourself and within the jury as a whole.
5 You have a case with an allegation and a denial and no
6 additional evidence. As I have told you, there could have
7 been additional evidence that either helped the State or
8 helped Mr. Wilson, but the sheriff's office never got it and
9 has not been presented to you.

10 I believe that when you as individuals and you as a
11 jury as a whole deliberate this case, you will be unable to
12 get past the holes in the story that the State presented.
13 The holes that were not filled in because the case was not
14 investigated fully. Ladies and gentlemen, we ask you to find
15 Mr. Wilson not guilty.

16 He has sat here on the witness stand and told you he
17 did not do this. He has never wavered on that statement. We
18 believe that after you do your duty as judges of this
19 evidence that you will find Mr. Wilson not guilty. Thank
20 you.

21 THE COURT: All right, thank you very much, Mr.
22 Kirincich. And would the State like to make a reply
23 argument?

24 MR. BRADBURY: Yes, your Honor.

25 THE COURT: Whenever you are ready, sir.

1 MR. BRADBURY: Thank you, your Honor. I tell you that
2 if every defendant admitted guilt, this would be a pretty
3 easy job. I am going to briefly cover. So Mr. Kirincich's
4 initial points, what he said was the most important. All
5 right, he described this as a -- a failure to fully
6 investigate this case. He talked about the -- the tools and
7 Investigator McLeod's toolkit, which she had. And she said
8 that in -- in investigating sexual assaults at large, which
9 is 75 percent of her current caseload, that's what she does
10 now that she has same kids, same examinations, she has
11 forensic interviews for children.

12 She -- she interviewed other witnesses, photographs.
13 She has all these different tools and she -- she testified
14 she doesn't use every tool every time. She -- she weighs the
15 -- the usefulness of those tools. And just to focus on what
16 Mr. Kirincich said was the most important tool in that
17 toolkit in his estimation, is a SANE. Now you heard from
18 Investigator McLeod is that the allegation that she was
19 investigating was a digital penetration of a child's vagina.

20 She testified that it was unlikely that she would be
21 able to get usable physical evidence as a result of a SANE
22 examination because that was unlikely. She then balanced the
23 risk cost and the benefit of -- the benefit being the
24 unlikely result that there would be the Defendant's DNA, and
25 again, we'll just note that the defense here is that it did

1 not happen.

2 Not somebody else did it. That it did not happen. So
3 the result of that a SANE examination would be one of two
4 things. No, DNA or the Defendant's DNA. If there is no DNA
5 does not really benefit anybody because, B, digital
6 penetration of a child's vagina, which is unlikely to cause
7 the return of any DNA result at all. You heard that from
8 Investigator McLeod.

9 In the unlikely event that there was a return of DNA,
10 and it would have been Mr. Wilson's, and that the -- the
11 balancing of the cost versus benefit. The cost is
12 retraumatizing that six-year-old for what benefit?
13 Investigator McLeod testified that in her experience --
14 again, this is what she does now, 75 percent of her caseload
15 is sexual assault investigations for the State of South
16 Carolina Inspector General's Office.

17 "These SANE examinations are extremely invasive."
18 Those are words she used. Extremely invasive examination of
19 a six-year-old. Again, for what benefit? It's not there.
20 She did have the tools of forensic interviews. She testified
21 that she had five of those children and there are five
22 forensics. No, sorry, did four forensics. Mr. Krinch has
23 stated the Defendant's son, Son and then Stepbrother did not sit
24 for forensic interviews.

25 Now, this child's not going to transport themselves

1 there. You -- in order to get a forensic interview of a
2 child, there has to be cooperation from the parents to get
3 them in before that forensic. Now, Investigator McLeod used
4 the tools that she needed to complete her investigation and
5 she testified you don't use every tool in every
6 investigation, use the appropriate tools.

7 And what was an appropriate tool? A forensic
8 interview. What was an inappropriate tool? A SANE
9 examination. One of Mr. Krincich's other assertions is he
10 believes that **Minor** was coached, that she was prepared for
11 her testimony, that she had opportunity to sit down with our
12 office with myself, with Ms. Bell and go over her testimony,
13 what she's going to testify to.

14 Now, I will tell you that we are ethically prohibited
15 from coaching witnesses. That does not happen. We do trial
16 preparation. That's something that -- that happens on both
17 sides in every case. You don't pull somebody off the street
18 seven years after an incident, throw them up on the stand,
19 and you tell them basically how the trial is going to flow
20 and review their statements.

21 Of course, that happens. There is nothing hidden
22 unethical. There is nothing improper about it. It happens.
23 It is how we prosecute cases. It's how you defend cases.
24 He's done the same thing with his client. It's how you do
25 this job. But you heard from 13-year-old **Minor** a

1 consistent statement after seven years, she didn't try to
2 hide anything. There is no subterfuge. When Mr. Krincich
3 asked her a question she would answer directly. Either, "I
4 don't know the answer. I do know the answer."

5 And here it is. "Yes, sir. No, sir." It's not
6 antagonistic. And I did ask that you assess based off your
7 own memory, your own recollection of her testimony, whether
8 it appeared that she was trying to hide anything, change
9 anything, remember a made-up story or whether her answers
10 were direct and truthful. Mr. Krincich also mentioned that
11 in her forensic interview, seven years ago, that she spoke in
12 that forensic interview about things that indicated that she
13 had to have talked to her family.

14 There is no way she would have known that Jonathan
15 Watkins, her -- her dad went in there and fought Jonathan
16 Wilson unless somebody had told her, because she did not
17 personally witness it, right? Yeah, that's most likely true.
18 But what words did she use to describe that assault? How did
19 she describe what happened to her? Is that something that
20 she's coached on? Is -- or is that the way a six-year-old
21 would describe what happened to her?

22 Mr. Krincich attempted to poke holes in this
23 investigation as far as like, "Hey, you know, there should
24 have been photographs of the scene." It should have been --
25 should have collected the full (inaudible) for what purpose?

1 Who knows? This is not something where you have a DNA
2 transfer where there's -- there's some body fluid or
3 anything.

4 There's no allegation of that. Again, what are the
5 appropriate tools? What are the inappropriate tools? And
6 why were they used or why were they not used? Does it make
7 sense that you go in there and use every single tool in every
8 single investigation knowing that they're not going to return
9 any usable evidence, does it not?

10 Now, Mr. Krincich also spoke about the State not
11 calling Brother [REDACTED] to the stand. Now, we didn't call the
12 children who were asleep, right? We -- they testified to
13 that they were asleep. Mr. Krincich had seven years to talk
14 to the two other boys we mentioned in his closing and his
15 argument, and if their statements were in fact beneficial to
16 his client.

17 MR. KIRINCICH: Objection, your Honor. I think we're
18 getting into burden shifting.

19 THE COURT: Agreed. Move on.

20 MR. BRADBURY: Yes, your Honor. He says that Minor [REDACTED]
21 does not remember much else about that day. What was
22 memorable about that day? At six years old, is a sexual
23 assault memorable? Is your daddy piling -- piling into a
24 truck to go fight with some other man, is that memorable? Or
25 is eating a Pop-Tart memorable? What are you going to

1 remember? Now, this whole Pop-Tart thing, you talk about a
2 red herring, you watch the forensic interview.

3 You have the opportunity back in deliberations to watch
4 that interview as many times as you want or as few times as
5 you want. You will have access to all the evidence that's
6 been entered. But what does that matter? Does it matter if
7 she had a Pop-Tart? She does not know the gravity of what
8 happened to her. I ask you, go back -- again your duty as
9 jurors as a sacred duty is to return a just verdict back.
10 Weigh the evidence before you, determine what is truthful,
11 what isn't, and return a just verdict.

12 Again, I submit to you that that just verdict is
13 "guilty." I ask you to return that verdict, but that duty is
14 yours to assess that evidence and return a just verdict.
15 Thank you. Thank you, your Honor.

16 THE COURT: All right. Thank you very much,
17 Mr. Bradbury. All right, ladies and gentlemen, it's my
18 responsibility to now charge you on the law in this case.
19 Charging juries on the law is never exciting or riveting, but
20 it's something that -- a process that we must go through.
21 And this is the law that you must apply in your jury
22 deliberations.

23 So I remind you that the indictment is charged the
24 Defendant with first degree criminal sexual conduct with a
25 remind -- with a minor. I remind you that the fact that the

1 Defendant was arrested, charged, and indicted is not evidence
2 of anything or proof of anything, nor does it create any
3 presumption or inference of guilt. The indictment is simply
4 the formal written instrument which contains the charge made
5 against the Defendant.

6 I remind you that you and I have different duties to
7 perform. It's my job to preside over the trial of the case
8 and to rule upon the admissibility of the evidence offered.
9 You are to consider only the competent evidence before you.
10 If there was anything ordered stricken, you should disregard
11 it.

12 You are to consider only the testimony which has been
13 presented from the witness stand and the exhibits which have
14 been made a part of the record of the case. I have the
15 additional duty to charge you on the law.

16 I'm the sole judge of the law. It's your duty to
17 accept it and apply it as I now give it to you. If you have
18 an idea as to what the law is or what you think the law ought
19 to be, and it doesn't agree with what I now tell you, you
20 must abandon your own idea because you have sworn an oath to
21 accept the law and apply it exactly as I give it to you. You
22 are the sole and exclusive judge of the facts. I'm not
23 allowed to make a comment about the facts or to make a
24 comment on the facts or give my opinion on the facts. You
25 are the sole judge of the facts. You should not infer from

1 anything that I have said or done during the trial or now as
2 indicating what I think of the facts or what I think your
3 verdict should be.

4 The law does not allow me to have an opinion about the
5 facts in the case. This is a matter for you to determine.
6 It's your duty to determine the effect, the value, and the
7 weight of the evidence presented to you during this trial.
8 Now the Defendant has pled not guilty to this indictment and
9 that plea puts the burden on the State to prove the Defendant
10 guilty. I probably told you that on Monday.

11 A person charged with committing a criminal offense is
12 never required to prove himself innocent. It's an important
13 rule of law that the Defendant in a criminal trial, no matter
14 what the seriousness of the case may be, will always be
15 presumed innocent of the crime for which the indictment was
16 issued unless guilt has been proven by evidence that
17 satisfies you of that guilt beyond a reasonable doubt.

18 This presumption of innocence doesn't end when you
19 begin your deliberations, but it accompanies the Defendant
20 throughout the trial until you reach a verdict of guilt based
21 upon evidence that satisfies you of that guilt beyond a
22 reasonable doubt. The presumption of innocence is like a
23 robe of righteousness placed above the shoulders of the
24 Defendant, which remains with the Defendant until it has been
25 stripped from the Defendant by evidence that satisfies you of

1 the Defendant's guilt beyond a reasonable doubt. This
2 presumption of innocence is not a mere legal theory, it's
3 just not some legal phrase that we say in this country. It
4 is a substantial right to which every single defendant is
5 entitled unless you are satisfied from the evidence of the
6 Defendant's guilt beyond a reasonable doubt.

7 So what does "beyond a reasonable doubt mean?" So the
8 State has the burden of proving the Defendant guilty beyond a
9 reasonable doubt. That's the standard. So some of you may
10 have been a juror in a civil case where you were told that it
11 is only necessary to prove that a fact is more likely true
12 than not true, such as by the greater weight or the
13 preponderance of the evidence.

14 In criminal cases, the State's proof must be more
15 powerful than that. It must be beyond a reasonable doubt.
16 Proof beyond a reasonable doubt is proof that leads you
17 firmly convinced of the Defendant's guilt. Now, there are
18 very few things in this world that we know with absolute
19 certainty. And in criminal cases the law does not require
20 proof that overcomes every possible doubt.

21 If based upon your consideration of the evidence you
22 are firmly convinced that the Defendant is guilty, you must
23 find the Defendant guilty. If on the other hand you think
24 there is a real possibility that the Defendant is not guilty,
25 you should give him the benefit of the doubt and find him not

1 guilty.

2 Now, I probably told you on Monday you are going to see
3 things and hear things that appear at first glance to be
4 evidence, but are actually not evidence.

5 So let's make sure we understand what is not evidence.
6 Number one, the statements and the arguments of the attorneys
7 are not evidence. Number two, the questions as they ask and
8 the legal objections that they raise are not evidence. And
9 number three, anything that I told you to disregard.

10 Now there are two types of evidence which are generally
11 presented during a criminal trial, direct evidence and
12 circumstantial evidence. Direct evidence directly proves the
13 existence of a fact and doesn't require any deduction.
14 Circumstantial evidence is proof of a chain of facts from
15 which you can then find another fact.

16 So crimes are allowed to be proven by circumstantial
17 evidence. The law makes no distinction between the weight or
18 the value to be given to either direct evidence or
19 circumstantial evidence.

20 However, to the extent that the State relies on
21 circumstantial evidence, all of the circumstances must be
22 consistent with each other. And when taken together point
23 conclusively to the guilt of the accused beyond a reasonable
24 doubt. If these circumstances merely portrayed the
25 Defendant's behavior is suspicious, the proof has failed.

1 The State has the burden of proving the Defendant
2 guilty beyond a reasonable doubt. This burden rests with
3 them whether they, regardless of whether they rely on direct
4 evidence, circumstantial evidence, or some combination of the
5 two. Now, I probably also talked to you Monday about the
6 credibility of the witnesses.

7 So you must determine the credibility of the witnesses
8 who have testified. Credibility just means believability.
9 It's your duty to analyze, to evaluate the evidence and
10 determine which evidence convinces you of its truth. In
11 determining the believability of the witnesses, you may
12 believe one witness over several or several over one, you may
13 believe a part of the testimony of a witness and reject the
14 remaining part.

15 You may believe the testimony of a witness entirely or
16 reject it entirely. You may consider whether the witness has
17 exhibited to you any interest or bias or prejudice or motive.
18 You may also consider their appearance and demeanor while on
19 the witness stand. I probably gave you some silly examples
20 on Monday, but the theme of the examples was you judge
21 people's credibility all day long. You do it with your
22 common sense, okay? You didn't leave your common sense
23 downstairs with the metal detector when you came in this
24 morning so just use your common sense in evaluating people's
25 credibility.

1 All right. Now we are going to switch gears a little
2 bit, okay? And we are going to talk about the specific crime
3 that is charged. And in order to talk about that, the first
4 thing we have to talk about is what we call "intent," or
5 "criminal intent." Law School 101 in criminal law is you
6 have to have an act and you also have to have a mindset or
7 (inaudible), which we call intent.

8 So we are going to talk about those two things now. So
9 to start with intent. So in order to establish criminal
10 liability, criminal intent is required. For example -- and
11 these are examples. The mental state might be purpose,
12 intent, knowledge, recklessness or criminal negligence. So
13 criminal intent must be proven by the State beyond a
14 reasonable doubt.

15 Criminal intent is always a matter that must be
16 determined by the jury from the circumstances surrounding the
17 situation. Now, there is no way to prove mathematical -- I
18 mean, prove intent to a mathematical certainty. There is no
19 way that medical science can dissect a person's brain and say
20 at that moment, that's what that person had in mind.

21 So what the law says is that you can infer intent from
22 the circumstances surrounding the situation. And that's how
23 you will make a determination of whether or not the element
24 requiring intent was present. It is not necessary to
25 establish intent by direct and positive evidence, but it may

1 be established by inference in the same way as any other
2 fact, by taking into consideration the acts of the parties
3 and all the facts and circumstances of the case.

4 Criminal intent is a mental state. It is a conscious
5 wrongdoing. It is up to you to determine what the Defendant
6 intended to do based upon the circumstances shown to have
7 existed. Criminal intent can arise from an action or a
8 failure to act. That may arise from negligence,
9 recklessness, or an indifference to duty or the consequences
10 that are considered by the law to be the equivalent of
11 criminal intent.

12 Now, the charge that's before you is first degree
13 criminal sexual conduct with a minor. So what does the State
14 have to prove? So the Defendant is charged with first degree
15 criminal sexual conduct with a minor. So the State must
16 prove, and then remember, we are going to have the standard
17 "beyond a reasonable doubt" that the Defendant engaged in a
18 sexual battery with the victim. Okay?

19 So what is a sexual battery? A sexual battery is
20 defined as sexual intercourse, cunnilingus, fellatio, anal
21 intercourse, or any intrusion, however slight of any part of
22 a person's body or of an object into the genital or anal
23 openings of another person's body except when the intrusion
24 is accomplished for medically recognized treatment.

25 So the State must then prove -- excuse me, beyond a

1 reasonable doubt that the victim was less than 11 years of
2 age at the time of the sexual battery. Now in this case,
3 consent, willingness, indifference, or ignorance on the part
4 of the minor -- if any, as to what was taking place, does not
5 in any way affect the charge of criminal sexual conduct with
6 a minor because an unmarried woman under the age of 14 cannot
7 legally consent to sexual intercourse.

8 Now there's been a video that's been introduced in this
9 case and it had some redactions in it. I think we talked
10 about that yesterday maybe. Okay. So some video statements
11 are introduced into evidence. You may only consider the
12 content in that video and you may not draw any kind of
13 inference, positive or negative, either against either the
14 State or the Defense in the redactions that were made. So
15 don't speculate about what was redacted or anything like
16 that. Okay?

17 Now a verdict in this case cannot be based upon
18 sympathy, passion, prejudice, or emotion, or something else
19 not found in the evidence. All right, so let's talk about
20 deliberating. Most of you have probably never deliberated
21 before.

22 So let's talk a little bit about what that looks like.
23 Okay? So the word "deliberation" is defined as a careful
24 consideration weighing up with a view to a decision. The
25 genius of this system is that it allows 12 good men and women

1 from 12 totally different backgrounds and life experiences to
2 consider the evidence, talk about it, and ultimately reach a
3 verdict. We call them deliberations for a reason.

4 You are to consider the evidence in this case in a --
5 carefully and deliberately. You should be discussing it in a
6 calm, thorough, and courteous manner. You are not an
7 advocate for either side. You are a judge. You are a judge
8 of the facts. Listen to the views of all of your fellow
9 jurors. Consider other people's points and points of view
10 and talk through and discuss the evidence.

11 And remember, if you're in a hurry, if you're doing
12 something deliberately, you are not in a big hurry. You
13 should not be in a hurry here. This case is very important
14 to both sides. This is their only day in court. When you
15 retire to the jury room, you should discuss the case with
16 your fellow jurors to reach agreement if you can. Your
17 verdict must be unanimous. That means you all 12 must agree.

18 If you -- each of you must decide the case for
19 yourself. But only after you have impartially considered the
20 evidence, discussed it fully with the other jurors, and
21 listen to the views of your fellow jurors. Do not be afraid
22 to change your opinion, if the discussion persuade you that
23 you should, but don't come to a decision simply well, because
24 everyone else thinks it's right.

25 It's important that you attempt to reach a unanimous

1 verdict, but only if each of you can do so after having made
2 your own decision. Do not change an honest belief about the
3 weight and the effect of the evidence solely to reach a
4 verdict. In other words, don't change your opinion solely
5 for the sake of reaching a unanimous verdict. Okay?

6 So I'm going to go over this verdict form with you and
7 give you just a couple more rules. All right, so next rule
8 is this: You all 12 have to be in the room to deliberate.
9 Okay? So somebody needs to take a smoke break, somebody
10 needs to go to the restroom, somebody needs to go call home,
11 those things are fine. Deliberation is stopped unless all 12
12 of you are in the room. Okay?

13 We have -- where is the computer? We got it right
14 there. So we're going to sit at what we call a clean
15 computer or a sterile computer back and play the video that's
16 in evidence. If you all can't figure out how to make it
17 work, just knock on the door, I will send the law clerk in
18 and they will -- they will make it work for you. Okay? And
19 everybody's seen that computer, there's nothing else on it.

20 So if some -- one of the 12 of you can't figure out,
21 just knock on the door, we will figure it out for you. Okay?
22 And when you go back in just a moment, the alternates are
23 going to come out. The sign that you can start deliberating
24 is when the exhibits come in the room. Okay? So even when
25 you go back there right now, just take a little pause.

1 I want to go over some things with the lawyers without
2 you being here, and when the bailiff sends any exhibits,
3 that's a sign you can start. You're welcome to deliberate
4 through lunch. You're welcome to take a break. You don't
5 need -- need to tell me what you're doing. Do whatever you
6 want to about lunch or however you do.

7 Your verdict must be unanimous. That means all of you
8 12 must agree. So this is what we call a verdict form. It's
9 very simple. It's got the case caption at the top, it's got
10 the charge, you check not guilty or guilty with the form and
11 you sign and date it. And then there's no reason not
12 guilty's first and guilty's second, I switch it up every
13 single trial. I have to put one first and have to put one
14 second. So I just alternate every trial, okay? All right.
15 I'm sending you back to your jury room, do not discuss the
16 case, to decide when you can start is when the exhibits come
17 in. Okay? Thank you very much.

18 (Jury Exits Courtroom at 10:45 a.m.)

19 THE COURT: Okay. Anything from the State?

20 MR. BRADBURY: Nothing from the State, your Honor.

21 THE COURT: Okay. Anything from the Defense?

22 MR. KIRINCICH: No, your Honor. And -- and just to
23 probably clarify for anything later, maybe your law clerk did
24 provide us the jury instructions that you were going to read
25 yesterday with the -- the caveat that if we had any

1 objections to let you know before we got started.

2 THE COURT: Okay.

3 MR. KIRINCICH: So we got those yesterday. No
4 objections to anything.

5 THE COURT: Okay. All right. Good. And all right, so
6 let's make sure Ginger knows how to get in touch with you. I
7 need the attorneys, and Renee, and the law clerk to go over
8 the exhibits to make sure we have the right ones that are
9 going back. And then -- good job. Thank you very much. And
10 Mr. Wilson, at this point you do not leave the building.
11 Okay? You're welcome to --

12 MR. KIRINCICH: Can he go outside and smoke if we're
13 with him?

14 THE COURT: Yeah.

15 MR. KIRINCICH: Okay.

16 THE COURT: If one of one of you -- if one of you -- if
17 one of you all is with him, that's fine. But I do not -- do
18 not leave. You can go outside to smoke, but otherwise you
19 need to stay somewhere in the building. Okay?

20 MR. KIRINCICH: And, your Honor, I -- I have talked to
21 him about that. He knew that that was coming.

22 THE COURT: Okay.

23 MR. KIRINCICH: We're going to go down to my office and
24 -- and probably hang out down there.

25 THE COURT: That's perfect. Yeah.

1 MR. KIRINCICH: Have lunch brought in if we need to,
2 but --

3 THE COURT: That's great.

4 MR. KIRINCICH: -- That's it.

5 THE COURT: That's all. That's perfectly fine. Okay.
6 And, what else?

7 THE CLERK: Judge, nothing about this case, but can I
8 talk to you on another matter?

9 THE COURT: Sure. All right. It's my understanding we
10 have a verdict. All right, so let's go ahead and bring in
11 the panel.

12 (Jury Enters Courtroom at 1:39 p.m.)

13 THE COURT: All right, Mr. Foreman, it's my
14 understanding you have a verdict, is that correct?

15 MR. FOREMAN: Yes, your Honor.

16 THE COURT: Okay. Could you hand it to the clerk
17 please? All right. I find the verdict is in its proper
18 form, and the clerk may publish.

19 THE CLERK: (Inaudible). State of South Carolina vs
20 Jonathan Wilson. "We, the jury, unanimously find the
21 Defendant, Jonathan Wilson, guilty as to the charge of
22 criminal sexual conduct (inaudible)."

23 THE COURT: All right, Mr. Foreman, is this your
24 verdict and the verdict of the entire jury?

25 MR. FOREMAN: Yes, your Honor.

1 THE COURT: All right. Does the State request polling?

2 MR. BRADBURY: No, your Honor.

3 THE COURT: All right. Does the Defense request
4 polling?

5 MR. KIRINCICH: Yes, your Honor.

6 THE COURT: Okay. You all may be seated. Ladies and
7 gentlemen, the clerk is going to ask you -- she's going to
8 call out your jury number. She's going to ask you, "Is this
9 your verdict and is it still your verdict?" And if you would
10 just give us one answer and as your number is called out.
11 You got the list or you need mine?

12 THE CLERK: No. (Inaudible).

13 MR. FOREMAN: Hold on. I can...

14 THE CLERK: (Inaudible).

15 MR. FOREMAN: Here we go. I got it.

16 THE COURT: All right. Juror Number 190, is this your
17 verdict?

18 JUROR 190: Yes.

19 THE COURT: Is it still your verdict?

20 JUROR 190: Yes.

21 THE COURT: Juror Number 68, is this your verdict?

22 JUROR 68: Yes, your Honor.

23 THE COURT: Is this still your verdict?

24 JUROR 68: Yes, sir.

25 THE COURT: Juror Number 58, is this your verdict?

1 JUROR 58: Yes.
2 THE COURT: Is this still your verdict?
3 JUROR 58: Yes.
4 THE COURT: Juror Number 52, is this your verdict?
5 JUROR 52: Yes.
6 THE COURT: Is this still your verdict?
7 JUROR 52: Yes.
8 THE COURT: Juror Number 125, is this your verdict?
9 JUROR 125: Yes.
10 THE COURT: Is this still your verdict?
11 JUROR 125: Yes.
12 THE COURT: Juror Number 53, is this your verdict?
13 JUROR 53: Yes.
14 THE COURT: Is this still your verdict?
15 JUROR 53: Yes.
16 THE COURT: Juror Number 136, is this your verdict?
17 JUROR 136: Yes, your Honor.
18 THE COURT: Is this still your verdict?
19 JUROR 136: Yes, your Honor.
20 THE COURT: 165, is this your verdict?
21 JUROR 165: Yes, your Honor.
22 THE COURT: Is this still your verdict?
23 JUROR 165: Yes, your Honor.
24 THE COURT: Juror Number 98, is this your verdict?
25 JUROR 98: Yes.

1 THE COURT: Is this still your verdict?

2 JUROR 98: Yes, your Honor.

3 THE COURT: Juror Number 150, is this your verdict?

4 JUROR 150: Yes.

5 THE COURT: And is this still your verdict?

6 JUROR 150: Yes.

7 THE COURT: Juror Number 96, is this your verdict?

8 JUROR 96: Yes, your Honor.

9 THE COURT: And is this still your verdict?

10 JUROR 96: Yes, your Honor.

11 THE COURT: Juror Number 20, is this your verdict?

12 JUROR 20: Yes, your Honor.

13 THE COURT: And is this still your verdict?

14 JUROR 20: Yes, your Honor.

15 THE COURT: Okay. All right. The jury has been

16 polled. Anything else for the jury before they're released?

17 From the State?

18 MR. BRADBURY: Nothing from the State, your Honor.

19 THE COURT: From the Defense?

20 MR. KIRINCICH: No, your Honor.

21 THE COURT: Okay. Ladies and gentlemen, I want to say

22 thank you very much for your service this week. You have

23 done a great service to your county. You now have a jury

24 exemption for the following two years. So for calendar year

25 2025 and 2026, you have a jury exemption.

1 You are now free to discuss the case with anybody that
2 you want to in any way, shape or form that you want to. You
3 don't have to, obviously, but any prohibition on discussing
4 the case with outside people is now lifted from you. If you
5 need a work excuse, we can get you provided a work excuse.
6 And how will they get paid, Madam Clerk?

7 THE CLERK: (Inaudible) is very hard, probably in the
8 morning.

9 THE COURT: Okay. So they have that already?

10 THE CLERK: Uh-huh.

11 THE COURT: Okay. So your cards will go active, I
12 guess, tomorrow morning, and don't spend all your money in
13 one place. Which is kind of hard to do in 2024, I
14 understand. But I do want to say thank you very much for
15 your service. You all have done a great job. You're
16 completely and totally done for the week. You can head back
17 here; we can get your work excuses and everything else.
18 Thank you very much.

19 (Jury Exits Courtroom at 1:43 p.m.)

20 THE COURT: Okay. You need a moment to do the
21 paperwork?

22 MR. BRADBURY: If we may, your Honor.

23 THE COURT: Okay. All right. Let's take a moment to
24 do the paperwork and then who all do you think is going to
25 want to speak?

1 MR. BRADBURY: Your Honor, I believe Mr. John Watkins
2 wants to speak.

3 THE COURT: Okay.

4 MR. BRADBURY: And Ms. Betsy Watkins as well.

5 THE COURT: Okay. And is Ms. Watkins here?

6 MR. BRADBURY: She is, your Honor.

7 THE COURT: Okay, good. Okay, we will give you --
8 we're going to do some paperwork, we'll come back in, give
9 you an opportunity to speak. Do you think -- think **Minor**
10 or **Stepsister 1** will want to speak? No? Okay. That's fine. All
11 right. That's perfectly fine. Just I want everyone to know
12 they have an opportunity to, if they would like to, and I'll
13 get Mr. Watkins brought out while you all do the paperwork.

14 MR. BRADBURY: Yes, your Honor.

15 THE COURT: Okay.

16 MR. KIRINCICH: Your Honor, you think we have like 10
17 minutes or however long? I mean, I don't know.

18 MR. BRADBURY: (Inaudible) 10 minutes.

19 THE COURT: Okay.

20 MR. KIRINCICH: I -- I -- I'm not -- I -- I just need
21 to go get stuff from my office and bring it back up.

22 THE COURT: Okay. All right. Let's take a 10-minute
23 break and then we will finish it up. All right, Mr. Wilson,
24 you need to stay right where you are, please.

25 (Off the record at 1:44 p.m.)

1 (On the record at 2:07 p.m.)

2 THE COURT: Okay. Let's go ahead and do post-trial
3 motions.

4 MR. BRADBURY: None from the State, your Honor.

5 THE COURT: Yes, sir.

6 MR. KIRINCICH: Your Honor, at this time the Defense
7 would renew its motion for a directed verdict, renew all
8 other motions that were placed on the record throughout this
9 trial and incorporated from the Court's previous rulings
10 prior to our trial in April of this year. Your Honor, we
11 would also renew all objections that -- that were made and
12 overruled and ask the Court to reconsider all of its rulings.

13 THE COURT: All right. I find you -- find you have
14 made your motions at the appropriate time. I will
15 respectfully deny the request for a new trial or to revisit
16 any other previous motions. I believe the -- the -- a fair
17 -- a fair and just trial based upon the facts and
18 circumstances was conducted, and all my rulings upon previous
19 motions would be the same. All right. You have marked
20 serious on here. I'm pretty sure it's most serious.

21 MR. BRADBURY: Yes, your Honor. I apologize. That's
22 (Inaudible) error.

23 MR. KIRINCICH: You -- Your Honor, if I can just put
24 something else on the record just to...

25 THE COURT: You can.

1 MR. KIRINCICH: Your Honor, I would also at this time
2 make a motion for a new trial. Your Honor, we believe there
3 was insufficient evidence for the jury to consider. We
4 believe this verdict is not supported by evidence, your
5 Honor.

6 In the light of the seriousness of this case, the jury
7 never knows what the potential penalty is, but they were made
8 aware that it was a very serious case in the grand scheme of
9 things, your Honor, with lunch being ordered, having to wait
10 for deliberation -- or wait to deliberate until evidence was
11 provided to them, your Honor, this was a -- a very short
12 deliberation for a case of such a serious nature with what we
13 believe is such little evidence. So Your Honor, we do, at
14 this time, make a motion for a new trial.

15 THE COURT: All right. I'm going to respectfully deny
16 your motion for a new trial. There was sufficient evidence
17 for the case to go forward to the jury. There was further
18 sufficient evidence for the jury to base their decision off
19 of, and for the presentation of the State's case, there was
20 sufficient time for the jury to go through the things they
21 needed to go through in order to properly evaluate the
22 evidence as their duty required of them.

23 MR. KIRINCICH: Thank you, your Honor. And then
24 finally, I -- I -- I don't think I need the Court's
25 permission for this, but Your Honor, we do reserve the right

1 to file any post-trial motions per Rule 29 within the next 10
2 days.

3 THE COURT: Okay. All right. And it is most serious,
4 is that correct?

5 MR. BRADBURY: I -- that is my understanding, yes, your
6 Honor.

7 THE COURT: Okay. All right. And where is Ms.
8 Watkins? Come on up to the microphone, please. And is it
9 Betsy, is that right?

10 MS. BETSY: Yeah, I go by Betsy.

11 THE COURT: Okay. And whenever you're ready, ma'am.

12 MS. BETSY: Okay. For over seven years the tears,
13 sleepless nights, prolonged therapy, I have held my girls
14 trying to help them process the nightmare that had been a
15 reality for them. All these years I have waited for this
16 exact moment for justice for them. Though this process has
17 been long, I appreciate the support system that has
18 surrounded them from the investigators, law enforcement and
19 the solicitor's office. I ask that you keep in mind that
20 this will affect them for the rest of their lives.

21 And while deciding on his sentence that you realize
22 that this was a death sentence to them for their childhood
23 innocence. No matter how severe his sentence, they will
24 never get that back. Your Honor, I request that he be given
25 the maximum sentence.

1 THE COURT: Okay. Thank you, Ms. Watkins. Thank you
2 for being here. And Mr. Watkins and I ask that you be
3 brought in and you are the father. And so -- can we turn
4 that microphone green? So you don't have to say anything.
5 I'm not trying to force you to say anything. I just want you
6 to know that you have an opportunity to speak if you would
7 like to. And I'm happy to hear from you if you do want to
8 say anything.

9 MR. WATKINS: Yes, sir. Like my wife said, he took my
10 -- my daughter's innocence. Something she will never get
11 back. She will never trust any man. It was just her whole
12 childhood. I request he get the maximum sentence, give him
13 what he deserves.

14 THE COURT: Thank you, Mr. Watkins.

15 MR. WATKINS: Thank you, sir.

16 THE COURT: All right. And what is the sentencing
17 range?

18 MR. BRADBURY: 25 to life, your Honor.

19 THE COURT: Okay. All right. And we are -- everybody
20 understands that **Minor** and **Stepsister 1** can speak if they want
21 to and they're -- they're choosing not to, and that's
22 perfectly fine. But Ms. Watkins, you understand if they
23 wanted to speak, I would be happy to hear from them. Okay.
24 All right. She's shaking her head, I believe.

25 MS. BETSY: Yes.

1 THE COURT: I believe she understands me.

2 MS. WATKINS: Yes, sir.

3 THE COURT: Okay. All right. Very good. And what
4 else? Criminal history from the State?

5 MR. BRADBURY: Your Honor, in 1999, conviction for a
6 simple possession of marijuana and contributing to the
7 delinquency of a juvenile. In 2000, burglary, nonviolent in
8 the second degree.

9 THE COURT: Okay. And the State wants to be heard on
10 sentencing.

11 MR. BRADBURY: Your Honor, not -- not to number, but I
12 note that as -- as the Court has heard from -- from **Minor**
13 this is something that has a lasting impact on this child and
14 it -- lasting impact that will likely never -- never stop in
15 her life. And we just ask the Court take into consideration
16 the -- the lifelong impact of this defendant's actions on
17 that child. Thank you, your Honor.

18 THE COURT: All right. Thank you, Mr. Bradbury. And
19 Mr. Kirincich, happy to hear from you. How much credit does
20 he have?

21 MR. KIRINCICH: Your Honor, he was in the detention
22 center for 336 days.

23 THE COURT: Okay.

24 MR. KIRINCICH: Your Honor, Mr. Wilson is now 45. He
25 was 38 when he was accused of this. Your Honor has heard

1 from Mr. Wilson on numerous occasions: April of this year,
2 August of this year. And again, this week. Your Honor, he
3 has always been steadfast and -- and that he was innocent,
4 that he did not do this. Your Honor, knowing that there are
5 things that will occur post-trial, I have advised Mr. Wilson
6 that he probably should remain silent. I don't want that
7 held against him, and -- and he needs to know that if he
8 wants to talk, that -- that's clearly his right to do so.

9 But your Honor, we are disappointed in the -- in the
10 verdict that was delivered this afternoon. Mr. Wilson does
11 have a record from the time he was 19 and 20, and then has
12 had no issues. Again. He was arrested at 38, was in jail
13 for a little less than a year and has had no arrests, no
14 contact with law enforcement in the six-plus years that he
15 has been out of the detention center. Your Honor, he has
16 worked full time as long as I have known him.

17 Your Honor, he's always shown up for his appointments
18 with me. He's always stayed in contact with me. This is --
19 this is difficult, you know, for -- for him. I'm sure he
20 would like to -- to say something. And again, that -- that
21 is his right. If he wants to do so. Your Honor, we would
22 ask that you sentence him to the minimum, which is 25 years.
23 Based on his age, 45, based on the amount of service he would
24 have to actually do, your Honor, he's -- he's looking at, you
25 know, maybe early, late sixties, early seventies as the

1 earliest possible release. We have gone over with him how
2 the sentences are calculated.

3 We've gone over with him the sexually violent predator
4 program and what would be required of him while he's in the
5 Department of Corrections in his housing. Your Honor, he has
6 not been a violent person. He's not been a troublemaker.
7 Again, we understand what the jury verdict was. I'm not
8 trying to...

9 THE COURT: I -- I -- I understand. You're --

10 MR. KIRINCICH: Yes, sir.

11 THE COURT: -- You're -- you're -- you're laying out
12 factors of mitigation that the Court is and should be
13 considering.

14 MR. KIRINCICH: Thank -- thank you, your Honor, for --
15 for understanding. He does have one child you have heard
16 about him this week, Son who lives with his mother, but
17 they have had a relationship. It's going to be difficult for
18 him to -- to hear -- to hear the verdict. It's going to be
19 difficult for him to hear the verdict, not -- not adding
20 anything additional, but -- you know, we are less than a week
21 from Christmas right now. And I was talking to Mr. Wilson
22 about how the -- the gift exchange was going to go with his
23 family. So, your Honor, very difficult for us after that
24 decision by the jury. We just ask that you give him the
25 minimum.

1 THE COURT: Okay.

2 MR. KIRINCICH: Thank you.

3 THE COURT: All right. Mr. Wilson, so I give everybody
4 a chance to speak if they want to. Okay?

5 MR. WILSON: Yes.

6 THE COURT: And as your attorney has said, and I'm sure
7 that you don't have to say anything, I'm not asking you to
8 say anything, nor am I trying to make you say anything. If
9 you want to say something, I give everybody the opportunity
10 to, regardless of -- if it's a possession of marijuana or a
11 murder case.

12 Everybody gets the opportunity to speak. You don't
13 have to say anything at all. If you don't want to say
14 anything, that's perfectly fine. You do have appellate
15 rights which do go into effect and do have deadlines, and you
16 do need to make sure that you understand what those deadlines
17 are from Mr. Kirincich. Okay?

18 MR. WILSON: Yes, sir.

19 THE COURT: And would you like to say anything, sir?

20 MR. WILSON: Not at this time.

21 THE COURT: Okay. That's perfectly fine. Thank you
22 very much. All right. So, Ms. Watkins and Mr. Watkins, let
23 me kind of explain a couple things that go into my mind as I
24 process through things like this. Number one, this is what
25 we call an 85 percent crime. Okay? So what that means is

1 any sentence that I impose today, he will serve at least 85
2 percent of before he will be eligible to be released. So
3 this is not something where -- you know, if I gave him a
4 number, he's going to get out in a quarter or a third or
5 things like that because it's designated as violent, that's
6 going to change the kind of prison that he's going to be in.

7 So he is going to be in a much harsher and with more
8 violent people prison. He's not going to be at some camp
9 somewhere because it's most serious. That will also change
10 his classification in the Department of Corrections. And so
11 I also -- I -- when judges sentence people, I know you all
12 don't sit in here every day and do what I do, right?

13 But I'm sitting there thinking, well, if I give him X,
14 they are going to be out in Y, right? Okay? That's kind of
15 what goes through my mind. So I know with this that any
16 sentence that I impose, he will do at least 85 percent of
17 before he will be eligible to be released. When he is
18 released, he will be released on to what's known as a
19 "Community Supervision Program," and monitored for at least
20 two years on that.

21 And I also know with this crime being a -- it's a
22 mandatory GPS case. So if he's ever released, it's going to
23 be mandatory that he have a GPS device on. He will be placed
24 on the South Carolina Sex Offender Registry. So I know those
25 things are in place. And then before he is released, he will

1 be evaluated for what is known as "The Sexually Violent
2 Predator Program," which is where a team of people, basically
3 "evaluate him," for lack of a better term.

4 And they determine, is this person a sexually violent
5 predator? And then if you get selected for that, you
6 actually have another trial. The trial isn't about what
7 happened here. The trial is about him individually and any
8 mental health issues or other things he may be suffering for,
9 and he can actually be held in the Department of Corrections
10 for a period beyond whatever sentence I impose. Does that
11 make sense?

12 And so, when I process through everything that I
13 process through and calculating, while he does have some
14 prior record, it's not the worst prior record I've heard
15 today. Right? I don't think there's a history of -- there's
16 no -- clearly no criminal history of any sexual abuse. But
17 he's also been on bond for seven years and hasn't been in any
18 trouble. All these things are things that go into my mind as
19 I process through the sentence.

20 So I just wanted you to understand that I'm just not
21 picking numbers out of the air. I'm thinking through all
22 those things and trying to function. And I know that no
23 matter what sentence I give, it doesn't make everything
24 better for **Minor** Right? It doesn't make the pain go
25 away. It doesn't make the memory go away. She still needs

1 to be loved. She still needs to be cared for. She still
2 needs to be -- you know, taken care of and protected as a
3 child. And no matter what I do, I can't remove the pain and
4 the -- the mental anguish that she has gone through. That's
5 a combination of time and -- and -- and being surrounded by
6 people that love you.

7 So -- okay. All right. So the sentence of the Court
8 is that he be committed to the State Department of
9 Corrections for a period of 25 years. I am going to give him
10 credit for the 336 days. He is to be placed on the South
11 Carolina Sex Offender Registry. He's to have no contact with
12 the victim. And he -- it is a mandatory GPS case.

13 And best of luck to you, Mr. Wilson. You need to make
14 sure that your lawyers clearly go over the appellate
15 deadlines with you. They all have specific timings that --
16 generally speaking, are strictly enforced by the appellate
17 court. So make sure you understand all that. Okay? Thank
18 you very much.

19 MR. KIRINCICH: Your Honor, this -- this is not towards
20 sentencing at this point. Mr. Wilson knows that he is going
21 to go to the Correctional County Detention Center.

22 THE COURT: Right.

23 MR. KIRINCICH: Mr. Watkins is here in the room with
24 him. There was an altercation after the last trial involving
25 Mr. Watkins.

1 THE COURT: Okay.

2 MR. KIRINCICH: Mr. Watkins, I -- I think I -- I mean
3 -- I'm not faulting, he indicated if he got around him again,
4 he was going to fight him.

5 THE COURT: Right.

6 MR. KIRINCICH: So -- so there -- there probably needs
7 to be some sort of order that -- that they be kept separated
8 at all times.

9 THE COURT: Yeah. I've already passed a note that said
10 they need to be separated.

11 MR. KIRINCICH: Great. Okay. Thank you.

12 THE COURT: Yeah, I -- I -- I saw that one coming, so.
13 All right.

14 MR. WATKINS: Yes, sir.

15 THE COURT: Listen, don't -- this --

16 MR. WATKINS: Yes.

17 THE COURT: But --

18 MR. WATKINS: Yes, sir.

19 THE COURT: I -- I -- I'm not saying I condone what you
20 did. I'm saying it's a little different than a bar fight.

21 MR. WATKINS: Yes, sir (inaudible).

22 THE COURT: Right. Okay. But best thing you can do is
23 just let him be in, and you be in. But let's -- we need to
24 do our best. They don't need to be in the same vehicle.
25 They don't need to be in the same pod. They don't need to be

1 in the same intake. Right?

2 UNIDENTIFIED SPEAKER: We'll do our part. I will make
3 sure the jail is different.

4 THE COURT: Okay. And then we need to -- probably need
5 to send something to SCDC as well. Because he's going to
6 SCDC too, that says they need to be -- they need to be held
7 in different facilities. Okay? All right. Thank you.

8 MR. KIRINCICH: And, your Honor, I think Mr. Pauling is
9 the prosecutor for Mr. Watkins. And Mr. Collins is the
10 Defense attorney. We can get with them and get in touch with
11 Ms. Bigelow at SCDC. Put them on notes.

12 THE COURT: I think let's -- let's do an email to Ms.
13 Bigelow with the prosecution and the Defense attorneys on it,
14 saying, "There's a history, we're all aware of it, we need
15 them kept. They don't need to be transported to SCDC
16 together. And they need to be kept in -- you know, different
17 facilities, you know, for the -- you know, for the
18 foreseeable future." Okay?

19 MR. KIRINCICH: Yes, sir. Thank you.

20 THE COURT: Thank you. All right.

21 MR. BRADBURY: Thank you, your Honor.

22 THE CLERK: Thank you, your Honor.

23 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED

24 AT 2:23 P.M.)

25

1 **CERTIFICATE OF TRANSCRIBER**

2

3 I, JACKSON ALEXANDER, a court-approved transcriber, do

4 hereby certify that the foregoing is a true, accurate, and

5 complete Transcript of Record of the proceedings had, and

6 evidence introduced in the trial of the captioned case,

7 relative to appeal, in the South Carolina Circuit Court 5 of

8 Kershaw County, South Carolina, on December 18, 2024.

9

10 I do further certify that I am neither of kin, counsel, nor

11 interest to any party hereto.

12

13 July 6, 2025.

14 

15

16

17 JACKSON ALEXANDER

18 Transcriber

19

20

21

22

23

24

25

WITNESSES

(S) Renee L Culp
- Kershaw County Sheriff

ARREST WARRANT NUMBER

2018A2810100001

ACTION OF GRAND JURY

TRUE BILL

Joseph Richardson
Foreperson of Grand Jury

Date: **JUL 11 2018**

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018GS280958

The State of South Carolina

County of

Kershaw

COURT OF GENERAL SESSIONS

JULY TERM 2018

K26

THE STATE
vs.

Jonathan Dwayne Wilson

Indictment for
SEX / CRIMINAL SEXUAL CONDUCT WITH
MINOR OR ATTEMPT - VICTIM UNDER 11
YRS OF AGE - FIRST DEGREE

SC Code: **16-03-0655(A)(1)**
CDR Code: **0385**

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
2018 JUL 11 PM 4:07
JANE O. HASTY
CLERK OF COURT
KERSHAW COUNTY, SC

752

STATE OF SOUTH CAROLINA)
)
 COUNTY OF KERSHAW)

INDICTMENT

At a Court of General Sessions, convened on July 11, 2018, the
 Grand Jurors of Kershaw County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR
FIRST DEGREE

That Jonathan Dwayne Wilson did in Kershaw County, State of South Carolina,
 on or about November 5, 2017, willfully and unlawfully commit the crime of
 Criminal Sexual Conduct with a Minor in the First Degree by engaging in sexual
 battery with a minor who is less than eleven (11) years of age, to wit:
 Minor [REDACTED] (JUVENILE), whose date of birth is [REDACTED] in
 violation of Section 16-03-655(A)(1), [formerly Section 16-3-655(1)], S. C. Code
of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the
 statute in such case made and provided.



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

STATE

VS.

Jonathan Dwayne Wilson

AKA:

Race: White Sex: Male Age:

DOB: SS#:

Address: Rd

City, State, Zip: Cassatt, SC 290329429

DL#* SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

In violation of § 16-03-0655(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0385

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
 ATTEST:

 Michael Bradbury, Solicitor
 105891 SC Bar #

Defendant

 Jason D. Kirincich, Attorney for
 Defendant 76892 SC Bar #
WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 25 days/months/years/Time Served ☐ Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$_____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$_____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
 336 days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.
 Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65
 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS280958

A/W#: 2018A2810100001

Date of Offense: 11/05/2017

S.C. Code §: 16-03-0655(A)(1)

CDR Code #: 0385

SENTENCE SHEET

STATE VS. Jonathan Dwayne WilsonINDICTMENT/CASE#: 2018GS280958**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☒ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5%)				\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100			\$ <u>100</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100			\$ _____
§56-5-2995 (DUI Assessment)	\$12			\$ _____
§56-1-286 (DUI Breath Test)	\$25			\$ _____
§14-1-212 (Law Enforce. Funding)	\$25			\$ <u>25</u>
§14-1-213 (Drug Court Surcharge)	\$150			\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41			\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50			\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea			\$ _____
3% to County (if paid in installments)	TBD			\$ <u>3.75</u>

- ☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

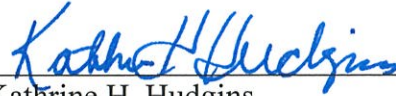
TOTAL \$ 128.75
 Clerk of Court/Deputy Clerk: [Signature]
 Court Reporter: [Signature]

 Presiding Judge: _____
 Judge Code: _____
 Sentence Date: 12/18/24

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Kathrine H. Hudgins
Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED

Jan 28 2026

SC Court of Appeals

This 28th day of January, 2026.

