

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Colleton County

Honorable Frank R. Addy, Circuit Court Judge

BRADLEY L. JACKSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-001621

APPENDIX

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2 STATE OF SOUTH CAROLINA
3 IN THE GENERAL SESSIONS
4 COUNTY OF COLLETON

5 State of South Carolina,

6 vs. Transcript of Record
7 2021-GS-15-00605
8 2021-GS-15-00606

9 Bradley Lamont Jackson,
10 Defendant.

11 June 26, 2023
12 Walterboro, South Carolina

13 B E F O R E:

14 The HONORABLE CARMEN MULLEN

15
16 A P P E A R A N C E S:

17 Julie Kate Keeney, Solicitor

18 Matthew Walker, Representing the defendant
19
20
21
22

23 SHARON G. HARDOON, CSR
24 Official Circuit Court Reporter, III
25

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1 THE COURT: Let's go ahead and start with
2 pretrials in this case, if we could.

3 All right. Who wants to start, Mr. Walker?
4 What are our pretrial motions?

5 MS. KEENEY: Judge, the only motion that
6 I have is the motion to admit the forensic
7 interview. Obviously, I know Your Honor has
8 reviewed that in chambers. I got the video, and
9 I'll just hand up Court's Exhibit 1, which is the
10 CD of the forensic interviewer's without redactors
11 and her training and experience. I'll hand that
12 up to you.

13 THE COURT: All right.

14 (COURT EXH. 1, CD; Forensic Interview,
15 was marked for identification.)

16 MS. KEENEY: And then the statute says,
17 if necessarily, you can have her testify about her
18 training experience. She will be here tomorrow.
19 She is coming from Beaufort. I didn't want to
20 make her drive twice. If you wanted to hear
21 testimony from her about that training and
22 experience, she'll be here tomorrow morning.

23 THE COURT: And how much of the forensic
24 interview are you playing?

25 MS. KEENEY: The whole thing, except for

1 I was going to redact out a part where the little
2 girl said, *My mom said he might have molested his*
3 *own daughter too*, so I'm going to redact that out
4 obviously. And I think there's some talk at the
5 end of it about -- something about Myrtle Beach
6 with, like, drugs or something. I was going to
7 redact that part out too.

8 THE COURT: Okay.

9 MS. KEENEY: But play everything else.

10 THE COURT: And I'm going to tell you, I
11 don't know what's wrong with me, but I have not
12 been able to access it.

13 MR. WALKER: I had the same problem.

14 THE COURT: The only thing we were able
15 to do is, we got the video but we didn't get the
16 audio part of it. So now we're having a hard time
17 downloading back there again, so glad I'm in good
18 company. It's a little frustrating.

19 So have you been able to see it at all yet?

20 MR. WALKER: We were able to finally get
21 it.

22 THE COURT: Okay.

23 MR. WALKER: We had to get an original
24 copy back to the office.

25 THE COURT: Like off of a disk drive? Is

1 that how you did it? Maybe that's how I'm going
2 to have to start doing it.

3 MS. KEENEY: I have a disk I was planning
4 on admitting.

5 THE COURT: That would be great if I
6 could do that, so I could at least look at it now.

7 Is there anything other than what she
8 said that you had a big concern about, Mr. Walker?

9 MR. WALKER: As to that video, Your
10 Honor, a couple things. My reading of the statute
11 is that it would require the interviewer to
12 testify in camera. And then I also believe the
13 case law would state that the parts of the video
14 when the interviewer is talking to her about
15 telling the truth and all that stuff should not be
16 played for the jury, *State vs. Anderson*.

17 Also -- and then there's a point in that
18 video, something to the effect that he said he killed
19 somebody. Of course I wouldn't want that played.

20 THE COURT: Right.

21 MR. WALKER: But I think, other than
22 that, those are my issues.

23 MS. KEENEY: I don't remember that part,
24 but if he gives me the time stamp, I'll obviously
25 redact that.

1 MR. WALKER: 3:15:03, I think. Or
2 3:15:13, somewhere in there.

3 MS. KEENEY: Okay.

4 THE COURT: Okay. And how long is it in
5 total?

6 MS. KEENEY: It's about an hour and a
7 half.

8 MR. WALKER: I think there is about 15,
9 20 minutes where she steps out of the room and
10 it's nothing.

11 MS. KEENEY: I'll skip over that part.

12 THE COURT: Okay.

13 MR. WALKER: And that's, I think, all I would
14 have as to the video right now.

15 THE COURT: Okay. And what time is she
16 going to be here tomorrow?

17 MS. KEENEY: She'll be here at 10:00
18 tomorrow, but I can get her to come earlier.
19 She's going to be right around the street at
20 Hopeful Horizons, the Walterboro office.

21 THE COURT: So we'll just do a proffer of
22 her first thing in the morning. Is that what
23 we're going to do?

24 MS. KEENEY: We can, yes.

25 THE COURT: Okay.

1 MR. WALKER: And then other issues I
2 would have would be -- I'll start with the motion
3 to present -- to prevent reference to MINOR
4 [REDACTED], who is the victim. She says that my
5 client Mr. Jackson raped her several times over
6 the course of a two- or three-year period. But
7 that is the entirety of the evident in the case.
8 That's, you know, pretty much it. So I think to
9 come in -- that's what the jury is really being
10 asked, to determine whether or not the crime
11 actually happened.

12 And so referring to -- she's not a victim
13 until they make that determination. So the
14 accuser, the complainant, Miss MINOR, but
15 something that's neutral as to the ultimate fact
16 before the jury, because this isn't one where they
17 have DNA or a confession, or anything like that.
18 She said it happened, and that would be it.

19 THE COURT: Is this a delayed disclosure
20 case?

21 MS. KEENEY: It is, yes.

22 THE COURT: Okay. How long after the
23 last alleged event?

24 MS. KEENEY: After the last incident --
25 well, she told her mom the next day. Her mom

1 didn't do anything about it. She kept him in the
2 house, so she has been charged as well for
3 unlawful conduct towards a child.

4 THE COURT: Okay.

5 MS. KEENEY: And then somebody reported
6 to the DSS about four days later and that's all.

7 But from the first incident, we believe it
8 happened when she was around seven year's old and she
9 was nine at the time everything came out.

10 THE COURT: All right. So what's your
11 position as far as calling her a victim?

12 MS. KEENEY: Judge, I have normally tried
13 to say her name as much as I can so the jury
14 doesn't -- so the jury knows her name.

15 THE COURT: Right.

16 MS. KEENEY: I don't think it's a ground
17 for a mistrial if someone accidentally slips up
18 and says it. Just caution us not to do it again.
19 But that's generally my position. I normally tell
20 my witnesses to call her by her name.

21 THE COURT: So I typically -- I would
22 agree with you on that. I try to get people not
23 to call her a victim. That's not -- you're going
24 to refer to her and we're going to try to get the
25 witnesses not to. But I would agree with you, if

1 someone does make a mistake, you can make a motion
2 for mistrial, obviously, but unless it's repeated
3 and on purpose then usually, you know, it can be
4 cured. So we will try to limit it to complainant,
5 accuser, something like that.

6 MS. KEENEY: Or alleged victim, or
7 something.

8 THE COURT: I guess you can say alleged
9 victim.

10 MS. KEENEY: That's what the defense
11 likes to say.

12 THE COURT: Okay. We'll just see. I
13 mean, we're just going to try very hard. You're
14 not going to repeatedly say it so it's not going
15 to be an issue.

16 MR. WALKER: Thank you, Your Honor. A
17 lot of that is getting it out there to have the
18 State caution their witnesses, law enforcement,
19 that sort of thing as they're reading their report
20 or references in their reports, if they can just
21 be cognizant of that. Thank you.

22 THE COURT: Okay.

23 MR. WALKER: The next issue I have, you
24 asking if this is delayed disclosure. And you
25 heard it's kind of a hybrid, delayed disclosure,

1 but the disclosure really is, from their
2 perspective, after the most recent incident. She
3 was -- the allegations are that he molested her
4 and she wrote a note to her mother the following
5 day.

6 THE COURT: Okay.

7 MR. WALKER: So it's not your classic
8 delayed disclosure case.

9 THE COURT: Okay.

10 MR. WALKER: And they do plan to call --
11 my understanding is, they plan to call an expert
12 witness in -- whoever it is, who is the
13 non-treating expert. I think I objected to that
14 on relevance grounds.

15 THE COURT: Who would that be?

16 MS. KEENEY: Kendra Twitty.

17 THE COURT: Right. I've heard her
18 testify before. What is she going to testify to,
19 delayed disclosure?

20 MS. KEENEY: Delayed disclosure, because
21 there is a delayed disclosure because it started
22 when she was seven. She didn't tell us until she
23 was nine. In general, child abuse dynamics about
24 grooming, threats, stuff like that.

25 THE COURT: And she hasn't interviewed

1 this child at all?

2 MS. KEENEY: She doesn't know the
3 defendant. She doesn't even know the defendant's
4 name or the victim's name. She wasn't involved.
5 Brooke Bentley was the person that interviewed --
6 that did the forensic interview.

7 THE COURT: I'm sorry. Brooke who?

8 MS. KEENEY: Bentley, with Hopeful
9 Horizons.

10 THE COURT: Okay. What is Mary Trask in
11 here for?

12 MR. WALKER: She was the DSS agent that
13 was involved in the treatment of Miss MINOR

14 THE COURT: Okay.

15 MR. WALKER: And we have their DSS notes
16 that she authored.

17 MS. KEENEY: Mary Trask wasn't DSS. She
18 was just a counselor at Hopeful Horizons.

19 MR. WALKER: I'm sorry. If I put DSS, I
20 shouldn't have.

21 MS. KEENEY: She's with Hopeful Horizons.

22 THE COURT: Okay.

23 MR. WALKER: I misspoke there. I think I
24 put her on my witness list.

25 THE COURT: Okay.

1 MR. WALKER: Back to Miss Twitty, I guess
2 my next issue with her would be, to the extent
3 that she's relevant, I think her probative value
4 would be outweighed by her prejudicial effect in
5 that she was primarily served to bolster the
6 State's -- Miss MINOR or the State's witness.
7 And that the idea that this information would be
8 helpful to the jury I think is a little -- this
9 proffered information would be helpful to the jury
10 in making their decision, I believe is, kind of --
11 I'll start with, back in the day when we used to
12 have plea offers before second appearance, like
13 the day before second appearance, I did this big
14 stack of faxes with plea sheets and it would say,
15 *Your client can plead guilty to what they're*
16 *charged for the max sentence it gives. I made him*
17 *an offer, Your Honor,* but that really isn't an
18 offer.

19 And, again, the State is welcome to
20 correct me if I'm wrong, but my understanding of
21 what this witness might testify to, or any witness
22 to that extent, is that there is no pattern of
23 behavior, no allegation, no recantation, no
24 physical state that is inconsistent with child
25 abuse. I never heard anyone get up there and say,

1 *Yeah, that happened. It didn't happen. So it's*
2 *really just a way to bolster a witness because*
3 *there's nothing useful from that. There's nothing*
4 *to say, whatever it is, it's consistent with child*
5 *abuse. So everything is and nothing is, and it's*
6 *just a way to bolster the State's case without*
7 *providing, really, any useful information to the*
8 *jury.*

9 THE COURT: So what exactly in this case
10 is Miss Twitty going to testify to? I mean, I've
11 had her testify in cases and my understanding is
12 she talks a lot about delayed disclosure. Because
13 she also can't testify specifically as to this
14 child and her opinion of this child and it is a
15 --like you said, she doesn't know who the
16 complainant is, she doesn't know who the defendant
17 is, she doesn't know the circumstances. She just
18 talks about why children don't disclosure after
19 the first time.

20 MS. KEENEY: Yeah, basically why it's
21 common for children not to. Because that's always
22 a question to the public that -- even her mom said
23 that when I met with her. Her mom is going to
24 testify as well. Miss Anderson represents her.
25 And she just said, *Well, why wouldn't she have*

1 *told me already?* It is a factor that juries
2 consider and people think about. So it
3 explains -- it's helpful for the jury to know that
4 this is common. Children don't always immediately
5 tell, and there's a number of factors for it. It
6 might be because they're too young to even know
7 what's really going on. It might be because
8 they're threatened. It might be because, you
9 know, it's normally a family member and it's
10 someone that's in the house, and, you know, people
11 think shouldn't be doing that. So there's a
12 number of factors apply and that is what I want
13 the jury to know. And I would rely on *State vs.*
14 *Acker*, A-c-k-e-r, 435 S.C. 716 for the opinion
15 from 2022. And it goes through Sean Gallaway
16 Williams who is the person in the Upstate that
17 does this and how it's relevant, and the judge
18 said it did not abuse its discretion as long as we
19 don't vouch and say *credible* or *believable* or
20 anything like that. And we pretty much avoid that
21 when we're qualifying an expert.

22 THE COURT: The Acker's case is still
23 good law, correct?

24 MS. KEENEY: It is. It was decided
25 January 19th, 2022.

1 THE COURT: Okay. Well, respectfully, I
2 think she can testify as long as she keeps it very
3 generic. Again, I haven't heard any of the
4 factors in this case. No one has brought it to my
5 attention. For instance, like, we're not going to
6 have kind of a back and forth of, you know, her
7 grades plummeted and so that's indicative of
8 something. Nothing along those lines. None of
9 that.

10 MR. WALKER: No.

11 THE COURT: So she'll testify about, in
12 general, delayed disclosure.

13 All right. Respectfully, I'm going to
14 deny that motion.

15 MR. WALKER: Thank you, Your Honor.

16 And then I would have a number of motions
17 as to prior bad acts, and I think, at least from
18 my perspective, the best way to handle that would
19 be, kind of, by witness for the most part.

20 THE COURT: Okay.

21 MR. WALKER: I guess Miss Keeney can
22 chime in if she thinks different.

23 So one of the witnesses is Larry [REDACTED]
24 who is the brother. In his statements to the
25 police -- I believe, actually, DSS ended up

1 getting called in on this before.

2 THE COURT: How old is he?

3 MR. WALKER: At the time he was 15, I
4 think.

5 MS. KEENEY: He's at least 18.

6 THE COURT: But at the time he was 15
7 years old.

8 MR. WALKER: She made allegations of
9 physical abuse against Mr. Jackson as well as an
10 interview, I think, making statements about,
11 basically, Mr. Jackson was driving while
12 intoxicated. You know, certainly unrelated to the
13 charges. We're here about -- and I don't think
14 there's any reason for those to be mentioned in
15 front the jury.

16 MS. KEENEY: I'm not getting into any of
17 that with Larry [REDACTED]

18 THE COURT: And you're going to make sure
19 that you tell him not to raise it as well.

20 MS. KEENEY: Yes.

21 THE COURT: Other than what you've seen,
22 you say, any physical abuse obviously is not
23 mentioned and -- you said driving while
24 intoxicated?

25 MR. WALKER: Yes, Your Honor. And again,

1 I think even that physical abuse -- I think there
2 was a DSS investigation open so they're even
3 talking about any DSS abuse allegations.

4 THE COURT: Okay. Can I ask you, when
5 was this DSS evaluation open? Was it before this
6 disclosure?

7 MR. WALKER: It was before. I think it
8 was ultimately being dismissed, but I'm not a
9 hundred percent.

10 THE COURT: And I see that there's a
11 number of DSS workers listed, and I believe it's
12 on the defense list. What are they being called
13 for if you call them?

14 MR. WALKER: I was given a large amount
15 of DSS case notes and they're just people that are
16 listed in those notes --

17 THE COURT: Okay.

18 MR. WALKER: -- that's been interacting
19 either Miss MINOR or -- her aunt was given
20 custody of her after she was taken from the
21 home.

22 THE COURT: Okay.

23 MR. WALKER: Miss Harrison, I believe.

24 THE COURT: Okay.

25 MR. WALKER: And so they interacted with

1 either Miss Harrison or Miss MINOR

2 THE COURT: Okay.

3 MR. WALKER: And I think, again, I might
4 have listed that Miss Trask as DSS when she should
5 have been Hopeful Horizons. It's on my witness
6 list correct. I just misspoke earlier.

7 THE COURT: Who is your lead case
8 officer?

9 MS. KEENEY: Whitlee Fisk with the
10 Walterboro police.

11 THE COURT: Okay. Who is Frances
12 Harrison. That's the aunt?

13 MS. KEENEY: That's the aunt --

14 THE COURT: That's got custody of her?

15 MS. KEENEY: Yes.

16 THE COURT: And who is Rhoda Manigo?

17 MS. KEENEY: That's the biological
18 mother. The defendant's ex-girlfriend.

19 THE COURT: Defendant's ex-girlfriend.

20 MS. KEENEY: And the mom of MINOR

21 MR. WALKER: And I just noticed on my
22 witness list I wrote Rhonda instead of Rhoda, so I
23 apologize for that.

24 THE COURT: Okay. And Mallory
25 Powers-Sessions?

1 MS. KEENEY: She is the medical examiner
2 that did the forensic medical on the victim.

3 THE COURT: I'm assuming there was no
4 evidence.

5 MS. KEENEY: No.

6 THE COURT: Okay. And what is she going
7 to do, just get up and say she did it, there was
8 no evidence?

9 MS. KEENEY: And explain that that's
10 common.

11 THE COURT: Okay. And I know who Kendra
12 Twitty is. And then Cameron Wise from SLED.

13 MS. KEENEY: We're stipulating to that.
14 The last time I checked, they sent the victim's
15 clothes off that she thought she was wearing the
16 day of the last incident, but a number of days,
17 four or five, and there is no semen found on the
18 clothes. So we're going to stipulate to that
19 instead of calling her.

20 THE COURT: Okay. Can I ask you, in this
21 case, just from looking at the indictments it
22 looks like the one is a period of time it says,
23 between June 13th, 2018, and May 20th, 2021, and
24 then the other indictment is just May 21st, 2021.
25 What do you plan on introducing as far as the 2013

1 through -- of 2018 through the May 2021, and then
2 you have a specific date on the May 21st, is that
3 what it is?

4 MS. KEENEY: Yeah, she going to talk
5 about the repeated abuse from 2018 to 2021, and
6 then she going to talk about the last time it ever
7 happened on that May 21st date.

8 THE COURT: And how do you tie a date to
9 that date because she disclosed to her mother the
10 next day?

11 MS. KEENEY: Yes.

12 THE COURT: And then four days late,
13 someone else called. Is that what you're saying?

14 MS. KEENEY: Yes.

15 THE COURT: Okay. Do you have her
16 chronically how many times, allegedly, between
17 2018 and 2021?

18 MS. KEENEY: It's repeated.

19 THE COURT: She doesn't know.

20 MS. KEENEY: No.

21 THE COURT: Okay.

22 All right. I'm sorry. I just needed a full
23 -- so what else, sir?

24 MR. WALKER: Again, prior bad acts as to
25 coming in that might come in through MINOR We

1 talked in the video about the phrase, *He might*
2 *have killed someone*. There's also, she alleges --
3 not related to the sexual abuse, but just a family
4 trip to Myrtle Beach, I believe she alleges that
5 he provided either her or Larry, or both, like an
6 edible -- I believe a marijuana edible, or
7 something like that. And, again, you know, not
8 related to any of the allegations of abuse, but
9 we'd like to keep that out.

10 THE COURT: Is there any allegations that
11 she was either given anything prior to any of this
12 sexual abuse not completely unrelated?

13 MS. KEENEY: I've never heard her say
14 that.

15 THE COURT: Okay.

16 MR. WALKER: And then, of course, also
17 through her she would know about -- I think
18 there's also a carryover of the physical abuse
19 that was to Larry. Like he was spanked with a
20 slipper or something. It was more serious. Like,
21 he actually -- I guess he actually struck or hit
22 or threw the boy, but then hit him with a slipper
23 or something. But obviously physical abuse,
24 either on her own -- unrelated sexual abuse,
25 obviously not relevant, but then also her not

1 mentioning the stuff that would have happened to
2 Larry as well.

3 MS. KEENEY: We're not going to get into
4 any of that.

5 THE COURT: Okay.

6 MR. WALKER: And then through law
7 enforcement or Miss Manigo or anyone else, he has
8 some convictions as well as pending criminal
9 charges that would certainly, we believe, not be
10 appropriate for a jury to hear.

11 MS. KEENEY: He has a 2004 assault and
12 battery high and aggravated that was a criminal
13 sexual conduct with a minor the second degree. It
14 was pled down.

15 THE COURT: Okay.

16 MS. KEENEY: He believed he had a
17 consensual relationship with an under-aged girl
18 maybe when he was in his 20's. I don't know if
19 they had a baby out of that. He was not put on
20 the sex registry. I'm not going to go into that.
21 If he testifies, I don't think it's -- it's
22 outside the time frame, but depending on what he
23 says, *Oh, I would never do this to a child*, if he
24 says something like that, I think that would open
25 the door for it.

1 THE COURT: Okay.

2 MS. KEENEY: We're not there yet. But in
3 our case in chief, we're not getting into that.

4 He's got a pending criminal sexual conduct
5 with a minor charge in Charleston County with an
6 unrelated victim, and I'm not trying to 404(b) that.

7 THE COURT: Okay. And what degree is
8 that CSC?

9 MS. KEENEY: It's 3rd degree.

10 THE COURT: It's 3rd degree. Okay. Was
11 that subsequent to this case?

12 MS. KEENEY: It happened -- she reported
13 it after this case, yes.

14 THE COURT: Okay.

15 MS. KEENEY: So the arrest is after. But
16 I think the time frame of when it happened might
17 have been somewhere between -- he was with the mom
18 and then they broke up for a while and he moved to
19 Charleston and then came back, is my
20 understanding.

21 THE COURT: Okay.

22 MS. KEENEY: I don't have the exact dates
23 of that CSC with a minor in Charleston, but I
24 definitely know it was reported after.

25 THE COURT: And it's pending?

1 MS. KEENEY: It's pending, yes.

2 THE COURT: Yeah, we're not going to get
3 into that.

4 And, I apologize, I don't know, is he in
5 custody or not?

6 MR. WALKER: Here he is.

7 THE COURT: I know he's here, but I just
8 don't know. Okay.

9 MR. WALKER: And then, kind of, following
10 on that, I don't know if the State plans on
11 playing any body cam videos from the officers. If
12 they don't, then I don't have any motions. If
13 they do, then I do.

14 MS. KEENEY: I was potentially going to
15 play the Fisk body cam and just mute it just so
16 the jury can see the layout of the house.

17 THE COURT: Is this when he was arrested,
18 or when?

19 MS. KEENEY: This is when law enforcement
20 responded to the apartment complex where these
21 offenses occurred.

22 THE COURT: Okay.

23 MS. KEENEY: And they go and do a search
24 warrant and, kind of, go through the house. I
25 don't have any, like, real photos -- good photos

1 of the layout of the house, so I was going to be
2 just playing it very quickly so they could see the
3 layout but no audio.

4 MR. WALKER: That was -- as long as they
5 can't hear anything, I don't have any objection.
6 But there was just talking going on in the
7 background.

8 THE COURT: Was your client even there?

9 MR. WALKER: No, Your Honor.

10 MS. KEENEY: No.

11 MR. WALKER: DSS came out on a tip. Came
12 out, found the children, talked to them, and then
13 called law enforcement to respond. There were no
14 parents home. And then DSS responded and I
15 believe took them into protective custody right
16 then. My client was arrested a day or two
17 later.

18 THE COURT: Okay.

19 All right. Anything else?

20 MS. KEENEY: The only thing I would put
21 on the record, because we're terrified about
22 speedy trial motions, he did file a speedy trial
23 motion. We had it heard in December of last year
24 in front of Judge Lee. We set this case for May.
25 Is that correct?

1 MR. WALKER: I think it was March.

2 MS. KEENEY: It was set for March. The
3 defense asked for a continuance. They had a
4 witness issue, so it got continued. We could not
5 set it. My case officer had a major surgery and
6 so we could not set it until now. I just wanted
7 to make that clear for the record that that's why
8 we are just now here. We were going to do it in
9 March, but the defense had a witness issue.

10 THE COURT: Okay.

11 MR. WALKER: I would concur that the
12 March continuance was at our request. Miss Trask
13 was actually out of the country when we tried to
14 serve a subpoena on her. As you know from the
15 email I sent last week, she's really the only
16 person that can testify to a couple things.

17 Then set up again -- well, actually, had
18 another hearing in another case that I had to
19 attend that made it to where we couldn't be the
20 first up for trial in another month. So, you
21 know, we've been -- I don't have any issues with
22 the State unduly delaying since March. That's
23 been, kind of, our schedule that's been mostly
24 messed up, other than the medical issue.

25 THE COURT: Right.

1 MR. WALKER: Sorry. I just -- oh, Miss
2 Trask, that's where I was. So we had emailed Your
3 Honor about last week about Miss Trask attending
4 via Webex.

5 THE COURT: Right.

6 MR. WALKER: I just -- I guess we just
7 need to get with your clerk at some point about
8 what we need to get for her to come in and do
9 that.

10 THE COURT: Okay.

11 MR. WALKER: I'll just put that on the
12 record. We just need to talk about the logistics
13 for her testimony.

14 THE COURT: Remind me, is Miss Trask ill,
15 or was she on vacation?

16 MR. WALKER: Your Honor, she said her
17 mother had suffered a fall.

18 THE COURT: Okay.

19 MR. WALKER: She lives in Lexington.

20 THE COURT: Okay.

21 MR. WALKER: And her mother had suffered
22 a fall. She was her only caregiver and wasn't
23 able to be coming down. I have no objection to
24 her testifying by Webex from our side. I don't
25 think her testimony would be particularly long. I

1 don't know what they were going to --

2 THE COURT: And I think you withdrew any
3 objection you had to that to make sure we could go
4 forward; is that correct?

5 MS. KEENEY: Yes. I just objected to he
6 suggested that maybe somebody could read her
7 notes. I objected to that.

8 THE COURT: Right.

9 MS. KEENEY: But I have no problem with
10 her testifying virtually.

11 THE COURT: Okay. And do we have a good
12 screen and we can do exactly what we need to in
13 front of this jury? So that's not going to be a
14 problem?

15 MS. KEENEY: This pulls down and we can
16 hook it up to a laptop, like, through Bluetooth.

17 THE COURT: Okay.

18 MS. KEENEY: I don't know if we can do
19 this Webex or Zoom. I don't know the logistics of
20 that aspect of it.

21 THE COURT: We could do it through my
22 Webex courtroom or do it whichever way. That's
23 typically the easiest.

24 MR. WALKER: That's what I was going to
25 ask the Court to do.

1 LAW CLERK: We have the link so we can just
2 send it and I'll let them into the courtroom.

3 THE COURT: Say that out loud.

4 LAW CLERK: We can use the sealed courtroom.
5 It's just a link we'll send, and then Jamie will open
6 it when she's ready.

7 MS. KEENEY: We can use blue tooth
8 probably.

9 LAW CLERK: You have to connect it,
10 probably.

11 THE COURT: She can't blue tooth, but we
12 have to have something that you can do it.

13 MS. KEENEY: We have a computer.

14 MR. WALKER: Again, depending on other
15 testimony, we may not even need it.

16 THE COURT: Okay. And you're just going
17 to, kind of, have her on standby so someone from
18 your office can contact her when we're getting
19 close to that time?

20 MR. WALKER: Yes, Your Honor.

21 THE COURT: Okay.

22 MR. WALKER: I think that might be all I
23 have.

24 THE COURT: And it's two counts of
25 criminal sexual conduct with a minor in the 1st

1 degree, correct?

2 MS. KEENEY: Correct.

3 THE COURT: And nothing else.

4 MS. KEENEY: Correct.

5 THE COURT: Okay. And just for the
6 record, I want to make sure, no offers were made
7 in this case; is that correct?

8 MS. KEENEY: No.

9 MR. WALKER: No, Your Honor.

10 THE COURT: Okay.

11 MR. WALKER: We discussed a plea, but the
12 victim wants to have a trial. I think for now,
13 Your Honor, that is all I have.

14 THE COURT: I want to make sure, Miss
15 Keeney -- you called her a victim. The
16 complainant is 12 now?

17 MS. KEENEY: She's 12 now.

18 THE COURT: I want to make sure, I'm
19 assuming when she's here, you're going to have the
20 victim's advocate with her and she's able to, you
21 know, control herself, and there's no issues; is
22 that correct? I obviously don't know her. I
23 haven't seen her.

24 MS. KEENEY: She doesn't even know if she
25 wants to in here for the entire trial. She might

1 just come in and testify.

2 THE COURT: Okay.

3 MS. KEENEY: She was going to give us an
4 answer tomorrow morning. She is very wellbehaved.

5 THE COURT: Just understanding, she can't
6 be in here crying listening to the testimony, or
7 have any kind of -- obviously we can't say -- you
8 know, whatever she's going to do on the stand,
9 she's going to do on the stand.

10 Do you think you're going to be looking,
11 at the end of this case, a charge on a witness
12 that is a child?

13 MR. WALKER: I'd be interested to see
14 what you had. I don't have one prepared.

15 Your earlier question reminded me, I also
16 want to make a motion to sequester the State
17 witnesses.

18 THE COURT: Obviously, besides the
19 victim, besides your lead case officer. Anyone
20 else?

21 MS. KEENEY: I can't remember the laws
22 about the guardian of the victim if they're a
23 minor. We'll look into that.

24 THE COURT: I think the guardian probably
25 has the right to.

1 MS. KEENEY: That would be her aunt,
2 currently.

3 THE COURT: So why don't you look that up
4 just to make sure we're sure. I actually think
5 the guardian can. Obviously, in a case like this,
6 mother cannot.

7 Mr. Walker, I'll have Kylin send you our
8 charges -- the standard charge on a child giving
9 testimony as a witness.

10 MR. WALKER: Thank you, Your Honor.

11 THE COURT: And, obviously, send it to
12 Miss Keeney as well.

13 Anything else before we go ahead and break?
14 I understand the jury is coming in -- Lori?

15 MS. KEENEY: 1:45. We tell them 1:45 so
16 we can start at 2:00.

17 THE COURT: So 1:45. You'll bring them
18 up. You'll scan them in. And then you just get
19 mileage and do all that first and then I'll come
20 out. Is that okay?

21 MR. WALKER: We don't do mileage, but
22 we'll call the role.

23 THE COURT: Just call the role and see if
24 they're all here. You just need to make sure we
25 have enough people.

1 Okay. And CSC, strikes are 5 and 10,
2 correct?

3 MR. WALKER: Yes, Your Honor.

4 THE COURT: Okay. Anything else?

5 MR. WALKER: It's premature to discuss
6 scheduling.

7 THE COURT: You tell me when you-all want
8 to start tomorrow.

9 MR. WALKER: Well, I mean, I can start
10 any time tomorrow. I was maybe thinking we were
11 planning to get through the witness tomorrow and
12 we can close and charge Wednesday morning.

13 MS. KEENEY: I honestly think we might be
14 done on Tuesday.

15 THE COURT: That's tomorrow.

16 MS. KEENEY: Tomorrow. I can be wrong.
17 But I would think that I wouldn't go passed 2:00
18 o'clock.

19 THE COURT: That includes a lunch
20 break.

21 MS. KEENEY: I don't know. I don't know
22 how fast it's going to be. I do know the video is
23 the longest part of the entire case, and that's
24 going to be, once you redact everything out, at
25 least an hour or so.

1 THE COURT: Okay. But I think
2 what Mr. Walker is asking, he needs to know if he
3 need to be ready to argue and charge tomorrow
4 afternoon, and I think we'll probably better
5 off -- let's just get all the testimony up,
6 including any that you may put up or not put up.

7 MR. WALKER: Yes, Your Honor.

8 THE COURT: And break for the day.

9 And I don't know what the rest of your
10 schedule is like. When do you have walk-ins and other
11 people coming in?

12 MS. KEENEY: That's completely fine. The
13 walk-ins are coming back on Thursday. I'll just
14 prepare a Wednesday-afternoon jail list to bring
15 them to get as much done.

16 THE COURT: That's okay with you?

17 MR. WALKER: Yes, Your Honor.

18 THE COURT: Let's do that then.

19 Okay. There's no reason to rush a jury.
20 We'll make sure we argue and charge then on
21 Wednesday morning.

22 MR. WALKER: Thank you.

23 THE COURT: Anything else?

24 MR. WALKER: Nothing from defense.

25 MS. KEENEY: Nothing from the State.

1 THE COURT: All right. So I guess let's
2 go ahead and take a break. It sounds like the
3 jury will be in in roughly an hour or so. It's
4 1:45, right?

5 Can I ask you, Miss Keeney, are we still
6 continuing to bring juries in two o'clock on
7 Wednesday? I know we always did it because Judge
8 Buckner wanted to do it that way. I think it
9 always worked for Colleton. I do. I think it
10 works here. Doesn't necessarily work everywhere,
11 but I just want to know.

12 THE CLERK: You mean Mondays?

13 THE COURT: Yes, Monday. I think it
14 works for here. I understand why he always did
15 it. I just want to make sure you-all like that.
16 I'm sure Judge Bonds will do whatever you want to.

17 THE CLERK: Because we ask them to come
18 back 12:00 on Monday, so if the case falls apart
19 over the weekend or Monday morning --

20 THE COURT: Then they don't come.

21 THE CLERK: Right.

22 THE COURT: Okay.

23 MS. KEENEY: I think we all like it. It
24 get's probation out of the way first thing on
25 Monday.

1 THE COURT: Which is nice.

2 MS. KEENEY: So we don't have a mandatory
3 Friday or probation.

4 THE COURT: Like Beaufort does.

5 MR. WALKER: It also has the benefit of
6 100 clients sitting and messing with the jury. So
7 we get those cleared and the jury can come in
8 later.

9 THE CLERK: We don't have enough room to
10 hold the jury downstairs.

11 THE COURT: I understand that. I know
12 the chief justice was having a big push about
13 court always starting in every county at the same
14 time so lawyers weren't questioning.

15 THE CLERK: We're still starting. We're
16 just not starting with the jury.

17 THE COURT: Right, right. Well, he meant
18 even jury selection too. We kind of explained
19 that certain places it works better this way. If
20 it ain't broke, let's not try and fix anything.

21 Anything else? We're good.

22 (A break was taken from 12:40 p.m. to 2:19 p.m.)

23 (Roll call at 2:00 p.m.)

24 (Jury panel sworn at 2:19 p.m.)

25 THE BAILIFF: All rise. Court is now in

1 session. Judge Mullen presiding.

2 THE COURT: Please be seated.

3 Good afternoon, ladies and gentlemen.

4 JURY PANEL: Afternoon.

5 THE COURT: It is a pleasure to see
6 you-all. My name is Carmen Mullen. I am one of
7 two resident judges here in the 14th Judicial
8 Circuit. As I'm sure you-all know, Judge Bobby
9 Bonds sits here in Walterboro and I sit based out
10 of Beaufort. Our circuit, ladies and gentlemen,
11 entails not only Colleton County but also Hampton,
12 Allendale, Jasper, and Beaufort Counties.

13 Ladies and gentlemen, it is my pleasure to be
14 here in Colleton this week to hold a term of criminal
15 court. Ladies and gentlemen, when I start a term of
16 court, I have a number of cases on my roster. At this
17 point, what we are left with is just one case.

18 Ladies and gentlemen, I'm going to go
19 ahead and pull the jury on that one case. We will
20 begin the trial tomorrow morning. And I am told
21 by the attorneys that we will be completed or done
22 with the trial by Wednesday afternoon.

23 Ladies and gentlemen, that's good news
24 because I can tell you, some weeks are better than
25 others to sit on jury duty. And I understand we

1 have a holiday weekend coming up or a long
2 weekend, hopefully, for most of you. I just want
3 you to know, if you do get chosen on this jury,
4 ladies and gentlemen, you're going to finished by
5 Wednesday afternoon. All right? So don't worry
6 about it. If you got plans or travel plans or
7 family coming Thursday or Friday, you are going to
8 make whatever you need to, whatever plans you've
9 already made. All right?

10 So, ladies and gentlemen, I am required
11 to ask you a number of questions by law. Under
12 the oath that you've taken, ladies and gentlemen,
13 if you need to response to those questions, I need
14 you to simply stand. First give me your juror
15 number, and it should be on your badge, ladies and
16 gentlemen, and then I'm going to ask you to
17 respond. All right? But you're going to need to
18 stand. You're going to need to be loud, ladies
19 and gentlemen, because everyone in this courtroom
20 needs to hear what you have to say. And my court
21 reporter, Sharon Hardoon, is taking down
22 everything anyone says.

23 So with that said, ladies and gentlemen,
24 is there any member of the jury panel who is not a
25 citizen of the United States? If so, please

1 stand. (No response.)

2 Is there any member of the jury panel that is
3 not a resident and citizen of Colleton County, South
4 Carolina? If so, please stand. (No response).

5 Is there any member of the jury panel who
6 is unable to read, write, speak, or understand the
7 English language? If so, please stand. I say
8 this every week, if you can't understand the
9 English, I have no idea how you're supposed to
10 respond to my question, but I'm required to ask
11 it. (No response.)

12 Ladies and gentlemen, do I have anyone who
13 has less than a sixth-grade education or it's
14 equivalent? Now, if you have held a job, raised a
15 family, paid your bills, I am not concerned about you.
16 But I do want to make sure you feel comfortable with
17 this question.

18 Yes, sir. What is your number?

19 JUROR 24: 24.

20 THE COURT: Do you need to respond to
21 this question, sir?

22 JUROR 24: You said anybody who doesn't have
23 a sixth-grade education. I don't have one.

24 THE COURT: That's okay. Sir, let me ask
25 you, do you read and write?

1 JUROR 24: A little bit.

2 THE COURT: A little bit. What do you do
3 for a living?

4 JUROR 24: I work for myself.
5 Self-employed.

6 THE COURT: You're self-employed.
7 Self-employed doing what, sir?

8 JUROR 24: Hauling junk.

9 THE COURT: Hauling junk.

10 JUROR 24: Hauling junk.

11 THE COURT: All right. Sir, have you sat
12 on jury duty before?

13 JUROR 24: Huh?

14 THE COURT: Have you sat on jury duty
15 before?

16 JUROR 24: No.

17 THE COURT: And what's your number again,
18 sir?

19 JUROR 24: 24.

20 THE COURT: Do you want me to excuse you?

21 JUROR 24: Yeah.

22 THE COURT: All right, sir. I'll go
23 ahead and excuse you. Thank you. 24, you're
24 excused, sir.

25 JUROR 24: I got a bad back anyway.

1 THE COURT: All right. Ladies and
2 gentlemen, is there any member of the this jury
3 panel who is unable because of mental or physical
4 infirmities to render efficient jury service and
5 you've brought a doctor's note?

6 Ladies and gentlemen, I'm going to tell
7 you how we're going to run the courtroom. I'm the
8 only judge here. We're going to start tomorrow
9 morning at 10 a.m. and we're going to begin the
10 trial of this case. And, if you're chosen as a
11 juror, you're going to take a seat up in this box.
12 I need to make sure that you are able to
13 physically sit about an hour at a time in that
14 box. I want to make sure that you don't have some
15 type of physical problem that just completely
16 prohibits you from doing that.

17 Ladies and gentlemen, I will tell you
18 that we take lots of stretches. If I have anyone
19 who is diabetic and is concerned about running low
20 on their blood sugar, we've got orange juice and
21 candy to keep you going.

22 This question is for people that have a
23 doctor's note and simply cannot sit in that box
24 for roughly an hour at a time.

25 Do I have anyone who is in that

1 situation? If so, please stand.

2 Yes, sir, your number.

3 JUROR 52: My number is 52.

4 THE COURT: Yes, sir. What type of
5 condition do you have, sir?

6 JUROR 52: I have two artificial disks in
7 my lower back and it's very uncomfortable over a
8 long period of time if I sit.

9 THE COURT: Okay. And, sir, you simply
10 cannot sit? I know these are hard seats as
11 well.

12 JUROR 52: Plus, I had also prostate
13 surgery, so I frequently --

14 THE COURT: I understand that. Sir, I'm
15 going to go ahead and excuse you as well, but
16 thank you for being here.

17 Number 52.

18 Is there any member of the jury panel that
19 has been convicted by guilty plea or trial in a State
20 or federal court of record of a crime punishable by
21 imprisonment for more than one year and your civil
22 rights have not been restored by pardon or amnesty?
23 If so, please stand. (No response.)

24 THE COURT: Is any member of the jury
25 panel a clerk --

1 Oh, yes, ma'am. I'm sorry.

2 JUROR 72: 72.

3 THE COURT: Yes, ma'am.

4 JUROR 72: I did a plea.

5 THE COURT: To what, do you remember?

6 JUROR 72: Brief of trust, I think.

7 THE COURT: And do you remember, were you
8 put on probation or something along those lines?

9 JUROR 72: Yes.

10 THE COURT: And your number is 72. Was
11 that here in Colleton County or somewhere else?

12 JUROR 72: Here.

13 THE COURT: Ma'am, I'm going to go ahead
14 and excuse you, but thank you for being here as
15 well.

16 JUROR 72: Thank you.

17 THE COURT: All right. Is anyone here a
18 clerk, or deputy clerk of court, constable,
19 sheriff, or other commissioned law enforcement
20 officer, probate judge, county commissioner,
21 magistrate, or other county officer, or employed
22 within the walls of any courthouse? If so, please
23 stand.

24 JUROR 167: Are you basing it on active?

25 THE COURT: Sir, I need you to stand for

1 me, if you will, and give me your number.

2 JUROR 167: 167.

3 THE COURT: And what are you actively
4 doing?

5 JUROR 167: No, I'm retired from law
6 enforcement.

7 THE COURT: That's all right. That
8 doesn't excuse you, sir. Can you tell me, though,
9 when did you retire?

10 JUROR 167: 2011.

11 THE COURT: And where were you last
12 employed?

13 JUROR 167: Patterson New Jersey Police
14 Department.

15 THE COURT: Thank you. Sir, what was
16 your most recent duties? When you retired, what
17 were you doing?

18 JUROR 167: I was running security for
19 the mayor at the time.

20 THE COURT: All right, sir. I appreciate
21 it. Thank you for disclosing that, sir.

22 Is there any member of the jury panel who
23 has previously served on the jury duty up here in
24 circuit court which would be in this courtroom
25 during the last calendar year? If so, please

1 stand. (No response.)

2 Has any member of the jury panel served
3 as a member of the Colleton County Grand Jury
4 during the last several years? If so, please
5 stand. Sir, your number?

6 JUROR 178: 178.

7 THE COURT: Do you remember when you
8 served, sir?

9 JUROR 178: I can't remember, but it's
10 been a while back. I served two years on the
11 Colleton County Grand Jury.

12 THE COURT: All right. Let me tell you
13 what I'm going to do, sir, I'm going to go ahead
14 and run your name and I will see when it is. But
15 if you've served in the last five years, I will
16 excuse you.

17 JUROR 178: I don't think it's been the
18 last five, but when I done that -- it was
19 somewhere around in 2000. They told me, they said
20 I'd never be picked again. But you-all pick me
21 every three years. I mean, I feel like I've done
22 enough of my civic duty.

23 THE COURT: Sir, I am going to find out
24 when you served, but take a seat with me. And if
25 I can excuse you, if I have enough jurors, I

1 absolutely will excuse you. Okay?

2 JUROR 178: Thank you, ma'am.

3 THE COURT: Absolutely.

4 Okay. Ladies and gentlemen, I now move
5 to jury exemptions. The law provides for several
6 exemptions to jury service. And exemption does
7 not mean you're not qualified to serve. It means,
8 you may choose not to serve. However, if you're
9 willing to stay with us, we'd love to have you,
10 ladies and gentlemen.

11 Therefore, do I have anyone here who is
12 65 years of age or older who does not wish to
13 serve with me this week? If so, please stand.

14 Yes, sir.

15 JUROR 194: 194.

16 THE COURT: Sir, how old are you?

17 JUROR 194: 71.

18 THE COURT: All right, sir. And you
19 don't want to serve?

20 JUROR 194: Not really.

21 THE COURT: That's honest. All right,
22 sir, I'll go ahead and excuse you. That's number
23 194 is excused.

24 Another exemption concerns prior jury
25 service. No person is required to serve up here

1 in circuit court more often than once every three
2 calendar years. Therefore, do I have anyone who
3 has served up here during the last three years
4 that does not wish to serve with me this week? If
5 so, please stand. (No response.)

6 Ladies and gentlemen, those of you who have
7 served as grand jurors during the last five calendar
8 years may also be exempted from jury service. Do I
9 have anyone else other than my gentleman number 167
10 who has served on our grand jury during the five years
11 who does not wish to serve this week? (No response.)

12 The next exemption deals with those of you
13 that have of young children at home. And I
14 respectfully ask that you listen carefully to this
15 question. It has multiple parts, all of which must
16 apply for you to be able to claim this exemption.

17 You may be exempted from jury service if
18 you have a child under the age of seven for which
19 you have legal custody of that child or children
20 and you have the principal care, custody, and
21 control of that child or children, and, lastly,
22 you are unable to make adequate arrangements for
23 the care of your children while you're here
24 performing jury duty. Ladies and gentlemen, it is
25 presumed that if you take your children to school

1 or daycare and go on to work, you can do the same
2 thing during jury service. However, I also
3 understand, ladies and gentlemen, it is summer
4 break. I want to make sure no one leaves their
5 children unattended. Therefore, do I have anyone
6 who has young children at home who has no one to
7 care for them while they are performing jury duty?
8 If so please stand. (No response.)

9 Ladies and gentlemen, do I have anyone
10 here who is the primary caretaker of a person who
11 is elderly or a primary caretaker of a person who
12 has special needs such that it's very difficult
13 for you to find someone to cover those people
14 while you're here performing jury duty? I remind
15 you, ladies and gentlemen, your service will only
16 entail Tuesday and Wednesday this week. So if you
17 are able to stay with us and you do have good
18 coverage, it's a good week to serve because it's
19 only two days that you'll need coverage for.
20 However, ladies and gentlemen, again, I don't want
21 anyone unattended at home that could fall ill. So
22 do I have anyone here that needs to be excused
23 because they are a primary caretaker?

24 Yes, ma'am, give me your number.

25 JUROR 122: 122.

1 THE COURT: All right, ma'am.

2 JUROR 122: I take care of my 76-year-old
3 mother.

4 THE COURT: Okay. Who is with her right
5 now?

6 JUROR 122: My sister-in-law, which she
7 just had neck surgery.

8 THE COURT: She just had surgery as well?

9 JUROR 122: She's just sitting there.

10 THE COURT: Give me your number again.

11 JUROR 122: 122.

12 THE COURT: So what I can do is this.
13 What I can do is transfer your jury service to
14 another term, and, hopefully, next time, someone
15 will be in better shape to assist your mother.
16 But it's up to you. Like I said, it will only be
17 two days.

18 JUROR 122: I rather go home.

19 THE COURT: Go home?

20 JUROR 122: Go home. She does fall a
21 lot.

22 THE COURT: Then I am going to go ahead
23 and excuse you. So number 122 is excused. Thank
24 you.

25 THE CLERK: Also that juror 178, I went

1 back to 2008 and he's still not listed, so it must
2 have been before that.

3 THE COURT: All right. Sir, my number
4 167, we are only able to go back to --

5 JUROR 230: I'm 178.

6 MS. KEENEY: 178, I apologize.

7 JUROR 230: Not 167.

8 THE COURT: I apologize. 178, sir, we've
9 looked as far back as 2008, which is as far as we
10 can go, and we still haven't found in your name
11 yet.

12 JUROR 230: You're not going to find it
13 under 167.

14 THE COURT: We're looking at 178. She
15 got the right number, so it's okay.

16 THE CLERK: I'm looking under his name.

17 THE COURT: Sit tight with me. And,
18 again, if I have enough jurors, I'm going to
19 excuse you, okay?

20 JUROR 230: Okay.

21 THE COURT: I just don't want to have to
22 continue the case that's before us because I am
23 one juror short.

24 All right. Ladies and gentlemen, do I
25 have anyone right now who is attending school at

1 this time or working in some capacity at a school
2 that, if you're required to serve the next two
3 days, you're going to have to miss classes or miss
4 teaching or children are going to go unattended in
5 any way because you're required to be here? Do I
6 have anyone who is in that position? If so,
7 please stand. (No response.)

8 Is there any member of the jury panel who
9 is employed with the department of corrections at
10 a penitentiary? If so, please stand. (No
11 response.)

12 Is there any jury who performs services
13 for a business, commercial or agricultural
14 enterprise, which are so essential to the
15 operation of that business or enterprise that if
16 you're required to perform jury duty that business
17 or enterprise would close its doors or stop
18 functioning? If so, please stand.

19 Yes, sir. Give me your number.

20 JUROR 230: 230.

21 THE COURT: Yes, sir.

22 JUROR 230: I pour cement for myself.

23 THE COURT: Yes, sir. You got jobs
24 tomorrow and Wednesday?

25 JUROR 230: Yes, ma'am.

1 THE COURT: Sir, have you been
2 transferred before?

3 JUROR 230: The way the weather was, I
4 mean, I got open footings and that.

5 THE COURT: You got to go. I
6 understand.

7 JUROR 230: I would love to.

8 THE COURT: Let me ask you this: When is
9 the best time when your business a slower?

10 JUROR 230: Well, hopefully never.

11 THE COURT: I understand that.

12 JUROR 230: I always got somebody's
13 driveway or sidewalk.

14 THE COURT: Is there a better time,
15 though, than others?

16 JUROR 230: Wintertime.

17 THE COURT: Wintertime. All right, sir.
18 I'm going to go ahead and excuse you this week.
19 Number 230 is excused. You'll get another notice,
20 sir. Thank you.

21 Yes, sir. Your number?

22 JUROR 39: Number 39.

23 THE COURT: Number 39?

24 JUROR 39: Yes, ma'am.

25 THE COURT: What do you do, sir?

1 JUROR 39: I work for a fuel company
2 hauling gas and diesel fuel.

3 THE COURT: Okay.

4 JUROR 39: I don't have anyone that can
5 run my route.

6 THE COURT: All right, sir. Is there a
7 better time during the year? At some point,
8 you're going to have to serve, so you tell me.

9 JUROR 39: Probably, again, in the
10 wintertime it, kind of, slows down a little bit.

11 THE COURT: Okay. You're number 39?

12 JUROR 39: Yes, ma'am.

13 THE COURT: All right, sir. I'm going to
14 go ahead and excuse you as well.

15 JUROR 39: Thank you.

16 THE COURT: All right. Ladies and
17 gentlemen, that concludes the statutory list of
18 qualifications and exemptions for jury service.
19 Now, it may be that you are qualified to serve,
20 however, it is the absolute worst three days in
21 all of the year for you to have been chosen for
22 jury service. Ladies and gentlemen, you've
23 already spent today here, this afternoon here, so
24 today is already gone. As I told you before, the
25 one case we have left is going to take two days.

1 Ladies and gentlemen, do I have anyone
2 who needs to talk to me for any reason about jury
3 service that you absolutely cannot stay Tuesday
4 and Wednesday this week for some reason? If so,
5 please stand.

6 JUROR 134: My name is Jamie Morris and
7 my number is 134.

8 THE COURT: Yes, sir.

9 JUROR 134: My belief is I judge no one.
10 Whether I stay or whether I go, I'm not making any
11 judgment.

12 THE COURT: You said you can't enter
13 judgment?

14 JUROR 134: I cannot enter judgment
15 whether I stay or whether I go.

16 THE COURT: Sir, I'm going to go ahead
17 and excuse you.

18 JUROR 134: Okay. Sorry.

19 THE COURT: Anyone else? Yes, sir. Your
20 number?

21 JUROR 91: Just a question. Juror number
22 91. Can two family members serve on one jury?

23 THE COURT: Yes, sir, they can. But I
24 would love for you to tell me who you're related
25 to.

1 JUROR 91: Granddaughter.

2 THE COURT: Very good. Grandfather and
3 granddaughter. I've had husband and wife, but I
4 never had grandfather and granddaughter.

5 Sir, the only thing I need to ask you is,
6 if you both get chosen on this jury, you have to
7 agree that you will not talk about the case in any
8 way with each other until it's complete. Can you
9 do that? You can talk to her. You can even ride
10 here with her or vice versa. The only thing is,
11 I'm going to tell this jury that until the case
12 gets sent to you for your deliberations, you must
13 not talk about the case. Not only with family
14 members or friends or anyone else but that
15 includes people on the jury. Can you do that?

16 JUROR 91: Yeah, I guess I could.

17 THE COURT: I think you could. You're
18 going to set a good example for your
19 granddaughter, so I have no more worries about it.
20 All right. You can talk about everything else.
21 Okay? All right, sir. I appreciate you letting
22 me know that.

23 Can I have his granddaughter's juror
24 number? Can you give me your juror number, if you
25 would?

1 JUROR 181: 181.

2 THE COURT: Thank you.

3 All right. Ladies and gentlemen, again,
4 does anyone have any reason whatsoever that they
5 cannot serve on Tuesday and Wednesday of this
6 week? If so, please stand. (No response.)

7 All right. Juror Number 178, you're
8 excused, sir.

9 JUROR 178: Thank you, ma'am.

10 THE COURT: All right. Ladies and
11 gentlemen, I'm going to go ahead and have the
12 solicitor's office call their case.

13 MS. KEENEY: The State calls Bradley
14 Lamont Jackson, indictment number
15 2021-GS-15-00605, criminal sexual conduct with a
16 minor first degree and 2021-GS-15-00606, criminal
17 sexual conduct with a minor 1st degree.

18 THE COURT: Thank you.

19 Ladies and gentlemen, the State has
20 called their case. It's entitled to The State of
21 South Carolina vs. Bradley Lamont Jackson with two
22 counts of the offense of criminal sexual conduct
23 with a minor in the 1st degree.

24 Ladies and gentlemen, I'm going to ask
25 the State to introduce themselves who is at

1 counsel table with them, and also I'm going to ask
2 the defense to introduce themselves, and, Mr.
3 Walker, your client as well, sir.

4 Miss Keeney if you would start.

5 MS. KEENEY: My name is Julie Kate
6 Keeney. I'm the prosecutor here in Walterboro. I
7 work in the 14th Circuit Solicitor's Office. Our
8 Solicitor is Duffie Stone and the prosecutor here
9 in Colleton County. I'm in Allendale County,
10 Jasper County, Beaufort County. And sitting with
11 me is Don Garbade, and also at the table is
12 Investigator Whitlee Fisk from the Walterboro
13 Police Department.

14 THE COURT: Thank you. Mr. Walker.

15 MR. WALKER: Thank you, Your Honor.

16 Good afternoon, my name is Matthew
17 Walker. I'm happy to be here today trying this
18 case. I represent Mr. Jackson. You will also see
19 me talking to one of our staff, Miss Akins over
20 here.

21 THE COURT: Thank you.

22 Ladies and gentlemen, under the oath you took
23 previously, I need to ask you a number of questions.
24 To begin with, ladies and gentlemen, is there anyone
25 here related by blood or connected by marriage to the

1 defendant Mr. Bradley Lamont Jackson? If so, please
2 stand? (No response.)

3 Is there anyone here a friend of, special
4 acquaintances of, have a professional relationship
5 with the defendant in this case Bradley Lamont
6 Jackson? (No response.)

7 Ladies and gentlemen, does anyone know
8 Mr. Jackson at all? If so, please stand. (No
9 response.)

10 You've also been introduced to the
11 attorneys trying this case and sitting at counsel
12 table. My question is: Is there anybody here
13 related by blood, connect by marriage, have a
14 close personal relationship or special friendship
15 or professional relationship with any of the
16 attorneys trying this case? If so, please stand.
17 (No response.)

18 Also, ladies and gentlemen, is anyone
19 here ever been represented by, prosecuted by, or
20 employed by any of the their offices? If so,
21 please stand. (No response.)

22 Ladies and gentlemen, the following is a
23 list of potential witnesses in this case. These
24 people will not all be called, ladies and
25 gentlemen, they are just names that you may hear.

1 I'm interested to know whether or not you know
2 them and the nature of your relationship. Just
3 because you may know them doesn't mean you are not
4 qualified to sit on this jury. My most important
5 concern is that, based on your relationship, I
6 want to make sure you don't give anyone's
7 testimony undue weight simply because you know
8 these people or might be friends with them or have
9 a personal relationship.

10 They are: Brooke Bentley of Hopeful
11 Horizons; Sergeant Jamie Bloodworth of the
12 Walterboro Police Department; MINOR [REDACTED] of
13 Walterboro, South Carolina; Larry [REDACTED] of
14 Walterboro, South Carolina; Sergeant Whitlee Fisk
15 of the Walterboro Police Department; Sergeant Ross
16 Hantz of the Walterboro Police Department; Frances
17 Harrison, Rhoda Manigo, Mallory Powers-Sessions of
18 the medical University of South Carolina; Cameron
19 Wise with the South Carolina Law Enforcement
20 Division; Angie Bryan of DSS; Lauren Pappas of
21 DSS; To'Mas Stephens of DSS; Christina Ward of
22 DSS; Alex Wickline of the Dee Norton Center in
23 Charleston; and Carol Swiecicki of Harbor Maple
24 Counseling.

25 Again, ladies and gentlemen, my question

1 is: Is there anyone here related by blood,
2 connected by marriage or a close personal
3 relationship with any of these people? Did I miss
4 someone, Mr. Walker?

5 MR. WALKER: Defense 12, Mary Trask.

6 THE COURT: Oh, I apologize, sir. Also
7 Mary Trask formerly of Hopeful Horizons.

8 Thank you, Mr. Walker.

9 Again, ladies and gentlemen, is anyone
10 related by blood, connected by marriage, have a
11 close personal relationship or special friendship
12 with any of these potential witnesses? If so,
13 please stand. (No response.)

14 Is there any member of the jury panel or
15 any member of your immediate family currently or
16 previously been prosecuted by the 14th Circuit
17 Solicitor's Office? If so, please stand.

18 Yes, sir.

19 JUROR 16: I'm not sure, ma'am. My uncle
20 is in jail.

21 THE COURT: Sir, is he here in Colleton
22 County.

23 JUROR 16: I believe Colleton County is
24 prosecuting him. I just don't think he's here
25 right now.

1 THE COURT: Okay. Sir, can you give me
2 your uncle's name?

3 JUROR 16: Eugene Douglas Brett.

4 THE COURT: All right. Thank you, sir.
5 Do you know any specific attorney that's
6 prosecuting him?

7 JUROR 16: I'm not sure much about his
8 status. I just know he's being prosecuted right
9 now.

10 THE COURT: All right, sir. Thank you
11 for the disclosure. And your number one more time
12 for me?

13 JUROR 16: 16.

14 THE COURT: Thank you, sir.

15 Yes, ma'am.

16 JUROR 103: My sister, but she's not in
17 Colleton County currently.

18 THE COURT: Okay.

19 JUROR 103: But I know the prosecutor.

20 THE COURT: Ma'am, give me your number.

21 JUROR 103: 183.

22 THE COURT: 183. And can you give me
23 your sister's name?

24 JUROR 103: Joanne Velasquez.

25 THE COURT: Okay. Thank you, ma'am.

1 Ladies and gentlemen, has any member of
2 this jury panel or any member of your immediate
3 family ever been accused of investigated for or
4 arrested for an offense that was sexual in nature,
5 and that would include anything like sexual
6 assault, criminal sexual conduct, rape,
7 molestation, rape, et cetera.

8 JUROR 183: Does it have to be here?

9 THE COURT: It doesn't have to be in the
10 county. I can be anywhere.

11 And, ma'am, since you stood up earlier,
12 you're number 183. Am I correct on that?

13 JUROR 183: (Witness nods head up and
14 down.)

15 THE COURT: Who was it?

16 JUROR 183: My father.

17 THE COURT: Your father was. How long
18 ago was that?

19 JUROR 183: Probably 40 years.

20 THE COURT: How long ago?

21 JUROR 183: 40 years.

22 THE COURT: 40 years ago. All right,
23 ma'am. Thank you. You may be seated.

24 Okay. Yes, ma'am.

25 JUROR 103: My husband, my deceased

1 husband's nephew was convicted of sexual assault.

2 THE COURT: How long ago was that?

3 JUROR 103: Twelve years ago.

4 THE COURT: Let me ask you, ma'am -- give
5 me your number again.

6 JUROR 103: 103.

7 THE COURT: Number 103. Thank you. You
8 may be the seated.

9 Yes, ma'am.

10 JUROR 95: I'm number 95.

11 THE COURT: Okay.

12 JUROR 95: And my father was arrested for
13 sexual related.

14 THE COURT: I'm having a hard time. You
15 said your father was arrested for?

16 JUROR 95: Sexual assault or assaulting
17 someone.

18 THE COURT: Okay. Do you know, did that
19 result in a conviction or?

20 JUROR 95: I mean --

21 THE COURT: Do you know?

22 JUROR 95: He got arrested. I honestly
23 wasn't involved at all.

24 THE COURT: I'm sorry. What is your
25 number?

1 JUROR 95: 95.

2 THE COURT: 95. All right. Thank you,
3 ma'am. You may be seated.

4 THE BAILIFF: Juror 108 would like to
5 speak to you.

6 THE COURT: I'm going to.

7 Okay. Ladies and gentlemen, this is
8 going to be a very broad question and if you don't
9 feel comfortable standing up and announcing it in
10 front of other jurors, I'm just going to ask that
11 you form a line right here in front and I will
12 speak to you. I need to tell you that it's only
13 going to be in relative private because the
14 attorneys are entitled to hear what you have to
15 say and I have to put it on the record over here.

16 But I need to know if there is any member
17 of a jury panel or any member of your immediate
18 family that has ever been the victim of a sexual
19 assault or criminal sexual conduct whether as an
20 adult or a child? Again, I need to know if any
21 member here has ever been -- or member of your
22 immediate family has ever been the victim of an
23 assault or a sexual assault.

24 Why don't you-all just come line up right
25 here for me.

1 JUROR 183: Juror 183.

2 THE COURT: Thank you. Okay. It's okay.
3 You're upset. You okay?

4 JUROR 183: (Witness nods head up and
5 down.)

6 THE COURT: All right.

7 JUROR 183: It's my father.

8 THE COURT: Okay.

9 JUROR 183: And he molested me.

10 THE COURT: Okay. Do you feel
11 comfortable trying this case?

12 JUROR 183: Not really.

13 THE COURT: That's okay. I saw you
14 immediately disclose how upset you were. I knew
15 you were crying. You're upset, but thank you for
16 being here. Number 183 is excused.

17 THE BAILIFF: Juror number 108.

18 THE COURT: Come over here.

19 JUROR 108: So I currently am waiting for
20 trial. I was sexually molested for two years.

21 THE COURT: What county is it?

22 JUROR 108: Colleton.

23 THE COURT: Do you feel comfortable
24 sitting on this case?

25 JUROR 108: Not really.

1 THE COURT: Are you under pressure?

2 JUROR 108: Yeah, we are.

3 THE COURT: I'm going to excuse from the
4 trial of this case. Thank you for so much for
5 being here. Number 108 is excused.

6 THE BAILIFF: Juror number 16.

7 THE COURT: How are you? All right.

8 JUROR 16: So when I was young, I was in
9 Boy Scouts and was touched by the leader. That
10 was not what mattered. My sister was raped and
11 she's autistic.

12 THE COURT: You don't feel comfortable.

13 JUROR 16: I really don't. It's bad
14 memories.

15 THE COURT: Sir, I'm going to excuse you.
16 Thank you so much for being here. Number 16 is
17 excused.

18 THE BAILIFF: Juror number 144.

19 THE COURT: Come on forward.

20 JUROR 144: My son was sexually assaulted
21 by my nephew when they were both minors. There
22 were no charges. Just counseling.

23 THE COURT: Okay. My question to you is:
24 Do you feel comfortable with sitting on this case
25 understanding that one has nothing to do with the

1 other? Do you understand that?

2 JUROR 144: Yeah.

3 THE COURT: You're comfortable with that?

4 JUROR 144: Also, I didn't -- a while
5 ago, my brother was on a case. He had a picture
6 of a minor. Didn't know it was a minor. Someone
7 sent it to him. They did not arrest or prosecute,
8 so I'm not really --

9 THE COURT: Was it here?

10 JUROR 144: Yes.

11 THE COURT: What is his name?

12 JUROR 144: Larry Colson, Jr.

13 THE COURT: My question is: Do you feel
14 like you can be fair and impartial in the trial of
15 this case understanding those have nothing to do
16 with that?

17 JUROR 144: Yes.

18 THE COURT: Thank you, ma'am. I
19 appreciate you staying.

20 THE BAILIFF: Juror number 49.

21 THE COURT: Thank you, sir. Come on
22 forward.

23 JUROR 49: In 2013, I was assaulted by a
24 higher ranking corporal.

25 THE COURT: It went to trial?

1 JUROR 49: He was convicted and
2 released.

3 THE COURT: Okay. My question to you is:
4 Do you feel comfortable trying this type of case
5 understanding that one has nothing to do with the
6 other?

7 JUROR 49: I do.

8 THE COURT: Do you feel absolutely
9 confident you can do that?

10 JUROR 49: Yes, ma'am.

11 THE COURT: Thank you. I appreciate it.
12 I'm going to have you stay with us. Thank you.

13 If you guys have any follow-ups, just let
14 me know.

15 THE BAILIFF: Juror Number 87.

16 THE COURT: Come up.

17 JUROR 35: Hi.

18 THE COURT: Good to see you. It was you
19 or someone you know?

20 JUROR 35: Me.

21 THE COURT: Do you feel comfortable --

22 JUROR 35: (Witness moves head from side
23 to side.)

24 THE COURT: Is there -- you shook your
25 head no.

1 JUROR 35: When I heard the charges.

2 THE COURT: I understand. I'm going to
3 go ahead and excuse you. I appreciate you being
4 here. Thank you so much.

5 THE BAILIFF: Juror number 35.

6 THE COURT: So tell me, you or your
7 immediate family?

8 JUROR 35: No. My son.

9 THE COURT: Okay. How old was he?

10 JUROR 35: Thirteen.

11 THE COURT: My question to you is this:
12 Can you be fair and impartial in the trial of this
13 case?

14 JUROR 35: Yes.

15 THE COURT: You're positive and
16 understand one has nothing to do with the other
17 and you reach a verdict in this that's not based
18 on feeling or emotion?

19 JUROR 35: Yeah.

20 THE COURT: You sure?

21 JUROR 35: Yeah.

22 THE COURT: Okay. I appreciate you
23 staying. Thank you. Number 35 is going to stay
24 with us.

25 THE BAILIFF: Juror number 95.

1 THE COURT: Okay. Hi, come on up. Okay.

2 Was it you or your immediate family?

3 JUROR 95: My older sister.

4 THE COURT: Do you feel comfortable
5 sitting on a trial involving --

6 JUROR 95: I'm not entirely certain.
7 Probably not.

8 THE COURT: Okay, that's fine. I
9 understand. I'm going to go ahead and excuse you.
10 Thank you for being here. You are excused.
11 Number 95 is excused.

12 THE BAILIFF: Juror number 114.

13 THE COURT: Thank you. Thank you, sir.

14 JUROR 114: My wife was a victim of
15 childhood sexual abuse. As a result, her father
16 was arrested and convicted.

17 THE COURT: Okay. My question to you is:
18 Can you sit on this jury understanding one has
19 nothing to do with the other?

20 JUROR 114: Yes.

21 THE COURT: Are you sure?

22 JUROR 114: Yes.

23 THE COURT: Number 114 is going to stay
24 with us.

25 THE BAILIFF: Juror number 247.

1 THE COURT: Okay. How are you?

2 JUROR 247: So my mother, she got
3 molested when she was young by her father.

4 THE COURT: My question for you is: Can
5 you sit and be fair and impartial in the trial of
6 this case knowing that one has nothing to do with
7 the other?

8 JUROR 247: I feel some type of way about
9 it.

10 THE COURT: You do?

11 JUROR 247: Yeah.

12 THE COURT: All right. I'm going to
13 excuse you then. I appreciate your candor.
14 Number 247 is excused.

15 THE BAILIFF: Juror number 51.

16 THE COURT: Yes, sir.

17 JUROR 51: My wife was assaulted over 30
18 years ago. I really don't know much about it.
19 There was never a case.

20 THE COURT: My question to you is: Can
21 you be fair and impartial in the trial of this
22 case realizing one has nothing to do with the
23 other knowing the allegations involve a child?

24 JUROR 51: I don't know. She doesn't
25 talk about it.

1 THE COURT: Let me ask you: If you got
2 sat on this jury, you understand that you can't go
3 home and talk about it? You know that, right?

4 JUROR 51: Absolutely.

5 THE COURT: You're comfortable, is that
6 correct?

7 JUROR 51: Yes.

8 THE COURT: Thank you, sir. You may step
9 down. Number 51 is going to stay with us.

10 THE BAILIFF: Juror number 197.

11 THE COURT: How are you?

12 JUROR 197: I'm putting out there that my
13 granddaughter had accused a man and he was
14 arrested. What become of it, I don't know.

15 THE COURT: Okay.

16 JUROR 136: But I wanted to let the Court
17 know that that happened.

18 THE COURT: My question to you is: Can
19 you be fair and impartial in the trial of this
20 case understanding it has nothing to do with
21 whatever your daughter's, granddaughter's
22 allegations are and can you be fair and impartial?

23 JUROR 197: Innocent until proven
24 guilty.

25 THE COURT: Okay. I just want to make

1 sure. Number 197 is going to stay with us.

2 All right. Ladies and gentlemen, is
3 there any member of this jury panel who is a
4 member of or contributor to any organization whose
5 primary purpose it is to support law enforcement,
6 or victim's advocacy? And examples of those types
7 of groups are MAAD, Mothers Against Drunk Driving;
8 CODA, Citizens Opposed to Domestic Abuse; or you
9 contribute to the sheriff's association when they
10 call, or the State Trooper's association. Again,
11 the question is: Is there anyone that is a member
12 of or contributor to any of these types of groups
13 that promote law enforcement or victim's advocacy?
14 If so, please stands.

15 Yes, ma'am. Please stand, and give me
16 your number.

17 THE COURT: Yes, ma'am.

18 JUROR 136: 136.

19 THE COURT: And who do you donate to?

20 JUROR 136: I do MAAD and the sheriff's
21 department.

22 THE COURT: Okay. Is that when they call
23 and ask for donations or just --

24 JUROR 136: Well, yeah. I give every
25 month, monthly.

1 THE COURT: All right. Thank you.

2 Anyone else? Yes, sir.

3 JUROR 167: 167.

4 THE COURT: Yes, sir.

5 JUROR 167: I'm a member of the
6 Retirement Association, PPA-600, and also
7 National -- the Honorable in New Jersey.

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

9 Ladies and gentlemen, is there any member of
10 this jury panel who contributes to or is a member of
11 any organization whose primary purpose is to support a
12 child or sexual abuse victims? Examples locally would
13 be Darkness to Light, People Against Rape, Child Abuse
14 Association, which is CAPA, Prevent Child Abuse in
15 America, or Kids Count, Pathways to Healing.

16 Again, ladies and gentlemen, is anyone here a
17 member of or contributor to any of those types of
18 groups? If so, please stand. (No response.)

19 Ladies and gentlemen, as I'm sure you
20 understand now that the allegation in this case is
21 criminal sexual conduct with a minor. Ladies and
22 gentlemen, is this anyone, based on the nature of the
23 charge that they feel they cannot sit and be fair and
24 impartial to both the State of South Carolina and the
25 defendant Mr. Jackson in this case? If so, please

1 stand.

2 Okay. All I'm going to do is ask for
3 your number. Sir, in the teal shirt first, what
4 is your number?

5 JUROR 170: 170.

6 THE COURT: All I need to know is, you
7 cannot be fair and impartial; is that correct?

8 JUROR 170: On this.

9 THE COURT: Okay, sir. That's all I
10 asked. Can you be fair and impartial? If the
11 answer is no, the answer is no. All right. Sir,
12 you are excused. Thank you.

13 Sir, your number?

14 JUROR 168: 168.

15 THE COURT: Can you be fair and
16 impartial?

17 JUROR 168: No, ma'am.

18 THE COURT: You're excused, sir.

19 JUROR 156: 156.

20 THE COURT: 166.

21 JUROR 156: No. 156.

22 THE COURT: I apologize, ma'am. 156, can
23 you be fair and impartial?

24 JUROR 156: No, ma'am.

25 THE COURT: Thank you. You're excused.

1 Yes, ma'am.

2 JUROR 93: 93.

3 THE COURT: 93?

4 JUROR 93: Yes, ma'am.

5 THE COURT: Can you be fair and
6 impartial?

7 JUROR 93: No, ma'am.

8 THE COURT: You are excused.
9 Sir?

10 JUROR 177: 177.

11 THE COURT: 177?

12 JUROR 177: Correct.

13 THE COURT: Sir, can you be fair and
14 impartial.

15 JUROR 177: No.

16 THE COURT: You're excused, sir.

17 JUROR 176: 176.

18 THE COURT: Yes, sir. Can you be fair
19 and impartial?

20 JUROR 176: No.

21 THE COURT: You're excused, sir.

22 Ma'am in the back.

23 JUROR 224: 224.

24 THE COURT: Yes, ma'am. Can you be fair
25 and impartial?

1 JUROR 224: No, ma'am.

2 THE COURT: You're excused. Give me just
3 one moment. Yes.

4 JUROR 221: 221.

5 THE COURT: Can you be fair and
6 impartial?

7 JUROR 221: No, ma'am.

8 THE COURT: You are excused.

9 All right. Yes, ma'am, your number?

10 JUROR 103: I couldn't because I work
11 with children.

12 THE COURT: Okay, you can't be fair and
13 impartial. I'll go ahead and excuse you. Thank
14 you.

15 Yes, ma'am.

16 JUROR 207: 207. No.

17 THE COURT: No? You are excused, ma'am.
18 Yes.

19 JUROR 115: 115. No.

20 THE COURT: You're excused.

21 Sir.

22 JUROR 68: 68.

23 THE COURT: Number 68. Sir, can you be
24 fair and impartial?

25 JUROR 68: No.

1 THE COURT: You are excused.

2 Ladies and gentlemen, just as a
3 second-to-last question, do I have anyone here who
4 is a mandatory, either child abuse or child sexual
5 abuse, reporter? If so, please stand. And I know
6 this typically is based on your job, or
7 potentially. So all I need is your number and you
8 need to tell me what you do for a living and that
9 explains it for the most part.

10 Ma'am, give me your number.

11 JUROR 189: 189. I'm a school
12 psychologist.

13 THE COURT: Thank you. You may be
14 seated.

15 Yes, ma'am. Right here and I think it's
16 a navy-blue dress.

17 JUROR 146: 146.

18 THE COURT: Yes. What do you do, ma'am?

19 JUROR 146: I work in the school system
20 as a TA.

21 THE COURT: I hear the TA. School system
22 TA. Thank you, ma'am. You may be seated.

23 JUROR 124: 124. I am an assistant
24 director at a day care preschool.

25 THE COURT: Thank you, ma'am. You may be

1 seated.

2 Yes, in the very back.

3 JUROR 112: 112. I'm a special needs
4 vocational teacher.

5 THE COURT: Thank you, ma'am.

6 All right. Again, ladies and gentlemen, this
7 is the last question: Is there anyone who cannot be
8 fair and impartial in the trial of this case? If so,
9 please stand.

10 Ma'am, give me your number.

11 JUROR 241: 241.

12 THE COURT: All right. You cannot be
13 fair and impartial.

14 JUROR 118: (Witness moves head from side
15 to side.)

16 THE COURT: That's a "no" for the record?

17 JUROR 118: Yes, ma'am.

18 THE COURT: Okay. All right, I'll excuse
19 you, ma'am.

20 Sir?

21 JUROR 117: 117.

22 THE COURT: You can't be fair and
23 impartial in the trial of this case?

24 JUROR 117: No.

25 THE COURT: You're excused, sir.

1 All right. You guys can be seated.

2 Is there anything else?

3 MR. WALKER: No, Your Honor.

4 MS. KEENEY: No, Your Honor.

5 THE COURT: Okay.

6 Do I have juror number 118? Juror 1-1-8.

7 Come up and talk to me for a second, sir, if you
8 would.

9 How are you, sir? I'm to ask you, do you
10 have a have -- this has been a long time ago --
11 sale and distribution of drugs, or is this wrong?
12 Is that you? Does that sound familiar?

13 JUROR 118: It could be, yeah.

14 THE COURT: Okay. It could be you? What
15 is your date of birth?

16 JUROR 118: [REDACTED]/69.

17 THE COURT: Okay. I'm going to have to
18 excuse you, but thank you for being here. I
19 appreciate it, sir. Number 1-1-8 is excused.

20 Anything else you-all want?

21 MR. WALKER: No thank you, Your Honor.

22 THE COURT: Is there anything further the
23 State wants to ask or the defense?

24 MS. KEENEY: No, Your Honor.

25 MR. WALKER: No, Your Honor.

1 THE COURT: Thank you.

2 All right. Ladies and gentlemen, what is
3 happening is this, those of you that have been
4 qualified as potential jurors, your name is being
5 placed into a computer. It is going to draft a
6 random list. I'm sorry. I want to make sure you
7 can hear me. It is going to draft a random list.
8 Once I have that list, your number is going to be
9 called, and what I need you to do is just stand in
10 place. Don't do or say anything. Each side has
11 an opportunity to accept you as a juror or excuse
12 you as a juror.

13 If both sides accept you as a juror,
14 we're going to say come forward and you're going
15 to come take a seat.

16 Ladies and gentlemen, that is the signal
17 for you to understand you are on this jury. All
18 right.

19 THE CLERK: We need a couple minutes.

20 THE COURT: That's fine.

21 I will take a few minutes, ladies and
22 gentlemen. Does anyone need to take a quick
23 break? Anyone? What I'm going to do is this, I'm
24 going to ask that if you don't need to take a
25 break, I'd like for you to stay in your seats.

1 But if you do need to take a quick break, you can
2 go ahead and excuse yourself right now. Just come
3 back as quick as you possibly can. Okay? So
4 those of you who need to excuse yourself for a
5 moment, you're welcome to.

6 (A break was taken from 1:18 p.m. 1:25 p.m.)

7 THE COURT: All right. Ladies and
8 gentlemen, everyone is back now. As I stated, if
9 your number is called, simply stand in place. If
10 both sides accept you as a juror, I need you to
11 bring all your belongings with you when you come
12 and take a seat in the box. Okay?

13 I'm going to assume that we're going to
14 have them come right down the middle, is that
15 correct, or all the way to the side? Down the
16 middle is fine?

17 THE DEPUTY: Down the middle is fine.

18 THE COURT: All right. Whenever you're
19 ready.

20 Ladies and gentlemen, after this, I am
21 going to excuse you-all. Those of you that have
22 been chosen as jurors, we're going to have a very
23 short discussion, and then I'm going to bring you
24 back tomorrow morning.

25 The rest of you, ladies and gentlemen,

1 I'm to excuse you after that. Okay.

2 THE CLERK: Jury Number 89 --

3 THE COURT: We're not going to say the
4 last names, Ms. Weiss. Juror Number 89. We're
5 not going to say the last names. Thank you,
6 ma'am.

7 THE CLERK: What say you for the State?

8 MS. KEENEY: Please present this juror.

9 THE CLERK: What say you for the
10 defendant?

11 MR. WALKER: Please seat the juror.

12 THE CLERK: Please step down into the
13 jury box.

14 Juror number 231. What say you for the
15 State?

16 THE COURT: Come around here. Please
17 just direct here where she needs to sit, sir.

18 MS. KEENEY: Please present this juror.

19 THE CLERK: What say you for the
20 defendant?

21 MR. WALKER: Please seat the juror.

22 THE CLERK: Please come have a seat in
23 the jury box.

24 Juror number 29. What say you for the State?

25 MS. KEENEY: Please excuse this juror.

1 THE CLERK: You may take your seat.

2 THE COURT: Go ahead and sit down, sir.

3 I need you to just remain with us, okay?

4 THE CLERK: Juror number 129. What say
5 you for the State?

6 MS. KEENEY: Please present this juror.

7 THE CLERK: What say you for the
8 defendant?

9 MR. WALKER: Please excuse the juror.

10 THE CLERK: You may have a seat.

11 Juror number 41. What say you for the
12 State?

13 MS. KEENEY: Please present this juror.

14 THE CLERK: What say you for the
15 defendant?

16 MR. WALKER: Please seat the juror.

17 THE CLERK: Please bring your stuff up to
18 the jury box.

19 Juror number 167. What say you for the
20 State?

21 MS. KEENEY: Please present this juror.

22 THE CLERK: What say you for the
23 defendant?

24 MR. WALKER: Please excuse the juror.

25 THE CLERK: You may take your seat.

1 Juror number 180. What say you for the
2 State?

3 MS. KEENEY: Please present this juror.

4 THE CLERK: What say you for the
5 defendant?

6 MR. WALKER: Please seat the juror.

7 THE CLERK: Come on forward, ma'am.

8 Juror number 106. What say you for the
9 State?

10 MS. KEENEY: Please present this juror.

11 THE CLERK: What say you for the
12 defendant?

13 MR. WALKER: Please excuse the juror.

14 THE CLERK: You may have a seat.

15 Juror number 211. What say you for the
16 State?

17 MS. KEENEY: Please present this juror.

18 THE CLERK: What say you for the
19 defendant?

20 MR. WALKER: Please seat the juror.

21 THE COURT: Come forward, sir.

22 THE CLERK: Juror number 109. What say
23 you for the State?

24 MS. KEENEY: Please present this juror.

25 THE CLERK: What say you for the

1 defendant?

2 MR. WALKER: Please seat the juror.

3 THE COURT: Come on forward, ma'am.

4 THE CLERK: Juror number 229. What say
5 you for the State?

6 MS. KEENEY: Please excuse this juror.

7 THE CLERK: Juror 197. What say you for
8 the State?

9 MS. KEENEY: May we approach?

10 THE COURT: You may.

11 (Bench conference.)

12 MS. KEENEY: Judge, after I resat down,
13 Miss Smith from the police department informed me
14 that her son is Barron Smith who we prosecuted
15 numerous times. In fact, entered a drug court
16 program. And she didn't disclose whenever you
17 asked the question about has anybody in the jury
18 or their immediate family been prosecuted by the
19 14th Circuit Solicitor's Office.

20 THE COURT: Mr. Walker?

21 MR. WALKER: Well, they're now aware --
22 they're now aware of the information and can
23 exercise their strike. I don't know that would
24 beg for cause.

25 MS. KEENEY: The fact she didn't respond

1 is one strike for cause.

2 THE COURT: I'm going to go ahead and
3 excuse her. I think I have to. Okay.

4 MR. WALKER: Okay.

5 THE COURT: All right. Ma'am, you may go
6 ahead and take your seat.

7 THE CLERK: Juror number 152. What say
8 you for the State?

9 MS. KEENEY: 192 or 152?

10 THE CLERK: 152.

11 THE COURT: Right.

12 MS. KEENEY: Please present this juror.

13 THE CLERK: What say you for the
14 defendant?

15 MR. WALKER: Please seat the juror.

16 THE COURT: Come on forward.

17 THE CLERK: Juror number 116. What say
18 you for the State?

19 MS. KEENEY: Please present this juror.

20 THE CLERK: What say you for the
21 defendant?

22 MR. WALKER: Please excuse the juror.

23 THE CLERK: You may have a seat.

24 Juror number 114. What say you for the
25 State?

1 MS. KEENEY: Please present this juror.

2 THE CLERK: What say you for the

3 defendant?

4 MR. WALKER: Please excuse the juror.

5 THE CLERK: Juror number 163. What say

6 you for the State?

7 MS. KEENEY: Please present this juror.

8 THE CLERK: What say you for the

9 defendant?

10 MR. WALKER: Please seat the juror.

11 THE CLERK: Juror number 223. What say

12 you for the State?

13 MS. KEENEY: Please present the juror.

14 THE CLERK: What say you for the

15 defendant?

16 MR. WALKER: Please seat the juror.

17 THE CLERK: Juror number 28. What say

18 you for the State?

19 MS. KEENEY: Please present this juror.

20 THE CLERK: What say you for the

21 defendant?

22 MR. WALKER: Please seat the juror.

23 THE CLERK: Juror number 51. What say

24 you for the State?

25 MS. KEENEY: Please excuse this juror.

1 THE CLERK: Number 165. What say you for
2 the State?

3 MS. KEENEY: Please present this juror.

4 THE CLERK: What say you for the
5 defendant?

6 MR. WALKER: Please excuse the juror.

7 THE CLERK: Juror number 102. What say
8 you for the State?

9 MS. KEENEY: Please present this juror.

10 THE CLERK: What say you for the
11 defendant?

12 MR. WALKER: Please seat the juror.

13 THE CLERK: Jury number 34. What say you
14 for the State?

15 MS. KEENEY: Please present this juror.

16 THE CLERK: What say you for the
17 defendant?

18 MR. WALKER: Please seat the juror.

19 THE CLERK: Judge, that's your first
20 12.

21 THE COURT: Thank you.

22 THE CLERK: Alternates.

23 THE COURT: Strikes are 1 and 2.

24 THE CLERK: Juror number 113. What say
25 you for the State?

1 THE COURT: Juror number 113? Is 113
2 here?

3 JUROR 113: 113?

4 THE COURT: Yes, sir.

5 THE CLERK: What say you for the State?

6 MS. KEENEY: Please present this juror.

7 THE CLERK: What say you for the
8 defendant?

9 MR. WALKER: Please excuse the juror.

10 THE COURT: Sit down, sir.

11 THE CLERK: Juror number 110. What say
12 you for the State.

13 MS. KEENEY: Please present this juror.

14 THE CLERK: What say you for the
15 defendant?

16 MR. WALKER: Please seat the alternate.

17 THE COURT: Okay.

18 THE CLERK: Second alternate.

19 Juror number 144. What say you for the
20 State?

21 MS. KEENEY: Please present this juror.

22 THE CLERK: What say you for the
23 defendant?

24 MR. WALKER: Please excuse the juror.

25 THE CLERK: Juror number 215. What say

1 you for the State?

2 MS. KEENEY: Please present this juror.

3 THE CLERK: What say you for the
4 defendant?

5 MR. WALKER: Please seat the alternate.

6 THE CLERK: Judge that's your 12 and two
7 alternates.

8 THE COURT: Thank you.

9 Are there any matters we need to take up
10 regarding the jury selection process from the
11 State?

12 MS. KEENEY: None from the State.

13 THE COURT: From the defense?

14 MR. WALKER: No.

15 THE COURT: Thank you. Ladies and
16 gentlemen, if you'll just keep your seats for a
17 brief moment.

18 Ladies and gentlemen that are back here
19 in the gallery, I'm now going to excuse you with
20 my thanks. You are released for the remainder of
21 the week. If you need a work excuse, simply ask
22 the bailiffs and they'll give you one downstairs.
23 You are excused, thank you.

24 (Jury panel excused at 3:41 p.m.)

25 THE COURT: Well, welcome again, ladies

1 and gentlemen. As I told you earlier, my name is
2 Carmen Mullen. I am one of the 14th Circuit
3 judges who has the pleasure of being here with you
4 this week.

5 Ladies and gentlemen, before we break for
6 the day, there's just a few ground rules I need to
7 explain to you before we start so you know what to
8 anticipate tomorrow morning.

9 To begin with, we are going to start with
10 you at 10:00 a.m. Is that a problem for anyone
11 tomorrow? I want to make sure that's acceptable
12 to you-all. Our hope for tomorrow is that we put
13 up all the evidence tomorrow and then be able to
14 argue and charge in this case on Wednesday
15 morning. We will complete this case Wednesday.

16 Also I want you to know that your Clerk
17 of Court, Becky Hill, has instructed me that she
18 is going to feed you tomorrow for lunch. So when
19 you come in either in the morning or potentially
20 today, she is going to take out an order form to
21 be able to make sure the lunch is brought in for
22 you.

23 Ladies and gentlemen, to begin with, it's
24 been very recently that our chief justice has
25 permitted cell phones to come into a courthouse

1 and into a court room. Before, about a month ago,
2 we were never allowed to have them. We would
3 always take them at the door. Ladies and
4 gentlemen, if you did bring a cell phone in, when
5 you come back in tomorrow morning, you're going to
6 be asked to place it into a little bin and it's
7 going to be turned off. I'll tell you, ladies and
8 gentlemen, the reason why we don't like you having
9 them back in the jury with you is because you can
10 get so much information off of a cell phone. We
11 wouldn't want you, in any way, to do any
12 independent research, so we take them from you.
13 If you need to make a call while you're here,
14 simply ask your bailiff. If you say, I need my
15 phone, I need to make a phone call. If you're
16 worried about anyone reaching you emergently while
17 you're here performing jury duty, simply tell them
18 to call the Colleton County, clerk of court's
19 office, they're going to come find me and I will
20 find you immediately if there are any issues. All
21 right?

22 We do have two alternates in this case.
23 And, gentleman, I'm going to tell you right now
24 since the day of COVID, every trial I've tried
25 since the beginning of COVID, I've had jurors that

1 either have to be excused or fall ill or there's
2 an issue. So please understand that we may need
3 you. So I need you to pay attention.

4 I also need to tell you that the order
5 that you were chosen as alternates is not the
6 order that you would be chosen. If I have to
7 excuse a juror during the trial of this case, I'm
8 simply going to pull you both out of a hat and
9 that's how we're going to choose. All right? And
10 it can be that we lose two jurors. That's always
11 a possibility. So I appreciate you being here as
12 well.

13 Ladies and gentlemen, when you go home
14 tonight, you are not permitted to discuss this
15 case with anyone. That includes friends, family
16 members, loved ones, colleagues. Ladies and
17 gentlemen, the only thing you are permitted to say
18 is you've been chosen as a juror in the trial of a
19 criminal case. You can't say the parties
20 involved. You cannot say the lawyers involved.
21 And you cannot talk about the defendant or any of
22 the witnesses' names you potentially heard.

23 Ladies and gentlemen, the reason is this:
24 Someone is going to try to tell you something
25 about something when they know nothing about this

1 case. You are going to have everything you need
2 to decide this case right here in this courtroom
3 from the evidence that's presented to you and it
4 would be highly inappropriate for you to be
5 influenced by an outside source. Therefore, I
6 just tell you simply you cannot discuss it.

7 After the jury has reached a verdict,
8 when you go home on Wednesday, if you want to
9 discuss it, it will be up to you whether or not
10 you want to. But until then, you are not to
11 discuss it with anyone. And, again, that includes
12 each other until you've heard all the evidence,
13 you've heard the lawyers charge -- I'm sorry --
14 arguments and my charge on the law. All right?

15 Also, ladies and gentlemen, you are not
16 to do any independent research over the evening or
17 during lunch hours. Again, I'm going to charge
18 you on the law that's applicable to this case.
19 You don't need to know anything when you come in
20 here with your good common sense and life
21 experience. Your job at the end of this trial is
22 going to take the law as I give it to you and
23 apply it to the facts as you find them as a
24 jury, and, from there, you're going to render a
25 verdict.

1 Ladies and gentlemen, I don't think
2 there's going to be anything in the newspaper or
3 on the news or on the radio about this case, but
4 out of an abundance of caution, you are to change
5 the channel, turn the page. You are not to read
6 anything about this case whatsoever. All right?

7 Also, ladies and gentlemen, I am
8 instructing you not to blog, Facebook, or discuss
9 this case on social media in any way. You're not
10 even permitted to say you've been chosen as a
11 juror. Again, the reason why is, it invited
12 comment and I wouldn't want anyone to reach out to
13 you. This is an anonymous process, ladies and
14 gentlemen. Therefore, you are not to talk about
15 it on any social media sites.

16 Also, I've instructed the parties, the
17 lawyers, and the witnesses in this case to not
18 speak to you when coming and going from the
19 courthouse, and the reason is this: Even a
20 conversation out in the parking lot of, "It's
21 gorgeous out," is going to be captured and it's
22 going to be relayed back to me and I'm going to
23 have to ask you about it. So out of an abundance
24 of caution, I just tell you that, the lawyers,
25 they're not going to speak to you when coming and

1 going. So if you happen to pass them and they
2 don't even say hello, please understand that and
3 they're not being unkind in any way. They're
4 simply following my orders.

5 Additionally, ladies and gentlemen, if
6 you have any issues during the trial of this case
7 or any problems, I need you to bring it up to the
8 bailiffs. You're also not permitted to talk to me
9 directly during the trial of the case. If you do
10 have a problem, an issue, or anything that you
11 need while you're performing jury duty, I need you
12 to immediately go up to your bailiff and tell them
13 what you need and then they'll come to me and I
14 will do everything I can to accommodate you. All
15 right?

16 Lastly, ladies and gentlemen, or second
17 to the last, I can't start until all 14 of you are
18 here. There are some matters of law that I need
19 to take up with the lawyers, so we're going to be
20 here earlier than you tomorrow. But I need all 14
21 of you here at ten o'clock tomorrow morning or I
22 can't start. So for any reason, you fall ill, or
23 have an emergency, or anything over the night, I
24 need you to call into the clerk of court's office
25 at 8:00 in the morning when it opens, because I'm

1 going to be looking for you and I'm going to be
2 concerned about you. All right?

3 Also, if anyone needs a ride either to or
4 from the courthouse, if that is an issue in any
5 way, I need you to tell the deputies or the
6 bailiffs as well and we can certainly accommodate
7 you. All right?

8 Ladies and gentlemen, the last thing I
9 need you to do when you leave here today is, I
10 need you to elect a foreperson. A foreperson
11 doesn't have any more say than anyone else.
12 They're simply the person who is going to fill out
13 the verdict form at the end of this case. Ladies
14 and gentlemen, also, they're the person that when
15 the case gets sent to you for your deliberations,
16 they are the ones that are going to make sure that
17 everyone is contributing to the discussion. I'm
18 going to ask that foreperson to take this front
19 seat right here during the trial of this case. As
20 far as the rest of trial is concerned, I just need
21 my alternates staying back there where I see you,
22 but the rest of you can move around as you want
23 and come and go. You have to stay in the same
24 seats. You're welcome to if you'd like, but it's
25 certainly not necessary. I just need to make sure

1 I have my foreperson to communicate with.

2 I'm also going to need the foreperson to
3 let me know tomorrow if anyone has any prior
4 engagements that they have to be out of here at a
5 certain point. Of course, when you came in today,
6 you had no idea you would be chosen as a juror.
7 You may have other things that you have to do, and
8 I just need to know what time you need to leave if
9 anyone has a specific appointment or engagement
10 that they cannot get out of tomorrow night. All
11 right? So, if you would, just let your foreperson
12 that you elect know that.

13 Lastly, ladies and gentlemen, we are
14 going to get a good phone number from all of you.
15 We do that on the off chance that something occurs
16 and we can't go forward, or anything along those
17 lines, we will call you. We do everything we can
18 to, you know, keep you from coming back to the
19 courthouse as little as we can.

20 All right. If that's acceptable to
21 everybody, I look forward to seeing you-all again
22 10:00 a.m. tomorrow morning. We're going to send
23 you back to your jury room so you know where to
24 report tomorrow morning. As I said, your clerk of
25 court is going to bring in lunch for us. And

1 we're going to work through the day, ladies and
2 gentlemen, and we will work as long as my
3 foreperson tells me you-all are able to work
4 tomorrow. Okay?

5 And, if you need anything while you're
6 performing jury duty, simply ask the bailiff and he
7 will come straight to me and we will take care of you.
8 Okay?

9 I appreciate it, ladies and gentlemen.
10 We're grateful you're here and we want to thank
11 you. I'm going to go ahead and excuse you back to
12 your jury room at this point so you know where
13 you're going to go when you come in in the
14 morning. Thank you. You're excused.

15 (Jury excused at 3:50 p.m.)

16 THE COURT: Thank you.

17 All right. Anything we need to do before
18 tomorrow morning? I believe we decided we're going to
19 start at 9:30 a.m. tomorrow morning. We're going to
20 do at least a proffer, potentially, with whoever
21 Miss Twitty's stand-in is; is that correct?

22 MS. KEENEY: No. We're going to do
23 Brooke Bentley's proffer to determine the
24 admissibility of the forensic interview.

25 THE COURT: Okay. So, if you are

1 bringing someone in for the late disclosure
2 evidence, when is that person coming?

3 MS. KEENEY: I don't know if I am, yet.

4 THE COURT: Okay.

5 MS. KEENEY: I haven't actually confirmed
6 yet.

7 THE COURT: So we'll start with Brooke,
8 9:30 a.m. Is that fine, Mr. Walker?

9 MR. WALKER: Yes, Your Honor.

10 THE COURT: All right. You-all have a
11 good evening. I'll see you-all tomorrow morning
12 by 9:30. Thank you.

13 (The trial was adjourned at 3:51 p.m.)

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CERTIFICATE OF REPORTER

I, SHARON G. HARDOON, Official Circuit Court Reporter, III for the State of South Carolina at Large, 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 General Sessions Court for Colleton County, South Carolina.

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

November 10, 2023

A handwritten signature in cursive script, reading "Sharon G. Hardoon". The signature is written in dark ink and is positioned above a horizontal line.

Sharon G. Hardoon, CSR
Official Circuit Court Reporter, III

1 STATE OF SOUTH CAROLINA
2 IN THE GENERAL SESSIONS
3 COUNTY OF COLLETON

4 State of South Carolina,

5 vs.

Transcript of Record
2021-GS-15-00605
2021-GS-15-00606

6 Bradley Lamont Jackson,

7 Defendant.
8
9

10 June 27, 2023
11 Walterboro, South Carolina

12 B E F O R E:

13 The HONORABLE CARMEN MULLEN
14

15 A P P E A R A N C E S:

16 Julie Kate Keeney, Solicitor

17 Matthew Walker, Representing the defendant
18
19
20
21

22 SHARON G. HARDOON, CSR III
23
24
25

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1 THE BAILIFF: All rise.

2 THE COURT: Be seated.

3 Miss Keeney?

4 MS. KEENEY: I do want to address one
5 thing about the Victim Bill of Rights. I looked
6 at it up about whether or not --

7 THE COURT: And?

8 MS. KEENEY: It looks like under South
9 Carolina Constitution, Article I, Section 24, Bill
10 of Rights, when they define the victim, they said
11 that it also includes persons -- a person who is a
12 minor or incompetent, and they also represent a
13 victim someone who is deceased or is a minor. So
14 I believe under that, the aunt could be in here if
15 she wanted to. The actual victim only wants to
16 come in for her testimony.

17 THE COURT: Okay.

18 MS. KEENEY: She won't be in here. The
19 aunt wants to be in here.

20 THE COURT: I think she has a right to be
21 here.

22 MS. KEENEY: I don't even know if I'll
23 call her to testify. I don't think I am. She's
24 on the witness list in case something comes up. I
25 might, but she's not -- I don't plan on calling

1 her to testify.

2 THE COURT: Okay. Anything from you,
3 Mr. Walker?

4 MR. WALKER: I guess I'll just rely on
5 the State that she is currently the guardian in
6 flux at the moment.

7 MS. KEENEY: It changes next week. She
8 goes back to her mom next week, but she is the
9 current guardian.

10 THE COURT: Right now. Okay.

11 MR. WALKER: She's also on my witness
12 list and I may or may not call her. Obviously,
13 she has a right to be here if she has a right to
14 be. I guess she won't be subject to sequestration
15 on my part to my motion, so they don't care. That
16 wouldn't be an issue.

17 THE COURT: Okay.

18 MR. WALKER: So I think that would be
19 all.

20 THE COURT: Thank you.

21 MS. KEENEY: The State is ready for the
22 proffer.

23 THE COURT: Okay. Let's go ahead. Why
24 don't you call your witness.

25 MS. KEENEY: The State calls Brooke

1 Bentley.

2 THE COURT: Come forward Miss Bentley.

3 Swear her in, please.

4 THE CLERK: Raise your right hand, left
5 hand on the Bible. Do you solemnly swear or
6 affirm the testimony you're about to give the
7 Court shall be the truth so help you God?

8 THE WITNESS: I do.

9 THE CLERK: Have a seat on the witness
10 stand. State your name again for the record.
11 Spell your last name.

12 THE WITNESS: Brooke Bentley,
13 B-e-n-t-l-e-y.

14 THE COURT: Let me ask you just a couple
15 of quick questions and I might be able to cut to
16 the chase. Have you testified in State court
17 before?

18 THE WITNESS: Yes.

19 THE COURT: How many times?

20 THE WITNESS: Just a handful.

21 THE COURT: And you have been qualified
22 as a forensic examiner; is that correct?

23 THE WITNESS: Yes.

24 THE COURT: Okay. And she understands
25 the limitations that she's allowed as far as her

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1 testimony?

2 MS. KEENEY: I'm just using her to get
3 the video in.

4 THE COURT: Exactly. So go ahead.

5 WHEREUPON:

6 PROFFERED

7 BROOKE BENTLEY,
8 after having been sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. KEENEY:

11 Q Miss Bentley, where do you work?

12 A At Hopeful Horizons.

13 Q How long have you worked at Hopeful Horizons?

14 A This October will be six years.

15 Q What's your position there?

16 A I'm the lead forensic interviewer and also a
17 therapist there.

18 Q How many forensic interviews have you done?

19 A As of Friday of last week, 688.

20 Q Okay. And have you had any specialized training
21 to become a forensic interviewer?

22 A Yes. Our protocol at Hope Horizons and in
23 the state of South Carolina is Child First.

24 Q And what is Child First? What does that training
25 look like?

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1 A So it's a week-long training where we go,
2 which is put on by the Children's Law Center in
3 Columbia. So we do that training for a week. We
4 do mock interviews at the end of the week, and it
5 just qualifies us to begin interviewing at our
6 agencies.

7 Q And what would you say were, like, the main rules
8 of a forensic interviewer?

9 A Non-leading, no introduction of evidence,
10 following the child throughout the interview.
11 Those are the basics.

12 Q And very, very briefly, can you tell the Court
13 about your educational background?

14 A Yes. I have a bachelor's in psychology and a
15 master's in professional counseling.

16 Q And you interviewed MINOR in this case?

17 A Yes.

18 Q And you've watched that video?

19 A Yes.

20 Q And would you say you complied with the main rules
21 of forensic interviewing with no leading questions?

22 A Yes.

23 MS. KEENEY: And, Your Honor, I marked
24 Court's Exhibit 1, which is her CV.

25 THE COURT: Okay.

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1 MS. KEENEY: I don't know if you've had
2 on opportunity to look at that.

3 THE COURT: I have a copy. My
4 understanding is all you're using her for is to
5 introduce --

6 MS. KEENEY: Authenticate the video.

7 THE COURT: That's it, correct?

8 MS. KEENEY: Yes.

9 THE COURT: Okay.

10 (COURT EXH. 1, Bentley CV, was marked for
11 identification.)

12 THE COURT: Anything else?

13 MR. WALKER: No questions Your Honor.

14 THE COURT: No questions. All right.
15 You may step down. Thank you.

16 THE WITNESS: Thank you.

17 THE COURT: All right. Any chance our
18 entire jury is here? I know we're a little bit
19 early this morning.

20 Yes, sir.

21 MR. WALKER: Just to put on the record, I
22 know the case law is against me, but I don't
23 consent to the video coming in so I object to that
24 based on bolstering and due process, and all those
25 thing's the courts state. I don't want it to go

1 Proffered: Brooke Bentley
2 above me without having objected to that video
3 coming in. Thank you.

4 THE COURT: I understand. And I think on
5 even any kind of analysis, clearly it's relevant.
6 It clearly goes to the elements of the case. And,
7 clearly, under a 403 analysis it's probative value
8 outweighs any credulous. Respectfully, I'm going
9 to allow it.

10 MS. KEENEY: Judge, just for the record,
11 I'm going to make my motion and my argument and
12 admit this as Court's Exhibit 2.

13 THE COURT: Perfectly fine.

14 (COURT EXH. 2, Video of Forensic Interview;
15 MINOR was marked for identification.)

16 THE COURT: Well, the jury is not all
17 here yet. Is there any other housekeeping matters
18 that we need to put on the record before we begin?
19 No?

20 Just so I understand, Miss Keeney, who is
21 your first witness going to be?

22 MS. KEENEY: Ross Hantz from the
23 Walterboro Police Academy.

24 THE COURT: Okay. Is there any
25 particular time we need to get Miss Bentley up and
out? I just don't want to take a break -- and

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1 Proffered: Brooke Bentley
she's back there smiling, so she says please.

2 MS. KEENEY: She works right across the
3 street, so I'm going to send her out and I'm going
4 to text her when it's about her time.

5 THE COURT: Okay.

6 MS. KEENEY: She's not going to be
7 towards the beginning. She's, like, less than a
8 half a mile away. Across the street.

9 THE COURT: Okay. Can we get the
10 witness's email address that is going to have to
11 Webex in so we can get that ready and make sure
12 that person has the link? It won't be until your
13 case, correct?

14 MR. WALKER: Yes, Your Honor.

15 THE COURT: So it will be later this
16 afternoon.

17 MR. WALKER: If we need her at all.

18 THE COURT: If you need her at all.

19 MR. WALKER: My other staffer who was in
20 contact with her is going to be here shortly. So
21 as soon as we get it from her, we'll get that to
22 you.

23 THE COURT: Thank you. When you have it,
24 can you just bring it up to Kylin, even if we're
25 going. You can just tell her to bring it up and

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1 then that way we can make sure we're ready to go
2 if we need it.

3 It's my understanding the jury is here.
4 Are you ready or do you need two minutes?

5 THE CLERK: I need two minutes.

6 MR. WALKER: As far as I know, they're
7 trying to get that working.

8 THE COURT: Are we ready to go?

9 All right. Let's bring the jury in.

10 (Jury enters the courtroom at 9:55 a.m.)

11 THE COURT: Good morning, ladies and
12 gentlemen of the jury. Thank you for being so
13 prompt. Ladies and gentlemen, at this time, we
14 are going to begin the trial of the case.

15 The first thing we have to do is swear
16 you in as the jury. I'm going to make a few brief
17 opening comments and then the lawyers are going to
18 make their opening statements, and then the State
19 is going to begin calling witnesses.

20 All right. So, ladies and gentlemen, if
21 you-all will please rise, the clerk is going to
22 administer the oath. When you accept the oath,
23 say "I do," and take a seat. All right.

24 THE CLERK: Do you solemnly swear or
25 affirm that you shall well and truly try and true

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1 deliverance make between the State of South
2 Carolina and the accused at the bar and a true
3 verdict give according to the evidence and the law
4 so help you God?

5 JURY PANEL: I do.

6 THE COURT: Thank you.

7 Ladies and gentlemen, what I am now going
8 to say to you is intended to serve as an
9 introduction to the trial of this case. These
10 remarks are not a charge on the law. I'm going to
11 instruct you on the law that's applicable to this
12 case at the very end of the trial. This is merely
13 an explanation of the procedure that we're going
14 to follow so you can better understand what's
15 happening.

16 Now, ladies and gentlemen, the defendant
17 in this case, Mr. Jackson, is charged by
18 indictments filed in this court with the offense
19 of criminal sexual conduct with a minor in the 1st
20 degree. The elements of which I will explain to
21 you at the end of this case.

22 Now, an indictment is simply the charge
23 by which a case is brought into the courtroom, and
24 it is not in any sense evidence of any of the
25 allegations that it contains.

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1 Now, in this case, the defendant, Mr.
2 Jackson, has pled not guilty to these indictments.
3 The State, therefore, has the burden of proving
4 each of the elements of the indictments beyond a
5 reasonable doubt, and it's your job as jurors to
6 determine whether the State has met that burden.

7 Now, your purpose as jurors is to find
8 and determine the facts. You, the jury, are the
9 sole judge of all facts in this case. If, at any
10 time, I make any comment regarding the facts of
11 this case, you must disregard it and you are to
12 determine the facts of this case from the
13 testimony that's presented right here from the
14 witness stand as well as any other evidence that's
15 introduced in the trial of this case. Please
16 understand it is especially important that you
17 perform your duty of determining the facts
18 diligently and conscientiously because ordinarily
19 there is no way to correct an earnest
20 determination of the facts by a jury. On the
21 other hand and with equal emphasis, the same law
22 that makes you, the jury, the judge of the facts
23 makes me the judge of the law. The law given by
24 the Court is the only law you may consider. I
25 cannot tell you what the facts of this case are

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1 and you cannot disagree with me about what the law
2 is or what you think the law ought to be. Your
3 job at the end of this trial is to take the law as
4 I give to you and apply it to the facts as you
5 find them and from there render a verdict.

6 Now, until I tell you to begin your
7 deliberations, you must not discuss this case with
8 anyone and that includes your fellow jurors until
9 you've heard all the evidence, you've heard the
10 lawyers' closing statements, and I've charged you
11 on the law that's applicable to this case. As I
12 instructed you as well, I don't think there's
13 going to be anything in the news or the newspaper
14 or the radio about this case, but, again, out of
15 an abundance of caution, ladies and gentlemen, if
16 you do come across anything, you are to turn from
17 it, disregard it. Again, it's not appropriate for
18 you to consider any outside source, ladies and
19 gentlemen.

20 Please understand it is important you
21 keep an open mind and not decide any issue in this
22 case until all the evidence has been presented,
23 the parties have made their closing arguments,
24 and, again, I've charged you on the law.

25 Ladies and gentlemen, now in just a

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1 moment, the solicitor is going to make what's
2 called an opening statement in which she is going
3 to explain to you the issues in this case, or at
4 least what she believes the issues are in this
5 case.

6 The defense attorney is then going to
7 also make an opening statement, although he is not
8 required to do so.

9 I want you to understand that what these
10 lawyers tell you in their opening statements is
11 not evidence in this case. Again, it is just
12 their contention of what they believe the evidence
13 is going to show. I remind you, the evidence
14 comes from the witness stand, as well as anything
15 else that's entered into the trial.

16 Now, ladies and gentlemen, I want you to
17 know that from time to time, you will hear one of
18 the lawyers say something like, Your Honor,
19 there's a matter of law I need to take up or I may
20 motion them to come talk to me at the bench, or I
21 may even need to send you out of the courtroom. I
22 want you to understand something, we're not hiding
23 anything from you. Oftentimes when I have to rule
24 as a matter of law, whether or not certain
25 testimony is admitted, I may make a comment on the

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1 facts of the case. And because I would never want
2 anything I do to influence you in your
3 determination of the facts. We just do it outside
4 of your presence out of an abundance of caution.

5 Now, in determining what the true facts
6 are in the case, you must decide if the testimony
7 of the witness is believable. And it's my
8 responsibility to rule as a matter of law, but
9 whether or not you believe the testimony is for
10 you to determine. In deciding whether to believe
11 a witness's testimony, you have the right to
12 consider the interest of the witness, the bias of
13 the witness, the prejudice of the witness, and you
14 look at the opportunity that that witness had to
15 have seen the matters and things about which the
16 witness may testify, and you may also look at the
17 way the witness acts on the witness stand. You
18 have the right to consider anything that is in the
19 record that will help you evaluate the testimony
20 of the witness. That means, ladies and gentlemen,
21 it is your duty to pay close attention to these
22 witnesses to observe them so at the end of the
23 case, you can accurately remember the testimony as
24 it was given.

25 Now, in order to preserve everyone's

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1 rights, I'm going to ask the attorneys if they
2 have any objections or additions to my opening
3 comments. If not, ladies and gentlemen, we're
4 going to go ahead and begin the trial of this
5 case.

6 Anything from the State?

7 MS. KEENEY: Nothing from the State.

8 THE COURT: Anything from the defense?

9 MR. WALKER: No, Your Honor.

10 THE COURT: Ladies and gentlemen, we will
11 now begin the trial of this case. Miss Keeney,
12 whenever you're ready.

13 MS. KEENEY: Thank you. May it please
14 the Court?

15 THE COURT: Yes, ma'am.

16 OPENING STATEMENT

17 MS. KEENEY: Good morning. The first
18 thing I'm going to tell you-all, this is not going
19 to be an exciting case or anything like you've
20 ever seen on TV. In fact, it's going to be a very
21 uncomfortable case because the defendant in this
22 case, Bradley Lamont Jackson, called Lamont,
23 repeatedly raped a little girl named **MINOR**
24 **██████████** It started when she was about seven
25 years old and it ended when she was nine years old

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1 when she finally found the courage to tell someone
2 what happened.

3 Now, the person she told was her mother
4 named Rhoda Manigo. Rhoda dated the defendant for
5 a number of years and they all lived together in
6 an apartment in the Village here in Walterboro.

7 Now, you're going to hear from law
8 enforcement and you're going to hear from Rhoda
9 and Rhoda is going to tell you what she did and
10 what she didn't do when MINOR told her. MINOR was
11 scared to tell because of the things the defendant
12 had said to her. So when she finally got the
13 courage to tell, she wrote on a piece a paper,
14 *Lamont's been raping me*, to her mom because she
15 was afraid to say it out loud. She gave the paper
16 to her mom, and her mom confronted the defendant,
17 a man she had been with for a number of years and
18 a man who she thought she loved, and her mom
19 confronted him and he denied it, said MINOR was a
20 liar. Confronted him in front of MINOR as MINOR's
21 crying about it, and the mom, Rhoda, she didn't do
22 anything after that. She just wanted to be with
23 her man.

24 And so someone a few days later, after
25 MINOR told her mom what happened, gave an

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1 anonymous tip to DSS that **MINOR** had been raped.

2 That's how law enforcement got involved.

3 And so you're going to hear about how
4 Rhoda got charged with what we call unlawful
5 conduct towards a child which is basically putting
6 the child in an unreasonably dangerous situation,
7 basically knowing there's sexual abuse and not
8 doing anything about it.

9 So Rhoda is charged, but today is not
10 about Rhoda. Today is about what Lamont did to
11 this little girl. And you're going to hear from
12 the witnesses in this case. And at the end of
13 this, the judge is going to tell you about the law
14 in this case. Now, he is charged with two counts
15 of criminal sexual conduct with a minor 1st
16 degree. Now, one of the charges is for the
17 two-year time frame from when she was seven to
18 nine years old where he repeatedly raped her. And
19 then there's one other charge where it's a very
20 specific date because it was the last time he ever
21 did anything to her. And so she's going to go and
22 tell you in detail about that last time and about
23 the two years of repeated abuse.

24 And you're going to hear from the judge
25 that criminal sexual conduct with a minor 1st

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1 degree means when someone who engages in a sexual
2 battery with a child under 11, they're guilty of
3 criminal sexual conduct in the 1st degree. So
4 sexual battery means any type of intercourse
5 whether it's vaginal, anal, any type of oral sex,
6 digital penetration, fingers, or any type of
7 intrusion. So even if he put a little bit of his
8 finger in her, or any type of object in her, that
9 would be a sexual battery.

10 And at the end of this, I am going to ask
11 you to find Lamont guilty of these charges.

12 Thank you.

13 THE COURT: Mr. Walker.

14 MR. WALKER: Thank you, Your Honor. May
15 it please the Court?

16 THE COURT: Yes, sir.

17 OPENING STATEMENT

18 MR. WALKER: Good morning. As you heard
19 the judge say, this is my time to tell you what I
20 believe the evidence will show as we hear the
21 witnesses in this case.

22 Lamont Jackson is charged with criminal
23 sexual conduct with a minor 1st degree, two
24 counts. That's a lawyerly way of saying rape or
25 molestation. So if I say rape or molestation,

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1 that's what I mean. What he is charged with is
2 CSC with a minor. It's not -- the elements are
3 not in dispute. What is in dispute is whether it
4 happened or not.

5 So what will the evidence show? Well,
6 the evidence that you will hear elicited from the
7 State is to prove every element beyond a
8 reasonable doubt criminal sexual conduct with a
9 minor and Lamont committed that crime. That's
10 their job. That's what they're here to do.
11 That's why they are calling witness and presenting
12 evidence. And they're supposed to prove that
13 evidence is supposed to allow you to decide beyond
14 a reasonable doubt that the charges they have
15 brought are true. That they proved their case,
16 let me say it that way.

17 So, they have made the claim that Lamont,
18 over approximately a two-year period, digitally --
19 repeated digitally orally, vaginally, anally raped
20 that seven- to nine-year-old girl named MINOR
21 [REDACTED]. You might be the type of person that
22 maybe watched *Law & Order* or *SVU*, or you like the
23 *True Crime* podcast, but we're all well past the
24 age where we talked about the birds and the bees.
25 I want to pause for a moment and let you think

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1 about what kind of evidence you could hear from
2 the witness stand that would convince you beyond a
3 reasonable doubt that the claims being made are
4 true. What would you need to hear to go from the
5 presumptions of innocence to saying, well, that
6 claim has been proved to me beyond a reasonable
7 doubt.

8 If you have thought about it for a
9 minute, I can tell you you're not going to hear
10 any of that evidence because there is none. The
11 only evidence in this case is Miss MINOR saying
12 it happened.

13 Now, you're also not going to be able to
14 hear any evidence that Lamont didn't do it,
15 proving he didn't do it beyond a reasonable doubt.
16 A couple reasons for that. One is, as you heard
17 the judge say, the defense doesn't have to
18 prove or do anything. I don't to be here talking
19 to you and giving this statement. Lamont doesn't
20 have to be here if he doesn't want to. I can sit
21 there with my hands folded through the whole
22 trial. The burden of proof and presentation of
23 evidence is on the State who is making the claim
24 that Lamont committed a crime.

25 That's not to say you won't hear evidence

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1 casting the State's case into doubt. You will
2 hear that after this was reported, they collected
3 physical evidence, the unwashed clothes that MINOR
4 said she was wearing on the most recent incident
5 she claims happened, that it was sent to South
6 Carolina Law Enforcement Division for testing for
7 semen. None was found. They sent her to --
8 MINOR, the young lady, sent her to the medical
9 University of South Carolina for a medical exam to
10 see if there was any physical corroboration of the
11 abuse. None was found. You're going to hear that
12 MINOR and her older brother Larry are not the
13 biggest fans of him.

14 So as you give attention to the evidence,
15 just keep in mind, does this evidence that I'm
16 hearing do anything to advance the claim that's
17 being made? Is it proof of the claim being made
18 or is it just the claim being repeated?

19 At the end of this case, you're going to
20 be left -- and it is an uncomfortable topic. It
21 is an uncomfortable topic. You can't really be
22 charged with anything more serious penalty-wise,
23 other than murder, and, frankly, I think it
24 wouldn't be a stretch to say a lot of you would
25 rather be charged or dealing with a murder than a

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1 case like this.

2 So, these are serious, they are
3 uncomfortable, and emotions can run high, but
4 emotions cannot allow us to keep from taking a
5 close look at what evidence is actually being
6 presented. And I think once you see the lack of
7 evidence presented to you that you will have no
8 other choice but to mark your verdict form as not
9 guilty at the end of the trial.

10 Please give your attention to the State's
11 witnesses.

12 THE COURT: Thank you. Miss Keeney.

13 MS. KEENEY: The State calls Sergeant
14 Ross Hantz.

15 THE CLERK: Raise your right hand. Do
16 you solemnly swear or affirm the testimony you're
17 about to give the Court shall be the truth so help
18 you God?

19 THE WITNESS: I do.

20 THE CLERK: Take a seat in the witness
21 stand. State your name again for the record.
22 Spell your last name.

23 THE WITNESS: Sergeant Ross Hantz,
24 H-a-n-t-z.

25 MS. KEENEY: May it please the Court?

Testimony of Sgt. Ross Hantz

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1 THE COURT: Yes.

2 WHEREUPON:

3 SERGEANT ROSS HANTZ,

4 after having been sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. KEENEY:

7 Q Sergeant Hantz, where do you work?

8 A I work for the Waltherboro Police Department.

9 Q What's your position there?

10 A My position is sergeant.

11 Q Are you on the road, are you an investigator?

12 A I'm a road patrol sergeant, and my duties
13 there are responding to calls ranging from traffic
14 accidents to criminal reports.

15 Q So when 911 calls come in sometimes you might be
16 assigned to respond to that call.

17 A Yes, ma'am.

18 Q Did you say how long you've been at the police
19 department?

20 A I'm currently there for 10 years.

21 Q On May 25, 2021, how did you get involved in this
22 case?

23 A Between 12:30 and one o'clock in the
24 afternoon, I was dispatched to Waltherboro Village
25 which is [REDACTED] Green Pond Highway in reference to an

Testimony of Sgt. Ross Hantz

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1 alleged sexual assault that had taken place that's
2 in the city of the Walterboro, County of
3 Colleton.

4 Q Who did you meet with when you got there?

5 A When I got there, I met with a Mr. Stephens
6 who was the DSS case worker who had placed a call.
7 He informed me at that time that he was there
8 investigating an alleged sexual assault on a
9 nine-year-old female by the name of MINOR

10 Q Okay. Did you -- who else responded from the
11 police department?

12 A Once he gave me that information, I contacted
13 Investigator Fisk with the Walterboro Police
14 Department and informed her of the nature of the
15 call and why I was there.

16 Q Did you speak with the nine-year-old MINOR?

17 A I did not.

18 Q And is that the protocol when there's children
19 involved? Do you talked to the alleged --

20 A I would normally call the investigator and
21 let the investigator go ahead and make contact
22 with the individual.

23 Q Who else was at the house? What other family
24 members? MINOR was there; is that right?

25 A MINOR was there, and Larry was there,

1 who is her 15-year-old brother.

2 Q What about Rhoda Manigo, was she there?

3 A She was not there.

4 Q Do you know where she was?

5 A She was at work, and she works in another
6 county.

7 Q Okay. And who was the suspect?

8 A I was informed that the suspect was a Bradley
9 Jackson.

10 Q Was he there when you got there?

11 A He was not.

12 Q And Investigator Fisk, she responded to the scene?

13 A Investigator Fisk did respond to the scene
14 and she, at that time, went ahead and briefed her
15 and she ended up speaking to **MINOR**

16 Q Okay. And did you have any other involvement in
17 this case?

18 A The DSS worker did conduct a walk-through
19 through the apartment and I walked with him just
20 as a police presence. Once that was completed,
21 Investigator Fisk had gone to obtain a search
22 warrant in reference to the apartment. And once
23 that was completed, she returned to the scene.
24 And once that was completed, I went ahead and
25 turned the scene over to her.

Testimony of Sgt. Ross Hantz

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1 Q Okay. Is that all of your involvement?

2 A Yes.

3 Q Thank you.

4 MS. KEENEY: No further questions.

5 THE COURT: Mr. Walker?

6 MR. WALKER: No questions.

7 THE COURT: All right. Any objection to
8 this witness being excused.

9 MS. KEENEY: Not from the State.

10 MR. WALKER: No, Your Honor.

11 THE COURT: Thank you, sir. You are
12 excused.

13 Call your next witness.

14 MS. KEENEY: The State calls Sergeant
15 Whitlee Fisk.

16 THE CLERK: THE CLERK: Raise your right
17 hand. Do you solemnly swear or affirm the
18 testimony you're about to give the Court shall be
19 the truth so help you God?

20 THE WITNESS: Yes, ma'am.

21 THE CLERK: Have a seat in the witness
22 stand. State your name again for the record and
23 spell your last name.

24 THE WITNESS: Whitlee Fisk, F-i-s-k.

25 WHEREUPON:

Testimony of Sgt. Ross Hantz
WHITLEE FISK,

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1

2 after having been sworn, testified as follows:

3

DIRECT EXAMINATION

4

BY MS. KEENEY:

5

Q Investigator Fisk, where do you work?

6

A Walterboro Police Department.

7

Q What is your position there?

8

A I'm a sergeant in investigations.

9

Q And how long have you been at the Walterboro

10

Police Department?

11

A About nine years.

12

Q How long have you been in investigations?

13

A Since 2017.

14

Q And what are some of your general duties as an
15 investigator?

16

A We do any follow-ups that are required from
17 reports taken from our road patrol units. That
18 could be collecting videos, speaking to witnesses,
19 offenders, suspects, victims. We also have an
20 on-call rotation where we each, kind of, take
21 turns weekly. So if a major crimes happens
22 afterhours, we get called out and take the scene
23 over from there.

24

Q And on May 25, 2021, how did you get involved in
25 this case?

Testimony of Sgt. Ross Hantz

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1 A I was contacted by Sergeant Hantz.

2 Q Did you respond to the location?

3 A I did.

4 Q Where did you respond?

5 A I went to [REDACTED] Green Pond Highway, Apartment
6 [REDACTED].

7 Q And what town and county is that in?

8 A It's in Walterboro, which is Colleton
9 County.

10 Q And when you arrived, who did you meet with?

11 A I met with the DSS case worker and Sergeant
12 Hantz.

13 Q Were there any other witnesses on scene?

14 A Yes, there were two minor children on
15 scene.

16 Q Okay. And who were those minor children?

17 A [REDACTED] MINOR [REDACTED] and Larry [REDACTED].

18 Q How old was [REDACTED] MINOR [REDACTED] at the time?

19 A [REDACTED] MINOR [REDACTED] would have been nine.

20 Q And do you remember how old Larry was?

21 A Fifteen.

22 Q And were there any adults present that were
23 guardians --

24 A No.

25 Q -- or moms or dads?

1 A No, ma'am.

2 Q And did you speak with MINOR?

3 A I did, very briefly.

4 Q Okay. Was that just to get an idea of what was
5 going on?

6 A Yes, ma'am. Just to get a basic
7 understanding of why we were there.

8 Q What is the general protocol when it comes to
9 criminal sexual conduct cases with a minor when
10 speaking with the children involved?

11 A With minors, we always schedule forensic
12 interviews.

13 Q Okay. What is a forensic interview? Where do
14 they do these at?

15 A It's just an interview that takes place at
16 the child advocacy center.

17 Q And what's our child advocacy center here in
18 Colleton County?

19 A Hopeful Horizons.

20 Q So you speak with MINOR; is that right?

21 A Yes.

22 Q Did she make a disclosure of sexual abuse to
23 you?

24 A She did.

25 Q Did she say where it happened?

Testimony of Sgt. Ross Hantz

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1 A She said it happened at the apartment.

2 Q That you were at?

3 A That we were at?

4 Q In Colleton County?

5 A Colleton County, yes, ma'am.

6 Q And did she tell you when the last incident was?

7 A Yes, ma'am. She said it was the Friday
8 before we got called, so about four days prior.

9 Q Is that May 21st of 2021?

10 A Yes, ma'am.

11 Q That would have been four days prior?

12 A Yes.

13 Q Okay. And when it's four days after the last
14 incident, what is the general protocol about the
15 medical exam?

16 A So medical exams at that time were done --
17 were not done after 72 hours. There's always a
18 three-day window, so we were outside of that at
19 that time.

20 Q And the medical exam that you're referring to is
21 basically to collect DNA evidence?

22 A Yes, ma'am.

23 Q So it's within, at that time, 72 hours, you would
24 have made arrangements for her to go to either MUSC or
25 somewhere to do a medical exam?

1 A Yes, ma'am.

2 Q And if it was within 72 hours, they would have
3 tried to -- like do swabs to see if there was any
4 semen or DNA?

5 A Yes, ma'am.

6 Q But because you were outside of that window, you
7 couldn't do that then?

8 A Correct.

9 Q When you're on scene that day on the 25th, what
10 else did you do when you were there?

11 A After speaking with MINOR, I asked her if
12 she remembered what she was wearing the four days
13 prior. She told me she did, and I asked her if
14 she could show where they were.

15 Q Okay. And where did she show you these clothes
16 were?

17 A She showed me in her bedroom. They were in a
18 drawer.

19 Q What else in the drawer?

20 A It was mixed in with other clothing.

21 Q Okay. So it wasn't like organized drawer?

22 A Not at all. Yeah, not at all.

23 Q What was the general -- how was the house, or
24 apartment, how did it look?

25 A Messy. I'd say it was very messy.

Testimony of Sgt. Ross Hantz

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1 Q So you're relying on a nine-year-old to tell you
2 what she wore four days prior?

3 A Correct.

4 Q That's the best you could do, correct?

5 A Correct.

6 Q And you don't really have any personal knowledge
7 of whether those clothes were washed, do you?

8 A I do not.

9 Q And you don't even have any personal knowledge if
10 that was exactly what she was wearing that day?

11 A Correct.

12 Q And you collect those clothes, correct?

13 A I did, yes, ma'am.

14 Q Can you tell me the layout of this apartment? Was
15 it two stories?

16 A It was a two-story. The second floor was all
17 the bedrooms, and a bathroom, I believe. And the
18 first floor was the kitchen and living room.

19 Q So there's two floors. I'm going to show you
20 what's been marked as State's Exhibits 1 through 4.

21 MS. KEENEY: May I approach the witness?

22 THE COURT: You may.

23 (PLF EXH. 1, Photo, was marked for
24 identification.)

25 (PLF EXH. 2, Photo, was marked for

1 identification.)

2 (PLF EXH. 3, Photo, was marked for
3 identification.)

4 (PLF EXH. 4, Photo, was marked for
5 identification.)

6 BY MS. KEENEY:

7 Q I'm showing you State's Exhibits 1 through 4. Can
8 you tell me if you recognize these photos?

9 A Yes, ma'am.

10 Q What are those photos of?

11 A These are the photos that I took of the
12 apartment.

13 Q Are these a fair and accurate depiction of what
14 the apartment looked like on May 25, 2021?

15 A Yes.

16 MS. KEENEY: At this time, the State
17 moves to admit State's 1 through 4 into
18 evidence.

19 MR. WALKER: No objection.

20 THE COURT: Without objection, they're in
21 evidence.

22 MS. KEENEY: Permission to publish.

23 THE COURT: You may.

24 (PLF EXH. 1, Photo, was entered into
25 evidence.)

Testimony of Sgt. Ross Hantz

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1 (PLF EXH. 2, Photo, was entered into
2 evidence.)

3 (PLF EXH. 3, Photo, was entered into
4 evidence.)

5 (PLF EXH. 4, Photo, was entered into
6 evidence.)

7 BY MS. KEENEY:

8 Q This is State's Exhibit 1. What does this depict?

9 A The staircase leading to the second floor.

10 Q Okay. So all the bedrooms are at the top; is that
11 correct?

12 A That's correct.

13 Q Living room area and kitchen are downstairs?

14 A Yes, ma'am.

15 Q And then State's Exhibit 2, just another angle of
16 it; is that correct?

17 A Yes, ma'am, when you get to the top of the
18 stairs.

19 Q Do the stairs, like, spin -- do they go up and up
20 another set of stairs? How does that work?

21 A It's just one set of stairs.

22 Q One set of the stairs.

23 A Yeah.

24 Q And then State's Exhibit 3, what is this?

25 A That's **MINOR**'s bedroom.

1 Q And does she have a normal bed?

2 A Just the air mattress.

3 Q The air mattress?

4 A Yes, ma'am.

5 Q She, kind of, has items scattered throughout her
6 room?

7 A Yes, ma'am.

8 Q Probably common for a child?

9 A Yeah.

10 Q And then what is this?

11 A That's also a photo of MINOR's room just
12 outside the door.

13 Q And she has a door, correct?

14 A Yes, she does.

15 Q Thank you.

16 That same day, did you interview MINOR's mom?

17 A I sat in on the DSS interview.

18 Q Okay. And what's her mom's name?

19 A Rhoda Manigo.

20 Q And did you ask to meet with Rhoda the next day on
21 your own?

22 A I did. I asked her if she would come into
23 police headquarters for an interview.

24 Q And when you met with Rhoda, did you advise her of
25 her rights, Miranda rights?

Testimony of Sgt. Ross Hantz

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1 A I did.

2 Q And did she agree to speak with you?

3 A She did.

4 Q And based on what Rhoda said to you and what she
5 told what happened, what did you do?

6 A As a result of her interview, I felt it was
7 appropriate to issue an arrest warrant for
8 unlawful conduct towards a child.

9 Q So you arrested her then?

10 A Yes.

11 Q And do you know what happened with MINOR and Larry
12 after you arrested Rhoda? Do you know whose custody
13 they went to?

14 A They went to their aunt.

15 Q They went to their aunt?

16 A Yes, ma'am.

17 Q And how long have they been with their aunt? Does
18 the aunt still have them as of right now?

19 A Yes, ever since May 25, 2021.

20 Q So Larry and MINOR have been living with the aunt
21 for the last two years?

22 A Yes, ma'am.

23 Q And do you know anything about MINOR's father? Is
24 he alive?

25 A He is deceased.

1 Q Okay. So there was, like, no dad that could have
2 taken the kids?

3 A No, ma'am.

4 Q Okay. On June 1st of 2021, did you go to the Dee
5 Norton Center?

6 A I did.

7 Q And what did you do there?

8 A MINOR had a forensic medical exam there.

9 Q Okay. Is that different from -- so she had a
10 medical exam, right? It's not the one where they
11 actually try to collect DNA; is that right? You know
12 how you can have an exam where they actually do swabs
13 and try to collect DNA?

14 A Yeah, she just had, like, a body exam.

15 Q And so you were there for that?

16 A I was.

17 Q And on June -- so that was June 1st of 2021, and
18 this report came out May 25, 2021.

19 A Correct.

20 Q So it was a little while until she got that exam.

21 A Yes, ma'am.

22 Q And on June 17th of 2021, did you go to Hopeful
23 Horizons?

24 A I did.

25 Q What did you do? What happened there?

Testimony of Sgt. Ross Hantz

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1 A I attended the forensic interview for

2 MINOR .

3 Q And on June 18th, 2021, did you make the decision
4 about making an arrest of the defendant?

5 A I did.

6 Q What did you do? You got arrest warrants?

7 A I did. Yes, ma'am.

8 Q And was he immediately arrested or did it take a
9 few weeks?

10 A It took a few weeks.

11 Q Okay. And those clothes that MINOR believed she
12 was wearing at the time, did you send those clothes
13 off for any forensic testing?

14 A I did. I sent them to SLED for that.

15 Q What's SLED?

16 A It's the State Law Enforcement Division. We
17 send our the evidence up there for processing.

18 Q I assume they have a DNA department that can
19 examine for forensics.

20 A Yes, ma'am.

21 Q And do you know the results of that testing?

22 A Yes, ma'am. They came back with no semen.

23 Q Okay. Do you see Bradley Lamont Jackson in the
24 courtroom?

25 A I do.

Testimony of Sgt. Ross Hantz

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1 Q Can you please identify him?

2 A Yes, ma'am. He's sitting at the defense
3 table and he's wearing a plaid shirt, button-down
4 shirt.

5 MS. KEENEY: Let the record reflect she
6 pointed to the defendant.

7 THE COURT: Yes.

8 MS. KEENEY: Thank you. No further
9 questions.

10 THE COURT: Mr. Walker?

11 MR. WALKER: May it please the Court?

12 THE COURT: Yes, sir.

13 CROSS-EXAMINATION

14 BY MR. WALKER:

15 Q Good morning.

16 A Good morning.

17 Q Let's talk briefly about the first medical exam
18 that Miss Keeney asked you about on the 21st. Is that
19 where -- that you say you don't do after three days.
20 Is that correct, that first one?

21 A So they don't do sexual assault kits after
22 three days.

23 Q So that's what's referred to as a rape kit would
24 be done?

25 A Yes, same thing.

Testimony of Sgt. Ross Hantz

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1 Q The purpose of that exam would be the preservation
2 of evidence, correct?

3 A For the sexual assault kit or the rape kit,
4 yes, sir, that's when they attempt to collect any
5 forensic evidence that may be left behind after a
6 sexual assault.

7 Q And what do they do when they go for a forensic
8 interview?

9 A I don't know the exact ins and outs of it. I
10 just go to the center. I'm not actually in the
11 room with them.

12 Q All right. So you were called by Officer Hantz
13 once you learned the nature of the incident that he
14 had been called out for?

15 A Yes, sir.

16 Q And were you called because you were in the
17 rotation, or do you get assigned all these types of
18 incidents?

19 A I usually take all these sorts of incidents.

20 Q Okay. Now, as a part of your investigation and
21 preparation for -- well, part of your job you prepare
22 reports about what you did, correct?

23 A Yes, sir.

24 Q Contemporaneous reports, why do you do that?

25 A Just to keep track of what we do throughout

1 the investigation.

2 Q And would it be fair to say that your memory is
3 probably more accurate and closer in time to when
4 something happens than if I asked you about it now for
5 the first time before you wrote anything down?

6 A Usually.

7 Q I'm going to hand you a supplemental report that
8 you prepared date 5/26/21.

9 MS. KEENEY: Can I see? Okay.

10 BY MR. WALKER:

11 Q Is that the supplemental report you prepared?

12 A Yes, sir.

13 Q You testified a moment ago that you had no
14 information as to whether the clothes you collected
15 were washed or unwashed; is that correct?

16 A Yes, sir.

17 Q Can you read for me the bracket -- the portion
18 that's bracketed in blue in the report you prepared?

19 A I asked her if she could show me where the
20 clothes were. She took me upstairs to her room
21 and showed me the unwashed clothing. At that
22 point, I left the clothes, had Sergeant Hantz
23 stand by, and secured the search warrant for the
24 home.

25 Q I'll retrieve that from you.

Testimony of Sgt. Ross Hantz

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1 A Yeah.

2 Q And so when she showed you the unwashed clothing,
3 you said you left Hantz there to preserve the scene,
4 basically --

5 A Yes, sir.

6 Q -- making sure no one messed with it. And then
7 you went and prepared a search warrant, correct?

8 A Yes, sir.

9 Q What did you collect as part of that search
10 warrant?

11 A I collected the clothing. I took photos and
12 a couple of journals.

13 Q So the clothing, you took one pair of child's
14 underwear.

15 A I believe so, yes.

16 Q One pair of child shorts.

17 A Yes, sir.

18 Q And one child's shirt.

19 A Yes, sir.

20 Q And those are all the clothes that she indicated
21 to you that she was wearing?

22 A Yes, sir.

23 Q And collected two journals belonging to Rhoda
24 Manigo?

25 A Yes.

1 Q And one journal belonging to MINOR

2 A Yes, sir.

3 Q And photos?

4 A And photos, yes.

5 Q We already talked about after those pieces of
6 clothing were analyzed and you'll see was by South
7 Carolina Law Enforcement Division?

8 A Correct.

9 Q And there was also nothing in those journals
10 related to any sort of abuse or suspicions or
11 allegation either by MINOR or her mother, correct?

12 A None about abuse, yes, sir.

13 Q When you -- who called you?

14 A Sergeant Hantz.

15 Q Okay. Who called him? Or called the police
16 department?

17 A I think the DSS caseworker, Mr. Stephens.

18 Q Do you know who called him?

19 A So DSS gets intake reports from the main hub
20 in Columbia, and they had gotten an intake report
21 about this. But it was an anonymous call.

22 Q So someone we don't know called Columbia
23 anonymously.

24 A Correct.

25 Q To get this report.

Testimony of Sgt. Ross Hantz

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1 A Correct.

2 Q We talked about the first medical exam which
3 wasn't done because that would be where a rape kit was
4 done, correct?

5 A Correct.

6 Q But then she had a second medical exam done,
7 correct?

8 A Yes, sir.

9 Q Did that exam show any signs of bruising on her
10 vagina?

11 A No, sir.

12 Q Did it show any tears or fissures on her anus or
13 in her anus?

14 A No, sir.

15 Q Did it show any infections?

16 A No, sir.

17 Q Did it show any sexually transmitted diseases?

18 A No, sir.

19 Q So there was nothing from the medical exam to
20 physically corroborate Miss MINOR's story?

21 A Correct.

22 Q And you also testified that you charged the
23 child's mother with a crime?

24 A Yes, sir.

25 Q Which resulted in her losing custody of her

1 children?

2 A Yes, sir.

3 MR. WALKER: I have no further

4 questions.

5 MS. KEENEY: Briefly.

6 REDIRECT EXAMINATION

7 BY MS. KEENEY:

8 Q I asked if you knew if those clothes got washed,
9 correct?

10 A Correct.

11 Q And you were relying on a nine-year-old to tell
12 you they were not washed.

13 A Correct, she did tell me they were not
14 washed.

15 Q Do you have any idea of whether or not Rhoda
16 washed the clothes in those four days?

17 A I have no idea.

18 Q Do you have any idea if the defendant washed those
19 clothes within those four days?

20 A No idea.

21 Q So MINOR put her clothes with the rest of her
22 clothes, correct?

23 A Yes.

24 Q And mixes it all in, and we don't really know if
25 they've been washed other than relying on MINOR's

Testimony of Sgt. Ross Hantz

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1 word?

2 A Correct.

3 Q A nine-year-old.

4 A Correct.

5 Q And the defense asked you about journaling; is
6 that correct?

7 A Yes, ma'am.

8 Q I'm going to show you what I'm marking as State's
9 5.

10 (STATE EXH. 5, Journal, was marked for
11 identification.)

12 BY MS. KEENEY:

13 Q I'm showing you what I'm marking as State's
14 Exhibit 5 that I pulled out of this evidence bag to
15 show the defense.

16 Do you recognize that item?

17 A I do.

18 Q What is that item?

19 A This is one of the journals I collected from
20 the residence.

21 MS. KEENEY: And, at this time, the State
22 moves to admit Exhibit 5 into evidence.

23 THE COURT: Any objection?

24 MR. WALKER: No objection.

25 THE COURT: Without objection.

Testimony of Sgt. Ross Hantz
(STATE EXH. 5, Journal, was entered into

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evidence.)

BY MS. KEENEY:

Q I'm going to have you flip through this journal and tell me some of the things that you see in this journal? Any drawings that you see?

A Yes, ma'am. There are several drawings of what appear to be a vagina. That are breasts and a vagina in the same drawing. Drawing of a penis. Another drawing of breasts. I think that's about it.

Q And I know you said you collected these journals that belonged to Rhoda, but can you tell me what the first -- I guess, technically, the first real page of the journal says?

A Yeah. This says MINOR

Q Appearing to be MINOR's journal?

A Yes, ma'am.

MS. KEENEY: Permission to publish.

THE COURT: Without objection, you may publish.

BY MS. KEENEY:

Q So this is the first page with her name on it?

A Yes, ma'am.

Q And is this one of the pictures that appears to be

Testimony of Sgt. Ross Hantz

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1 of a body part?

2 A Yes, ma'am.

3 Q And this is another one where it appears to be
4 female breasts and vagina?

5 A Yes, ma'am.

6 Q What does this picture appear to be?

7 A A penis, yes, ma'am.

8 Q And what does this picture appear to be?

9 A Breasts.

10 Q Thank you.

11 MS. KEENEY: No further questions.

12 THE COURT: Anything further?

13 MR. WALKER: No, Your Honor.

14 THE COURT: All right. You may step
15 down. Thank you.

16 THE WITNESS: Thank you.

17 THE COURT: Call your next witness.

18 MS. KEENEY: The State calls MINOR

19

20 THE COURT: Can I see the attorneys for a
21 moment, please?

22 (Bench conference.)

23 Are you going to challenge her competency in
24 any way to testify?

25 MR. WALKER: No.

Testimony of MINOR

1 THE COURT: I just want to make sure for
2 the record. Thank you, sir.

3 MR. WALKER: She's 13 now.

4 THE CLERK: Raise your right hand, left
5 hand on the Bible. Do you solemnly swear or
6 affirm the testimony you're about to give the
7 Court shall be the truth so help you God?

8 THE WITNESS: I do.

9 THE CLERK: Thank you. Take a seat in
10 that stand over there. State your name again and
11 spell your last name. Okay?

12 THE WITNESS: MINOR

13 WHEREUPON:

14 MINOR

15 after having been sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. KEENEY:

18 Q MINOR, you got to talk really loud, okay?

19 THE COURT: Is that microphone on? Is it
20 on?

21 THE CLERK: Yes, ma'am.

22 THE COURT: We're just going to need you
23 to speak up. Okay?

24 BY MS. KEENEY:

25 Q MINOR, how old are you?

1 A Twelve.

2 Q And --

3 THE COURT: Can you-all hear her?

4 FOREMAN: No, ma'am.

5 THE COURT: Okay. I'm really going to
6 have to ask you to speak loudly. Okay?

7 BY MS. KEENEY:

8 Q How old are you?

9 A Twelve.

10 Q Okay. And when is your birthday?

11 A [REDACTED]

12 Q Just try to talk a little bit louder. I know
13 you're nervous. Okay. As loud as you can be without
14 screaming.

15 THE COURT: She's going to try to adjust
16 this a little bit to see if it might help a little
17 bit.

18 THE CLERK: Pull up your chair a little
19 bit.

20 BY MS. KEENEY:

21 Q Let's start over. How old are you?

22 A Twelve.

23 Q And when's your birthday.

24 A [REDACTED]

25 Q What year were you born?

- 1 A 2011.
- 2 Q And what school do you go to?
- 3 A Colleton County Middle School.
- 4 Q And you're on summer break; is that right?
- 5 A Yes.
- 6 Q What grade are you going to go to?
- 7 A Seventh.
- 8 Q Who are your parents? What's your moms name?
- 9 A Rhoda Manigo.
- 10 Q And is your dad alive?
- 11 A No.
- 12 Q Is his name Larry?
- 13 A Yes.
- 14 Q And do you have any brothers or sisters?
- 15 A A brother.
- 16 Q What's your brother's name?
- 17 A Larry [REDACTED].
- 18 Q Is he older or younger than you?
- 19 A Older.
- 20 Q Who do you live with right now?
- 21 A My aunt.
- 22 Q What's your aunt's name?
- 23 A I call her Auntie Rea.
- 24 Q Auntie who?
- 25 A Auntie Rea.

Testimony of MINOR

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1 Q You have to speak a little louder because even I
2 can't hear you.

3 A I call her Auntie Rea.

4 Q Lee?

5 A Rea.

6 THE COURT: Rea.

7 BY MS. KEENEY:

8 Q And who else lives at the house that you live in
9 with your aunt?

10 A My uncle, my brother, my cousin.

11 Q Okay. And before you lived with your aunt, who
12 did you live with?

13 A My mom, my brother, and her boyfriend.

14 Q And who is her boyfriend? What's his name?

15 A Lamont.

16 Q Lamont. Do you see Lamont in the courtroom
17 today?

18 A Yes.

19 Q What is he -- where is he at?

20 A Over there.

21 Q Okay. What is he wearing, can you tell?

22 A A blue and white shirt.

23 Q A button down?

24 A Yes.

25 MS. KEENEY: Let the record reflect she

1 identified the defendant.

2 THE COURT: Noted for the record.

3 BY MS. KEENEY:

4 Q And where did you live with -- what apartment did
5 you live in when you lived with Lamont and your mom
6 and Larry? Do you remember what it was called?

7 A The Village.

8 Q The Village here in Waltherboro?

9 A Yes.

10 Q And I'm going to take you back to June 13th -- on
11 June 13th of 2018 to May 20th of 2021, when you were
12 between seven years old and nine years old and you
13 were living at that apartment at the Village. Okay?
14 I'm taking you back to that time period.

15 A (Nods head.)

16 THE COURT: You're going to have to say
17 yes or no for the record because the court
18 reporter can't take down a head shake or a head
19 nod. Okay.

20 THE WITNESS: Okay.

21 THE COURT: And just talk a little bit
22 louder, if you can. Okay?

23 THE WITNESS: Okay.

24 THE COURT: Thank you.

25 BY MS. KEENEY:

Testimony of MINOR

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- 1 Q Tell me what was going on with Lamont back then?
- 2 A I would get touched.
- 3 Q And who would touch you?
- 4 A Him.
- 5 Q You got to say it louder. I'm sorry.
- 6 A Him.
- 7 Q Him, Lamont?
- 8 A Yeah.
- 9 Q Where would he touch you?
- 10 A My vagina, my butt, and my chest.
- 11 Q What would he touch you with? What parts of his
- 12 body?
- 13 A His penis.
- 14 Q Anything else?
- 15 A Tongue.
- 16 Q Anything else?
- 17 A Finger.
- 18 Q Okay. And when you said he touched you with his
- 19 penis, where would his penis go?
- 20 A In my butt.
- 21 Q Anywhere else?
- 22 A Vagina.
- 23 Q In your vagina?
- 24 A Yes.
- 25 Q Anywhere else on your body?

1 A My mouth.

2 Q And when he touched you with his penis in your
3 vagina, would it be on the outside of your vagina or
4 the inside of your vagina?

5 A The inside sometimes.

6 Q Okay. And then when he touched you with his
7 penis, would it be on the outside of your butt or the
8 inside?

9 A The inside.

10 Q And where would this happen? You said it happened
11 at the Village apartment?

12 A Yes.

13 Q Like, what room? Or where would it happen?

14 A In the living room, the kitchen, my mama's
15 room, and my room.

16 Q Okay. So it kind of happened all over in the
17 house?

18 A Yes.

19 Q And where would your mom be whenever this
20 happened?

21 A She was not around. Probably in her room or
22 something.

23 Q Okay. And tell me about your bed in your room.
24 What kind of bed did you have?

25 A An air mattress.

Testimony of MINOR

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1 Q And did Lamont have any piercings?

2 A Yes.

3 Q Tell me about the piercings he had and what he
4 said to you about it?

5 A It was a tongue piercing. And one time when
6 we were watching a movie in my mom's room, and I
7 didn't know it was there, and I asked about it and
8 then he asked me if I wanted to feel it. I said,
9 *Where and how.* And he padded my vagina and said,
10 *There.*

11 Q He padded your vagina?

12 A Uh-huh.

13 Q Is that yes or no?

14 A Yes.

15 Q And do you -- I know it was a long time ago, but
16 do you remember about how old you were the first time
17 anything happened?

18 A I think probably seven or eight.

19 Q And did he put his penis into all those places
20 that you already talked about one time or more than
21 one time?

22 A More than one time.

23 Q And tell me about the jelly stuff.

24 A Well, he would use it to put on his penis.

25 Q What do you remember that jelly stuff being

1 called?

2 A K-Y jelly.

3 Q And can you describe, like, one other time in that
4 time period how he would do this to you? Like, how
5 would it start and how would it finish. Can you walk
6 us through that?

7 A It would start by putting it on it and then
8 putting it in my butt.

9 Q Put it in -- you said your butt?

10 A Yes.

11 Q And did you ever see anything come out of his
12 penis?

13 A Yes.

14 Q What was it? What did it look like?

15 A It was white.

16 Q Where would it go?

17 A My lower back.

18 Q On your lower back?

19 A Yes.

20 Q And what would happen next?

21 A He would tell me to go to the bathroom.

22 Well, I would go to the bathroom and wipe it
23 off.

24 Q You would wipe it off. Do you remember what you
25 would wipe it off with?

1 A A towel.

2 Q Okay. Tell me about when he put his penis in your
3 vagina part. How would that happen and what would
4 happen?

5 A It wouldn't really go in.

6 Q Would it go in a little bit?

7 A A little bit.

8 Q Okay. But the whole thing wouldn't go in?

9 A No.

10 Q And what would happen next?

11 A He would turn me over and put it in my
12 butt.

13 Q He would put it in your butt?

14 A Yes.

15 Q And I'm going to take you back to the Friday, May
16 21st of 2021, the last time anything happened. Can
17 you tell me what happened that time and where?

18 A I was doing something for field day and he
19 kept coming upstairs and telling me to go and
20 get -- I remember he went --

21 Q MINOR I'm sorry. You got to talk a little bit
22 louder. You said field day?

23 A Yes.

24 Q And what happened?

25 A He kept telling me to go upstairs and we

1 would go upstairs. And the last time it happened
2 it was into my room on the floor by the air
3 mattress, and he would put it in my butt.

4 Q Put it in your butt?

5 A Yes.

6 Q Did it go inside your butt?

7 A Yes.

8 Q And what happened next?

9 A I guess after my mom called me -- and she
10 called me, and that's when he got up and then told
11 me to put my clothes on and then I went
12 downstairs.

13 Q You went downstairs afterwards?

14 A Yes.

15 Q And the last time that he did something to you,
16 that May 21st of 2021, did you see stuff come out of
17 his private part?

18 A Yes.

19 Q Where did it go?

20 A My back.

21 Q On your back?

22 A Yeah.

23 Q What did you do with it after you got it on your
24 back?

25 A I wiped it off.

Testimony of MINOR

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1 Q With a towel, like you said earlier?

2 A Yes.

3 Q And tell me this: Why didn't you -- it started
4 when you say you were about seven or eight; is that
5 correct?

6 A Yes.

7 Q Why did you wait until you were nine to tell
8 anybody?

9 A Because he told me not to tell anybody.

10 Q He told you not to tell anybody?

11 A Yes.

12 Q Did he say anything would happen if you told
13 anybody?

14 A He told me that he would do something.

15 Q What did you say? I'm sorry, I couldn't hear you.

16 A If I remember correctly, it was that he would
17 do something.

18 Q Did he say what he would do?

19 A No.

20 Q He just, kind of, said he would do something if
21 you told?

22 A Yeah.

23 Q Okay. And did you eventually tell somebody what
24 happened?

25 A I wrote a note to my mom.

1 Q What did the note say?

2 A I put, *Lamont raped me*.

3 Q Okay. And then -- so you wrote the note to your
4 mom, *Lamont raped me*. What happened next? What did
5 your mom do?

6 A She went downstairs to ask him about it and
7 he

8 Q And what happened?

9 A He said the only reason why I said that was
10 because I was on punishment.

11 Q He said that the only reason why you said that was
12 because you were on punishment?

13 A Yes.

14 Q Is that reason the only reason you said it? Did
15 you make it up because you were on punishment?

16 A No.

17 Q Why did you say that it happened?

18 A Because I was tired of it happening.

19 Q You were tired of him doing that to you?

20 A Yeah.

21 Q So what happened next after your mom went to
22 confront him about it and he said he didn't do it?
23 What happened next? Did you watch her confront him
24 about it?

25 A Yes.

Testimony of MINOR

167

1 Q And what else did he say? Do you remember
2 anything?

3 A No.

4 Q No? Okay.

5 And did your mom kick Lamont out that day?

6 A No.

7 Q He stayed in the house?

8 A Yes.

9 Q And did you get taken away from your mom?

10 A Yes.

11 Q Who did you have to go live with?

12 A My aunt.

13 Q You been living with her for the last two years?

14 A Yes.

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

16 Nothing further.

17 THE COURT: Mr. Walker.

18 CROSS-EXAMINATION

19 BY MR. WALKER:

20 Q Good morning?

21 A Good morning.

22 Q My name is Matthew Walker. I'm Lamont's lawyer.

23 I want to start off by going through some of the

24 things you just went through with Miss Keeney.

25 You said all this began and you were living

1 at the Villages the whole time that you say this
2 happened.

3 A Yes.

4 Q Okay. Do you remember being interviewed in a
5 little room with two chairs by someone?

6 A Yes.

7 Q And they told you at that time the interview was
8 recorded, correct?

9 A Yes.

10 Q Have you watched that recording recently?

11 A Yes.

12 Q You did watch it?

13 A Yes.

14 Q Okay. So, I don't want to talk about the most
15 recent allegations where DSS came shortly thereafter,
16 but, in that interview, that's when you first said it
17 happened for a while, correct?

18 A Yes.

19 Q Okay. And so that first time that you -- back in
20 2018, when you were seven, where did that incident
21 take place?

22 A In Lamont's room when we were watching a
23 movie.

24 Q You don't remember telling them that it was in the
25 living room?

Testimony of MINOR

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1 A I said it was in Lamont's room. We were
2 watching a movie.

3 Q Okay. Do you remember saying that your mother,
4 brother, two other children were in that room when you
5 say it happened?

6 A Yes.

7 Q Do you remember Miss Keeney asked you where in the
8 house it would happen and you, kind of, listed various
9 rooms? Do you remember telling the interviewer, when
10 she asked a similar question, that if you were
11 upstairs, your mom and brother would be downstairs
12 when it was happening, and, if it was happening
13 downstairs, your mom and brother would be upstairs?

14 A Yes.

15 Q And this most recent time that kind of got --
16 brought us here today, you said it was happening and
17 stopped when your mother called you. So your mother
18 was in the house then as well?

19 A Yes.

20 Q And you said that, when confronted, that Lamont
21 said that you were saying this because you were on
22 punishment. Were you on punishment at that time?

23 A I was.

24 Q I'm sorry?

25 A I was.

1 Q You were. Okay.

2 How long has Lamont been dating your mom?

3 A Probably for seven or six years.

4 Q So most of your life that you remember?

5 A (Witness nods head up and down.)

6 Q Yes?

7 A Yes.

8 Q Is that yes?

9 A Yes.

10 Q You have to -- this lady writes down everything
11 everybody says, so you can't just nod your head. You
12 have to say yes or no, or whatever.

13 So what sorts of things would you-all do for
14 fun at your house?

15 A Like we would go -- at the house, we'd go --
16 like for fun?

17 Q Yes.

18 A We would go to my grandmother's and listen to
19 movies and stuff.

20 Q Watch movies. I guess you said you did that?

21 A Yes.

22 Q Where would you watch movies?

23 A Most of the time in the living room.

24 Sometimes in my mom's room.

25 Q So you had TVs in the living room and in your

1 mom's room?

2 A And the kitchen.

3 Q We saw a photo of your bedroom earlier. I don't
4 know if you've seen it. But you had an air mattress
5 at the time?

6 A Yes.

7 Q Okay. What kind of mattress did your brother
8 have?

9 A An air mattress.

10 Q What about your parents?

11 A An air mattress.

12 Q Everybody had an air mattress?

13 A Yes.

14 Q Did you have a phone?

15 A Yes.

16 Q Did your brother have a phone?

17 A Yes.

18 Q Do you have another sister?

19 A Oh, yes.

20 Q How old is she?

21 A I don't know.

22 Q You don't know. She doesn't live with you?

23 A No.

24 Q What about other electronics? What other kinds of
25 electronic devices? You have televisions, phones.

1 What other types of devices did you have?

2 A I had a tablet, but it was barely working. I
3 didn't use it much.

4 Q Okay. What about your brother, Larry?

5 A He had a tablet too, but it broke. And then
6 my mom got us a phone for Christmas.

7 Q After the tablet broke, did Larry use your
8 tablet?

9 A I don't know.

10 Q You don't remember?

11 A No.

12 Q What about -- what other kind of electronic
13 devices?

14 A We have game console.

15 Q Like an Xbox?

16 A Yeah.

17 Q That's pretty much it?

18 A Yeah.

19 Q Did you have any rules about your devices that you
20 could use, either your TV, tablet, or phone?

21 A That I had to put it in my mom's room when I
22 went to bed.

23 Q So, at night, you had to put it away so you would
24 sleep?

25 A Yes.

Testimony of MINOR

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1 Q Do you remember your brother using your tablet to
2 look at pornography?

3 A Yes.

4 Q Yeah. Did he do that with you in the room?

5 A Huh?

6 Q Did he look at it with you in the room, or he just
7 took it somewhere else?

8 A Yeah.

9 Q He took it somewhere else?

10 A Yeah.

11 Q Did you ever get in trouble at home for looking at
12 pornography?

13 A I don't never look at that.

14 Q Okay. What about when you were living with your
15 aunt, did you get in trouble for it then?

16 A I wasn't watching nothing like that.

17 Q Do you remember her having to get on you about
18 looking at dick pics?

19 A I remember that.

20 Q You say I don't remember that?

21 A I said I do remember that.

22 Q You do remember that.

23 MR. WALKER: Court's indulgence.

24 BY MR. WALKER:

25 Q Do you remember Larry, your brother, lying to your

1 mom and Lamont about watching porn on the tablet?

2 A I guess.

3 Q Was Larry not being truthful about other things?

4 A I mean, he would be truthful.

5 Q Yeah.

6 A I remember him being truthful there.

7 Q Yeah, I'm not saying he lied about every single
8 thing ever in the world. But it's true that he --
9 maybe if he was going to get in trouble, he wouldn't
10 tell the truth to start?

11 A (No response.)

12 Q Would that be fair?

13 A Yes.

14 Q Do you remember in that interview we talked about
15 a minute ago telling the lady that was interviewing
16 you that you think Larry's lying about something that
17 he had told his mother, or your mother, about Lamont
18 in order to break them up?

19 A He says he didn't want them together.

20 Q But you remember telling -- you remember that
21 happening?

22 A Uh-huh.

23 Q Okay. Now, would you get in trouble or on
24 punishment for things like not doing your school work
25 and not doing chores and things like that?

1 A Yes.

2 Q Watching things maybe you shouldn't be watching,
3 movies and things like that?

4 A No.

5 Q You don't remember watching grown-up movies,
6 movies with violence and sex and things like that?

7 A I didn't really turn it to it, but I would
8 watch it.

9 Q Like maybe Larry was watching and you would watch
10 it too?

11 A Yes.

12 Q Okay. Do you remember telling the lady that did
13 that interview that you and your brother caught Lamont
14 cheating with his ex?

15 A Yes.

16 Q Do you remember -- tell me again, your answer is
17 your aunt, an uncle, and cousins?

18 A Yes.

19 Q How many cousins?

20 A One.

21 Q One cousin. How old is your cousin?

22 A Twenty-one.

23 Q Okay. And did you get, like, put on punishment or
24 trouble at your aunt's house?

25 A I don't think I ever did. I don't think I

1 got on punishment, but I got in trouble.

2 Q Okay. But, in general, you like living with your
3 aunt?

4 A Huh?

5 Q You like living with your aunt, though, right?

6 A Yes.

7 Q Do you remember a meeting with one of your
8 counselors where you told, with your aunt, where you
9 told them that someone else had abused you?

10 A I said his son.

11 Q You said Lamont's son had abused you?

12 A Uh-huh.

13 Q Did any police or anybody come interview you about
14 that allegation?

15 A I don't remember.

16 Q Okay. I don't have any more questions. Thank
17 you.

18 REDIRECT EXAMINATION

19 BY MS. KEENEY:

20 Q MINOR, he just asked you about Lamont's son
21 abusing you. Where did that happen?

22 A Myrtle Beach.

23 Q I'm sorry.

24 A One time in Myrtle Beach and at the
25 apartment.

Testimony of MINOR

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1 Q The apartment. And so when you told your
2 counselor that Lamont's son abused you, were you
3 telling her that Lamont never abused you and it was
4 his son, or was it that both abused you?

5 A Both.

6 Q They both did it to you?

7 A Yeah.

8 Q Yeah?

9 A Yes.

10 Q And did Lamont's son abuse you numerous times, or
11 it happen just a few times, or it happened, like, a
12 lot?

13 A A few times.

14 Q A few times. Who raped you more, Lamont or
15 Lamont's son?

16 A Lamont.

17 Q Lamont. And the defense asked you about Larry
18 watching porn; is that right?

19 A Uh-huh.

20 Q Is that a yes?

21 A Yes.

22 Q And were you watching porn with Larry or was Larry
23 just watching it?

24 A He was watching it by himself.

25 Q By himself. And then Larry got in trouble for

1 watching porn?

2 A Yes.

3 Q Okay. And he asked you about how you looked at
4 some what we'll call dick pics at your aunt's house;
5 is that right?

6 A Yes.

7 Q Was that after -- was that when you were living
8 with your aunt?

9 A Yes.

10 Q And that was after Lamont raped you, you looked up
11 dick pics?

12 A Yes.

13 MS. KEENEY: Nothing further.

14 THE COURT: Anything further?

15 MR. WALKER: No, Your Honor.

16 THE COURT: All right. You may step
17 down.

18 Ladies and gentlemen, we're going to take
19 a brief recess.

20 You can go ahead and step down.

21 Ladies and gentlemen, we're going to take
22 a brief recess. Do not discuss this case. It
23 wouldn't be appropriate to do so. Go refresh
24 yourselves, ladies and gentlemen. We'll bring you
25 right back out here and we'll probably run until

Testimony of MINOR
1 lunch time, when it gets here, and hear some more
2 testimony. Thank you.

3 (Jury exits the courtroom at 11:13 a.m.)

4 THE COURT: Thank you. All right. We're
5 going to be at ease for about ten minutes or so.

6 Who is your next witness, Miss Keeney?

7 MS. KEENEY: Larry [REDACTED].

8 THE COURT: We will be at ease for about
9 ten minutes.

10 (A break was taken from 11:13 a.m. to 11:41 a.m.)

11 THE COURT: Are we ready for the jury?

12 MS. KEENEY: Yes, ma'am.

13 MR. WALKER: Yes, ma'am.

14 THE COURT: Let's bring the jury out.

15 (Jury enters the courtroom at 11:41 a.m.)

16 THE COURT: The State can call their next
17 witness.

18 MS. KEENEY: The State calls Larry

19 [REDACTED].

20 THE CLERK: Raise your right hand. Left
21 on the Bible. Do you solemnly swear or affirm the
22 testimony you're about to give the Court shall be
23 the truth so help you God?

24 THE WITNESS: Yes.

25 THE CLERK: Thank you. Take a seat in.

Testimony of Larry [REDACTED]
1 the witness stand. State your name again for the
2 record and spell your last name

3 THE WITNESS: Larry [REDACTED].

4 WHEREUPON:

5 LARRY [REDACTED],
6 after having been sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. KEENEY:

9 Q Can you spell your last name?

10 A [REDACTED].

11 Q Larry, how old are you?

12 A Seventeen.

13 Q Are you in school? Are you working?

14 A I'm working.

15 Q Did you graduate high school?

16 A Yes.

17 Q And who do you live with?

18 A My aunt, my cousins, and my sister.

19 Q Sister MINOR?

20 A And mother.

21 Q Okay. And who's your mom?

22 A Rhoda Manigo.

23 Q How long have you lived with your aunt?

24 A Two years.

25 Q Before you were living with your aunt this past

Testimony of Larry [REDACTED]

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1 two years, who did you live with before that?

2 A My mom, my sister, and Lamont.

3 Q Lamont?

4 A Yeah.

5 Q Do you remember the name of the apartment complex
6 that you-all lived at?

7 A Walterboro Village.

8 Q Walterboro Village, okay.

9 And I want to take you -- I'm going to ask
10 you about Lamont. Did he have any piercing that you
11 know of?

12 A A tongue and an earring.

13 Q A tongue and an earring?

14 A (Nods head.)

15 Q Is that a yes or no?

16 A Yes.

17 Q Okay. And I'm going to ask you -- not to try to
18 embarrass you, but did you ever watch pornography with
19 MINOR or naked people with MINOR?

20 A No.

21 Q No? Okay.

22 And I'm taking you to May 2021 about around
23 the time when all this kind of came out. Did you
24 notice anything weird between MINOR and Lamont?

25 A Back at the Village, I saw them run out of

1 her room.

2 Q Can you say that a little louder? I couldn't hear
3 you.

4 A They ran out of her room back at the Village.

5 Q They ran out of her room back at the Village?

6 A Yes.

7 Q Was that strange to you?

8 A Yes.

9 Q Okay. Did you see anything else?

10 A No, none of it.

11 Q Okay. You just saw them coming out of her room
12 together?

13 A Yes.

14 Q Thank you.

15 MS. KEENEY: No further questions.

16 THE COURT: Mr. Walker.

17 MR. WALKER: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. WALKER:

20 Q Good morning.

21 A Good morning.

22 Q My name is Matthew Walker. I'm Lamont's lawyer.

23 I'm just going to start where she did. You
24 were living with your aunt, cousins, and sister?

25 A Yes, sir.

Testimony of Larry [REDACTED]

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1 Q Okay. Your uncle live there too?

2 A Yes, sir.

3 Q How many cousins do you have?

4 A Three.

5 Q That live with you?

6 A Yes.

7 Q How old are they?

8 A Twenty-one, 18, and I think 7.

9 Q Seven?

10 A Yeah.

11 Q So you remember, obviously, you went to live with
12 your aunt in 2021, correct?

13 A Yes.

14 Q And do you remember where you were living in the
15 two years before that?

16 A At the Village.

17 Q So always lived in the Village for those -- from
18 2018 to 2021?

19 A Yes.

20 Q Okay. Now, when you lived there in the Village
21 with your mom and MINOR and Lamont, what kind of
22 things would you-all do around the house for fun?

23 A I really wouldn't do nothing. I just stay in
24 my room.

25 Q Just kind of by yourself?

1 A Yes.

2 Q How old were you back then?

3 A Fifteen.

4 Q Okay. So if everybody was getting together to
5 watch a movie, would you watch it with everybody, or
6 just do your own thing?

7 A Sometimes.

8 Q Sometimes. Depends on the movie?

9 A Yes, sir.

10 Q Where would you guys watch movies?

11 A Sometimes the room or the living room.

12 Q The room? What room is that?

13 A My mama's.

14 Q Where mom and Lamont were?

15 A Yes.

16 Q Did you-all have rules and stuff at the house?

17 A Yes. You mean, like chores?

18 Q Chores, okay. Who is the one that set the
19 rules?

20 A Both of them.

21 Q Both of them, okay.

22 Do you remember being interviewed in a little
23 room with two chairs back when this all happened?

24 A (No response.)

25 Q Brown-haired lady, two chairs, an easel. Do you

1 remember that?

2 A Yes.

3 Q Okay. Do you remember telling her it was mostly
4 the boyfriend's rules?

5 A I don't remember.

6 Q You don't remember that. Do you remember giving
7 an example of having to ask to play the X-box as a
8 rule that he had?

9 A Yes.

10 Q And telling her you didn't think it was fair
11 because your mom bought you the X-box and it wasn't
12 his?

13 A Yes.

14 Q You said there was a TV downstairs in the living
15 room, a TV upstairs in your mom and Lamont's room.
16 Was there a TV in your room?

17 A No.

18 Q Was there another TV in the house?

19 A There was three TV's. One in their room, one
20 in the living room, and one in the kitchen.

21 Q Was that the rooms in the house; kitchen, living
22 room, three bedrooms, and a bathroom?

23 A Can you say that again?

24 Q Living room, kitchen, your room, [REDACTED] MINOR's room, mom
25 and Lamont's room, and a bathroom?

1 A There's two bathrooms.

2 Q Two bathrooms. That's all the rooms in the
3 house?

4 A Yes, sir.

5 Q What other electronic devices did you have in the
6 house?

7 A I had a tablet and the phone.

8 Q That you had?

9 A Yes.

10 Q Did MINOR have a tablet and the phone?

11 A Yes.

12 Q We just talked about X-box. You had an X-box,
13 right?

14 A Yes.

15 Q Does that cover it?

16 A Yes.

17 Q And if you got in trouble, some or all of those
18 electronic devices could be taken away, right?

19 A Yes.

20 Q And the same when MINOR got in trouble?

21 A Yes.

22 Q Now, you get in trouble for not doing chores and
23 things like that?

24 A I always did mine.

25 Q You always did yours?

Testimony of Larry [REDACTED]

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1 A Yes.

2 Q What would you get in trouble for then?

3 A For like little things that go missing.

4 Q Something go missing and they think that was
5 you?

6 A Yes.

7 Q What kind of things did MINOR get in trouble for?

8 A Not doing her chores.

9 Q Would she say she did her chores when she hadn't?

10 A Yes.

11 Q Did she ever stab a hole in your air mattress? Do
12 you remember that?

13 A No, I don't think she ever did that.

14 Q You don't remember that?

15 A No.

16 Q Okay. Would she -- I guess it's normal for
17 siblings to fight. You guys would tussle every once
18 in a while?

19 A Yes.

20 Q Either of you get in trouble for that?

21 A Sometimes.

22 Q Would she try to blame it on you?

23 A Yeah.

24 Q Do you know someone named Valmena?

25 A Yes.

1 Q Who is Valmena?

2 A Some girl that lived in the Village that came
3 over to the house.

4 Q How old was she?

5 A Twenty-one.

6 Q Twenty-one.

7 Do you remember MINOR getting in trouble for
8 hanging out with Valmena?

9 A I don't think she got in trouble.

10 Q You said you finished high school and went to
11 work?

12 A Yes.

13 Q Do you have, I guess, any plans after the summer
14 to keep working or go to school somewhere or move
15 somewhere?

16 A Probably look for a better job.

17 Q Okay. Still stay here?

18 A Yes, sir.

19 Q All right. Do you remember ever MINOR getting in
20 trouble for looking at any pictures or movies that she
21 shouldn't be watching, like sex, or anything like that
22 in it?

23 A No.

24 Q Okay. And referring back to the interview that I
25 referenced a moment ago that happened a couple years

Testimony of Larry [REDACTED]

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1 ago, do you remember expressing that you wanted Lamont
2 to be out of you-all's life to that interviewer?

3 A Yes.

4 MR. WALKER: No further questions.

5 THE COURT: Anything further?

6 MS. KEENEY: Nothing further.

7 THE COURT: All right. Any objection to
8 this witness stepping down.

9 MS. KEENEY: No, Your Honor.

10 MR. WALKER: No, Your Honor.

11 THE COURT: You may step down,

12 Mr. [REDACTED]

13 Your next witness.

14 MS. KEENEY: The State calls Rhoda Manigo.

15 THE CLERK: Raise your right hand. Left
16 hand on the Bible. Do you solemnly swear or
17 affirm the testimony you're about to give the
18 Court shall be the truth so help you God?

19 THE WITNESS: Yes.

20 THE COURT: Thank you. Take a seat in
21 the witness stand. State your name again for the
22 record and spell your last name.

23 THE WITNESS: It's Rhoda Manigo. Last
24 name M-a-n-i-g-o.

25 MS. KEENEY: May it please the Court?

Testimony of Rhoda Manigo
THE COURT: Yes, ma'am.

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1
2 WHEREUPON:

3 RHODA MANIGO,
4 after having been sworn to tell the truth, testified
5 as follows:

6 DIRECT EXAMINATION

7 BY MS. KEENEY:

8 Q Miss Manigo, how old are you?

9 A Forty-seven.

10 Q And where do you work?

11 A Speedway on John's island.

12 Q Where do you live at?

13 A I live at [REDACTED] Forest Circle.

14 Q Okay. Is that here in Walterboro?

15 A Yes.

16 Q Do you have any children?

17 A Yes, I do.

18 Q Who are your children?

19 A Larry [REDACTED] and MINOR [REDACTED]

20 Q How old are Larry -- or is MINOR 12?

21 A Yes.

22 Q Larry is 17 now?

23 A Yes.

24 Q And where is Larry and MINOR's biological dad? Is
25 he still alive?

Testimony of Rhoda Manigo

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1 A He's deceased.

2 Q What's his name?

3 A Larry Council.

4 Q And do you currently have custody of MINOR and
5 Larry?

6 A I finally have them back.

7 Q Are they back with you now?

8 A They will be soon.

9 Q So you don't really have them right now?

10 A No.

11 Q They're with their aunt right now?

12 A Yeah, they're with my sister.

13 Q You get them back soon?

14 A Yes.

15 Q Okay. And why did you lose custody of MINOR and
16 Larry?

17 A Because of the situation that we're going
18 through now.

19 Q Okay. Involving Lamont?

20 A Yes.

21 Q And who is Lamont?

22 A He was my boyfriend at the time.

23 Q How long did you date Lamont?

24 A About seven years.

25 Q Okay. And do you see Lamont in the courtroom?

1 A Yes.

2 Q Can you identify him, say what he's wearing, point
3 to him?

4 A I guess a blue and white shirt.

5 Q Is it a button down?

6 A Button down.

7 Q Okay. And so he's sitting at that table over
8 there?

9 A Yes.

10 MS. KEENEY: Let the record reflect she's
11 identified the defendant.

12 THE COURT: Yes.

13 BY MS. KEENEY:

14 Q So you said you dated him about seven years.

15 A Yes.

16 Q Did you-all live together?

17 A Not at first, but then we did.

18 Q Where did you-all live together at?

19 A At Walterboro Village.

20 Q Here in Walterboro?

21 A Yes.

22 Q And what was you-all's relationship like?

23 A It was not the best.

24 Q You-all had your problems?

25 A Yes.

Testimony of Rhoda Manigo

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1 Q Okay. Now, I'm going to ask you a random question
2 now. Did Larry ever watch porn?

3 A Yes, he has.

4 Q Okay. Did he get in trouble for watching porn?

5 A No.

6 Q No? Because he's 15-year-old boy?

7 A Yeah, that was something he been doing since
8 he was 14.

9 Q Okay. Did you ever catch MINOR watching porn?

10 A No.

11 Q Okay. So you never -- MINOR's never gotten in
12 trouble with you for watching porn, or anything like
13 that?

14 A No.

15 Q Okay. And I want to take you back to Saturday,
16 May 22nd of 2021 when everything came to light. Did
17 MINOR make a -- did she tell you that she had been
18 sexually abused?

19 A She wrote me a note telling me that.

20 Q Okay, so she wrote you a note. What did you do
21 with a note?

22 A It went in the trash.

23 Q You threw it away?

24 A Yeah.

25 Q And what did you do after you got that note from

1 **MINOR**?

2 A I confronted Mr. Jackson about it.

3 Q Okay. And what happened?

4 A He denied everything, that he didn't do
5 anything. That it was a lie.

6 Q Okay. And what did -- what happened next? What
7 was **MINOR** doing while you were confronting him?

8 A She was crying.

9 Q She was crying?

10 A Uh-huh.

11 Q And what happened next? Did you kick Lamont out,
12 did you keep him?

13 A No, he stayed there.

14 Q And why did you make the decision to let him stay
15 there?

16 A I was still trying to get it wrapped around
17 my head, trying to figure out why he would do
18 something like that, you know, to my child. And
19 it was shocking being with somebody for that long
20 and thinking they that would not -- they not
21 having the intention of doing that.

22 Q So you were just trying to process it all?

23 A Yes.

24 Q Were there times where Lamont could have been with
25 **MINOR** while you weren't watching or sleeping? Tell me

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1 about that.

2 A They could have been, because by me getting
3 up early to go to work -- I would go in there and
4 they, you know, would still be watching TV, or
5 something like that. So, yeah.

6 Q Did you have your eyes on MINOR and Lamont at all
7 times watching what they were doing?

8 A No, because I never expected anything.

9 Q Okay.

10 A They said, like, I, kind of, trusted him with
11 my children.

12 Q Okay, You trusted him.

13 As a result of MINOR giving you that note,
14 did you get arrested?

15 A Yes, I did.

16 Q She gave you the note and you didn't kick him out
17 and you let him stay there?

18 A Yes.

19 Q And so you got arrested for that?

20 A Yes, I did.

21 Q Okay. And you're still facing those charges?

22 A Yes, I am.

23 Q Have I promised you anything in exchange for you
24 testifying?

25 A No, you have not.

1 Q In fact, you've already told law enforcement all
2 this, correct?

3 A Yes.

4 Q You told them pretty much the day after everything
5 when law enforcement came out there?

6 A Yes.

7 Q Okay. And have you been with Lamont for the past
8 two years?

9 A No.

10 Q You live by yourself now?

11 A Yes.

12 Q Did Lamont have any piercings that you know
13 about?

14 A Yes.

15 Q What kind of piercing did he have?

16 A A tongue piercing.

17 Q A tongue piercing?

18 A Huh-uh.

19 Q Is that yes or no?

20 A Yes.

21 MS. KEENEY: Beg the Court's indulgence.

22 Nothing further.

23 THE COURT: Mr. Walker.

24 CROSS-EXAMINATION

25 BY MR. WALKER:

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1 Q Good afternoon by one minute. My name is Matthew
2 Walker. I'm Lamont's lawyer.

3 You have pending criminal charges that
4 Miss Keeney just alluded to, correct?

5 A Yes.

6 Q And your lawyer is here in the courtroom as well?

7 A Yes.

8 Q Have you and I spoken about your charges or
9 anything?

10 A No.

11 Q So the note that you got, the day you got that
12 note, had you been working?

13 A No, I was home.

14 Q You were home that day?

15 A That afternoon, I was home.

16 Q But the next day, were you working the next day?

17 A Yes, I did.

18 Q What about the day after that?

19 A No, I worked that day.

20 Q When was the next day off that you had after you
21 got the note?

22 A That was on Wednesday.

23 Q You got it on a Sunday?

24 A Yes.

25 Q You said that you and Lamont, you know, sometimes

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1 had a difficult relationship, which, I guess, a lot of
2 people have, but that you trusted him with your
3 children.

4 A Yes.

5 Q So, I guess, the difficulties -- relationship
6 difficulties were between you two?

7 A Uh-huh.

8 Q And do you remember having an interview with DSS
9 and Officer Fisk back in August of '21?

10 A Yes.

11 Q Do you remember telling them that the children
12 interacted fine with Lamont?

13 A At times they were, yeah.

14 Q That they would give him hugs and sit with him and
15 talk with him?

16 A Just like when we first started and getting
17 to know him.

18 Q No reason for you not to trust him?

19 A Yeah, I didn't think anybody would not trust
20 him at first.

21 Q Now, the State charged you for not -- for
22 endangering your child is the charge, right?

23 A Yes.

24 Q And that's a felony -- is a felony, right?

25 A Yes, it is.

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1 Q You can go to prison for up to 10 years for
2 that?

3 A Yes.

4 Q And when they charged you with that, they took
5 your children away from you; is that right?

6 A Absolutely.

7 Q And I think good news on that front, what you were
8 trying to say earlier -- actually, you haven't had
9 them for two years, right?

10 A No, I haven't.

11 Q What is the current status of that situation?

12 A They were given back to me. The judge
13 awarded them back to me.

14 Q Family Court?

15 A Yes.

16 Q So they're going to come back and live with you?

17 A Yes.

18 Q When is that?

19 A By the end of this month.

20 Q End of month?

21 A Uh-huh.

22 Q And this is the last week of the month.

23 A Uh-huh.

24 Q Well, congratulations.

25 MR. WALKER: No further questions.

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1 THE COURT: Anything further of this
2 witness?

3 MS. KEENEY: Nothing from the State.

4 THE COURT: You may step down, Miss
5 Manigo.

6 Call your next witness.

7 MS. KEENEY: The State calls Mallory
8 Powers-Sessions.

9 THE COURT: Okay.

10 THE CLERK: THE CLERK: Raise your right
11 hand. Left hand on the Bible. Do you solemnly
12 swear the testimony you're about to give the Court
13 shall be the truth so help you God?

14 THE WITNESS: Yes.

15 THE CLERK: Take a seat in the witness
16 stand. State your name again for the record and
17 your last name.

18 THE WITNESS: My name is Mallory
19 Sessions, S-e-s-s-i-o-n-s.

20 MS. KEENEY: May it please the Court?

21 THE COURT: Yes.

22 WHEREUPON:

23 MALLORY POWERS-SESSIONS,
24 after having been sworn, testified as follows:

25 DIRECT EXAMINATION

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1 BY MS. KEENEY:

2 Q Miss Sessions, where do you work?

3 A At the Medical University of South
4 Carolina.

5 Q And what's your position there?

6 A I am a nurse practitioner.

7 Q Can you please tell the jury about your
8 educational background?

9 A Yes. I went to the University of South
10 Carolina. I graduated in 2013 with my bachelor's
11 degree in nursing, and then I graduated with my
12 master's degree in nursing in 2018.

13 Q And then how do you become a nurse practitioner
14 versus a regular nurse?

15 A You have to obtain a master's degree, and
16 then you take a special certification test to pass
17 and be certified as a nurse practitioner in the
18 state of South Carolina. That just gives you --
19 you can provide care at a higher level than a
20 registered nurse.

21 Q How long have you been certified as a nurse
22 practitioner?

23 A Since 2018.

24 Q Can you walk me through some of your professional
25 experience as being a nurse?

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1 A Yes. So in 2018, I worked for pediatric
2 trauma surgery in Columbia for a year. And then
3 in 2020, I moved to Charleston and got a job with
4 the Medical University of South Carolina with the
5 Child Abuse Pediatrics Division at MUSC.

6 Q Okay. Are you a sexual assault nurse examiner?

7 A Yes.

8 Q What do you have to do to be -- they call it a
9 SANE nurse?

10 A SANE nurse, yes. So we complete a 27-hour
11 training course, and then I worked alongside
12 another sexual assault nurse examiner for six
13 months completing sexual assault kits with that
14 person for a six-month training period.

15 Q Do you get a certification for that?

16 A You can take a certification, but you have to
17 do it for three years to take it. I haven't taken
18 mine yet. But I have completed the 27-hour
19 training, so I have that certificate.

20 Q Okay. And about how many sexual assault exams
21 have you done?

22 A So I complete sexual assault exams in a
23 clinic setting and in an acute setting in the
24 emergency department. In the out-patient setting,
25 I've probably done over 500. And in the acute

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1 setting of the emergency department, I've probably
2 done over 100 or close to 150.

3 Q What does acute mean?

4 A Acute means it happened, like, within a
5 certain amount of hours. That's when a child
6 meets the criteria to have an acute-evidence
7 collection kit done in the emergency room.

8 Q Okay. And so when you have an exam like that,
9 what's the normal -- what's now the normal time
10 frame?

11 A We don't do an exam unless they're within 96
12 hours of the assault.

13 Q Did that number or that time line used to be more
14 or less? Did it change?

15 A I think it used to be a little bit more, but
16 after some data -- no a little bit less. I'm
17 sorry. But after some data was collected, they
18 actually extended the time frame to 96 hours.

19 Q So it used to be around, like, 72 hours.

20 A I think it was 72.

21 Q Okay. But that recently was changed?

22 A To 96.

23 Q Okay. So if you have a child or a patient that
24 comes in and it's been more than 96 hours, are you
25 going to do that sexual assault exam on them?

1 A So I do the same exam. The only difference
2 is, I don't collect evidence, like swabs to send
3 to SLED.

4 Q Okay. So you're not really looking for, like, DNA
5 or anything at that point?

6 A There's studies that show that there's really
7 no DNA after that time period.

8 Q Okay. And have you attended any conferences
9 regarding trauma or pediatric trauma?

10 A Yes. I've been to the Charleston Pediatric
11 Trauma Conference for the past three years. And
12 then prior to that, I worked as a bedside nurse in
13 PICU and I went to multiple trauma conferences to
14 keep up my certifications in that area as well.

15 Q Okay. In your work doing sexual assault exams is
16 your work peer reviewed?

17 A Yes. Every single exam that I do is peer
18 reviewed by a child abuse pediatrician.

19 MS. KEENEY: At this time, the State
20 would offer Miss Sessions as an expert in the
21 field of pediatric forensic medicine.

22 MR. WALKER: No objection.

23 THE COURT: Ladies and gentlemen, in this
24 case, Miss Sessions is being qualified as an
25 expert in pediatric forensic medicine. That

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1 allows her to give her opinion and the reasons for
2 her opinion, and that's for you to use as you see
3 appropriate and as compared to the other evidence
4 in this case.

5 BY MS. KEENEY:

6 Q Can you walk us through the process of a sexual
7 assault exam?

8 A Okay. So when a child comes in to my clinic,
9 the first thing I do is read the intake
10 information. That information is provided either
11 by DSS or law enforcement in most cases. It's
12 just a short blurb why the child is coming to see
13 us. I read that information.

14 I then go in to see if they have a chart in
15 our EPIC system, which is our hospital-wide system,
16 and comb through that just to see their medical
17 history, how many times they've been in the emergency
18 department, injuries, stuff like that, surgeries.

19 Once they get to the advocacy center where I
20 do the exams, I meet with the caregiver and I get a
21 history. Sometimes that's a parent. Sometimes it's a
22 foster parent. Sometimes it's whoever -- what family
23 member they're living with during that time.

24 I get a history of what is bringing them in,
25 and then I get a full medical history on the child as

1 well.

2 And then usually the child will go for a
3 forensic interview during that time with a forensic
4 interviewer at the advocacy center. And after the
5 interview is when I usually conduct my exam.

6 Sometimes they're not getting an interview on that day
7 and I'll just conduct my exam. I'll meet with the
8 child, talk with them, get to know them, make them
9 feel comfortable with all the medical equipment, and
10 then conduct my exam.

11 Q Okay. And when you say you conduct the exam, can
12 you walk us through what the actual physical exam is
13 like?

14 A Yes. So I have a medical assistant in the
15 room with me. Our exams, we take pictures of any
16 injuries. So any scars on the body. So I do a
17 full skin assessment. And then I get vital signs.
18 I get a head to toe physical exam. Look in their
19 ears, look in their mouth, look at their skin,
20 every inch of their body that they will allow me
21 to. And then I do a genital exam where I look at
22 their genitals and take pictures of them to
23 document because my child abuse pediatrician that
24 oversees my work, he looks at the pictures as
25 well.

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1 Q And when you look at the general area, are you
2 looking at it with your naked eye, do you have an
3 instrument that helps you?

4 A It's my naked eye. It's just an -- it's an
5 external exam. I don't insert anything into the
6 child to get a better view. It's just a naked
7 eye. And then we have a high-definition camera
8 that we take pictures with, that way we can zoom
9 in later on on the computer.

10 Q And did you have the opportunity to examine [REDACTED]
11 [REDACTED] MINOR on June 1st of 2021?

12 A Yes.

13 Q And do you remember how old she was then?

14 A She was almost 10. I think she was nine,
15 almost 10 years old.

16 Q She had a birthday coming up?

17 A Yes.

18 Q And who brought her in?

19 A I think it was her aunt.

20 Q Okay. Had a forensic interview been done at that
21 point?

22 A No. In [REDACTED] MINOR's case, they tried to get her
23 in for her medical portion quickly, so her
24 forensic interview was scheduled for a later
25 date.

1 Q Okay. What was your understanding of -- you said
2 they tried to get her in quickly. Would this have
3 been an acute exam or was it longer than 96 hours?

4 A It had been -- she was out of the time frame
5 for evidence collection.

6 Q Was it more than 10 days even?

7 A Yes.

8 Q So she was well outside --

9 A Yes.

10 Q -- of the time period of when you can actually
11 collect DNA evidence?

12 A Correct.

13 Q Okay. And did you interview **MINOR**?

14 A I had to do a minimal facts interview, is
15 what we call it, just to guide my exam.

16 Q In the course of this brief interview that you did
17 with her, did she make a disclosure of sexual abuse?

18 A She did.

19 Q Okay. And can you tell me about the results of
20 her exam?

21 A She had a normal anal and genital exam and
22 her STI testing was negative.

23 Q So no STDs.

24 A No. STDS.

25 Q And you said she had a normal exam. Tell me about

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1 that. Is that common or not common?

2 A It's very common. The overwhelming amount of
3 exams that I do for sexual abuse result in a
4 normal exam.

5 Q Okay. So is it rare to actually find any
6 injuries?

7 A Very rare.

8 Q And why is that?

9 A There are multiple reasons. One is time.
10 The vaginal mycosis is very vascular and heals
11 very quick. I always try to tell parents and care
12 givers when I'm explaining things, it heals like
13 the roof of your mouth getting burned on hot food.
14 Two days and it's healed.

15 So depending on the time frame, she may have
16 had an acute injury at the time of the assault and it
17 could be completely healed with no evidence of injury.

18 The degree of penetration is also a variable
19 that goes into play. I use the cave analogy. You
20 could be right outside of the cave. You could be in
21 the cave, in the middle of the cave, or all the way to
22 end of the cave, it doesn't really matter. You're
23 still in the cave. There's still penetration but the
24 degree of it could play into how many injuries you
25 cause.

1 And then the type of penetration. So oral

2 penetration rarely has any injuries. Labial
3 penetration rarely has any injuries. There's
4 multi-factorial reasons why there's rarely any
5 injuries.

6 Q So not to be grotesque, but if someone puts their
7 penis in a little bit, would you expect to find an
8 injury?

9 A No.

10 Q Okay.

11 A A lot of times children have a hard time
12 deciphering a level -- a degree of penetration.
13 It's just not something their body knows. And
14 anything past the labia or the outer lips of the
15 vagina is considered to be penetration in the
16 medical sense.

17 Q Okay. And, you know, there's this common idea
18 that you can look at a girl and tell if she's a
19 virgin. Is that true?

20 A No, that's not true.

21 Q Is that a myth?

22 A That is a myth. There is multiple -- there's
23 a ton of studies that have that been done that
24 support that sexual encounters do not always --
25 the majority do not result in an injury.

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1 Q Okay. And in those studies, are you familiar with
2 the studies?

3 A Yeah. There's a study that we reference a
4 lot. Thirty-six pregnant girls were studies.
5 They were pregnant at the time of the exam and
6 only two of them had injury indicative of
7 penetrating trauma.

8 Q Okay.

9 MS. KEENEY: Beg the Court's
10 indulgence.

11 No further questions.

12 THE COURT: Mr. Walker.

13 CROSS-EXAMINATION

14 BY MR. WALKER:

15 Q Good afternoon.

16 A Hi.

17 Q I'm Matthew Walker. I'm Lamont Jackson's lawyer.

18 Do you have a copy of your report with you?

19 A The medical report, I do.

20 Q I'll reference that in just a second.

21 A Okay.

22 Q When you were going through your experience, about
23 how many of these exams have you done?

24 A In the out-patient setting, greater than
25 500.

1 Q And then with the inpatient?

2 A Inpatient probably over 100.

3 Q Okay. So out of these over 600 exams for sexual
4 abuse that you have done, how many have you concluded
5 at the exam no sexual abuse occurred?

6 A I couldn't give you that number. I don't
7 have that data.

8 Q Is there a number?

9 A A number for how many of them --

10 Q Have you ever said there was no sexual abuse that
11 occurred to this person I've just examined?

12 A What we say is that the sexual abuse is -- we
13 don't have enough evidence. We never say that it
14 didn't occur in my report. There's no way for you
15 to ever prove really that sexual abuse did not
16 occur unless -- I mean, there's really not.

17 Q That's a real stick in the mud, isn't it? No way
18 to prove it didn't occur. I feel your pain.

19 Let's see. So you use language that leaves
20 the possibility that it occurred in every exam that
21 you've ever done.

22 A For the most part.

23 Q Okay. And, as a summary of the report that you
24 did, would it be fair to say that you made a finding
25 of sexual abuse?

1 A Yes.

2 Q And that finding was based on MINOR saying
3 that she was sexually abused?

4 A Her disclosures, yes.

5 Q And no other part of your exam supported that
6 disclosure?

7 A It was based on her disclosures.

8 Q So what I'd like to do is go through that report
9 that you did. The first page that I have says MUSC
10 page 2 of 25. Is that what you have?

11 A The first page I have is just the start of
12 the medical report. I'm not sure.

13 Q Okay. Let me just ask you just flip it.

14 A It's got my picture at the top.

15 Q I don't have that. Maybe I can just give you what
16 I have. I'll just give you a copy of what I have so
17 that we're on the same page. And it may be what you
18 have.

19 A Yeah, that's what I have.

20 Q Okay. And so the first section there is the
21 reason for the referral, right?

22 A Yes.

23 Q And that's the part of the -- that's the intake
24 part that's provided by DSS or law enforcement?

25 A It's provided -- I actually get it from the

1 Child Advocacy Center's intake system. It says it
2 right above there. But it's usually provided by
3 law enforcement or DSS.

4 Q Okay. So I'm going to turn that page and turn the
5 next page and get to the medical history portion.

6 A The second page?

7 Q Well, it's my page 4.

8 A Okay.

9 Q But it goes through the medical history. The
10 first question: "An adult present was present to
11 provide historical information?"

12 A Yes.

13 Q So I'm going to turn the page one more time.
14 Actually, I'm sorry. Go back. There's two questions
15 at the bottom of the page and we're going to just
16 start going through. So that section of history are a
17 number of medical issues that you indicate by either
18 yes or no, correct?

19 A Yes.

20 Q You asked prior injuries and you've indicated "no"
21 for burn, "no" for fracture, "no" for head injury,
22 "no" for oral injury, "no" for laceration, "no" for
23 animal bite, "no" for ingestion. Is that like
24 poison?

25 A Yes. Like, if they were taken to the

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1 hospital for getting into medicine or something.

2 Q No other significant injuries and no anal or
3 genital procedures?

4 A Right.

5 Q And then we will skip down to developmental
6 history.

7 A Okay.

8 Q You've got the first one being, "unknown," for how
9 she's doing in school and regular classes. And then
10 no behavioral concerns is "yes." Physical activities
11 similar to peers is "yes." And then no prior
12 developmental concerns is "yes."

13 A Correct.

14 Q And then school performance you have is "average."
15 And then the next is a psychiatric review of symptoms,
16 and you have "no difficulty sleeping," correct?

17 A Correct.

18 Q "No hyperactive or impulsive behavior," "no
19 fearful of being alone," "no sad or crying easily,"
20 "no" to quiet or withdrawn, "no" to angry outbursts,
21 "no" to hitting or biting, "no" to difficulty making
22 or keeping friends, "no" to having run away from home
23 indicating she's never run away from home. Is that
24 what that means?

25 A This is all obtained from the aunt.

1 Q Okay. And no thoughts about hurting herself, "no"
2 to trying to hurt herself, "no" to sexualized
3 behavior, and no other behaviors. And then it goes
4 from psychiatric to constitutional. What does
5 constitutional mean?

6 A Just like extra stuff that we ask. Little
7 miscellaneous stuff.

8 Q Okay. So under that section you have "no change
9 in appetite," "no" for taking vitamins, "no weight
10 loss" and "no failing to thrive."

11 A Correct.

12 Q And then I will skip down to genital, urinary.

13 A Okay.

14 Q You have "no dysuria." Can you tell us what
15 dysuria is?

16 A Painful urination.

17 Q "No urinary retention." "No hematuria." What is
18 hematuria?

19 A Bloody urine.

20 Q "No to urinary frequency." I guess that just mean
21 doesn't pee?

22 A Yeah, it's a common symptom of urinary tract
23 infection.

24 Q So that would be why the next thing is "No to
25 UTI."

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1 A Like if they have a history of UTI, we check
2 "yes" there.

3 Q "No" to bed wetting, "no" to soiling of the pants,
4 "no genital itching," "no genital lesions," "no
5 genital bleeding," "no genital pain," "no vaginal
6 discharge," "no anal itching," "no anal pain," "no
7 anal lesions," and "no anal bleeding," correct?

8 A Correct.

9 Q You also -- in the skin section that kind of
10 starts on the very bottom and flips over you have, "No
11 bruises, cuts, or sores," and "no rashes."

12 A Sure.

13 Q And then we can skip to the physical examination
14 portion, and that's examination that you did?

15 A Yes.

16 Q Okay. And under the general appears section,
17 there's "WNL," which, I imagine, is "within normal
18 limits."

19 A Correct.

20 Q And then the other choices. AB, which is
21 abnormal?

22 A Correct.

23 Q So she's within normal limits of development.
24 What does WDN means?

25 A Well developed, well nourished.

1 Q "Stated age and aids in the conversation." The
2 next one is normal limits. Eyes are normal.

3 A Yes.

4 Q Same for ears, nose, mouth, and throat. Mouth is
5 normal without evidence of trauma; is that correct?

6 A Correct.

7 Q Now, you would agree with me that, if present,
8 erythema petechiae of unknown etiology found around
9 and on the floor of the mouth can be evident proof of
10 oral sex?

11 A One of the few findings of forced oral sex
12 can be petechiae, uh-huh.

13 Q And do you mind restating that in English so that
14 we all know what it is?

15 A It's basically bruising or trauma to the
16 mouth.

17 Q Okay. But there was no bruising or trauma to the
18 mouth when you did the exam?

19 A Correct.

20 Q I lost my place. Excuse me.

21 All right. Lungs normal, heart is normal.
22 Or I should say within normal limits.

23 A Correct.

24 Q What is MSK?

25 A Musculoskeletal.

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1 Q That was within normal limits?

2 A Correct.

3 Q Neurological exam was within normal limits?

4 A (Witness nods head up and down.)

5 Q That's a yes?

6 A Correct.

7 Q Again, she's just taking it down, so we have to
8 have a verbal answer.

9 And then anus, normal anus without lesions,
10 discharge or evidence of trauma.

11 A Correct.

12 Q And the skin was clean, dry, and intact. And then
13 you photographed the skin as well?

14 A Correct.

15 Q And then we'll skip down to the genital exam
16 portion. And you did a general exam and that was
17 photographed as well.

18 A Correct.

19 Q And as to Miss MINOR's hymen, you said that
20 there is a smooth hymen with no interruptions noted,
21 no abnormal lesions or discharge were present.

22 A Correct.

23 Q And then you have -- there is a number of, I
24 guess, types of hymens.

25 A Shapes.

1 Q Shapes. Types of shapes of hymens, and you have
2 checked annular.

3 A Correct.

4 Q Can you tell us what that means to have an annular
5 hymen?

6 A It's basically round as seen in prepubescent
7 girls mostly.

8 Q Okay. And above that when you say there was a
9 smooth hymen with no interruptions noted, I guess --
10 you know, she said there's kind of this idea that you
11 tell if someone is virginal or not, and you might hear
12 that referred to as someone having a broken hymen. Is
13 that what you mean no interruptions? Is interruption,
14 kind of, a better word for broken?

15 A The word that I would use would be injury.

16 Q Okay.

17 A So there's no injuries noted to hymen. It's
18 smooth. Interruptions or injuries, I guess you
19 could interchange those words.

20 Q Okay. I just wanted to make sure that that is
21 what you meant my interruption. There's no injury.

22 A Uh-huh.

23 Q But there were none?

24 A No.

25 Q And then after all those exams -- I should say in

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1 addition to the exam, you ordered some lab testing
2 done.

3 A Correct.

4 Q A range of sexually transmitted diseases.

5 A Right.

6 Q And they were not present.

7 A Correct.

8 Q And also there were no infections that you found.

9 A Correct.

10 Q So when you came to diagnosis and conclusions, as
11 we've already discussed, you did check the box that
12 says, "No finding of sexual abuse."

13 A Correct.

14 Q And then after that, there is a box that says,
15 "Sexual abuse is strongly indicated." You did not
16 check that?

17 A Correct.

18 Q You checked the one -- sexual abuse is indicated
19 in the box under that. You check, "The patient gives
20 a clear disclosure of sexual abuse," right?

21 A Correct.

22 Q And then also the box following that one says,
23 "The anal genital examination is normal or
24 non-specific."

25 A Correct.

1 Q And, at the end of that, there is what I'll call a
2 disclaimer, which you've already given, saying that
3 the fact there's a normal exam doesn't mean it didn't
4 happen.

5 A Correct.

6 Q And, again, as I believe is indicated by this, it
7 is not the exam but it is Miss MINOR's disclosure
8 that lead you to check the sexual abuse allegations?

9 A Correct.

10 MR. WALKER: I don't have any further
11 questions.

12 THE COURT: Anything further of this
13 witness?

14 MS. KEENEY: Briefly.

15 REDIRECT EXAMINATION

16 BY MS. KEENEY:

17 Q Mr. Walker just went over the review of symptoms
18 with you.

19 A Uh-huh.

20 Q Who provided you that information?

21 A The review of symptoms is provided by the
22 family member that brings the child in.

23 Q So that would have been MINOR's aunt?

24 A Yes.

25 Q Do you have any idea how long the aunt had custody

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1 at that point?

2 A I don't think it was a very long time.

3 Q Okay.

4 A But I can't for sure say.

5 Q But you don't --

6 A I remember not knowing about how she was
7 doing in school and, like, various things. She
8 knew general stuff. So I don't think she had been
9 with her for very long.

10 Q So for the section where you checked, "Thoughts of
11 hurting herself" -- or "Thoughts of hurting herself,"
12 you checked "no," correct?

13 A Yes.

14 Q Because that's what the aunt provided.

15 A That's what the aunt provided.

16 Q However, did you speak with MINOR?

17 A I did. I performed what I call a heads
18 assessment. It's just a general, just quick
19 questions about safety. And I did ask her about
20 suicidal thoughts in that.

21 Q And what did she say?

22 A I can reference it here. Let me see.

23 Q In your note section. This right here.

24 A I found it right when you walked up.

25 Patient states she has felt sad and lonely.

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1 Has thought about hurting herself. And then in a
2 quote she said, "I wanted to hurt myself the day they
3 took me. I don't feel like that anymore. My plan was
4 to go upstairs and jump out of the window. I would go
5 play with my cousins to get it off my mind."

6 Q So when you actually spoke with MINOR there were
7 thoughts of suicide?

8 A Yes.

9 Q Thank you.

10 MS. KEENEY: No further questions.

11 THE COURT: Anything further, Mr. Walker?

12 MR. WALKER: No, Your Honor.

13 THE COURT: You may be excused. Thank
14 you.

15 THE WITNESS: Thank you.

16 MS. KEENEY: May we approach?

17 THE COURT: You may.

18 (Bench conference off the record.)

19 MS. KEENEY: My next witness is the
20 forensic interviewer and it's going to be a while
21 because we got to play the video.

22 THE COURT: Lunch is not here yet.
23 They're bringing in lunch for them. It will be
24 here at 1:00. Are we okay to just start it?
25 Would you be okay with that?

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1 MS. KEENEY: If you give me five minutes
2 to get him here.

3 THE COURT: Okay. Yeah, yeah, let's do
4 that.

5 MS. KEENEY: Can we take a stretch break?

6 THE COURT: Sure. Ladies and gentlemen,
7 does anyone need to use the restroom? Everyone
8 okay?

9 I am being told that lunch will be here
10 exactly at one o'clock, so I'd like to keep going. I
11 know our next witness --

12 We are playing a video; is that correct?

13 MS. KEENEY: Correct.

14 THE COURT: So my plan was that we would
15 just start it and when lunch gets here, we'll take
16 a break and you're welcome to go back and have
17 your lunch and then come back out.

18 We're going to pick it up right now. So
19 I figured we could start with the video. But does
20 anyone need a break? No.

21 Let's stand up and take a break. Just a
22 stretch.

23 (Off the record.)

24 MS. KEENEY: May we approach?

25 THE COURT: You may.

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1 MS. KEENEY: His witness that he was
2 going to call that we need a Zoom link to, she's
3 available now. I'm actually going to call her.

4 THE COURT: Do you want to use her?

5 MS. KEENEY: Yes.

6 MR. WALKER: You're going to call her?

7 MS. KEENEY: She's ready.

8 THE COURT: Is everything hooked up and
9 ready to go.

10 LAW CLERK: I need to send the link.

11 THE COURT: Go ahead and send it. Okay,
12 that's sound good.

13 MS. KEENEY: This would be a better way
14 than stopping.

15 THE COURT: What is this witness's name?

16 MR. WALKER: Mary Trask.

17 THE COURT: Is she the one that's in
18 Lexington? Different person?

19 MR. WALKER: I confused my -- she's not
20 the one that was trying not to be here. It was
21 the one in Lexington.

22 THE COURT: Okay.

23 MR. WALKER: I told her she needed to
24 come.

25 THE COURT: Okay.

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1 MR. WALKER: This lady -- it was my
2 fault.

3 THE COURT: Thank you. All right.

4 MS. KEENEY: So I'll hook this up.

5 THE COURT: So it's my understanding we
6 have another witness that is available right now
7 that we can do by Zoom. So I think that's a
8 better use of our time than bringing up the next
9 witness who is going to be longer.

10 So, if we can, go ahead and do that right
11 now.

12 MS. KEENEY: There she is.

13 THE COURT: Okay.

14 MS. KEENEY: Can you hear me?

15 THE COURT: You need to unmute.

16 Just so she can see you and will you
17 introduce who you are. And if you want to turn it
18 off, you're fine too.

19 MS. KEENEY: Miss Trask, can you hear me?

20 THE WITNESS: I can.

21 THE COURT: The clerk is going to
22 administer an oath to you. Can you put her under
23 oath?

24 THE CLERK: Hi, can you hear me?

25 THE WITNESS: I can.

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1 THE CLERK: Raise your right hand. Do
2 you affirm the testimony you're about to give the
3 Court in this trial shall be the truth, so help
4 you God?

5 THE WITNESS: I do.

6 THE CLERK: Thank you. State your name
7 again for the record, spell your last name.

8 THE WITNESS: My name is Mary Trask,
9 T-r-a-s-k.

10 WHEREUPON:

11 MARY TRASK,
12 after having been sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MS. KEENEY:

15 Q Miss Trask, I am Julie Kate Keeney. I work for
16 the solicitor's office. Can you please tell the jury
17 where you work or where you used to work?

18 A I used to work at Hopeful Horizons, which is
19 a non-profit organization here in Beaufort that
20 serves five counties, and I was a therapist
21 there.

22 Q Okay. And what do you have to do to be a
23 therapist? Do you have to go to school for that, is
24 there a certification?

25 A Yes. I obtained a master's degree in mental

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1 health counseling from Wake Forest University. I
2 took a national board exam to apply for licensure
3 in the state of South Carolina, which I have a
4 license -- my license is licensed professional
5 counselor, also known as LPC.

6 Q Okay. And did you have an opportunity to counsel
7 MINOR?

8 A Yes, I did.

9 Q Okay. And do you know about how many times, if
10 you could estimate, that you saw MINOR?

11 A According to my -- I'm sorry. Jets are
12 flying overhead. I'll wait for that to stop.

13 According, to my notes, I met with MINOR and
14 her caregiver 14 times in person at the offices of
15 Hopeful Horizons in Beaufort, and I believe there were
16 a couple of telephone sessions as well.

17 Q So you saw her numerous times?

18 A Yes.

19 Q And during the course of your counseling of her,
20 did she make disclosure of sexual abuse to you?

21 A Yes, she did.

22 Q Okay. And at some point, did she disclose to you
23 that the suspect or the defendant's family member also
24 sexually abused her?

25 A She disclosed that a teenage boy, who was

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1 related to the alleged offender in this case,
2 sexually abused her in a motel or hotel in Myrtle
3 Beach.

4 Q Okay. And what did you do when you got that
5 information?

6 A I called the Horry County Police Department
7 and gave them the information that I had, which
8 was -- I believe I had the name of the hotel and
9 the details that MINOR shared with me, but we did
10 not have the name of the offender.

11 Q So did anything ever come of that investigation,
12 to your knowledge?

13 A Not that I'm aware of.

14 Q Is that because you weren't able to identify who
15 it was, the suspect?

16 A That was my understanding.

17 Q And, to be clear, did she make -- when she made
18 disclosures to you regarding sexual abuse, was that
19 just towards this unknown suspect or was it towards
20 the unknown suspect and suspect in our case?

21 A She made disclosures of sexual abuse by her
22 mother's boyfriend, and then she described this
23 abuse happening over the course of several
24 years.

25 Q There wasn't any confusion about who was abusing

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1 her other than she didn't know the other guy's name?

2 A No, there was no confusion on her part at
3 all.

4 Q Okay, thank you.

5 MS. KEENEY: No further questions.

6 THE COURT: Mr. Walker.

7 MS. KEENEY: The video on our end, she
8 can't see him because it's frozen on my face.

9 MR. WALKER: That's probably a better
10 picture.

11 MS. KEENEY: It's not. The defense is
12 going to ask you questions now.

13 CROSS-EXAMINATION

14 BY MR. WALKER:

15 Q Miss Trask, I don't know if you can see me. My
16 name is Matthew Walker.

17 A Hi, Matthew. I cannot see you.

18 Q Well, Miss Keeney lights up the screen probably
19 better than I would.

20 As far as the disclosure she made about this
21 incident in Myrtle Beach, you are what's called a
22 mandatory reporter, correct?

23 A Correct.

24 Q And you did report it because you are a mandatory
25 reporter?

1 A Correct.

2 Q It is not your job to investigate alleged
3 crimes?

4 A No, it's not.

5 MR. WALKER: No further questions.

6 THE COURT: Okay. Anything further?

7 MS. KEENEY: Nothing further.

8 THE COURT: All right. Miss Trask, thank
9 you so much for your time. We appreciate it.
10 We're going to go ahead and --

11 MS. KEENEY: End it.

12 THE COURT: Yes.

13 THE WITNESS: Thank you.

14 THE COURT: Thank you.

15 Okay. Do you want to go ahead and take a
16 break now? The lunch should be here any moment. They
17 just went to grab it.

18 Ladies and gentlemen, I need to remind
19 you over the lunch break, do not discuss this
20 case. It wouldn't be appropriate to do so.

21 For my bailiffs, if anyone needs to go
22 outside, they are welcome to. I just need to keep
23 them altogether. I mean, if some of them don't
24 need to go outside, they're welcome to stay here.
25 But if you-all want to just go walk around the

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1 front just a little bit before lunch comes, you're
2 welcome to. We just need to bring you-all back in
3 together.

4 Thank you. I appreciate it. Again, do not
5 discuss this case. It wouldn't be appropriate to do
6 so.

7 (Jury exits the courtroom at 12:46 p.m.)

8 THE COURT: Thank you. All right.
9 Anything else we need to discuss before we break
10 for lunch?

11 MR. WALKER: Not from the defense.

12 THE COURT: They say their lunch is going
13 to be here at 1:00-ish, so I'm hoping that maybe
14 we could gather back at about 1:30, 1:40-ish. Is
15 that enough time for you-all?

16 And so just so I understand timing-wise,
17 Miss Keeney, the video is roughly did we say an hour?

18 MS. KEENEY: I cut out some of it, so I
19 would say approximately an hour, maybe a few
20 minutes more.

21 THE COURT: And then are you going to
22 rest your case?

23 MS. KEENEY: Yes.

24 THE COURT: And then we'll do motions. And
25 then, if you do put up a case, or whatever, we'll

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1 obviously go over your client rights, whether or not
2 he wishes to testify.

3 Are we all still in agreement? I think
4 we are, that regardless, we will argue and charge
5 tomorrow just based on whatever time --
6 particularly, because I do have one juror that
7 gave us a note that said she had to leave or he
8 had to leave by 4:45 today.

9 Okay.

10 MS. KEENEY: That sounds good. Let's
11 talk about what time do you-all want to start in
12 the morning.

13 MR. WALKER: Same.

14 MS. KEENEY: 9:30.

15 THE COURT: 9:30 sounds good. And then
16 are you going to try to bring some people over in
17 the afternoon?

18 MS. KEENEY: I am.

19 THE COURT: Okay.

20 MS. KEENEY: We can argue and charge and
21 be done by lunchtime, so one o'clock.

22 THE COURT: I think that would fine.
23 That's just for planning purposes. Have a great
24 bite to eat and I'll see you back in 45 minutes.

25 (A break was taken from 12:49 p.m to 1:45 p.m.)

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1 THE BAILIFF: All rise.

2 THE COURT: Please be seated.

3 I heard the jury is now ready. Bring the
4 jury in, please.

5 (Jury enters the courtroom at 1:45 p.m.)

6 THE COURT: All right. Welcome back,
7 ladies and gentlemen. I trust you-all got a bite
8 to eat.

9 Go ahead and call your next witness.

10 MS. KEENEY: The State calls Brooke
11 Bentley?

12 THE COURT: Come on forward, please, to
13 be sworn.

14 THE CLERK: Raise your right hand. Left
15 on the Bible. Do you solemnly affirm the
16 testimony you're about to give the Court shall be
17 the truth so help you God?

18 THE WITNESS: I do.

19 THE CLERK: Have a seat in the witness
20 stand. State your name again for the record and
21 spell your last name.

22 THE WITNESS: Brooke Bentley,
23 B-e-n-t-l-e-y.

24 WHEREUPON:

25 BROOKE BENTLEY,

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1 after having been sworn, testified as follows:

2 MS. KEENEY: May it please the Court?

3 THE COURT: Yes, ma'am.

4 DIRECT EXAMINATION

5 BY MS. KEENEY:

6 Q Miss Bentley, where do you work?

7 A Hopeful Horizons.

8 Q What's your position there?

9 A I'm the lead forensic interviewer and
10 therapist.

11 Q And what's a forensic interviewer?

12 A So a forensic interviewer is called by either
13 DSS or law enforcement to do a specialized
14 interview for the children when there have been
15 any allegations of any type of abuse.

16 Q Do you have specialize training on how to
17 interview children who have been suspected to be
18 abused?

19 A Yes.

20 Q What's that training called?

21 A It's called Child First.

22 MR. WALKER: Objection, Your Honor.

23 THE COURT: Hold on.

24 MR. WALKER: I don't believe the nature
25 of the training is appropriate for the

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1 foundation.

2 THE COURT: Okay. I don't think it
3 matters, but let's just kind of move on.

4 MS. KEENEY: Okay.

5 BY MS. KEENEY:

6 Q Did you have an opportunity to interview [REDACTED]

7 [REDACTED] MINOR on the June 17th of 2021?

8 A Yes.

9 Q Where did that interview take place?

10 A It took place at our office here in
11 Walterboro.

12 Q And Hopeful Horizons is a child advocacy center?

13 A Yes.

14 Q There are multiple offices.

15 A Yes.

16 Q One in Beaufort?

17 A Beaufort, Walterboro, and Bluffton, yes.

18 Q Do you know how old [REDACTED] MINOR was at the time
19 in the interview?

20 A She was 10.

21 Q And who brought her to the interview?

22 A Her aunt, Francis Harrison.

23 Q Did she make a disclosure of sexual abuse to
24 you?

25 A Yes.

Testimony of Brooke Bentley

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1 MS. KEENEY: At this time, the State --
2 may I approach the witness?

3 THE COURT: You may.

4 (STATE EXH. 6, Interview Video, was marked
5 for identification.)

6 BY MS. KEENEY:

7 Q Let me show you Exhibit 6. Do you recognize this
8 item?

9 A Yes.

10 Q How do you recognize it?

11 A It's my signature.

12 Q Okay. And you reviewed this item?

13 A Yes.

14 Q Is this a fair and accurate copy of the interview
15 that you did of MINOR?

16 A Yes.

17 MS. KEENEY: At this time, State would
18 move State's Exhibit 6 into evidence.

19 THE COURT: Subject to your prior
20 objection, it's in evidence.

21 (STATE EXH. 6, Interview Video, was entered
22 into evidence.)

23 MS. KEENEY: Permission to publish?

24 THE COURT: You may.

25 (Video played from 1:51 p.m. to 1:55 p.m.)

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1 THE COURT: Can you-all hear? I'm taking
2 a guess you can't, definitely. I'm having a
3 really hard time hearing. Is there any way we can
4 -- is there any other kind of speaker? What about
5 your mic? You had your handheld mic? Is there
6 any chance that that could do anything?

7 THE CLERK: Yes, ma'am.

8 THE COURT: Let's give it a try.

9 Ladies and gentlemen, I'm going to send
10 you back to the jury room for just a minute. I'm
11 having a really hard time hearing it. I know you
12 both said you couldn't hear it, correct? Other
13 people -- you can't hear it? Okay. Go back to
14 your jury room, refresh yourselves, and we'll get
15 right back to you. We're going to see if we can
16 get it to where we can all hear it. Okay.

17 (Off the record.)

18 (Jury exhibit the courtroom at 1:55 p.m.)

19 MS. KEENEY: I'm going to skip a little
20 bit until she takes off her mask.

21 THE COURT: Any objections, Mr. Walker?

22 MR. WALKER: No, Your Honor.

23 Is no okay?

24 (Off the record.)

25 THE COURT: You want to bring the jury

Testimony of Brooke Bentley

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1 back in? Mr. Walker, ready?

2 MR. WALKER: Yes, Your Honor.

3 THE COURT: Bring the jury back in.

4 (Jury enters the courtroom at 2:15 p.m.)

5 THE COURT: All right. Ladies and
6 gentlemen, we are doing our best.

7 What we've done is moved up the video just a
8 little bit where **MINOR** takes off her mask, which
9 makes it a little better. It's still a little bit
10 hard to hear. Okay. But this is about the best
11 we can get done. And it might be a little loud at
12 first, but bear with us.

13 Okay, go ahead.

14 (Video played from 2:17 p.m. to 3:17 p.m.)

15 MS. KEENEY: I'm just going to clip it to
16 the rules.

17 THE COURT: Stand up just a few more
18 seconds.

19 (Video continued.)

20 (Video ends at 3:17 p.m.)

21 MS. KEENEY: No further questions.

22 THE COURT: Mr. Walker, any questions of
23 this witness?

24 MR. WALKER: No, Your Honor.

25 THE COURT: You may step down, thank you.

1 MS. KEENEY: At this time the State
2 rests.

3 THE COURT: Ladies and gentlemen, at this
4 time, the State has also rested their case.
5 There's just a matter of law I need to take up
6 with the attorneys. I'm going to send you back to
7 your jury room. Do not discuss this case. It
8 wouldn't be appropriate to do so. We'll be back
9 in a few.

10 Okay.

11 MS. KEENEY: Can I make this a Court's
12 exhibit? It's my redaction list of what I
13 redacted.

14 THE COURT: You may. A Court's exhibit,
15 yes.

16 MS. KEENEY: I stopped it at 3 hours and
17 7 minutes and 28 seconds.

18 This is Court's Exhibit 3. And I, kind of
19 summarized. I put redactions and summarized, kind
20 of, like the content of what I redacted.

21 THE COURT: What Court exhibit is it?

22 MR. WALKER: 3.

23 MS. KEENEY: 3.

24 THE COURT: Any motions, Mr. Walker?

25 MR. WALKER: At this time, defense moves

1 for directed verdict.

2 THE COURT: All right. Any response?

3 MS. KEENEY: Judge, you know this is
4 viewed in the light most favorable to the State,
5 **MINOR** testified about the repeated sexual
6 batteries that occurred when she was under the age
7 of 11 by the defendant, and also the forensic
8 interview corroborated that.

9 THE COURT: Okay, thank you.

10 I do find, taking the evidence in the
11 light most favorable to the State, there is
12 evidence from which this jury can determine the
13 defendant was guilty of both counts of criminal
14 sexual conduct with a minor in the 1st degree, and
15 I'm going to respectfully deny your motion, sir.

16 Is now a good time for me to go through
17 your client's rights with him as to whether or not
18 he wishes to testify, Mr. Walker?

19 MR. WALKER: Yes, Your Honor.

20 THE COURT: Sir, if you'll stand up and
21 just raise your right hand. Do you swear or
22 affirm the testimony you give will be the truth so
23 help you God?

24 MR. JACKSON: Yes.

25 THE COURT: Thank you, sir. You may go

1 ahead and put your hand back down.

2 Sir, we've come to that time in the trial
3 where you are permitted to put on a defense. I
4 want to explain to you that the Fifth Amendment to
5 the Constitution states that any criminal
6 defendant has the right to remain silent in any
7 criminal trial that is against him. Sir, that
8 means that no one can compel you to be a witness
9 against yourself or in the trial. However, I want
10 you to also understand, sir, that you also have
11 the right to be a witness if you would like to and
12 testify on your own behalf. I just need to
13 instruct you, sir, that if you choose to testify,
14 you would be subject to cross-examination from the
15 State on anything that I deem relevant to this
16 case. And I want to make sure you understand
17 that.

18 Also, did he have any other prior
19 convictions that could be used against him,
20 Solicitor?

21 MS. KEENEY: I'm looking right now. I
22 know he had that old ABHAN that would not
23 automatically be relevant unless he opened the
24 door.

25 THE COURT: Right, okay.

1 What was the other one, Mr. Walker?

2 MS. KEENEY: Everything is old. He has
3 1997 obscene gestures. He has resisting arrest
4 before the ABHAN.

5 THE COURT: So you agree there's nothing
6 you can use against him, unless he opens the
7 door.

8 MS. KEENEY: Unless he opens the door.

9 THE COURT: So, Mr. Walker, have you had
10 an opportunity to explain and talk to your client
11 about whether or not he wishes to testify?

12 MR. WALKER: I have, Your Honor.

13 THE COURT: And has he made that decision
14 as of yet, or do you need to speak with him
15 further?

16 MR. WALKER: I believe that have talked
17 about it sufficiently and he indicates he does not
18 wish to testify.

19 THE COURT: All right.

20 Is that correct, sir, you do not wish to
21 testify in this case?

22 MR. JACKSON: Yes, ma'am.

23 THE COURT: All right. Is that your free
24 choice, sir?

25 MR. JACKSON: Yes.

1 THE COURT: All right, sir. You may be
2 seated. Thank you.

3 Mr. Walker, are you going to put up
4 anything?

5 MR. WALKER: No, Your Honor. We would be
6 resting.

7 THE COURT: All right. What I intend on
8 doing -- it's like 3:25. I'm going to bring the
9 jury back out. I'm going to have you go ahead and
10 just rest for the record, sir, and then I'm going
11 to excuse them for the day. I'm going to ask them
12 to be back tomorrow morning at 9:30. They
13 actually were here at 10:00 this morning. We were
14 here at 9:30. I can do either. It's fine. But
15 we'll bring them back -- if 9:30 is okay with
16 them, we'll bring them back at 9:30 tomorrow. We
17 will do closing statements and we'll charge them
18 on the law.

19 And while we're sitting here, after we excuse
20 them, we will talk about the jury charge and the
21 verdict form. Okay?

22 And you can renew your motion then, Mr.
23 Walker, okay, for the record.

24 Bring the jury back out.

25 (Jury enters the courtroom at 3:22 p.m.)

1 THE COURT: All right. Mr. Walker, would
2 you like to rest?

3 MR. WALKER: Thank you, Your Honor. The
4 defense rests.

5 THE COURT: Ladies and gentlemen, at this
6 time, the defense has also rested their case.
7 What we have left to do is hear the arguments from
8 the attorneys and my charge on the law. But
9 before we do all that, there are things that I
10 need to take up with the attorneys.

11 So rather than start at this late hour, I'm
12 going to ask that you come back tomorrow morning at
13 9:30 or 10:00. What is everyone's preference? 9:30
14 or 10:00 to start?

15 FOREMAN: 9:30.

16 THE COURT: 9:30, is that okay?

17 All right, everybody, so if we come back
18 at 9:30 tomorrow morning, we're going to finish up
19 this case. Again, you have to hear the closing
20 arguments from the lawyers, I'm going to charge
21 you on the law, and I'm going to send it to you
22 for your deliberations.

23 All right. Ladies and gentlemen, even
24 though you have heard all the evidence in this
25 case, it would be inappropriate for you to discuss

1 it. It would be inappropriate for you to do any
2 independent research. As I told you, I'm going to
3 give you the law that's applicable to this case.
4 You will have it in written form back in the jury
5 room with you.

6 Ladies and gentlemen, go home and get a
7 good night's sleep. We look forward to seeing
8 you-all back in your jury room tomorrow morning
9 when we are going to conclude this case. When
10 you-all are done deliberating, you are going to be
11 excused for the remainder of the week.

12 All right. Thank you and we'll see you
13 tomorrow morning at 9:30.

14 (Jury is excuse at 3:27 p.m.)

15 THE COURT: You want to renew your motion
16 to Mr. Walker?

17 MR. WALKER: Yes, Your Honor. We renew
18 our motion for directed verdict.

19 THE COURT: Thank you. Based on the
20 earlier arguments and on the same grounds, I'm
21 respectfully denying your motion for a direct
22 verdict, sir.

23 Kylin, of course, has been working on
24 jury charge. I don't think they're anything truly
25 extraordinary on this one. I saw your email in

1 reference to any comment about a child's
2 testimony. It can be argued it's not a charge
3 that's appropriate before the jury. I'm just
4 going to go through with you-all what I'm going to
5 charge or what I intend to. And please speak up
6 if there's anything that concerns you. Okay?

7 He is charged with two counts of 1st
8 degree criminal sexual conduct with a minor,
9 presumption of innocence, reasonable doubt, a long
10 reasonable doubt, the jury is the judge of the
11 facts, I'm the judge of the law.

12 I explain to them direct and
13 circumstantial evidence. Their job is to judge
14 the credibility of the witnesses.

15 I am charging -- doing a charge on expert
16 witnesses. I am charging that the fact that the
17 defendant did not testify cannot even be discussed
18 back in the jury room.

19 That there are two separate charges.
20 They each charge a separate and distinct offense.
21 I'm going to charge 1st degree criminal sexual
22 conduct with a minor under the age of 11 years
23 old.

24 And just for the headline that is in that
25 charge, and I just want to make sure everyone

1 knows because it is the current law, it's -- I'll
2 just read you the whole thing. It's, "The
3 defendant is charged with 1st degree criminal
4 sexual conduct with a minor under the age of 11
5 years of age. A defendant is guilty of criminal
6 sexual conduct with a minor in the 1st degree if
7 the defendant engages in sexual battery with a
8 minor who is less than 11 years of age at the time
9 of the sexual battery. A sexual battery is sexual
10 intercourse, cunnilingus, fellatio, anal
11 intercourse, or any intrusion however slight of
12 any part of a person's body or of any object into
13 the genital or anal opening of another's body,
14 except if the intrusion is accomplished for
15 medically recognized treatment or diagnostic
16 purposes. Consent, willingness, indifference or
17 ignorance on the part of the minor, if any, as to
18 what was taking place does not in any way affect
19 the charge of criminal sexual conduct with a minor
20 because a minor under the age of 14 cannot legally
21 consent to sexual intercourse.

22 The testimony of the minor need not be
23 corroborated and prosecutions of criminal sexual
24 conduct with a minor; however, I remind you the
25 State must prove every element of the offense

1 charged beyond a reasonable doubt."

2 And your verdict must be unanimous. You
3 must be a fair and impartial jury. The typical.

4 Anything additional from the State?

5 MS. KEENEY: I'm about to say something
6 that's going to hurt me, but that corroboration
7 charge, is that -- I thought that was no longer
8 good law.

9 THE COURT: I think it is.

10 LAW CLERK: They took it out last year.

11 THE COURT: They took it out?

12 MS. KEENEY: I like it, but I just don't
13 want to be wrong.

14 THE COURT: We'll look at it again and
15 we'll double make sure.

16 MS. KEENEY: I thought it was the Stokes
17 case, but I need to look to see if that's changed.

18 THE COURT: Mr. Walker, other than that,
19 anything?

20 MR. WALKER: I don't have an additional
21 charge. I didn't know if -- I don't think consent
22 -- I can argue it. If you want to excise that
23 portion of that CSC charge just to eliminate any
24 potential confusion and make it a little shorter.
25 I certainly would be open to that.

1 THE COURT: Hold on one second.

2 MS. KEENEY: I might be wrong about the
3 name of the case. I'm looking it up.

4 *Stukes*, S-t-u-k-e-s.

5 THE COURT: Oh, okay. Julie Kate, I'm
6 not finding it.

7 MS. KEENEY: You want the citation?

8 THE COURT: Do you have it?

9 MS. KEENEY: 416 S.C. 493.

10 THE COURT: And how do you believe it's
11 spelled?

12 MS. KEENEY: S-t-u-k-e-s. 416 --

13 THE COURT: I've got it. I've got it.

14 MS. KEENEY: I can argue it to the jury
15 charge.

16 THE COURT: This says South Carolina
17 Supreme Court overrules *State v. Rayfield* to the
18 extent it condones the use of 16-3-657 as a jury
19 charge. The admissible facts -- yeah, I'll take
20 it out.

21 And then are we also taking out the other
22 part -- what was the last bit of it about being a
23 child?

24 LAW CLERK: We took out the testimony of
25 a child.

1 THE COURT: But for completeness, there
2 was something else in the charge though. Pull up
3 the charge. There's one other thing.

4 LAW CLERK: In the CSC?

5 THE COURT: Yes. So he would say that --
6 are you in agreement, Miss Keeney, to take out the
7 consent, willingness, indifference, or ignorance?

8 MS. KEENEY: I think it's correct law. I
9 think the charge is very confusing to the jury.

10 THE COURT: You do or don't?

11 MS. KEENEY: I think it should stay in.

12 THE COURT: Okay. I think it is a proper
13 charge on the law.

14 MR. WALKER: Yes, Your Honor. I wasn't
15 arguing that.

16 THE COURT: Okay. I've taken out the
17 other part, Mr. Walker.

18 Anything else?

19 I mean, I don't think this jury could
20 find anything other than CSC with a minor in the
21 1st degree. I don't think there's any lesser
22 includeds in this case. It's either yes or no.
23 And the verdict form is just going to be as to
24 each count and that's it.

25 Anything else from you-all?

1 MS. KEENEY: You did say you took out the
2 part about child witnesses.

3 THE COURT: I did. Out.

4 Anything else?

5 MR. WALKER: No, Your Honor. Not from
6 the defense.

7 THE COURT: All right. So tomorrow
8 morning, they said 9:30, so we'll all be back at
9 9:30 tomorrow morning.

10 I also -- Mr. Walker, I need to know, I
11 understand that your client has another pending
12 charge in Charleston.

13 MR. WALKER: Yes, Your Honor.

14 THE COURT: I need you to kind of verify
15 with me what his bond is on that, if it becomes
16 necessary to know. And if he actually has a bond
17 or what's happening with that charge. I just know
18 it's not here, so I didn't know if you would know.
19 But will you do a little research to see what his
20 bond is?

21 MR. WALKER: I'll email his attorney.
22 We've been in some contact about this week.

23 THE COURT: Okay.

24 MR. WALKER: I'll let him know after this
25 week if he'll be in the Charleston County jail or

1 SCDC. So I'll reach out to him about what the
2 status of bond is and hopefully he'll get back to
3 me.

4 THE COURT: Thank you. I appreciate it.
5 Anything else from anyone? No.

6 All right. See you-all tomorrow. Maybe
7 if we could all get here roughly 9:15-ish tomorrow
8 so we'll be ready to go. If you need anything,
9 let me know. And if anything comes to you over
10 the evening about something further you want
11 charged, both of you, obviously, feel free to
12 email Kylin and myself, and, of course, copy each
13 other, and I'll see you-all in the morning.

14 Thank you.

15 MR. WALKER: Thank you.

16 MS. KEENEY: Thank you.

17 (The trial was adjourned 3:37 p.m.)

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CERTIFICATE OF REPORTER

I, SHARON G. HARDOON, Official Circuit Court Reporter, III for the State of South Carolina at Large, 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 General Sessions for Colleton County, South Carolina.

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

November 10, 2023

A handwritten signature in cursive script, reading "Sharon G. Hardoon". The signature is written in dark ink and is positioned above a horizontal line.

Sharon G. Hardoon, CSR
Official Circuit Court Reporter, III

1 STATE OF SOUTH CAROLINA
2 IN THE GENERAL SESSIONS
3 COUNTY OF COLLETON

4 State of South Carolina,
5 vs. Transcript of Record
6 2021-GS-15-00605
7 2021-GS-15-00606

8 Bradley Lamont Jackson,
9 Defendant.

10 June 28, 2023
11 Walterboro, South Carolina

12 B E F O R E:

13 The HONORABLE CARMEN MULLEN

14 A P P E A R A N C E S:

15 Julie Kate Keeney, Solicitor

16 Matthew Walker, Representing the defendant

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1 THE LAW CLERK: I just emailed the jury
2 charge and the verdict form. Judge Mulllen just asked
3 me to put on the record, if you have any objections to
4 the verdict form -- I have a copy for you. After you
5 review it -- so no objections?

6 MR. WALKER: No objection.

7 MS. KEENEY: It's not that I don't trust you.
8 That's correct.

9 THE LAW CLERK: Thank you-all.

10 THE BAILIFF: All rise. Court is now in
11 session. Judge Mullen presiding.

12 THE COURT: Good morning. All right.
13 Are we ready to go this morning? State ready?

14 THE BAILIFF: Your Honor, Julie Kate
15 stepped out for a minute.

16 THE COURT: No objections to the verdict
17 form; is that correct?

18 MS. KEENEY: Not from the State.

19 MR. WALKER: That's correct, Your
20 Honor.

21 THE COURT: Thank you.

22 All right. Are we ready to bring the
23 jury in, Miss Keeney?

24 MS. KEENEY: The State is ready.

25 THE COURT: You are opening and close,

1 Miss Keeney, or not?

2 MS. KEENEY: I'm going to go up once
3 because I start and I'm done, right?

4 THE COURT: He didn't put in any
5 evidence.

6 MS. KEENEY: He didn't put any evidence
7 in.

8 MR. WALKER: I'm not sure that is the
9 rule anymore.

10 THE COURT: I'm not sure it is anymore,
11 but you're fine by doing that?

12 MR. WALKER: I'm not going to argue with
13 that.

14 THE COURT: Yeah, okay.

15 MR. WALKER: If we did, I would request that
16 she open in full.

17 THE COURT: Definitely open in full. And
18 the reason why they changed it is because the
19 State always still has the burden of proof, even
20 if the defense doesn't put on evidence, but it's
21 up to you.

22 MS. KEENEY: I should actually know this,
23 but when the defense puts in evidence, I always
24 open in full, and then they go, and I do a brief
25 reply.

1 What's the actual rule?

2 MR. WALKER: State goes, you will open in
3 full and then your reply.

4 THE COURT: Your rebuttal is just very
5 short. It's obviously anything you didn't cover
6 in the first.

7 MS. KEENEY: I can open in full and do my
8 brief rebuttal.

9 THE COURT: Okay. She'll get a very
10 brief rebuttal. I will tell you my experience,
11 it's kind of funny, is that sometimes when the
12 State gets back up, the jury can get a little
13 exasperated. They're like, *Oh, again. How many*
14 *times are we going to do this type of thing*, so it
15 just depends.

16 All right. Let's bring the jury in, sir.

17 (Jury enters the courtroom at 9:37 a.m.)

18 THE COURT: Good morning, ladies and
19 gentlemen. It is a pleasure to see you-all. As I
20 told you yesterday when we parted, what we have
21 left to do is hear the closing arguments from the
22 attorneys. I'm going to charge you on the law
23 that's applicable to this case and we're going to
24 send it to you for your deliberations this
25 morning.

1 All right. So if you'll give Miss Keeney
2 your attention, please.

3 MS. KEENEY: May it please the Court?

4 THE COURT: Yes, ma'am.

5 CLOSING ARGUMENT

6 MS. KEENEY: Rhonda Manigo thought she
7 could trust Bradley Lamont Jackson. She was
8 wrong. Her taste in men and her parenting ability
9 are questionable, but in her defense no one ever
10 expects that someone that they invite into their
11 home, that they've dated for years, someone that
12 they love to do something so horrific. But that's
13 the reality we live in. These types of things
14 happen. You see it on the news. You always here
15 people say, *Oh, I never thought he could do that,*
16 but people do awful things and that's why we're
17 here.

18 Now, the judge is going to tell you that
19 it's your job to judge the credibility of the
20 witnesses. And what that means is believability,
21 what do you believe. And so the main witness in
22 this case that you have to judge the believability
23 of is **MINOR** And so let's talk about that.

24 This isn't just a child who doesn't like
25 mom's boyfriend, who gets on punishment because

1 she didn't do her chores and she says, *Oh, he*
2 *raped me.* That's not what she does. Now, she
3 does tell her mom and her mom does absolutely
4 nothing but throw the note away. But what does
5 she do? She tells you and she tells the forensic
6 interviewer vivid details of how he raped her.

7 So let's go over those. *He showed me his*
8 *tongue ring and asked if I wanted to feel it.*
9 *When I asked him how, he padded my vagina.* You've
10 heard both Larry and Rhoda say that he did, in
11 fact, have a tongue ring. You heard her say he
12 pushed her on the floor because her air mattress
13 made too much noise. He would get mad when he
14 couldn't get his penis in her. And when he
15 finally would get it in, he looked so happy. He
16 would tell her to say -- if her mom ever caught
17 her with her pants off, *Tell her you're just*
18 *changing your clothes.* She said when his penis
19 would come out of her vagina, it wouldn't go back
20 in because it was too small, referring to her
21 vagina.

22 She says he put this jelly thing, KY, on
23 his penis and then put it in her butt. Sometimes
24 his penis would be short. Sometimes his penis
25 would be long.

1 She says -- talking about the innocence
2 of this -- she says -- when the forensic
3 interviewer says, *Did you ever see anything come*
4 *out of it*, she said, *I don't know what it was*
5 *called, but it was white and it would get on my*
6 *back and then he go and get a towel and wipe it*
7 *off.* He would grab her -- he would put her mouth
8 on his penis, grab her hair, and move her head up
9 and down.

10 Ladies and gentlemen, one of the most
11 important things that I think she says is this:
12 *Sometimes his penis would be hard and sometimes it*
13 *would be soft.* That is a feeling. That is not
14 something that you know at nine years old from TV.
15 You have to feel that.

16 Now, you've heard from the nurse
17 practitioner and we all know from the witness's
18 testimony by the time all this came out, the time
19 when DSS and law enforcement got involved, it was
20 about four days later, and that is outside the
21 time window of when we can actually try to do
22 swabs of the vaginal and anal area to see if
23 there's any DNA. So we're well passed that. Now,
24 had Rhoda, you know, reported it when **MINOR** wrote
25 the note then maybe we could have done that. But

1 because Rhoda didn't do that, we're just stuck
2 with the basic medical exam.

3 So what did the nurse practitioner tell you?
4 She basically said, *It's normal to be normal*. It is,
5 in her experience and from all the studies, about 96
6 -- I can't remember the exact number, but in the high
7 90s that they're always going to be pretty much
8 normal. It's very, very rare -- even when she has
9 acute cases, which are cases that come in within,
10 like, 72 hours of the last assault, those people are
11 almost always normal too.

12 And one of the most important things she
13 says is, there's actually research studies,
14 articles written about pregnant girls, girls that
15 are currently pregnant, they go in for the same
16 medical exam that **MINOR**'s had and they're normal.
17 They don't have any injuries.

18 So I know I believed this for a long
19 time, I know pretty much everyone thinks this,
20 that you can look at a girl's, you know, area and
21 determine whether or not they are a virgin. That
22 is not true. And there's no better evidence than
23 that article that she referenced about the
24 pregnant girls who have no injuries whatsoever,
25 and they obviously had sex. Obviously. They're

1 pregnant.

2 Now, the judge is going to tell you about
3 reasonable doubt and she's going to tell you that
4 I have to prove this case beyond a reasonable
5 doubt. So let's talk about what that means and
6 what it doesn't mean. It does not mean beyond
7 every single doubt that a person might have. That
8 is not what the law requires. There are very few
9 things in life that we know with absolute
10 certainty. If you are firmly convinced that he
11 committed this crime, then he's guilty. If you
12 are firmly convinced that **MINOR** was telling the
13 truth, he is guilty. There is nothing in the
14 law -- the judge is not going to tell you that
15 there has to be DNA evidence to corroborate her
16 story. She's not going to tell you there has to be
17 video. She's not going to tell you that there has
18 to be an eyewitness because that's not what the
19 law requires. If you are firmly convinced she's
20 telling the truth, he's guilty.

21 And let's think about this. This is a
22 crime -- this isn't like an armed robbery of a
23 McDonald's where you expect there's going to be
24 maybe some witnesses, you know, a cashier, or a
25 video. This is a crime that happens in private.

1 Men like Bradley Lamont Jackson aren't going to be
2 raping nine-year-olds in front of a group of
3 people or out in public. They're going to be
4 doing it in a bedroom or when no one is around,
5 downstairs while mom's asleep because she works
6 the night shift or early morning shifts. They do
7 it in private. They don't want witnesses,
8 obviously.

9 The law does not require that MINOR's
10 testimony be corroborated by any of that. But let
11 me tell you, her testimony was corroborated and it
12 might not be with DNA evidence or video
13 surveillance but listen to what Larry said and
14 what MINOR said in her forensic interview. She
15 told Brook Bentley that Larry caught -- now, he
16 didn't catch them in the act, but he caught Lamont
17 and her running from a room and questioned her
18 about it, and he just kept questioning her, and
19 she didn't want to tell him. And she eventually
20 tells her mom, writes her the note because she was
21 too scared to say it out loud because of the
22 threats that the defendant made to her.

23 And so what does Larry tell you? *Yeah, I*
24 *caught them running from a room and it was really*
25 *weird, like it was strange.* And I know the

1 defense is probably going to say, *Oh, there's no*
2 *semen on her clothes.* We're talking about
3 something that was recorded four days later and
4 we're relying on a nine-year-old child to
5 determine whether or not the laundry was done and
6 the clothes were mixed in the pile with other
7 clothes. Do we really think it's up to the
8 nine-year-old to be washing the clothes? We don't
9 know. We don't know if the defendant washed the
10 evidence off. We don't know if the mom washed the
11 clothes. We're relying on a nine-year-old. And,
12 not to mention, he ejaculated on her back and
13 wiped it off with the towel. I mean, defense
14 mentioned, you know, she talked about the first
15 time it was in the living room or some other room,
16 and she talked about it here. She said it was in
17 her mom's room. Well, ladies and gentlemen, this
18 is a now 12-year-old trying to remember something
19 that happened when she was seven years old because
20 that's when it started. Who cares what room it
21 was in. All she really remembers is that she was
22 repeatedly raped vaginally and anally by that man.
23 She remembers a lot of details. Might not have
24 the room exactly right, but she knows it was at
25 the Walterboro Village Apartments and she knows

1 the man that did it to her.

2 So here's the big question: Why would **MINOR**
3 lie? Why would she make it up? And they might try to
4 say, *Oh, she was on punishment for not doing her*
5 *chores. They don't really like Lamont.*

6 Okay. Well, think about what happened.
7 Well, mom was not the only one that got kicked out
8 of the house. **MINOR**'s whole life was uprooted.
9 She gets removed from her home by DSS. She gets
10 her brother removed from the home. She is not
11 allowed to be around her mom for two years.
12 Rhonda doesn't even get custody back until next
13 week. And it's been two years.

14 But what does **MINOR** say consistently over
15 and over again for the past two years, that that
16 man sitting in that chair right there raped her
17 over and over and over again. She has not wavered
18 in that. She not only tells her mom who pretty
19 much completely disregards her because she wants
20 to keep her man, throws the note away, doesn't
21 care, doesn't call the police, doesn't want to
22 believe that a man would do this. She tells
23 Investigator Fisk, she tells the nurse
24 practitioner at MUSC, she tells the forensic
25 interviewer in vivid detail about what he did to

1 her, and then you heard from her counselor, she
2 went to 14 in-person counseling sessions to talk
3 about how that man put his penis in her butt and
4 vagina over and over again. And what did the
5 therapist say? She wasn't confused. She wasn't
6 confused at all. That man did it.

7 How many children do we know who want to
8 go to counseling over and over and over again for
9 something they made up? They don't.

10 And most importantly, she came into this
11 courtroom at 12 years old at summertime, don't you
12 think that children have more fun things to do in
13 the summertime than come into this courtroom in a
14 room full of strangers, people she's never met
15 before with the man that she's accusing of this,
16 sit in that witness stand with tears running down
17 her face talking to you-all about her vagina, her
18 butt, and his penis and what was coming out of it?
19 She has better things to do.

20 Her mom is not even with him anymore.
21 Don't you think she would have been like, *Okay, I*
22 *give up. I told a story because I was on*
23 *punishment.* No. She came in here and described
24 to you-all at 12 years old what happened to her.

25 She could have even said I don't want to

1 testify, but she wanted to. She got up there and
2 it was hard. You saw tears coming down here face,
3 but she got through it.

4 Now, the judge is going to tell you about
5 the law in this case. She's going to tell you
6 that he is charged with two counts of criminal
7 sexual contact with a minor. And the reason he's
8 charged with two is because we can narrow it down
9 to the specific date of the last time that it
10 happened. So that one indictment is for the very
11 last day that it happened. I believe it was May
12 21st of 2021. And the other indictment is pretty
13 much all the other times between seven and nine
14 years old preceding that May 21st date.

15 And the judge is going to tell you that
16 in order to be guilty of criminal sexual conduct
17 with a minor 1st degree, same charge for both
18 indictments, you have to find that the defendant
19 engaged in a sexual battery with the child under
20 the age of 11. As counsel told you, the elements
21 aren't really in dispute. It's really not whether
22 or not he did it. Okay? So she's under 11. She
23 was nine at the time everything came out. So all
24 the crimes occurred when she was under 11.

25 And a sexual battery is any type of

1 penetration, however slight, so if he puts his
2 penis in her a little bit, it's penetration. Any
3 oral sex, fingering, which we call digital
4 penetration, any of those count as a sexual
5 battery. And the judge is going to explain that
6 to you when she charges you on the law.

7 So it's up to you. Do you believe **MINOR**
8 **██████████**? That's what it comes down to.

9 If you are firmly convinced she is
10 telling the truth, he is guilty.

11 Thank you.

12 THE COURT: Thank you. Mr. Walker.

13 MR. WALKER: Thank you, Your Honor. May
14 it please the Court?

15 THE COURT: Yes, sir.

16 CLOSING ARGUMENT

17 MR. WALKER: I will concede to you that
18 the State has proved Lamont Council might have
19 done what he's accused of, but "might" doesn't get
20 us there. I submit to you the evidence shows that
21 Miss **MINOR** is probably lying.

22 Now, you heard the judge say that this is
23 the closing argument. Of course, I'm not here
24 yelling at you and I'm not yelling at Miss Keeney.
25 A lot of people have that in their head that

1 that's what argument is. People are angry at each
2 other, and, you know, trying to just, kind of, by
3 sheer volume win their day. What an argument
4 really is a claim that is being made over which
5 there is a dispute. This is a formalized -- a
6 trial, a formalized way of settling or arguing
7 that claim.

8 So a claim is made. In high school
9 science class, you heard that the claim is we have
10 a proposition or a theory and we do experiments.
11 The results of those experiments are evidence to
12 support or refute the claim. And here you heard
13 from the witness stand evidence that's supposed to
14 support or refute the claim that Lamont raped

15 **MINOR**

16 Well, let's forget about the trial for a
17 minute and let's think, is there any ever a time
18 where one person comes and the other -- and
19 another person comes in and says -- one person
20 comes in and says one thing and another person
21 comes in and says, no, that's not right, or
22 explains the opposite absent anything else where
23 you can evaluate that claim? Just the claim in
24 isolation, this happened, no, it didn't, and
25 that's all you got. No. You need evidence to

1 evaluate claims.

2 Pretend for a minute you're always in a
3 big room, you never been outside, you don't have
4 any knowledge of the outside world, and then in
5 one door comes a girl named Wendy and in another
6 door comes a girl named Emily, Emily says, *You*
7 *know what, outside there's this big giant ball of*
8 *gas in the sky comes up in East provides heat and*
9 *light and goes down in the West everyday.* Wendy
10 comes in and goes, *No way. There is no such*
11 *thing.* You've never been outside. How do you
12 know? Well, you know, maybe one's pretty and
13 one's ugly. Maybe one's white and one's black.
14 Maybe one speaks really well. Maybe one stutters.
15 Maybe one is laughing. Maybe one is crying. Do
16 any of those things really help you evaluate the
17 truth of their claim? It shouldn't. You need
18 evidence.

19 So you say to Emily one day, *Hey, I don't*
20 *know who to believe. You guys got to convince me.*
21 They come back with some people with them.
22 Emily's got three people with her. Wendy's got
23 12. All 12 people with Wendy, *There is no such*
24 *thing as a ball of gas in the sky or whatever.*
25 That's a lot more people than Emily's got. So you

1 asked one of the people Emily's got, *Well, how do*
2 *you know? Well, I've been outside and I saw it,*
3 *so I can verify what she said that there is, in*
4 *fact, a big ball of gas in the ski.*

5 You ask the other person, *Well, you know, in*
6 *the morning last week, I've gone to the East side of*
7 *the building, I put my hand on the wall and it's been*
8 *warm. And then the other side has been cool. And the*
9 *opposite in the evening. So I think that -- I think I*
10 *agree with Emily.*

11 Ask another person, *What about why you*
12 *agree with Emily? My room is on the East side*
13 *over here and I can't see outside, but in the*
14 *morning it seems lighter and I don't see a source*
15 *for the light. In the afternoon or evening, it's*
16 *different. You know, I think that's a good*
17 *explanation for why that would be. That's only*
18 *three people. Wendy's got ten people over here*
19 *saying, No, I agree with Wendy. There's no such*
20 *thing. Well, why do you agree with Wendy? Well,*
21 *because she told me there wasn't one. I believe*
22 *Wendy because she told me. Is that evidence?*

23 It's impossible to decide anything
24 without evidence, and then you have to verify the
25 credibility of that evidence.

1 So let's swing it back to the trial and
2 why we're here. You've seen most of the trial at
3 this point. The first thing we do at a trial, you
4 saw the process, we pick you guys. We ask
5 questions. Do you know anything about it? Do you
6 have any strong feelings about it? Anything that
7 would keep you from being fair and clear and not
8 biased? And we pick you as a neutral jury that
9 will fairly hear the evidence that's presented to
10 you. And, in a trial, the person making the claim
11 is the government. They're claiming that Lamont
12 committed a crime and it is their job to prove
13 that beyond a reasonable doubt.

14 So they picked you to come in and say
15 we're going to be the neutral abettors of this
16 claim that the government is making. If they just
17 sat you down and handed you a verdict form, at
18 that point, well, you don't know what if you'll
19 put guilty or not guilty on here because you
20 haven't heard anything, but the law takes you from
21 being neutral. The law says, hey, you're not
22 neutral once you're seated and sworn. Once you're
23 seated and sworn, you're given a bias towards
24 Lamont. You are to presume that he is innocent.

25 So once you're sworn and you're given the

1 verdict form, even though you haven't heard
2 anything, you're compelled to check not guilty
3 because that is the bias that the jury has at the
4 beginning of the trial. That's the bias that the
5 State has to, through the production of evidence,
6 step by step move you from he is innocent to we
7 are firmly convinced beyond a reasonable doubt,
8 the kind of doubt that would cause a reasonable
9 person to hesitate to act in an important life
10 decision, and this is certainly an important life
11 decision for everyone involved.

12 We have to move that so that we are
13 convinced beyond a reasonable doubt of guilt. If
14 we're not -- if they haven't done that job, the
15 default choice is not guilty.

16 We're not here to say what really
17 happened. We're not here to say who's telling the
18 truth. We're not here to say anything but, has
19 the State done the job of proving what they claim.

20 Now, that burden of proof on the State
21 beyond a reasonable doubt is the highest standard
22 in court. If you've even been in civil court, you
23 might have had an experience with a different
24 standard which is a preponderance of the evidence
25 or probable or not where one side just has to

1 maybe nudge the scale just a hair more than the
2 other and that's enough that whoever has 50
3 percent plus a little bit they win that case.
4 That's a completely different standard. That's a
5 probably standard. Anything more than 50 percent,
6 it's more probable that's the side that wins in
7 civil court. But it's not -- probably isn't a
8 winning percentage in criminal court. "Maybe,"
9 "probably," "might" are not-guilty verdicts. If
10 you're thinking those things in your head, you're
11 talking about them in the jury room, it might have
12 happened this way, maybe this happened, probably
13 this happened, if you haven't excluded the other
14 possibilities, if you're not firmly convinced that
15 this is, in fact, the only thing that happened,
16 it's not guilty.

17 And that's what evidence does. You start
18 out at the beginning -- some cases where, you
19 know, the identity is an issue, the whole world
20 could be guilty and all the evidence narrows it
21 down to one. Here the identity isn't the issue.
22 It's whether it happened or not. So the evidence
23 needs to support that it happened, and that's the
24 government's job to provide to you. And what
25 you've seen throughout this trial, throughout this

1 closing, is they're trying to get you to do their
2 job for them. What they're trying to do is give
3 you a hook to grab on to, and then really give you
4 the hook to pull them along.

5 Kind of imagine it this way: Again,
6 they're supposed to move you from not guilty to
7 guilty through the production of evidence. Think
8 of it, you're on one side of the pond and they're
9 trying to get you on the not-guilty side and
10 they're trying to get you to guilty side, but you
11 got to get there without getting your feet wet or
12 drowning or getting bit by alligators, so each
13 piece of evidence is like a stepping stone for you
14 to safely walk on. We got to put this down. All
15 right. I know that -- I believe that's true. I
16 can go that way. And they're supposed to get you
17 all the way to the other side through evidence.

18 But what they want to do is, *Well, this*
19 *is what we're saying, you guys just take a big*
20 *running leap and jump over that pond. Hope you*
21 *make it.*

22 I told you at the beginning, I wouldn't
23 be proving to you that Lamont didn't do it, but
24 that they would have to prove that he did.

25 What's also true, as you heard Miss Sessions

1 from MUSC say, it's very hard to prove something
2 didn't happen which is why it would be unfair to try
3 to make the defense prove that.

4 The evidence presented, MINOR said it
5 happened. And that of course is evidence that she
6 said it. So that admits the possibility of it
7 being true and him being guilty. Or MINOR could
8 be lying about being molested at all. She could
9 be concocting her story. She, or Larry and she
10 having learned all these sexual details looking at
11 dick pics and pornography, chafing at the rules
12 and punishments imposed on them, just wanted him
13 to go away, not happy with the kind of unhealthy
14 relationship between he and their mom. They both
15 said they don't want him there. MINOR told us
16 Larry already lied to his mom trying to break them
17 up about something.

18 Or the evidence leaves open the
19 possibility that she was abused by somebody else
20 and is using that experience and that narrative,
21 again, to get Lamont out of the house. But what
22 you haven't been provided is any evidence to pair
23 these options down to one that is the only
24 reasonable explanation that fit the facts beyond a
25 reasonable doubt.

1 I am advanced middle aged and I see
2 apparently people above me and below me in the age
3 in the jury and I will tell you, if you have not
4 experienced it yourself in front of -- of course,
5 the work I do, that the kids these days are not
6 like kids when I was kid, and I think the Internet
7 has a lot to do with that. The Internet is a
8 great thing. Let's us look up things and book
9 tickets and makes our lives generally easier, but
10 it also puts in the hands of children all the
11 filth in the world in a few key strokes. And
12 fifty, frankly, that was completely unavailable
13 when I was a kid. You know, when I was a kid,
14 maybe you get a *Playboy* or something and that is a
15 few key strokes and every picture, every movie,
16 every type, every kink, every whatever is
17 immediately available on a phone or a tablet or a
18 computer. The idea that the only way a child
19 could know something is by physically experiencing
20 it anymore, I think, is unrealistic.

21 But we don't have to speculate in this
22 case that, perhaps, they gain knowledge from
23 looking at the Internet. We know they did. **MINOR**
24 was caught looking at dick pics or pornography at
25 her aunt's house after all this happened. We know

1 she seems to have or had, at some point, a healthy
2 interest in the human anatomy with the drawings in
3 her diary. We know that Larry would watch movies
4 with sex and violence that weren't appropriate for
5 her to be watching, but she said I wouldn't turn
6 them on but I would watch them when he was
7 watching it. We know that Larry has been watching
8 porn in the house since he was 14 and she's 8,
9 with apparently not too much of an attempt to
10 curve or restrict that. They were watching it on
11 her tablet. Don't know if she's in the room or
12 not. That wasn't testified to, but we can
13 speculate. Even if she wasn't in the room, it
14 doesn't sound like he's too worried about hiding
15 his history and clearing his browser and all those
16 things where she couldn't just get on there and go
17 to the last thing he was looking at.

18 Again, the idea that this information or
19 any of these descriptors would just be beyond the
20 idea of her or her and Larry to come up with,
21 again, I think that's asking you to believe too
22 much.

23 But then she said you need to believe
24 **MINOR** This is where you can hang your hat,
25 ladies and gentlemen of the jury, is the

1 credibility of MINOR This is why. That's
2 enough. Just MINOR said it, that's enough.
3 There's an old legal maxim, "Falsus in uno, falsus
4 in omnibus," which for a long time was the law for
5 common law. If the witness was proven to be lying
6 about one thing, their testimony would be thrown
7 out. "Falsus in uno, falsus in omnibus." False
8 in one thing. False in everything. So if they're
9 proven to lying in one thing, their testimony
10 would be thrown out and they couldn't be a witness
11 because, you know, the soup comes with a fly in
12 it, we send it back. We don't eat around the fly.

13 That's not the law. The judge will tell
14 you, hey, it's completely up to you as the judge
15 of the facts who you want to believe. You can
16 believe all of what somebody says, none of what
17 somebody says, or pick and choose. But, again, I
18 think there it kind of begs the question, you have
19 to have some criteria or evidence if you're going
20 to pick and choose why you're going to pick and
21 choose, which is why you need other evidence.

22 And we know that MINOR lies, and she's
23 demonstratively lying just from the evidence
24 you've heard here. In the video you saw where she
25 was given that forensic interview to Brooke

1 Bentley she was asked, hey, has anyone ever
2 touched you inappropriately, done anything to you,
3 whatever? No. Shown you things you weren't
4 supposed to see? No.

5 All right. She's been removed from her
6 parent's custody. She's not seen -- she's never
7 seen Lamont since that point. All right? But she
8 says, nobody else, just Lamont.

9 But then she comes in a little while
10 later to Mary Trask in her counseling sessions and
11 says, you know what, Lamont's son was molesting
12 me. Both of those things can't be true. Maybe
13 she's making that up. Did he really molest her?
14 Is she just playing him up? Is that just her to
15 go to? She likes the attention that she's getting
16 from being a victim? I don't know. That's an
17 easy way to tell that she's lying, just from the
18 evidence that's here in the courtroom, other than
19 people saying, oh, yeah, she lied to us when she
20 was getting in trouble for chores or lying about
21 doing her homework, things like that.

22 I think it's important also that maybe
23 have a charitable view of mom's reaction here.
24 Miss Keeney is, oh, she's a bad mom, and, you
25 know, she's lost all this stuff, and she chose

1 Lamont over her daughter, and, you know, this
2 violation of trust, but let's talk mom. The mom
3 you saw here in court and heard from is currently
4 facing 10 years in prison being delivered by
5 Miss Keeney. She doesn't want to say anything
6 that's going to anger Miss Keeney, make Miss
7 Keeney more likely to proceed with her case, make
8 any potential sentence she receives greater. She
9 wants Miss Keeney to be calm and happy with her
10 and maybe these charges will go away, or maybe she
11 serves probation, or maybe her sentence will be
12 less. The mom you heard from here hasn't had
13 custody of her child for two years and is just now
14 getting it back. She doesn't want to say anything
15 on this stand that's going to cause the State or
16 DSS to come back in and swoop up, reverse the
17 progress that she has just so recently made.

18 Let's not look at this mom. Let's look
19 at the mom from two years ago when these
20 allegations surfaced. The children were acting
21 fine around mom. The problems that were in the
22 relationship were between her and Lamont. They
23 were not with the kids. She trusted him to be
24 around the kids, had never seen anything from him
25 that was a problem with the kids. They want you

1 to think that she's a bad parent and chose Lamont
2 over her child, but maybe, just maybe she knows
3 her daughter better than the government does.
4 Maybe she knows that **MINOR** isn't always truthful
5 and maybe she needs some evidence before taking
6 the next step.

7 So then we can look at the fact that the
8 claims she's making are unlikely on their face.
9 Look at the details on these stories. They're so
10 detailed. Maybe she's a good story teller. Maybe
11 somebody else did it. Or maybe it's just
12 something that she saw on a video. I don't know.
13 But just what she's claiming is unlikely.

14 We have claimed years of abuse with no
15 physical indicators. She's medically examined.
16 There's no bruising. She has an intact hymen.
17 There's no anal fissures.

18 And then State wants to say, well, that
19 doesn't mean it didn't happen. I mean,
20 technically that's true. But they want it both
21 ways. Because if there had been any anal fissures
22 or bruising, or anything of that stuff, *Yeah, we*
23 *got it, use it, that proves it.* Let the defense
24 use it, no, that doesn't mean anything. Ignore
25 that it's not there.

1 Let's talk about these studies that it's
2 normal to be normal. Let's think about what a
3 child presenting for child abuse to be examined
4 might be. *Honey, why don't you want to go Amy's*
5 *sleep over this week? Well, last month we were*
6 *there and her older brother fingered my butt hole.*
7 *I don't want to go over there no more.* Report and
8 examination, it's been a month, nothing. One
9 incident. *Mommy, when we all at the beach last*
10 *week, Uncle Johnny put his hand down my pants.*
11 Physical examination, normal. Nothing happened.
12 *Mommy, so and so put his fingers in my vagina.*
13 Okay. Maybe. Still have a hymen. Okay. Sure.
14 Anytime someone would have a sex act performed on
15 them vaginally, they might, indeed, have a hymen
16 that is uninterrupted. There's certainly that
17 chance. It might even be a high chance. So if
18 you were to perform an exam after every
19 experience, you might have a chance that, yeah, it
20 presents as normal. Okay?

21 Same thing with anal. Again, I'm sorry I
22 have to talk about this, but this is where we are.
23 One time, might present as normal. And all these
24 studies, every time we do one, that's any time a
25 child is presenting as a victim of abuse, it's

1 normal. You know, you would expect probably most
2 of the time that they present as normal. So if
3 you examine someone medically every time something
4 happened, there's a chance that there would be no
5 physical response. Okay? I don't know if you
6 have any familiarity with statistics, but what
7 about the next time? Okay, there's a chance that
8 time too. And the next time, a chance there too.

9 But I find it hard to believe that what
10 she's claiming happened over a two-year period,
11 many, many times as a small children with a grown
12 man would allow normal to be normal.

13 She cites another study where young
14 ladies with an intact hymen who were pregnant as
15 being proof and I think we all know it's possible.
16 That would be something that is possible. Young
17 ladies maybe played a losing game of hide the tip.
18 I don't know. But, again, they want you to say,
19 we don't have any evidence, but ignore the fact
20 that we don't have evidence, just believe us when
21 there is no reason to believe us. The only thing
22 they even have close to a confirmation would be
23 Larry who says, *Well, I saw them run out of the*
24 *room one night in pajamas and I thought that was*
25 *strange.* He says that now. He doesn't know when

1 he saw them do that there. There's no mention of
2 that. It's not strange enough to ask about it at
3 the time to either his mom or MINOR but we're
4 supposed to, kind of, post-time, after the fact,
5 give that some kind of significance now,
6 assuming again, this isn't something that he and
7 MINOR aren't working on together.

8 Why else is this unlikely to have
9 happened? Every single allegation that she has
10 made is there's people around, and that's not what
11 abusers do. Right? It's not what you would do if
12 you were an abuser. You would want to go
13 somewhere private. The first time she said it
14 happened, she says, I was on the couch in the
15 living room. Me and Larry and my cousins were all
16 in there and he's he messing with her in front of
17 people. He's got his hand under the blanket. And
18 then all these times she says this happened.
19 *Well, we were either upstairs and they were*
20 *downstairs or they were downstairs and we were*
21 *upstairs.* What did Miss Keeney just tell you?
22 These sorts of crimes, these are crimes that
23 happen in private.

24 One of the stories, mom was at work,
25 Larry was at school, and that's when he did it.

1 Or Lamont took me to the playground and did it in
2 the car. None of that. It's all in the house.
3 There's people around. You saw the photos. This
4 isn't a big McMansion house. This is a small
5 apartment. You saw a picture of her bedroom.
6 It's a small bedroom. There's not, hey, I'm going
7 to go over here to the east wing and to do
8 whatever while everybody else is over there.
9 There's no noise? Over years' period people in
10 the house, repeated anal sex between a grown man
11 and a small girl, you imagine you might think at
12 least some point be painful. There's no crying
13 out. There's no, oh, I saw her coming down the
14 hall with tears in her eyes. None of that.

15 All the evidence that you've heard, other
16 than **MINOR**, cast doubt on this having happened at
17 all. There's nothing in the mother's diary. No
18 suspicious behavior by **MINOR** or Lamont during
19 these time periods.

20 You heard all the things they checked for
21 medically. You heard that none were present.
22 Changes in behavior, changes in eating, changes in
23 academic performance. Obviously, the physical
24 things that we talked about; bruising,
25 lacerations, whether -- you know, intact hymen,

1 interrupted hymen, normal anus, anal fissures, all
2 those things. None of that.

3 **MINOR** testified in most recent incident
4 that he had ejaculated on her back and the State
5 wants to say that Lamont did a great job of
6 cleaning that up with a towel so it didn't get on
7 her clothes. They went back and they collected
8 her unwashed and tested them for semen and nothing
9 was found. And they want to say, hey, we're
10 relying on she was unwatched. I'm relying on what
11 Miss Fisk put in her supplemental report. That's
12 where I got that they were unwatched. The police
13 said that. Miss Keeney doesn't trust **MINOR**. How
14 can we know a nine-year-old child can remember
15 what she was wearing, or whether it was washed or
16 not? She doesn't want up to trust **MINOR** about
17 that, but she wants you to trust **MINOR** about a
18 decision that will impact the rest of Lamon'ts
19 life. Again, believe it when it's good for us,
20 ignore it when it's bad.

21 I asked you at the beginning, what kind of
22 evidence would they need to show you prove beyond a
23 reasonable doubt that this had happened? Again, I
24 told you you wouldn't hear it. I don't think you
25 have.

1 What their case basically comes down to
2 is MINOR saying it. We have video of MINOR saying
3 it. MINOR said it to a nurse, MINOR said it to a
4 counselor, MINOR said it to her mom with the idea
5 in their mind that each time they're saying that
6 they're putting another piece of evidence in the
7 pond for you to walk safety across. Hey, we
8 picked up this heavy burden. We're going to carry
9 it safety across the pond. Here's our first piece
10 of evidence that MINOR said it, boom. But what
11 they're really doing is saying, *Oh, here's a video*
12 *of MINOR saying the exact same thing.* Step there.
13 That doesn't go there. That goes over here. Now
14 you just have two stones. Oh, she said it to the
15 nurse. That goes over here. You got a long row
16 of stones that don't get us across the pond
17 because it's just the same thing over and over
18 again.

19 Their evidence goes sideways. It doesn't
20 go forward. The State has failed to carry its
21 burden, and I trust you will return a verdict of
22 not guilty.

23 Thank you.

24 THE COURT: Thank you.

25 Miss Keeney.

1 MS. KEENEY: May it please the Court?

2 THE COURT: Yes, ma'am.

3 CLOSING ARGUMENT

4 MS. KEENEY: Think about this. If she
5 was going to make all this up, don't you think
6 there would be a better story about, *Oh, mom*
7 *wasn't there, Larry wasn't there, he did it when I*
8 *at the park while mom was at work?* No, she'd come
9 up with a better lie than that. But the fact of
10 matter is that Rhoda didn't pay attention and he
11 knew that.

12 He took advantage. He minimized the
13 noise. You even heard from **MINOR** *My air mattress*
14 *made too much noise, so he pulled me to the ground*
15 *to do it.*

16 Now, we talked about Rhoda. She told you
17 I didn't promise anything in exchange for her
18 charges. They're still pending. She even told
19 you that she told Whitlee Fisk the same exact
20 thing about the note the day that Whitlee
21 questioned her. She told Whitlee, *The day after*
22 *all this came out, that* **MINOR** *did write me a note*
23 *and I threw it away.*

24 Rhoda also didn't sit-up there and tell
25 you that **MINOR** is a liar or that she makes stuff

1 up. She didn't say any of that. She said, *It was*
2 *hard to believe that a man that I dated for seven*
3 *years and trusted would do this to my child*, and I
4 understand that. I don't understand her actions
5 and letting the man still live there, but I
6 understand struggling with the fact that you
7 thought that this was your man, and, yet, he's
8 having sex with your daughter.

9 Let's talk about the dick pics and the
10 pornography. The witnesses said, Rhoda and Larry,
11 that **MINOR** wasn't watching pornography. She never
12 got caught with that. The defense wants you to
13 believe that, but that's not what the evidence is.

14 Now, Larry would watch pornography, that's
15 true, as a teenage boy. I don't think that really
16 shocks anybody. Probably with some better parenting
17 would have been warranted by, you know, removing his
18 tablet or blocking the websites, but we're not
19 claiming Rhoda is the parent of the year.

20 What about the dick pics? She looked up
21 dick pics after she's removed from the home and
22 goes to her aunt. What do you think happens to a
23 child that's repeatedly raped from seven to nine
24 years old? He sexualized her, exposed her to
25 that, and, of course, she's going to be curious

1 about it. I'm not shocked she was Googling stuff
2 after she's removed from the home, because it's
3 that man that exposed her to it.

4 Let's talk about the defendant's
5 relatives. When **MINOR** told Brooke Bentley that no
6 one else touched her like that, she had been
7 removed from her home, she wanted to jump out of a
8 window and kill herself after all this came out,
9 and she's being brought to an interview to talk
10 about Lamont. That is what her focus is on. She
11 is nine years old, and I'm sure we've all heard of
12 people who get questioned about they were abused
13 and they don't immediately tell people, or they
14 might deny it, and then they come to counseling,
15 and, when they develop a relationship with their
16 counselor, it comes out.

17 The fact of the matter is, is that Lamont
18 was the main abuser. He's the one that did it for
19 years. The relative who the Horry County
20 Sheriff's Office or the Myrtle Beach Police
21 Department investigated that they never could
22 determine the name of, that's not our issue. The
23 issue is that, what did the counselor say? *She*
24 *was not confused.* She didn't confuse the two.
25 She went to all of those sessions as a little girl

1 repeatedly to talk about what that man did and
2 there was no confusion there.

3 And finally, let's talk about the
4 attention. Maybe she just likes the attention of
5 being a rape victim. Do you think she liked being
6 torn away from her mother who she did not want to
7 leave, who, she was so upset when everything came
8 out and the DSS people came and the police came
9 that she told the nurse practitioner that she
10 wanted to kill herself and jump out of a window.
11 Does that sound like attention that a
12 nine-year-old wants? Did that look like, when
13 she's 12 years old sitting on that stand with
14 tears coming out of face, quiet, barely able to
15 talk because she's so upset, does that look like
16 attention that a 12-year-old would want? No.

17 I'll leave you with this: *Sometimes his*
18 *penis was hard and sometimes it was soft.* That is
19 a feeling that she felt. Find him guilty.

20 THE COURT: Madame Foreperson, members of
21 the jury, you followed very patiently and listened
22 very attentively to the presentation of the
23 evidence in this case and I want to thank you for
24 that.

25 It nows becomes the duty of the trial

1 judge under the constitution of this state to
2 charge and instruct you on the law that's
3 applicable to this case, and it's your duty as
4 jurors to accept and apply the law as the Court
5 will now state it to you.

6 As jurors, it is your exclusive duty to
7 decide all the issues of fact in this case. You
8 must determine the effect, the value, the weight,
9 and the truth of the evidence. Both the State and
10 the defendant have a right to expect that you will
11 carefully consider and evaluate the evidence and
12 apply the law of the case to the evidence. And by
13 doing that, both the State and the defendant will
14 receive a fair and impartial trial in this case.

15 Now, the State of South Carolina by the
16 bills of indictment in this case charges the
17 defendant, Bradley Lamont Jackson, with two counts
18 of the offense of 1st degree criminal sexual
19 conduct with a minor under 11 years old. Now, I
20 remind you that the fact the defendant was
21 arrested, charged, and indicted in this case is
22 not evidence in this case and cannot be considered
23 by you as evidence of guilt in this case, nor does
24 it create any presumption or inference of guilt.
25 An indictment is simply the formal written

1 instrument which contains the charge made against
2 the defendant. It's the formal document by which
3 this case is brought into this court.

4 The defendant, Mr. Jackson, has pled not
5 guilty to these indictments, and that plea puts
6 the burden on the State to prove the defendant
7 guilty. A person charged with committing a
8 criminal offense in South Carolina is never
9 required to prove themselves innocent. I charge
10 you that it's an important rule of law that a
11 defendant in a criminal trial, no matter what the
12 seriousness of the charge or charges may be, will
13 always be presumed to be innocent of the crime for
14 which the indictment was issued unless guilt has
15 been proven by evidence satisfying you of that
16 guilt beyond a reasonable doubt.

17 This presumption of innocence does not
18 end when you begin your deliberations, but it
19 accompanies the defendant throughout the trial
20 until you reach a verdict of guilt based on the
21 evidence satisfying you of that guilt beyond a
22 reasonable doubt.

23 The presumption of innocence is like a
24 robe of righteousness placed about the shoulders
25 of the defendant which remains with the defendant

1 until it has been stripped away from the defendant
2 by evidence satisfying you of the defendant's
3 guilt beyond a reasonable doubt. The presumption
4 of innocence is not a mere legal theory. It's not
5 just a legal phrase we use. It is a substantial
6 right to which every defendant is entitled unless
7 you, the jury, are satisfied from the evidence of
8 the defendant's guilt beyond a reasonable doubt.

9 So what is a reasonable doubt in the law?
10 A reasonable doubt is the kind of doubt that would
11 cause a reasonable person to hesitate to act in
12 their most important decisions. The State has the
13 burden of proving of the defendant guilty beyond a
14 reasonable doubt. The term reasonable doubt must
15 be given its plain and ordinary meaning. However,
16 to the extent that I may define it for you again,
17 a reasonable doubt is the kind of doubt that would
18 cause a reasonable person to hesitate to act in
19 the most important of their personal decisions.

20 The defendant is entitled to every
21 reasonable doubt arising in this case. If upon
22 any issue of fact essential to a conviction you
23 have a reasonable doubt as to how that issue
24 should be resolved, you must resolve that
25 reasonable doubt in favor of the defendant.

1 Now, some of you may have served as
2 jurors in criminal cases where you were told that
3 it was only necessary to prove that a fact is more
4 likely true than not true, such as by the greater
5 weight or what we call the preponderance of the
6 evidence. In criminal cases, the State's proof
7 must be more powerful than that. It must be
8 beyond a reasonable doubt. Suspicion, no matter
9 how strong, is insufficient to convict a person
10 charged with a crime. That the facts and
11 circumstances presented may seem suspicious and
12 the defendant's guilt may seem probable, this is
13 not sufficient in the law to convict. Proof
14 beyond a reasonable doubt is proof that leaves you
15 firmly convinced of the defendant's guilt.

16 Now, there are very few things in this
17 world that we know with absolute certainty, and in
18 criminal cases, the law does not require proof
19 that overcomes every possible doubt. If, based on
20 your consideration of the evidence, you are firmly
21 convinced the defendant is guilty of the crime or
22 crimes charged, you must find the defendant
23 guilty. If, on the other hand, you think there is
24 a real possibility the defendant is not guilty,
25 you must give the defendant the benefit of the

1 doubt and find him not guilty.

2 Now, I remind you that during this trial
3 you and I have certain duties to perform. As the
4 trial judge, it's my responsibility to preside
5 over the trial of this case, and I also have the
6 duty to rule on the admissibility of the evidence
7 that's offered during this trial. You are to
8 consider only the competent evidence before you.
9 You are to consider only the testimony which has
10 been presented from the witness stand and any
11 exhibits which have been made a part of the record
12 in this case. I have the additional duty to
13 charge you the law that's applicable to this case.
14 As the presiding judge, I am the sole judge of the
15 law, and it is your duty as jurors to accept and
16 apply the law as I will now state it to you. If
17 you already have any idea as to what the law is or
18 what the law ought to be and it does not agree
19 with what I now tell you the law is, you must
20 abandon this idea because you are sworn to accept
21 the law and apply the law exactly as I state it to
22 you.

23 In every case tried in this court before
24 a jury, the jury becomes the sole and exclusive
25 judge of the facts in this case. A trial judge

1 cannot intimate, state, comment on, or make any
2 statement to a trial jury about the facts in a
3 case. And since you, the jury, are the sole judge
4 of facts in this case, you are not to infer from
5 what I've said during the progress of this trial
6 in ruling upon the admissibility of evidence or
7 otherwise, or anything that I say now during the
8 course of this instruction to you, that I have any
9 opinion about the facts in this case. The law
10 does not allow me to have an opinion about the
11 facts in this case. This is a matter solely for
12 you, the jury, to determine.

13 Now, there are two types of evidence
14 which are generally presented during a trial;
15 direct evidence and circumstantial evidence.
16 Direct evidence directly proves the existence of a
17 fact and does not require deduction.

18 Circumstantial evidence is proof of a
19 chain of facts and circumstances indicating the
20 existence of a fact.

21 Crimes may be proven by circumstantial
22 evidence. The law gives no distinction between
23 the weight or value to be given to either direct
24 or circumstantial evidence; however, to the extent
25 the State relies on circumstantial evidence all of

1 the circumstances must be consistent with each
2 other and when taken together point conclusively
3 to the guilt of the accused beyond a reasonable
4 doubt. If these circumstances merely portray the
5 defendant's behavior as suspicious, the proof has
6 failed. The State has the burden of proving the
7 defendant's guilt beyond a reasonable doubt. And
8 this burden rests with the State regardless of
9 whether the State relies on direct evidence,
10 circumstantial evidence, or some combination of
11 the two.

12 Now, necessarily you, the jury, must
13 determine the credibility of witnesses who have
14 testified in this case, and credibility simply
15 means believability. It's your duty as jurors to
16 analyze and to evaluate the evidence and determine
17 which evidence convinces you of its truth. In
18 determining the believability of witnesses who
19 have testified in this case, you may believe one
20 witness or over several witnesses or several
21 witnesses over one witness. You may believe a
22 part of the testimony of a witness and reject the
23 remaining part of the testimony of that same
24 witness. You may believe the testimony of a
25 witness in its entirety, or reject the testimony

1 of a witness in its entirety, and you may consider
2 whether any witness has exhibited to you any
3 interest, bias, prejudice, or other motive in this
4 case, and you may also consider the appearance and
5 manner of a witness while on the witness stand.

6 Now, the rules of evidence ordinarily do
7 not permit witnesses to testify to opinions or
8 conclusions. An exception to this rule exists for
9 witnesses we call expert witnesses. A witness,
10 who by education and experience, has become an
11 expert in some art, science, profession, or
12 calling, they state an opinion as to relevant and
13 material matter in which the witness claims to be
14 an expert and they also state the reasons for the
15 opinion.

16 You should consider any expert opinion
17 received in evidence in this case, and like any
18 other evidence, give it the weight you think it
19 deserves. If you decide that the opinion of an
20 expert witness is not based on sufficient
21 education and experience, or, if you conclude that
22 the reasons given in support of the opinion are
23 not sound, or that the opinion is outweighed by
24 other evidence, you may disregard the opinion
25 entirely. An expert witness's testimony is to be

1 given no greater weight than that of other
2 witnesses simply because the witness is an expert.
3 Further, you are not required to accept an
4 expert's opinion even though it is not
5 contradicted.

6 Now, I instruct you and emphasize that
7 the fact the defendant did not testify is not a
8 factor to be considered by you in any way in your
9 deliberation and in your consideration on the
10 question of the guilt or innocence of the
11 defendant. It must be not be considered by you in
12 any manner whatsoever. A defendant has the
13 constitutional right to remain silent, and the
14 assertion of this right must not be considered by
15 you in your deliberations. I repeat: Under your
16 oath, you are to draw no conclusion whatsoever
17 from the fact that the defendant in this case did
18 not testify. The fact that this defendant did not
19 testify should not even be discussed in the jury
20 room. The burden of proof is on the State. The
21 defendant is not required to prove his innocence
22 and the burden of proof remains on the State to
23 prove guilt beyond a reasonable doubt.

24 Now, the indictments in this case allege
25 two separate offenses against the defendant. The

1 charges are indictment number 2021-GS-15-00605,
2 1st degree criminal sexual conduct with a minor
3 under 11 years of age, and indictment number
4 2021-GS-15-00606, 1st degree criminal sexual
5 conduct with a minor under 11 years of age. Each
6 indictment charges a separate and distinct
7 offense. You must decide each indictment
8 separately on the evidence and the law applicable
9 to it uninfluenced by your decision as to any
10 other indictment.

11 The defendant may be convicted or
12 acquitted on any or all of the offenses charged.
13 And, Madame Foreperson, you will be asked to write
14 a separate verdict of guilty or not guilty for
15 each indictment, and I remind you that the State
16 must prove each element of each of the offenses
17 charged beyond a reasonable doubt.

18 Now, ladies and gentlemen, in this case
19 the defendant is charged with 1st degree criminal
20 sexual conduct with a minor under the age of 11
21 years. A defendant is guilty of criminal sexual
22 conduct with a minor in the 1st degree if the
23 defendant engages in sexual battery with a minor
24 who is less than 11 years of age at the time of
25 the sexual battery.

1 A sexual battery is sexual intercourse,
2 cuninglingous, felacio, anal intercourse, or any
3 intrusion however slight of any part of a person's
4 body or of any object into the genital or anal
5 openings of another person's body except when the
6 intrusion is complished from medically recognized
7 treatment or diagnostic purposes.

8 Consent, willingness, indifference, or
9 ignorance on the part of minor, if any, as to what
10 was taking place does not in any way affect the
11 charge of criminal sexual conduct with a minor
12 because a minor under the age of 14 cannot legally
13 consent to sexual intercourse.

14 Miss Foreperson, members of the jury, as
15 you retire to begin your deliberations, I wish to
16 express the hope that each you will be mindful of
17 the importance of your responsibility here today.
18 You're not called upon very often to serve as
19 jurors, and the proper performance of the duty
20 requires each of you to reach the height of
21 freeing your mind of all improper influences. So
22 please don't get the idea that I'm trying to
23 intimate to you how I think you should decide this
24 case because I've already told you under the laws
25 of the State of South Carolina, you, the jury, are

1 sole judge of all questions of fact and it would
2 be highly improper for me to influence you in your
3 performance of that duty.

4 So I'm not trying to tell you what your
5 verdict should find, but, as the presiding officer
6 of this court, I am vitally concerned that
7 whatever verdict you find will be the result of
8 you're going into your jury room and confining
9 your consideration to the evidence and the law
10 that you heard in this courtroom weighing it
11 fairly and impartially as I have every confidence
12 you will.

13 Madame Foreperson, I remind you, your
14 verdict must be unanimous. It must be the verdict
15 of all 12 jurors. And to that end, my law clerk
16 has prepared a verdict form. It has two
17 questions, both of which you must answer, Madame
18 Foreperson. The first question states -- it's got
19 the case caption at the top. It is: State of
20 South Carokina, County of Colleton, the State of
21 South Carolina vs. Bradley Lamont Johnson (sic).
22 And the first question is: "As to indictment
23 number 2021-GS-15-00605, the charge of 1st degree
24 criminal sexual conduct with a minor under 11
25 years of age occurring on or about May 21st, 2021,

1 we, the jury, unanimously find the defendant
2 Bradley Johnson (sic)," and it's says check one,
3 either not guilty or guilty.

4 The second one states as to indictment
5 number 2021-GS-15-00606, the charge of 1st degree
6 criminal sexual conduct with a minor under 11
7 years of age occurring on or about June 13th,
8 2018, until May 20, 2021, "We, the jury,
9 unanimously find the defendant Bradley Jackson,"
10 and again it says check one, either not guilty or
11 guilty. Ladies and gentlemen, please don't infer
12 the order that we put guilty or not guilty. Every
13 trial we just reverse them.

14 Madame Foreperson, under that it says, "I
15 certify that this is the unanimous decision of the
16 jury. It is the decision of all 12 jurors, and
17 there is a line, Madame Foreperson, for you to
18 sign and date the verdict form. All right?

19 Ladies and gentlemen, when you have
20 reached a unaminous verdict, I'm going to ask to
21 knock on your jury room door and we're going to
22 accept you back in the courtroom to take your
23 verdict.

24 As far as a couple of housekeeping
25 matters are concerned, as you've seen, my court

1 reporter, Sharon, has been here taking down
2 everything everyone said, but I want to you
3 understand something, we do not have a printed
4 transcript of the testimony that you've heard here
5 in this courtroom. If you want a certain
6 witness's testimony played back, what I can do is
7 bring you back into the court room and we can play
8 the audio tape of that video, ladies and
9 gentlemen. Which means, if you request that,
10 we'll do it altogether here in the courtroom. I
11 just need you to know that if you send me a note
12 that says you want to hear a certain witness's
13 testimony, I'm required to play that entire
14 witness's testimony. That includes the direct
15 exam, the cross-exam, any redirect, any recross.
16 All right?

17 Also, ladies and gentlemen, you are going
18 to have any evidence back in your jury room with
19 you that was entered into this case, and that's
20 going to include my jury charge that I just read
21 to you verbatim, as well as the verdict form,
22 Madame Foreperson, and, again, the evidence.
23 Please understand something, if you don't have
24 something back there, it's because you are not
25 entitled to it and it was not entered into

1 evidence. Sometimes I'll have a jury write me a
2 note that says -- they'll ask a question about
3 something or they'll say, we want to see this,
4 please understand something, I can't give you
5 anything additional that wasn't already entered
6 into the trial of this case as evidence. So you
7 will have everything that was entered into
8 evidence back in this case. All right?

9 Ladies and gentlemen, for the very last
10 time, I'm going to send you back to your jury
11 room, and I'm going to tell you not to discuss
12 this case. If there is something further that the
13 lawyers want me to charge you, what I'm going to
14 do is bring you back out here and I will charge
15 you further.

16 If not, Madame Foreperson, when you
17 receive the jury charge, the verdict form, and the
18 evidence in this case, that is going to be your
19 signal to begin your deliberations. All right?

20 Ladies and gentlemen, thank you for your
21 patience and thank you for your time. I'm going
22 to now excuse you back to your jury. And again,
23 please do not start deliberating until you have
24 received the evidence in the case, my charge, and
25 the verdict form. All right. Thank you.

1 (Jury exits the courtroom at 10:48 a.m.)

2 THE COURT: Any exceptions or additions
3 from the State?

4 MS. KEENEY: Judge, the only thing is you
5 said -- when you were telling them about the
6 verdict form, you said Bradley Lamont Johnson, but
7 the verdict form says Jackson.

8 THE COURT: It is Jackson. I apologize.
9 I certainly didn't mean to say Johnson. I said
10 Johnson? I'm sorry. It's Jackson. I apologize.

11 Any other additions or exceptions?

12 MR. WALKER: None from the defendant.

13 THE COURT: All right. You-all make sure
14 you get the evidence that's been entered in this
15 case.

16 MR. WALKER: The video, it's not the full
17 video. I wouldn't want that back in the jury
18 room.

19 THE COURT: Right. We'll keep that here.

20 When the evidence goes back in there, you
21 take the evidence to them and bring me the
22 alternates at the same time, okay?

23 Here you go.

24 MR. WALKER: I got everything they need.

25 THE COURT: That's everything. When you

1 take that in, please bring the alternates out.

2 Gentlemen, I didn't lose any jurors, so I
3 want to thank you for being here and sitting
4 during the trial of this case. I am going to go
5 ahead and release you at this point, and I am
6 releasing you for the remainder of the week. You
7 are permitted, when you go home, to discuss or
8 talk about the case. There's nothing wrong with
9 that. And sometimes the attorneys or an
10 investigator may want to ask you what your opinion
11 is of something. You can talk about it if you
12 choose to, but, certainly, you're not required to.
13 All right? So if you're not interested and
14 someone tries to approach you or ask you a
15 question simply say, I'm not interested. All
16 right?

17 Gentlemen, you have earned your exemption
18 for the next three years. We appreciate you being
19 here. And I know this jury is going to resolve
20 this case for us.

21 This afternoon, I am doing guilty pleas
22 and other motions. That's what I'll be doing the
23 remainder of the week as well, so we're doing a
24 lot of other business, but we really appreciate
25 you being here. If you need any kind of work

1 excuse to say where you've been, you can go down
2 to the clerk of court's office, which is right on
3 the first floor when you come in, and they'll give
4 you a note. Okay?

5 Gentlemen, thank you.

6 ALTERNATE 1: Thank you.

7 ALTERNATE 2: Thank you.

8 THE COURT: We appreciate it.

9 All right. We are going to be at ease.

10 Is there any way to move up the jail bringing over
11 those cases, or do we just need to stay at one
12 o'clock?

13 MS. KEENEY: Probably not. Since it's
14 just her.

15 THE COURT: I understand that. It just
16 depends on -- I mean, if they can, tell them to
17 come on because we have time. But, if not, I
18 understand that too. The list that you gave me
19 that I saw yesterday for bringing over, are they
20 guilty pleas or are they bonds, or what are they,
21 do you know?

22 MS. KEENEY: It's a mix of both. Some
23 are speedy trial motions. Some are motions to be
24 relieved. A mix of things.

25 THE COURT: All right. Sounds good. All

1 right. We'll be at ease in this case right now
2 until we hear back from the jury. Okay, thank
3 you.

4 (Deliberations begin at 10:50 a.m.)

5 (A break was taken from 10:52 a.m. to 11:55 a.m.)

6 THE BAILIFF: All rise.

7 THE COURT: Please be seated. All right,
8 it's my understanding they have reached a verdict.
9 I want to make sure -- we don't know what that
10 verdict is -- everyone here can contained
11 themselves. If for any reason you cannot, I want
12 to ask you to remove yourself ahead of time. It's
13 emotional, but we want it make sure we keep our
14 court decorum.

15 With that said, let's bring the jury back.

16 (Jury enters the courtroom at 11:56 a.m.)

17 THE COURT: All right. Madame
18 Foreperson, I understand the jury has reached a
19 verdict; is that correct?

20 FOREPERSON: Yes, they have.

21 THE COURT: Would you please hand it to
22 me? And typically, I'd have you come over here
23 and take it. Thank you. You-all may be seated.

24 All right. If you will please rise.

25 THE CLERK: In the State of South

1 Carolina vs. Bradley Lamont Jackson as to
2 indictment number 2021-GS-15-00605, the charge of
3 1st degree criminal sexual conduct with a minor
4 under 11 years of age occurring on or about
5 May 21, 2021, we, the jury, unanimously find the
6 defendant, Bradley Lamont Jackson, guilty.

7 As to indictment number 2021-GS-15-00606,
8 the charge of 1st degree criminal sexual conduct
9 with a minor under 11 years of age occurring on or
10 about June 13th, 2018 until May 20, 2021, we, the
11 jury, unanimously find the defendant Bradley
12 Lamont Jackson guilty.

13 THE COURT: Signed by the foreperson.

14 THE CLERK: That is unanimously signed by
15 the foreperson.

16 THE COURT: Thank you. You may be
17 seated.

18 All right. Ladies and gentlemen, at this
19 time, I do what's called an individual poll of
20 you. What I'm going to do is, I'm going to ask
21 your number and I just need you to stand so I know
22 who I'm addressing and I'm going to ask you if
23 this is your verdict, yes or no, is it still or
24 verdict, yes or no. All right? I'm going to do
25 it by number. So do you-all still have your

1 badges or do you know what your numbers are?

2 Okay. If you don't, I can guide you.

3 Okay. Juror Number 89. Ma'am, is this your
4 verdict?

5 JUROR 89: Yes.

6 THE COURT: Is it still your verdict?

7 JUROR 89: Yes.

8 THE COURT: Thank you, ma'am. You may be
9 seated.

10 Juror number 231. Sir, is this your verdict?

11 JUROR 231: Yes, ma'am.

12 THE COURT: Is it still your verdict?

13 JUROR 231: Yes, ma'am.

14 THE COURT: Thank you, sir.

15 Juror number 41. Ma'am, is this your
16 verdict?

17 JUROR 41: Yes.

18 THE COURT: Is it still your verdict?

19 JUROR 41: Yes.

20 THE COURT: Juror number 180. Ma'am, is
21 this your verdict?

22 JUROR 180: Yes, ma'am.

23 THE COURT: Is it still your verdict?

24 JUROR 180: Yes, ma'am.

25 THE COURT: Juror number 211. Sir, is

1 this your verdict?

2 JUROR 211: Yes.

3 THE COURT: Is it still your verdict?

4 JUROR 211: Yes.

5 THE COURT: Thank you, sir.

6 Juror number 109. Ma'am, is this your
7 verdict?

8 JUROR 211: Yes.

9 THE COURT: Is it still your verdict?

10 JUROR 211: Yes.

11 THE COURT: Thank you, ma'am.

12 Juror number 152. Ma'am, is this your
13 verdict?

14 JUROR 152: Yes.

15 THE COURT: Is it still your verdict?

16 JUROR 152: Yes.

17 THE COURT: Thank you, ma'am.

18 Juror number 163. Ma'am, is this your
19 verdict?

20 JUROR 152: Yes.

21 THE COURT: Is it still your verdict?

22 JUROR 152: Yes.

23 THE COURT: Thank you.

24 Juror number 223. Ma'am, is this your
25 verdict?

1 JUROR 223: Yes.

2 THE COURT: Is it still your verdict?

3 JUROR 223: Yes.

4 THE COURT: Thank you, ma'am.

5 Juror number 28. Ma'am, is this jury
6 verdict?

7 JUROR 28: Yes.

8 THE COURT: Is it still your verdict?

9 JUROR 28: Yes.

10 THE COURT: Thank you.

11 Juror number 102. Sir, is this verdict?

12 JUROR 102: Yes, ma'am.

13 THE COURT: Is it still your verdict?

14 JUROR 102: Yes, ma'am.

15 THE COURT: Thank you, sir.

16 And finally, juror number 34. Sir, is
17 this your verdict?

18 JUROR 34: Yes, ma'am.

19 THE COURT: Is it still your verdict?

20 JUROR 34: Yes, ma'am.

21 THE COURT: Thank you, sir. You may be
22 seated.

23 Is there anything further required of this
24 jury from the State or the defense?

25 MS. KEENEY: Not from the State.

1 MR. WALKER: Not from the defense.

2 THE COURT: Ladies and gentlemen, you
3 have now done your job and it's time for me to do
4 mine. A jury determines whether someone is guilty
5 or not guilty and it's up to the trial judge to
6 decide their sentences. We have, in certain
7 cases, mandatory minimums or sentencing ranges
8 that the legislature gives us, but, ladies and
9 gentlemen, I'm going to tell you that's always the
10 judge's responsibility. It has nothing to do with
11 you, but you are welcome to stay here, if you
12 would like to, to watch the verdict. I'm sorry,
13 the sentencing.

14 It will probably take a few minutes. We
15 have to get a couple sentencing sheets and take
16 some time.

17 At this time, also, ladies and gentlemen,
18 I am going to tell you that you are excused if you
19 want to be excused. If not, you can stay in your
20 seats while I go ahead and sentence the defendant
21 in this case. Also, when you go home tonight, you
22 are permitted to say what you were doing up here.
23 There's nothing wrong with that. And sometimes
24 the attorneys or an investigator will want to ask
25 you your thoughts about specific evidence or

1 something, I want you to know that you are
2 permitted to talk about it. There's nothing wrong
3 with it. But, of course, you are not required to
4 talk to anyone about the jury's verdict. If
5 anyone approaches you and you do not wish to speak
6 about it, just say, I do not wish to speak about
7 it. No, thank you. If anyone persists, they
8 won't, but, if they did, I need you to immediately
9 go down to the clerk's office or call the clerk's
10 office and tell me who it was and I will take care
11 of it. All right? Because there is no one to
12 disturb a jury's verdict.

13 So, ladies and gentlemen, I will tell
14 you, in addition to this sentencing, at one
15 o'clock they're bringing over a number of people
16 from our jail and I'll be hearing various motions.
17 They could be motions to reduce bond, guilty
18 pleas, different things, but that's what we're
19 going to keep doing. We are going to keep
20 working. I'll do the same thing tomorrow all day.
21 So we're going to continue to work, obviously.
22 Although, my jury trials are complete for the
23 week.

24 All right. Ladies and gentlemen, thank
25 you. You have returned a verdict in this case and

1 helped resolve this case for all of us, and now
2 there's other things we need to get going and do.
3 You have more than earned your exemption for the
4 next three years. I want to tell you how much I
5 appreciate you-all. You worked really hard on
6 this case, and I appreciate that.

7 Anything else we need to do with this
8 jury?

9 MS. KEENEY: Nothing.

10 THE COURT: I'm going to ask that you go
11 back to your jury room just for a quick minute.
12 I'm just going to come and thank you and shake
13 your hand before you leave.

14 Does anyone want to stay for the
15 sentencing? No? Okay.

16 And, again, I don't want you ever
17 concerned about a sentencing. That's my job.
18 I've been doing this for 16 years now. Again,
19 that's why they split them under the law. Your
20 job is to determine guilt or innocence. My job is
21 to sentence. I obviously take that seriously. I
22 certainly understand the parameters of it. I
23 would love to come back and see you a quick minute
24 before you leave. Okay?

25 So if you want to all go back to your

1 jury room for just a quick moment, I'll come back
2 with you.

3 You're going to print up the sentencing
4 forms?

5 MS. KEENEY: Yes.

6 THE COURT: Take a few minutes. Okay.

7 (Off the record.)

8 THE BAILIFF: All rise.

9 THE COURT: Thank you. Please be seated.
10 You got the sentencing sheets?

11 All right. Are we ready to go forward,
12 Mr. Walker, with sentencing?

13 MR. WALKER: Yes, Your Honor.

14 THE COURT: All right. Actually, you
15 know, you need to go have the foreperson sign the
16 indictments. The foreperson needs to sign the
17 indictments. I asked her to come back in. Okay?

18 THE CLERK: Yes, ma'am.

19 THE COURT: All right. Before we go
20 ahead and start with the defense, is there
21 anything further I need to hear from the State?

22 MS. KEENEY: Very briefly, Judge, I'm
23 obviously I'm not going through the facts. You
24 heard them all week.

25 THE COURT: Yes.

1 MS. KEENEY: His prior record is a 1997
2 obscene gestures out of New York.

3 THE COURT: Say that again. Obscene
4 gestures.

5 MS. KEENEY: Yes, ma'am.

6 THE COURT: Okay.

7 MS. KEENEY: 2001, resisting arrest;
8 2005, assault and battery high and aggravated,
9 which is what we discussed, not in front of the
10 jury obviously, but we discussed that it was a
11 criminal sexual conduct with a minor 2nd degree.
12 It's my understanding, the defense can correct me
13 if I'm wrong, it was pled down to ABHAN and he was
14 in his mid 20's and he got an underage girl
15 pregnant.

16 THE COURT: Okay.

17 MS. KEENEY: I believe it might have been
18 she consented to it, but she is still underage.

19 THE COURT: Okay.

20 MS. KEENEY: And then 2017, cruelty to
21 children.

22 THE COURT: Do you know anything about
23 that case?

24 MS. KEENEY: I do not know about that
25 case.

1 THE COURT: Okay.

2 MS. KEENEY: But I do know that's just a
3 30-day misdemeanor and he got time served.

4 THE COURT: Right.

5 MS. KEENEY: The State is asking for
6 life, and **MINOR** does not want to speak but she
7 wants me to ask for the maximum sentence on her
8 behalf. That's all from the State.

9 THE COURT: All right, thank you.
10 Okay. Mr. Walker.

11 MR. WALKER: Thank you, Your Honor. Just
12 as to the record that we just heard. I see two
13 minor misdemeanor-type conviction, other than the
14 ABHAN. She's correct, the child was underage. He
15 tells me she came to court, admitted to lying
16 about her age to him at the time and it was
17 consensual. That's why it was pled down from a
18 CSC to ABHAN.

19 Now, about Mr. Jackson. He is 44 years
20 of age. He has 12 children. At the time of his
21 arrest for this, he was a chef at East Bay Deli in
22 Charleston. He went through the 12th grade. He
23 has been diagnosed in the past and gone to
24 counseling for ADHD and bi-polar disorder. He was
25 never medicated, just attended counseling.

1 You know, of course, the jury has spoken.
2 You've heard the evidence. It is troubling,
3 certainly. She gave some credible or -- I'll just
4 say credible portions. She's certainly credible,
5 but I believe also many others were not. And, of
6 course, no physical evidence of this issue. You
7 know, I'm disappointed in the verdict but we are
8 where we are. Of course, we will be filing an
9 appeal, and I've told him we will be doing that
10 within the 10 days.

11 I'll say this is probably one of the
12 weakest verdicts I've ever been personally
13 involved in. But, you know, it's what we have.
14 She said it. He said not. And that's what we're
15 left with.

16 I think -- of course, you can't give less
17 than 25 years. He's 44. Twenty-five years would
18 put him pretty close to his life expectancy in
19 prison.

20 As Your Honor knows, he has a pending CSC
21 3rd charge in Charleston with no bond. This
22 conviction would expose him to a mandatory LWOP if
23 convicted of that.

24 THE COURT: Yes.

25 MR. WALKER: And so we would ask the

1 Court to impose the 25-year sentence.

2 Thank you.

3 THE COURT: Mr. Jackson, is there
4 anything you would like to say, sir?

5 MR. JACKSON: No, ma'am.

6 THE COURT: How much time does he have
7 for credit since he's been in?

8 MR. WALKER: I didn't count the days. He
9 was arrested in July of '21. He's been constantly
10 incarcerated since.

11 MS. KEENEY: I can find out, Your Honor.

12 THE COURT: Thank you.

13 MS. KEENEY: He has, as of today, 724
14 days credit.

15 THE COURT: 724.

16 All right. To begin with, I have signed
17 a permanent restraining order with the
18 complainant/victim in this case, which means you
19 cannot contact her in any way, shape, or form
20 either by electronic means or in person, and that
21 is for life.

22 Also, sir, you are now going to be on the
23 mandatory criminal sexual registry, which you will
24 be required to register for life.

25 Mr. Walker, I know you commented on the

1 evidence in this case, and, as we all know, we try
2 these cases often. When you delayed disclosures,
3 there is evidence typically. I think the
4 complainant/victim's testimony was credible. It
5 was excellent. And I think the jury heard her and
6 believed her. I think it's very typical in these
7 cases. As we all know, it can go either way
8 because it is hard when it's one person's
9 testimony against another. That person is very
10 clear. It is very specific. And it was
11 unequivocal throughout.

12 So with that said, on indictment
13 2021-GS-15-00650 for criminal sexual conduct with a
14 minor in the 1st degree the sentence is of this Court
15 is you be committed to the department of corrections
16 for a period of 30 years.

17 On indictment 2021-GS-15-00606 for
18 criminal sexual conduct with a minor in the 1st
19 degree, the sentence is also 30 years.

20 Those are to run consecutive to each
21 other so that means it's a total of 60 years.

22 Good luck to you, sir.

23 MR. WALKER: Thank you, Your Honor.

24 (Trial proceedings concluded.)

25

CERTIFICATE OF REPORTER

I, SHARON G. HARDOON, Official Circuit Court Reporter, III for the State of South Carolina at Large, 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 General Sessions for Colleton County, South Carolina.

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

November 10, 2023

A handwritten signature in cursive script, reading "Sharon G. Hardoon". The signature is written in dark ink and is positioned above a horizontal line.

Sharon G. Hardoon, CSR
Official Circuit Court Reporter, III

FORM 5

STATE OF SOUTH CAROLINA)

COUNTY OF Colleton)

Full name and prison number (if any) of Applicant.)

Bradley Lamont Jackson #391410)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

14th Judicial Circuit

Warrant Number(s)

2021A1520300155/2021A1520300156

APPLICATION FOR

2023-CP-15-766

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legally handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Kirkland PEE Center 4344 Broad River Rd. Columbia, SC 29210
2. Name and location of Court which imposed sentence 14th Judicial Circuit @
3. Name(s) of co-defendant(s) (if any) NONE 101 HAMPTON ST. WALTERBORO, SC 2948
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2021-GS-1500-605
 - (b) 2021-GS-1500-606
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) - _____
 - (b) 1

APPENDMENT TO PAGE 2, QUESTION 10.

11. STATE CONCISELY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOU ARE BEING HELD IN CUSTODY UNLAWFULLY.

(A) APPOINTED COUNSEL DICED INCOMPETENT AND WAS INEFFECTIVE BY NOT REQUESTING THE JUDGE FOR A direct Verdict Before The Jury found The Applicant Guilty. IF Applicant Counsel would have ASKS for A direct Verdict The Out Come would have BEEN different, BECAUSE THERE WAS NO EVIDENCE PRESENTED IN TRIAL.

(B) COUNSEL WASN'T DUE DILIGENTS IN PERPARING FOR APPLICANT CASE. THE COUNSEL NEVER SUPPLEMENT WITNESS(S) IN APPLICANT CASE.

THE INVESTIGATOR WHO WAS IN CHARGE OF THE CASE, THE OUT COME WOULD HAVE BE different BECAUSE THE INVESTIGATOR STATED IN A PRELIMINARY HEARING THAT THERE WAS NO EVIDENCE (S) OF A SEXUAL ASSAULT. THE OUTCOME WOULD HAVE BE different.

(B)(2) COUNSEL WAS INEFFECTIVE BY NOT BEING DUE DILIGENTS WITH FILING THE MOTION(S) TO SUPPRESS STATEMENTS AND ALLEGED EVIDENCE THE STATE USED AT TRIAL, NONE OF THE STATEMENTS, VIDEO TAPE, HOSPITAL EXAM PLACES THE APPLICANT ON THE SCENE, NOR ANY EVIDENCE THAT A CRIME HAS BEEN COMMITTED. IF MOTION WAS FILED THE OUTCOME WOULD BE different.

(B)(3) COUNSEL WAS INEFFECTIVE BY NOT BEING DUE DILIGENTS IN INVESTIGATING INTO WHETHER THE ALLEGED VICTIM HAD EVER BEEN SEXUAL PENETRATING BY AN EXPERT MEDICAL DOCTOR, SINCE THERE WAS NO EVIDENCE PER MEDICAL EXAM DID NOT. IF COUNSEL WOULD HAVE, THE OUTCOME WOULD BE different.

331
BUD COUNSEL WAS INEFFECTIVE BY NOT OBJECTING TO THE
INDICTMENT 2021-GS-1500-606 WHERE THE STATE SOLICITOR
ALTER THE NATURE OF THE OFFENSE BY CHANGING THE
DATES. THE ARREST WARRANT AND INDICTMENT DOES
NOT MATCH. IF THE ATTORNEY WOULD HAVE SUPPRESSED OR
ASKED THAT THE INDICTMENT BE DISMISSED, THEN THE
OUTCOME WOULD BE DIFFERENT.

(c) _____

6. Check whether a finding of guilty was made:

(a) ☒ after a plea of guilty. By T. ✓(b) ☐ after a plea of not guilty _____(c) ☐ after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?

Yes, my Attorney Filed A Direct Appeal.

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

i. The Court of Appeals Division.

ii. _____

iii. _____

(b) the result in each such Court to which you appealed:

i. The Applicant wish to drop the Direct Appeal. I wish to go with the PCR

ii. _____

iii. _____

(c) the date of each such result:

i. N/Aii. +iii. +

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. N/Aii. +iii. +

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) The Applicant wish to stop the direct Appeal Base on the Attorney was Ineffective Assistance.

(b) _____

(c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) Ineffective Assistant Counsel. 6th Amendment Violation
- (b) Counsel wasn't Duediligent.
- (c) Counsel Fail To Investigate. (see Attachment)

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) Counsel fail to subpoena witness(es) in Case.
- (b) Counsel fail to Ask for direct Verdict At the end of trial.
- (c) Counsel fail to file any Motion(s) for suppression (see Attachment)

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? N/A
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? N/A
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____
- (d) any other petitions, motions or applications in this or any other Court? YES

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

- i. Notice of Appeal Case Number(s) 2021-GS-1500-605/2021-GS-1500-606
- ii. _____
- iii. _____
- iv. _____

(b) the name and location of the Court in which each was filed:

- i. The South Carolina Court of Appeals. Post Office Box 11629
Columbia, SC 29211
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. N/A
- ii. |
- iii. |

iv. ↓

(d) the date of each such disposition:

i. N/Aii. ↓iii. ↓iv. ↓

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. N/Aii. ↓iii. ↓iv. ↓

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

Defense Counsel file A direct Appeal with the Appellate Division.

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. Attorney Appeal the denial of Judge granting direct Verdict Appeal

ii. Before Trial Begins.

iii. And other motion(s).

(b) the proceedings in which each ground was raised:

i. The ground of Direct Verdict Appeal At the start of trial.

ii. _____

iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) Ineffective Assistant Could not be raised on direct Appeal.

(b) Counsel lack of due diligents Needs to be raised on PCR.

(c) Counsel fail to file any motion(s) to suppress and subpoena witness(s)

17. Were you represented by an attorney at any time during the course of: Needs to be heard At PCR.

- (a) your arraignment and plea? Yes.
- (b) your trial, if any? Yes.
- (c) your sentencing? Yes.
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes.
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? Yes.

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

- i. MATTHEW WALKER Colleton County Public Defender Office 319 North Lucas St
- ii. Walterboro, SC 29488

iii. _____

(b) the proceedings at which each such attorney represented you:

- i. Mr. Matthew Walker Represented me in Jury Trial. Date: 26, 27, 28 of June 2023

ii. _____

iii. _____

19. State clearly the relief you seek in filing this application:

Applicant Requesting sentence Vacated and set for A New Trial.

20. Are you now under sentence from any other court that you have not challenged?

NO

STATE OF SOUTH CAROLINA)

County of Colleton)

VERIFICATION)

Bradley Lamar Jackson #391410

I, Bradley Lamar Jackson #391410, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Bradley Lamar Jackson

SWORN to and subscribed before me this 21st
day of September, 2023:

Melissa Opiz (L.S.)
Notary Public

My Commission Expires: 12-01-2025

COLLETON COUNTY
COMMON PLEAS COURT
2023 OCT -9 PM 4:34

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

Bradley Lamont Jackson #391410

I, Bradley Lamont Jackson, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Bradley Lamont Jackson
Applicant

SWORN or affirmed to and subscribed before me this

21 day of September, 2023.

Melissa Ortiz
Notary Public

My Commission Expires: 12-01-2025

2023 OCT -9 PM 4:34
COLLETON COUNTY
COMMON PLEAS COURT

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

BRADLEY LAMONT JACKSON #391410
Applicant:
Vs.

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON
PLEAS
OF THE 14TH JUDICIAL CIRCUIT
WARRANT NO. 5 2021A1520300
155

2021A15203001506

MOTION TO AMEND
POST-CONVICTION RELIEF
(APPLICATION)

I Bradley Lamont Jackson, hereby respectfully request
this Court to Grant me the Right to Amend the
POST CONVICTION APPLICATION NEW EVIDENCE / DISCOVERY
WHEN APPLICANT RECEIVED THE TRIAL TRANSCRIPT(S).

Mr. Bradley L. Jackson
#391410

Kirkland Corr. Inst
4344 Broad River Road
Columbia, SC 29210
Pro 'se

Bradley Lamont Jackson
Signature:

9/21/2023

DATE:

2023 OCT -9 PM 4:34

COLLETON COUNTY
COMMON PLEAS COURT

STATE OF South Carolina
COUNTY OF COLLETON
BRADLEY LAMONT JACKSON #391410
APPLICANT:

VS.
STATE of South Carolina

In The 14th Judicial
Circuit of
Common Pleas
APPLICATION FOR POST
CONVICTION RELIEF
WARRANT NO (S) 2021A15203
00155-0156

Motion To Expedite
PROCEEDINGS

This Motion (S) COMES Before the Court on
The 21st day of September Year, 2023 To Ask The Court
to Grant the Undersigned Motion (S) To Expedite
this Post CONVICTION RELIEF HEARING. THE APPLICANT
IS CURRENTLY INCARCERATED AND WISH TO BE HEARD IN
A TIMELY MANNER AND THE APPLICANT PRAY THAT THIS
COURT WILL HONOR HIS REQUEST.

Mr. Bradley L. Jackson
#391410
Kirkland Corr. Inst
Columbia SC. 29210
Pro Se
Bradley Lamont Jackson
Signature:

9/21/2023
Date:

M.C. Hill
 Hello Good Morning
 Alenwood! How are you
 doing & feeling & pray all is well
 with you! Well my dear Darius you have
 Alenwood's photo to return me per
 for too! Keaton's photo to ask you Den you able to
 Application & too! Me the transcripts that live asked for?
 full and send me the transcripts that live asked for?
 Darius and Darius: Pie by hands on the 23rd of July 2021
 Good Resolution Hearing & before Detention (the 21st-29th of
 April 2021 & Civil Trial on the 3rd of May 2023 (the 1st set of
 under my middle & last name which is Naynor Jackson)...
 Thank you for taking the time to read my letters and
 sending me what I asked & requested for...
 Thank you & God Bless!!
 M.C. Hill
 P.S. May I hear another per
 application sent to me?

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

Bradley Lamont Jackson, #391410,

Applicant,

v.

State of South Carolina,

Respondent.

) IN THE COURT OF COMMON PLEAS
) FOURTEENTH JUDICIAL CIRCUIT

) CASE NO. 2023-CP-15-00766

) **RETURN AND MOTION TO**
) **DISMISS WITHOUT PREJUDICE**
) **(Appointment of counsel not requested)**

In response to the application for post-conviction relief (PCR) filed by Bradley Lamont Jackson on October 9, 2023, Respondent makes the following return and motion to dismiss:

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving a cumulative sixty-year sentence. In January 2023, the Colleton County Grand Jury indicted Applicant for two counts of first-degree criminal sexual conduct (CSC) with a minor (2021-GS-15-00605, -00606). On June 28, 2023, Applicant was convicted following a jury trial before the Honorable Carmen T. Mullen. Public Defender Matthew Walker represented Applicant. Following his conviction, Judge Mullen sentenced him to consecutive sentences of thirty years for each charge. On July 7, 2023, Applicant filed a direct appeal; that appeal is currently pending.¹

CURRENT APPLICATION

On October 9, 2023, Applicant filed this PCR action alleging he is being held in custody unlawfully based on the following allegations of ineffective assistance of counsel:

(A): Counsel did not move for a directed verdict;

(B): Counsel did not diligently prepare or subpoena witnesses, specifically the lead investigator who testified at a preliminary

¹ According to e-track, the transcript was delivered on November 16, 2023. See Appellate case no. 2023-001090.

hearing that there was no evidence of sexual assault;

(B)(2): Counsel failed to move to suppress statements and evidence;

(B)(3): Counsel failed to "investigate into whether the alleged victim had ever been sexual penetrating by an expert medical doctor. Since there was no evidence per medical exam did not."

(B)(4): Counsel failed to object to/move to suppress the indictment.

As relief, Applicant requests his sentence be vacated and he receive a new trial. Attached to this return and incorporated by reference are the Clerk of Court records for the underlying convictions, Applicant's records from the Department of Corrections, and Applicant's appellate records. Respondent reserves the right to file an amended return upon receipt of any additional information.

MOTION TO DISMISS WITHOUT PREJUDICE

Applicant's appeal of his underlying conviction is currently pending. "An application for post-conviction relief cannot be made while an appeal from the conviction or sentence is pending or during the time in which an appeal may be perfected." SCRCF 71.1(b), SCRCF; Al-Shabazz v. State, 338 S.C. 354, 363, 527 S.E.2d 742, 747 (2000). Thus, Respondent moves to summarily dismiss this PCR application without prejudice until the direct appeal is resolved.

[Conclusion and signature page follows]

CONCLUSION

WHEREFORE, the State respectfully moves to dismiss this application without prejudice.

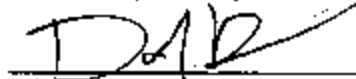
Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

DANIELLE DIXON
Assistant Attorney General

By:



Danielle Dixon

ATTORNEYS FOR RESPONDENT
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
803-734-3737

January 5, 2024

STATE OF SOUTH CAROLINA)
COUNTY OF COLLETON)
Bradley Lamont Jackson, #391410)
Applicant,)
v.)
State of South Carolina)
Respondent,)
_____)

IN THE COURT OF COMMON PLEAS
FOR THE FOURTEENTH JUDICIAL
CIRCUIT

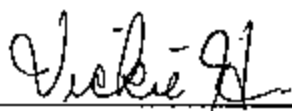
Case No.: 2023-CP-15-00766

Certificate of Service by Mail

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return and Motion to Dismiss in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Bradley Lamont Jackson, #391410 (1A-0194-B)
Evans Correctional Institution
610 Highway 9 West
Bennettsville, SC 29512

DATED this 5th day of January, 2024.


Vickie H., Legal Assistant
For Respondent

2024 JAN 16 PM 9:00

COLLETON COUNTY
COMMON PLEAS COURT

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF COLLETON	)	FOURTEENTH JUDICIAL CIRCUIT
	)	
Bradley Lamont Jackson, #391410,	)	CASE NO. 2023-CP-15-00766
	)	
Applicant,	)	
	)	
v.	)	ORDER OF DISMISSAL
	)	WITHOUT PREJUDICE
State of South Carolina,	)	
	)	
Respondent.	)	

2024 FEB 13 PM 3:41

COLLETON COUNTY
COMMON PLEAS COURT

This matter is before the Court by way of an application for post-conviction relief (PCR) filed by Bradley Lamont Jackson on October 9, 2023. Respondent made its return and moved to dismiss without prejudice due to Applicant's pending direct appeal. After consideration, Respondent's motion to dismiss is GRANTED.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving a cumulative sixty-year sentence. In January 2023, the Colleton County Grand Jury indicted Applicant for two counts of first-degree criminal sexual conduct (CSC) with a minor (2021-GS-15-605, -606). On June 28, 2023, Applicant was convicted following a jury trial before the Honorable Carmen T. Mullen. Public Defender Matthew Walker represented Applicant. Judge Mullen sentenced Applicant to consecutive sentences of thirty years for each charge. On July 7, 2023, Applicant filed a direct appeal; that appeal is currently pending.¹

CURRENT APPLICATION

On October 9, 2023, Applicant filed this PCR action alleging he is being held in custody unlawfully based on the following allegations of ineffective assistance of counsel:

¹ According to c-track, the transcript was delivered on November 16, 2023. See Appellate case no. 2023-001090.

(A): Counsel did not move for a directed verdict;

(B): Counsel did not diligently prepare or subpoena witnesses, specifically the lead investigator who testified at a preliminary hearing that there was no evidence of sexual assault;

(B)(2): Counsel failed to move to suppress statements and evidence;

(B)(3): Counsel failed to "investigate into whether the alleged victim had ever been sexual penetrating by an expert medical doctor. Since there was no evidence per medical exam did not."

(B)(4): Counsel failed to object to/move to suppress the indictment.

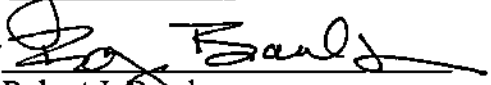
As relief, Applicant requested his sentence be vacated and he receive a new trial. Before this Court are the Clerk of Court records for the underlying convictions, Applicant's records from the Department of Corrections, and Applicant's appellate records.

MOTION TO DISMISS WITHOUT PREJUDICE

Respondent moved to dismiss this application without prejudice because Applicant's appeal of his underlying conviction is currently pending. "An application for post-conviction relief cannot be made while an appeal from the conviction or sentence is pending or during the time in which an appeal may be perfected." SCRCP 71.1(b), SCRCP; Al-Shabazz v. State, 338 S.C. 354, 363, 527 S.E.2d 742, 747 (2000). This Court finds that because Applicant's direct appeal is currently pending, this matter shall be dismissed without prejudice.

IT IS THEREFORE ORDERED that this PCR application is dismissed without prejudice. Applicant may file a new application for post-conviction relief once his direct appeal is resolved.

AND IT IS SO ORDERED THIS 14 day of Jan, 2024.


Robert J. Bonds
Chief Administrative Judge – Common Pleas
Fourteenth Judicial Circuit

Walter Bow, South Carolina



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense

1330 Lady Street, Suite 401

Columbia, South Carolina 29201-3332

Post Office Box 11589

Columbia, South Carolina 29211-1589

Telephone: (803) 734-1330

Facsimile: (803) 734-1345

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

April 17, 2024

The Honorable Jenny Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: The State v. Bradley Lamont Jackson
Appellate Case No. 2023-001090

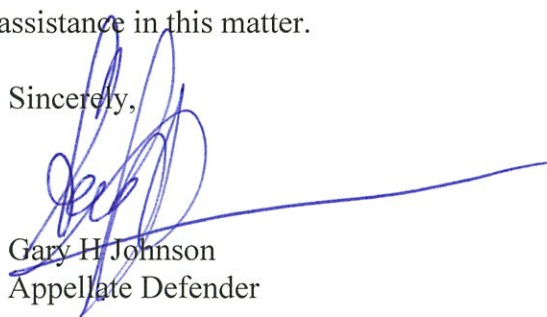
Dear Ms. Kitchings:

The initial brief of appellant and designation of matter in the above-referenced case are due to be served and filed today. Mr. Jackson has decided to drop his direct appeal, as evidenced by the enclosed affidavit. I have reviewed with him the consequences of dropping the appeal. Because he has been informed of the advantages and disadvantages of pursuing this appeal, I believe he has made his decision knowingly and voluntarily.

I respectfully request that an order be issued dismissing this appeal. By copy of this letter, I am informing Senior Assistant Deputy Attorney General Mark R. Farthing of my client's decision.

Thank you for your cooperation and assistance in this matter.

Sincerely,


Gary H. Johnson
Appellate Defender

GHJ/kpw
cc: Mark Farthing, Esquire
Bradley Lamont Jackson

STATE OF SOUTH CAROLINA	)	IN THE SOUTH CAROLINA COURT OF
	)	APPEALS
COUNTY OF COLLETON	)	
	)	
THE STATE,	)	
	)	
RESPONDENT,	)	
	)	
v.	)	AFFIDAVIT
	)	
BRADLEY LAMONT JACKSON,	)	
	)	
	)	
APPELLANT.	)	
	)	
	)	

PERSONALLY appeared before me, Bradley Lamont Jackson, who being duly sworn, deposes and says:

1. I am the appellant in the above captioned case.
2. A Colleton County grand jury indicted me in January 2023 for two counts of Criminal Sexual Conduct with a Minor, 1st degree (2021-GS-15-00605 & 2021-GS-15-00606). My case was called to trial June 26-28, 2023, before the Honorable Carmen Mullen and a jury. I was sentenced to consecutive terms of imprisonment of thirty years for each count of criminal sexual conduct with a minor, 1st degree.
3. On July 5, 2023, my public defender filed a Notice of Appeal.
4. Appellate Defender Gary H. Johnson was assigned to represent me in my case.
5. On December 27, 2023, I wrote Mr. Johnson about the possibility of abandoning my direct appeal. On January 12, 2024, I spoke with Mr. Johnson on the telephone more extensively about the possible merits of my case and the advantages and disadvantages of withdrawing my appeal. I continued written and telephone correspondence with Mr. Johnson regarding withdrawing my appeal throughout January and February of 2024.
6. On March 18, 2024, Appellate Defender Gary H. Johnson met with me at Evans Correctional Institution to discuss the advantages and disadvantages of moving forward with my direct appeal or withdrawing my appeal.
7. In discussing the legal merits of my direct appeal, my attorney discussed due process

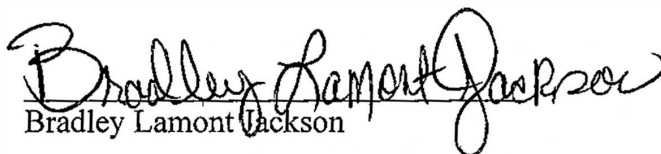
concerns raised by allowing the alleged victim of a sexual assault to testify both in-person on the details of the assault and through the playing of the forensic interview, effectively allowing the state to present its lead witness twice. I understand that by dropping my direct appeal, I may be deemed to have waived this issue and any other properly preserved issues that could be addressed on direct appeal.

8. I understand that I am entitled to an appeal of my conviction, and that, because I am indigent, I am entitled to the assistance of an attorney from the South Carolina Office of Appellate Defense. I have been informed that if I drop my direct appeal that I forever waive those issues that could be raised.

9. In light of the risks which have been explained to me, it is my desire that the South Carolina Office of Appellate Defense drop the appeal formerly filed on my behalf.

10. I have made this decision on my own, with a full understanding of all the possible consequences of this action.

11. I do not wish to appeal.


Bradley Lamont Jackson

SWORN TO before me this 25 day

of March, 2024

Sarah Outlaw (L.S.)

Notary Public for South Carolina

My Commission Expires: 2/28/34

The South Carolina Court of Appeals

The State, Respondent,

v.

Bradley Lamont Jackson, Appellant.

Appellate Case No. 2023-001090

The Honorable Carmen T. Mullen

Colleton County

Trial Court Case No. 2021GS1500605, 2021GS1500606

ORDER

It appears that Appellant, with full understanding of all possible consequences of this action and with agreement of counsel, wishes to withdraw and dismiss this matter. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

cc:

Alan McCrory Wilson, Esquire

Mark Reynolds Farthing, Esquire

Gary Howard Johnson, II, Esquire

FILED
May 02 2024

STATE OF SOUTH CAROLINA

County of ColletonBradley Laymont Jackson #391410
Full name and prison number (if any) of Applicant

v.

State of South Carolina

24-CP-15-363
IN THE COURT OF COMMON PLEAS14th Judicial Circuit
Warrant No.(s) 2021A1520300155-0156

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention EVANS CORRECTIONAL INSTITUTION
610 HIGHWAY 9 WEST BENNETTSVILLE, SC 29512
2. Name and location of Court which imposed sentence 14th Judicial Circuit
@ 101 HAMPTON STREET, WALTERBORO, SC 29488
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2021-GS-1500-605
 - (b) 2021-GS-1500-606

352 (c) _____

5. The date upon which sentence was imposed and the terms of the sentence:

(a) _____

(b) _____

(c) _____

6. Check whether a finding of guilty was made:

☒ (a) after a plea of guilty _____

(b) after a plea of not guilty _____

(c) after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?

YES MY ATTORNEY FILED A DIRECT APPEAL

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

i. THE COURT OF APPELLET DIVISON.

ii. _____

iii. _____

(b) the result in each such Court to which you appealed:

i. THE APPLICANT WISH TO DROP THE APPEAL FOR A PCR.

ii. _____

iii. _____

(c) the date of each such result:

i. _____

ii. _____

iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. _____

ii. _____

iii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) THE APPLICANT WISH TO STOP THE DIRECT APPEAL BASE ON THE ATTORNEY WAS CNETEFFECTIVE ASSISTANCE

(b) _____

Attachment To Page #3 Question #10

10. State Concisely the grounds on which you base your allegation that your being held in custody unlawfully:

[A] Appointed Counsel acted in competent and was ineffective by not requesting a direct verdict from the judge before the jury found the Applicant guilty. If Applicant Counsel would have asked for that direct verdict before the jury found the Applicant guilty the outcome would have been different. Because there was no evidence presented in trial.

[B] Counsel wasn't due diligent in preparing for Applicant's case. The Counsel never subpoena witnesses in Applicant's case. The investigator who was in charge of the case, the outcome would have been different because the investigator stated in preliminary hearing that there was no evidence(s) of a sexual assault. The outcome would have been different.

[B2] Counsel was ineffective by not being due diligent with filing the motions to suppress statements & alleged evidence the state used at trial, none of the statements, video tape, hospital exam, pictures places the Applicant on the scene nor any evidence that a crime had been committed. If motions was filed the outcome would have been different.

[B3]. COUNSEL WAS INEFFECTIVE BY NOT BEING DUE DILIGENTS IN INVESTIGATING INTO WHETHER THE ALLEGED VICTIM HAD EVER BEEN SEXUALLY PENETRATED BY AN EXPERT MEDICAL DOCTOR. SINCE THERE WAS NO EVIDENCE PER-MEDICAL EXAM DID NOT. IF COUNSEL WOULD HAVE THE OUT COME WOULD BE DIFFERENT.

[B4]. COUNSEL WAS INEFFECTIVE BY NOT OBJECTING TO THE INDICTMENT (2021-GS-1500-606) WHERE THE STATE SOLICITOR ALTER THE NATURE OF THE OFFENSE BY CHANGING THE DATE. THE ARREST WARRANT (2021A1520300156) & INDICTMENT (2021-GS-1500-606) DOES NOT MATCH. IF THE ATTORNEY WOULD HAVE SUPPRESS/OR ASKED THAT THAT INDICTMENT BE DISMISSED, THEN THE OUT COME WOULD BE DIFFERENT.

(c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) INEFFECTIVE ASSISTANT COUNSEL
(b) COUNSEL DUE NOT DUE DILIGENCE/DILIGENT
(c) COUNSEL FAILED TO INVESTIGATE SEE ATTACHMENT

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) COUNSEL FAIL TO ASK FOR DIRECT VERDICT AT THE END OF TRIAL.
(b) COUNSEL FAIL TO FILE ANY MOTION(S) FOR SUPPRESSION
(c) _____

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? N/A
(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? N/A
(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____
(d) any other petitions, motions or applications in this or any other Court? YES

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
i. NOTICE OF APPEAL CASE NO. 2021-GS-1500-605, 606
ii. _____
iii. _____
iv. _____
(b) the name and location of the Court in which each was filed:
i. THE STATE OF SOUTH CAROLINA COURT OF APPEALS
ii. POST OFFICE BOX 11629 COLUMBIA, SC 29211
iii. _____
iv. _____

(c) the disposition thereof:

i.

ii.

iii.

iv.

N/A

(d) the date of each such disposition:

i.

ii.

iii.

iv.

N/A

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i.

ii.

iii.

iv.

N/A

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

DEFENSE COUNSEL file a direct appeal with the Appellate Division.

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i.

ii.

iii.

Attorney appeal the denial of Judge granting direct verdict before trial began and other motions

(b) the proceedings in which each ground was raised:

i.

ii.

iii.

The ground of direct verdict at the start of trial.

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) INEFFECTIVE ASSISTANT COULD NOT BE RAISED ON DIRECT APPEAL.
 (b) COUNSEL LACK OF DUE DILIGENCE NEEDS TO BE RAISED ON PCR
 (c) COUNSEL FAIL TO FILE ANY MOTION(S) TO SUPPRESS & SUBPOENA WITNESSES
NEEDS TO BE HEARD AT PCR

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? YES
 (b) your trial, if any? YES
 (c) your sentencing? YES
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? YES
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

YES

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:

i. David Mathews (Public Defender) Colleton County
319 N. Lucas St. Walterboro, SC 29488

ii. Matthew Walker (Public Defender) Colleton County
319 N. Lucas St. Walterboro, SC 29488

- (b) the proceedings at which each such attorney represented you:

i. Matthew Walker represented me in jury trial
Dated: JUNE 26, 27, 28th 2023

ii. _____

iii. _____

19. State clearly the relief you seek in filing this application:

Applicant is Requesting Sentence be ^① Vacated, ^② Vacate
the Conviction, for New trial

20. Are you now under sentence from any other court that you have not challenged?

NO

STATE OF SOUTH CAROLINA)

County of Colleton)

VERIFICATION

I, Bradley Lamont Jackson #391410, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Bradley Lamont Jackson #391410

SWORN to and subscribed before me this 9th
 day of May, 2024

Sarah Outlaw (L.S.)
 Notary Public

My Commission Expires: 2/28/34



2024 MAY 21 PM 9:01

COLLETON COUNTY
 DISTRICT COURT

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Mr. Bradley Lamont Jackson #391410, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Bradley Lamont Jackson #391410
Applicant

SWORN or affirmed to and subscribed before me this

9th day of May, 2024

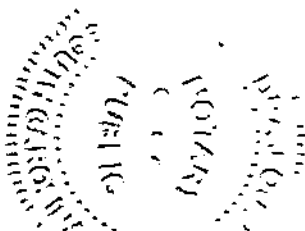
Sarah Oulton

Notary Public

My Commission Expires: 2/28/34

2024 MAY 21 AM 9:01

COLLETON COUNTY
COMMON PLEAS COURT



State of South Carolina
 County of Colleton
 Bradley Lamont Jackson #391410
 Applicant:

vs.

State of South Carolina

In The Court of Common Pleas
 of the 14th Judicial Circuit
 Warrant NO.(s) 2021A1520300155
 2021A1520300156

Motion To Amend Post-Conviction
 Relief
 (Application)

I, Bradley Lamont Jackson hereby Respectfully Request
 this Court to grant me the right to Amend the Post-Conviction
 Application New Evidence / Discovery when Applicant Receives
 the trial transcripts.

Mr. Bradley Lamont Jackson #391410
 Evans Correctional Institution
 610th West
 Bennettsville, SC 29512
 PRO SE

Bradley Lamont Jackson
 5/9/2024
 COLLETON COUNTY
 COMMON PLEAS COURT
 5:21 PM
 5:01 PM

State of South Carolina
 County of Colleton
 Bradley Lamont Jackson #391410
 Applicant:

vs.

State of South Carolina

In the 14th Judicial Circuit
 of Common Pleas
 Application for Post-Conviction
 Relief

Warrant No(s) 2021A1520300155-0156

Motion To Expedite Proceedings

This Motion(s) Comes before the Court on the 9th day of May, 2024 to ask the Court to Grant the undersigned Motion(s) to Expedite this Post-Conviction Relief Hearing. The Applicant is Currently Incarcerated and Wish to be Heard in a timely manner and the Applicant Pray that this Court will Honor his Request.

Mr. Bradley Lamont Jackson #391410
 Evans Correctional Institution
 610th West
 Bennettsville, SC 29512

Pro'se
 Bradley Lamont Jackson
 5/9/2024



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

May 22, 2024

The Honorable Patricia C. Grant
PO Box 620
Walterboro SC 29488-0028

REMITTITUR

Re: The State v. Bradley L. Jackson
Lower Court Case No. 2021GS1500605, 2021GS1500606
Appellate Case No. 2023-001090

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine Harrison, deputy".

CLERK

Enclosure

cc: Alan McCrory Wilson, Esquire
Mark Reynolds Farthing, Esquire
Gary Howard Johnson, II, Esquire

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF COLLETON	)	IN THE FOURTEENTH JUDICIAL CIRCUIT
	)	
Bradley Lamont Jackson, #391410,	)	CASE NO. 2024-CP-15-00363
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	(Counsel Appointed)
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

FEB 25 2025 PM1:08
COLLETON CO CP, GARY HALL

In response to the application for post-conviction relief (PCR) filed by Bradley Lamont Jackson on May 21, 2024, Respondent makes the following return¹:

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving a cumulative sixty-year sentence. In January 2023, the Colleton County Grand Jury indicted Applicant for two counts of first-degree criminal sexual conduct (CSC) with a minor (2021-GS-15-00605, -00606). On June 28, 2023, Applicant was convicted as indicted following a jury trial before the Honorable Carmen T. Mullen. Public Defender Matthew Walker represented Applicant. Assistant Solicitor Julie Kate Keeney represented the State. Following his conviction, Judge Mullen sentenced him to consecutive sentences of thirty years for each charge. On July 7, 2023, Applicant filed a direct appeal, which was dismissed due to Applicant's withdrawal. The Remittitur was sent on May 22, 2024. Applicant filed his first PCR action on October 9, 2023, which was

¹ Respondent's Return was due to be filed within ninety days of receipt. See Rule 12(a), SCRCP ("[T]he State of South Carolina shall answer or otherwise respond to an application for post-conviction relief within 60 days after service of the application, if it arises out of a guilty plea, and 90 days if it arises out of a trial.") Now, having completed the Return required in this matter, and in light of no demonstrable prejudice to Applicant as a consequence of the delay, Respondent respectfully asks this Court to accept this Return as timely filed. See S.C. Code Ann. § 17-27-70(a) (establishing that the Court may fix the time in which the State must respond and that "respondent shall file with its answer the record or portions thereof that are material to the questions raised in the application"); Guinyard v. State, 260 S.C. 220, 195 S.E.2d 392 (1973) (holding the trial court may extend the time for filing and that the time limit prescribed by the statute is not mandatory, but discretionary with the trial court).

dismissed without prejudice on February 13, 2024, due to the fact that Applicant's direct appeal was still pending.

CURRENT APPLICATION

On May 21, 2024, Applicant filed this PCR action alleging he is being held in custody unlawfully based on the following allegations of ineffective assistance of counsel:

- (A): Counsel did not move for a directed verdict;
- (B): Counsel did not diligently prepare or subpoena witnesses, specifically the lead investigator who testified at a preliminary hearing that there was no evidence of sexual assault;
- (B)(2): Counsel failed to move to suppress statements and evidence;
- (B)(3): Counsel failed to "investigate into whether the alleged victim had ever been sexual penetrating by an expert medical doctor. Since there was no evidence per medical exam did not."
- (B)(4): Counsel failed to object to/move to suppress the indictment when Solicitor changed the date, and the arrest warrant does not match.

As relief, Applicant requests his sentence be vacated and he receive a new trial. Attached to this return and incorporated by reference are the Clerk of Court records for the underlying convictions, Applicant's records from the Department of Corrections, Applicant's appellate records and the trial transcript. Respondent reserves the right to file an amended return upon receipt of any additional information.

INEFFECTIVE ASSISTANCE OF COUNSEL

In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as

having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland v. Washington, 466 U.S. 668. First, Applicant must prove that counsel's performances was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E. 2d at 635 (quoting Strickland, 366 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. At 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

Here, the record likely does not refute or disprove Applicant's claims; therefore, Respondent requests an evidentiary hearing. See Sharper v. State, 279 S.C. at 265, 305 S.E.2d at 248 (providing an evidentiary hearing shall be held when a PCR application "alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record").

ANY FUTURE AMENDMENTS AND INVOCATION OF DISCOVERY

Respondent requests Applicant specify any claims he intends to raise in advance of the hearing. Respondent reserves the right to request a continuance based upon any amendments withheld until the last minute. Respondent further requests all potential exhibits and materials used

to produce potential expert witness testimony be sent to Respondent before the hearing. Likewise, Respondent requests all potential evidence and a witness list be sent to Respondent before the hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits that result in undue prejudice to the State.

ALL OTHER ALLEGATIONS

Any allegation not expressly admitted, qualified, or explained is hereby denied.

CONCLUSION

WHEREFORE, Respondent requests an evidentiary on Applicant's claims of ineffective assistance of counsel.

Respectfully Submitted,

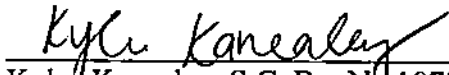
ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

D. RUSSELL BARLOW, II
Senior Assistant Deputy Attorney General

DANIELLE DIXON
Assistant Attorney General

KYLEE KANEALEY
Assistant Attorney General

By: 
Kylee Kanealey, S.C. Bar No. 107060

ATTORNEYS FOR RESPONDENT
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
803-734-3737

February 19, 2025

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF COLLETON	)	FOR THE FOURTEENTH JUDICIAL CIRCUIT
	)	
	)	
Bradley Jackson, #391410,	)	Case No.: 2024-CP-15-00363
Applicant,	)	
v.	)	APPLICANT'S AMENDED APPLICATION
State of South Carolina,	)	
Respondent.	)	
	)	

NOW COMES Applicant, Bradley Jackson, amending his application filed May 21, 2024. In addition to the allegations raised in his initial application, Mr. Jackson, through PCR Counsel, submits the following:

1. Ineffective assistance of counsel for:
 - a. Failing to ensure each juror was polled once and only once.
 - b. Failure to prepare for trial.
 - c. Failure to object to the State's exhibits.
 - d. Failure to object to the State qualifying their expert witness as an expert witness.
 - e. Failure to object to asking victim's mom regarding promises made in exchange for testifying.
 - f. Erroneously telling Applicant not to testify.
 - g. Failure to object to admission of the forensic interview.
 - h. Failure to raise Brady violations regarding failure to disclose the DNA analysis.
 - i. Failure to cross-examine witnesses effectively.
 - j. Failure to admit the DNA analysis.
 - k. Failure to investigate and test the carpet.

- l. Failure to object to the State's direct examination of their expert witness.
- m. Failure to challenge the indictments.
- n. Failure to argue interviewer was unreliable.
- o. Failure to collaborate with Applicant regarding strategy.

Conclusion

Based upon the above, Mr. Jackson requests that this Court grant relief, vacate the convictions, and remand the case to the court of general sessions for a new trial.



Chelsey F. Marto
Attorney at Law
S.C. Bar No. #104191

The Law Office of Chelsey F. Marto, LLC
P.O. Box 8795
Columbia, SC, 29201

(864)-404-5583
info@chelseymarto.com

For Applicant Bradley Jackson

April 10, 2025

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

) IN THE COURT OF COMMON PLEAS
) FOR THE FOURTEENTH JUDICIAL CIRCUIT
)
)

Bradley Jackson, #391410,
Applicant,

) Case No.: 2024-CP-15-00363
)

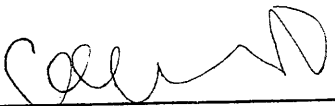
v.

State of South Carolina,
Respondent.

) Affidavit of Service by Mail
)
)
)

1. I am the attorney for Applicant in the above-captioned matter.
2. Regular communication by mail exists throughout the state of South Carolina and this is a proper circumstance of service by mail.
3. I have this day served a copy of the Amended Application on the above-captioned matter on the following person by depositing the same in the United States mail with the proper postage affixed thereto:

Office of the Attorney General
Attn: Kylee Kanealey, Esquire
PCR Division
P.O. Box 11549
Columbia, SC, 29211



Attorney for Applicant

Apr. 10, 2025

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
2024-CP-15-00363

Bradley Jackson,)
))
Plaintiff,)
))
vs.)
))
State of South Carolina,)
))
Defendant.)
-----)

TRANSCRIPT OF HEARING

April 16, 2025
Beaufort, South Carolina

B E F O R E:

The Honorable Frank Addy, Jr., Judge Presiding

A P P E A R A N C E S:

For the Applicant -
Chelsey Marto, Esquire
1122 Lady Street, Suite 206
Columbia, South Carolina 29201
864-404-5583

For the State -
Kylee M. Kanealey, Esquire
Assistant Attorney General
1000 Assembly Street
Columbia, South Carolina 29201
803-734-3970

Cathy L. Young, CVR-M
Official Circuit Court Reporter
Post Office Box 4604
Beaufort, South Carolina 29903

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1 P R O C E E D I N G S

2 * * * * *

3 THE COURT: We'll go on the record,
4 Attorney General.

5 MS. KANEALEY: May it please the Court?

6 Kylee Kanealey on behalf of the State of
7 South Carolina. This is a post-conviction relief
8 matter of Bradley Jackson versus the State, Case
9 Number 2024-CP-15-00363. In January 2023, the
10 Colleton County Grand Jury indicated Applicant for
11 two counts of first degree criminal sexual conduct
12 with a minor. That's Indictment Numbers 2021GS15605
13 and 606. On June 28th, 2023, Applicant was convicted
14 as indicated following a jury trial before the
15 Honorable Carmen T. Mullen. Public Defender Matthew
16 Walker represented Applicant. Following his
17 conviction, Judge Mullen sentenced him to
18 consecutive sentences of 30 years for each charge.
19 On May 21st, 2024, Applicant filed this PCR action
20 alleging various allegations of ineffective
21 assistance of counsel. On April 11, 2025, Applicant
22 filed an amended application with additional
23 allegations. At this time, we would ask Ms. Marto

1 to state which allegations she intends to proceed
2 forward on today.

3 MS. MARTO: Good morning, Judge.

4 THE COURT: Good morning.

5 MS. MARTO: I do have an amended
6 application in this case. I don't know if it made
7 it into the packet itself.

8 THE COURT: All right. Let me look at that
9 if I could please. Thanks.

10 MS. MARTO: And with that we'd call Mr.
11 Jackson?

12 THE COURT: All right. Mr. Jackson, if
13 you'll come on up and take the stand please, sir.

14 (Witness sworn.)

15 **Bradley Jackson,**
16 **having been duly sworn,**
17 **testifies as follows:**

18 * * * * *

19 **DIRECT EXAMINATION**

20 BY MS. MARTO:

21 Q. Good morning, sir. So what were you
22 charged with?

23 A. Criminal sexual conduct 1st degree, two
24 counts.

25 Q. And you took this case to trial?

1 A. Yes, I did.

2 Q. And who were you represented by?

3 A. Matthew Walker.

4 Q. And what was the outcome of your trial?

5 A. I was convicted and sentenced to two
6 consecutive 30 years conviction.

7 Q. How do you feel like Mr. Walker did at
8 trial?

9 A. He didn't do good at all.

10 Q. Do you feel like he was prepared to go
11 to trial?

12 A. No.

13 Q. How come?

14 A. Because for one, I never had a
15 discovery or a Rule 5 presented to me or given to
16 me. When I asked him about it, he didn't have it.

17 Q. So you never discussed discovery with
18 Mr. Walker?

19 A. No.

20 Q. When did you find out about the
21 discovery?

22 A. When I asked him about it, and he told
23 me he had nothing for me.

24 Q. Did you get the discovery after trial?

25 A. I didn't get no discovery or no Rule 5.

1 Nothing before or after trial.

2 Q. Now what else do you feel like Mr. Walker
3 was ineffective on at trial? Do you feel like he
4 cross-examined the witnesses properly?

5 A. Excuse me?

6 Q. Do you feel like he cross-examined the
7 witnesses properly?

8 A. No.

9 Q. Can you expand on that a little bit?
10 Who do you feel like he should have cross-examined
11 better?

12 A. The trial was just **MINOR** and the
13 interviewer which was Brooke Bentley (Ph).

14 Q. And what did you want him to cross-
15 examine the child on?

16 A. The inconsistencies of her statements
17 from the video and the live testimony.

18 Q. Can you give us a couple of examples of
19 inconsistencies?

20 A. Well, the child says that I did all
21 these acts amongst everybody being in the house.
22 Then she's saying, well, he penetrated me, but then
23 he didn't, then a little bit. So was that is she
24 saying I did it again. Now as far as the video's
25 concerned, as far as the video and Brooke Bentley's

1 concerned, the leading questions that Brooke Bentley
2 asked her as far as her saying when he grabbed your
3 head what did he do with it? She answered. I'm
4 saying so it basically, she wasn't letting the child
5 answer the questions herself or tell her story.

6 Q. And you said that you wanted counsel to
7 properly cross examine the interviewer better?

8 A. Yes.

9 Q. And can you expand on what you mean by
10 that?

11 A. What I meant is that I'm saying I want
12 him to recross-examine them after the video was
13 played. I'm saying to show their inconsistencies in
14 the child's testimony and Brooke Bentley's
15 testimony.

16 Q. Now did you -- we talked about this a
17 moment, right and allegations you wanted to raise
18 today?

19 A. (Nods.)

20 Q. One of the allegations you rose was
21 failure to object to the State qualifying their
22 expert witness; is that correct?

23 A. Yes.

24 Q. Why did you want counsel to object to
25 that?

1 A. Because Brooke Bentley was no expert in
2 forensic interview.

3 Q. And why do you feel like she wasn't an
4 expert?

5 A. Because one thing that I read upon is
6 that if they go about without leading questions
7 which she did that with **MINOR** by the questions that
8 she was asking her.

9 Q. Did you want counsel to object to some
10 of the State's questions of the expert?

11 A. Yes.

12 Q. What questions did you want counsel to
13 object to?

14 A. Everything. Everything that came out
15 of the solicitor's mouth.

16 Q. Just keep objecting to every question?

17 A. Not every question, but the majority of
18 'em.

19 Q. Okay. Now did you and counsel discuss
20 trial strategy?

21 A. No.

22 Q. What did you think your defense was at
23 trial?

24 A. Poor.

25 Q. What did you think that counsel was

1 trying to argue? What was the point?

2 A. I don't know. You got to ask him.

3 Q. Did you want counsel to argue that the
4 interviewer was unreliable? Was that part of ---

5 A. Yes.

6 Q. -- why you're here today? Now what
7 about the forensic interview? Did you want that
8 entered?

9 A. Yes.

10 Q. You wanted that entered at trial?

11 A. Oh, no, no, no, no.

12 Q. Did you want counsel to object to that?

13 A. He did. He did.

14 Q. Is there anything else you wanted
15 counsel to do on that point that he didn't?

16 A. Excuse me?

17 Q. Is there anything else to keep that
18 interview from coming in besides objecting you
19 wanted counsel to do but he didn't?

20 A. Motion to keep it out, objected to it
21 which he did. I mean, really nothing that he could
22 do because the judge said it was relevant.

23 Q. Now you also stated you wanted counsel
24 to object to State's exhibits, is that correct?

25 A. Yes.

1 Q. Okay. And what did you want him to
2 object to? Just the interview?

3 A. No, it was the interview, the pictures
4 of the upstairs where -- that was irrelevant -- they
5 just showing the upstairs. It had nothing to do
6 with a crime being done, and that basically it.
7 Just the video and the pictures.

8 Q. Now did you want to testify in this
9 case?

10 A. I wanted to, but I was advised with the
11 first public defender that I had which was David
12 Mathews told Mr. Walker for me -- it would be best
13 for my interest not to testify, so I didn't.

14 Q. Do you feel like the decision not to
15 testify was your own?

16 A. No.

17 Q. What do you -- what would you have
18 testified to if you were permitted to testify?

19 A. The truth.

20 Q. Which is what?

21 A. That I did nothing to that child.

22 Q. You think it would have helped your
23 case?

24 A. Yes.

25 Q. Now the victim's mom was also charged,

1 right?

2 A. Yes.

3 Q. And you raised an allegation about how
4 counsel should have objected to the State's question
5 about promises made in exchange for testifying; is
6 that correct?

7 A. Yes.

8 Q. So what do you think was wrong with
9 that?

10 A. I mean from what I've read, he didn't
11 even ask for that if you're promised anything for
12 your testimony, and he didn't object to it.

13 Q. Now did you ever see a copy of the DNA
14 analysis report?

15 A. Nope.

16 Q. When did you get a copy of it?

17 A. I got a copy of it when I was in
18 Kirkland when I requested everything in my file.
19 That's when I seen the DNA analysis.

20 Q. What does the DNA analysis report say?

21 A. OD negative.

22 Q. And so did you want counsel to raise a
23 Brady violation?

24 A. Yes.

25 Q. Because this report was discussed at

1 your trial, correct?

2 A. Excuse me?

3 Q. Was this report discussed at your
4 trial?

5 A. The DNA or the ---

6 Q. Yeah.

7 A. It was. Due to the solicitor saying
8 she was going to bring it up, but she never
9 presented it anyway.

10 MS. MARTO: Your Honor, if I may I
11 approach?

12 THE COURT: Please.

13 BY MS. MARTO:

14 Q. Can you identify this, sir?

15 A. The DNA analysis.

16 Q. And this shows that your DNA wasn't
17 found, is that correct?

18 A. Yes it is.

19 Q. Okay.

20 MS. MARTO: We'd enter this as Applicant's
21 Exhibit Number 1.

22 THE COURT: No objection?

23 MS. KANEALEY: No objection.

24 THE COURT: In evidence as Applicant's
25 Number 1.

1 (Applicant's Exhibit Number 1, DNA
2 Analysis, is marked and entered without objection.)

3 Q. And did you want counsel to investigate
4 something that he didn't?

5 A. Yes.

6 Q. And what is that?

7 A. I want him to investigate the carpets
8 of which the child said the alleged acts took place.
9 I want him to investigate and examine it for DNA.

10 Q. And what do you think would have come
11 out of that?

12 A. Negative.

13 Q. Did you want counsel to challenge the
14 indictments?

15 A. Yes.

16 Q. And why did you want counsel to
17 challenge the indictments?

18 A. Because the indictment numbers that was
19 in my transcripts was not my indictment numbers.

20 Q. Then you also raised an issue
21 concerning how it looked like based upon the
22 transcript that some jurors were polled twice and
23 some were not at all. Is that correct?

24 A. Yes.

25 Q. And that's page 317. What did you want

1 counsel to do with that?

2 A. To investigate why was it that two of
3 the jurors was able to render two guilty verdicts.

4 Q. If counsel had ensured that each juror
5 was only polled once, what do you think would have
6 come of that?

7 A. I don't know.

8 Q. Now what was -- you received a copy of
9 the medical report on the victim; is that correct?

10 A. I requested it.

11 Q. And when did you receive it?

12 A. At Kirkland.

13 Q. And what did the medical report show?

14 A. Everything negative.

15 MS. MARTO: Judge, if I may approach?

16 THE COURT: You may.

17 BY MS. MARTO:

18 Q. Can you identify that for me?

19 A. Yes, medical report.

20 Q. Is that the medical report? And this
21 was discussed at trial, correct?

22 Q. It was submitted at trial?

23 A. Yes, it was submitted at trial.

24 Q. It was submitted at trial? Okay.

25 MS. MARTO: We move to enter this as

1 Applicant's Exhibit Number 2.

2 MS. KANEALEY: No objection.

3 THE COURT: In evidence without objection.

4 (Applicant's Exhibit Number 2, Medical
5 Report, is marked and entered without objection.)

6 BY MS. MARTO:

7 Q. Is there anything else that we haven't
8 talked about today that you wanted -- that you feel
9 like counsel was ineffective for?

10 A. He was ineffective by not objecting to
11 improperly posting of MINOR's testimony by Detective
12 Fisk, and with inconsistencies of the accounts and
13 to the -- Detective Fisk stating that MINOR was 98
14 percent consistent with her story and saying the
15 method and technique used during the forensic
16 interview with the leading questions, supply MINOR
17 with information rather than let her tell her own
18 story, the State qualified Ms. Sessions as a sexual
19 assault forensic examiner with no certification,
20 allow MINOR and everybody or allowing everyone to
21 retell MINOR's stories, to the hearsay testimony of
22 MINOR, her mother, brother, Fisk, Ms. Sessions and
23 Brooke Bentley.

24 Q. So you feel like MINOR's narrative of
25 what happened was repeated through things like

1 entering the interview and things like that?

2 A. Yes.

3 Q. You think counsel should have objected
4 that her narrative was only told once; is that
5 correct?

6 A. Yes.

7 Q. Is that what you're saying?

8 A. Yes, they let everybody retell it over
9 and over again, and then with the video being
10 played, I feel as though as she was -- had a double
11 testimony. She was able to testify twice, one in
12 court and one in video.

13 Q. Is there anything else?

14 A. No, ma'am.

15 MS. MARTO: No further questions, Your
16 Honor.

17 THE COURT: Attorney General.

18 MS. KANEALEY: Briefly Your Honor.

19 **CROSS-EXAMINATION**

20 BY MS. KANEALEY:

21 Q. You told the Judge that you did not
22 wish to testify in this case?

23 A. Yes, I did.

24 Q. Okay, and you told the Judge that was
25 your free choice?

1 A. Yes.

2 MS. KANEALEY: Okay, no further questions,
3 Your Honor.

4 THE COURT: All right. Sir, you can step
5 down, thank you.

6 Any additional witnesses?

7 MS. MARTO: Yeah, we call Matthew Walker.
8 (Witness sworn.)

9 THE CLERK: And just state your name for
10 the record.

11 THE WITNESS: Matthew with two "t's",
12 Walker, W-A-L-K-E-R.

13 **Matthew Walker,**
14 **having been duly sworn,**
15 **testifies as follows:**

16 * * * * *

17 **DIRECT EXAMINATION**

18 BY MS. MARTO:

19 Q. Good morning, sir. So you represented
20 Mr. Jackson, correct?

21 A. I -- Dave Mathews in our office
22 initially represented him, and then I took over
23 representation.

24 Q. Do you recall roughly how long you
25 represented him for?

1 A. Case file was opened in July of 2021,
2 then I took over the case in May of 2022, and the
3 case was tried in 2023.

4 Q. Do you recall roughly how many times
5 you met with Mr. Jackson?

6 A. I do not.

7 Q. Now when did you figure out that this
8 case was going to trial? Was it always going to be
9 going to trial?

10 A. I mean we were open to plea -- I was in
11 plea discussions with the solicitor. We never got
12 anywhere. There was reasonable -- the solicitor --
13 I don't remember the details of it, but we couldn't
14 get anywhere close, so we went to trial.

15 Q. Now what did you do to prepare for
16 trial?

17 A. Reviewed discovery, spoke with my
18 client, talked to witnesses and subpoenaed
19 witnesses.

20 Q. What was your trial strategy?

21 A. So this is classic she said he said
22 situation, so impeach the accuser and highlight the
23 lack of any physical corroboration to the jury. We
24 -- you know, discussing the case, I spoke with him
25 like I speak with all clients charged with this that

1 in my opinion these cases require kind of two
2 things, where there's not any physical
3 corroboration, they need to -- well -- why would
4 they say that if it didn't happen? So you need a
5 motive for why the child's making the accusation,
6 and then secondly you need an explanation for why
7 they have knowledge of what you would say would be
8 not age-appropriate sexual behavior. And so we
9 discussed those things, and I determined -- he
10 informed me that she, you know, he had kind of been
11 the disciplinarian in the home, and that, you know,
12 his thought was this was a strategy because she had
13 been being punished and strategy between the
14 children to kind of get him out of the house.

15 Q. Now going back to what you said about
16 there being no plea offers that were reasonable, did
17 you discuss whatever offers there were with Mr.
18 Jackson?

19 A. I mean I don't think we ever had formal
20 offers. It was just like, you know, I'll pitch
21 something and she's like I can't do it or -- but I
22 never had any kind of formal offer that would have
23 been if you do this then this will be the result.

24 Q. Now did you see inconsistencies in the
25 victim's statement?

1 A. She had made different allegations
2 about, you know, what had happened to her to two
3 different therapists, or like I think to the -- I
4 think one was a therapist and one was like the Hope
5 Haven interviewer, but you know she had at one point
6 claimed the only thing that ever happened to her was
7 by Mr. Jackson, and another time she said, well, no
8 somebody else had also sexually assaulted her.

9 Q. Did you do anything with that
10 information at trial?

11 A. Yes. It's reflected in the transcript.

12 Q. And did you talk to Mr. Jackson about
13 testifying in this case?

14 A. Yes.

15 Q. And what did those conversations
16 consist of?

17 A. I don't have specific memories
18 obviously. The colloquy is in the transcript, but
19 in general, any -- you know, I generally caution
20 most clients they probably don't need to say
21 anything except, and this is my -- these kind of
22 cases are my exception to that rule is that, you
23 know, I think, you know, it makes it more of a --
24 you should give a little more consideration to
25 testifying in these kind of cases because I think

1 sometimes a jury just wants to hear somebody say
2 they didn't do it. But it's not a hard and fast
3 rule, and it has to, you know, some of that's with,
4 you know, based on my interactions with the client,
5 how I perceive a jury would perceive them or
6 obviously if they have a record or something that
7 would be, you know, admissible, that factors in too.
8 But we have, we talked about it. I got everything I
9 think I needed in through the other witness, you
10 know, all he would have been saying is I didn't do
11 it, so I didn't, you know, urge him strongly to do
12 -- to testify.

13 Q. But if I understand you correctly, you
14 just indicated that it would have been helpful in
15 this type of case for him to testify?

16 A. I just say generally in my opinion, and
17 again, I just feel it's something, you know, weird,
18 in these types of cases that sometimes it might help
19 for jurors -- sometimes it just might help for
20 someone to say no, because a jury's sitting there
21 going, well, if I was accused of that I'd definitely
22 say I didn't do it. And so, you know, somebody's
23 charged with something that's, you know, failure to
24 stop or something I'll just -- you know, if I'm not
25 getting anything extra out of the testimony I would

1 say don't testify. I don't need you to testify, I'm
2 going to keep the last argument. I think that here
3 it's more like, well, if you think it'll help them
4 just to hear you say no, that's what we could get
5 out of it, but I wouldn't necessarily -- with that
6 being the only contribution of the testimony urge
7 your client to testify.

8 Q. Did you ever question the victim about
9 why she didn't call for help maybe sooner, because
10 this was ongoing, correct? That's the allegation.

11 A. Right, there was like fairly a two-year
12 period which was covered by one indictment, and then
13 an incident that she had a definite time for that
14 prompted the disclosures. And no, I don't believe I
15 asked that.

16 Q. Is there a reason why?

17 A. Well, one, I wouldn't know what she
18 would say, and then two, with child victims I try to
19 just not ask them too much that wouldn't directly
20 bring out a contradiction or something like that, or
21 a motive. You run the risk of them just repeating
22 everything another time in front of the jury, so if
23 I -- even if I did say that of course, the State's
24 expert is going to say, oh, it's not in disclosure's
25 comment and so it doesn't really get you anything.

1 Q. Now did you give Mr. Jackson a copy of
2 his discovery?

3 A. I don't remember. I'm looking at the
4 notes in our system. Looks like Mr. Mathews had
5 some difficulty getting the discovery from the
6 solicitor's office, and he got that they did get it
7 while he was -- still had it. And of course, they
8 had a number of conversations, but it took them
9 awhile to get it and it was really just before he
10 gave it to me. If I recall, I think he gave it to
11 me, because Mr. Jackson had grieved him.

12 Q. Do you recall if while you were
13 representing him, if you provided him with a copy of
14 the discovery?

15 A. We would have reviewed it together. I
16 don't know if I gave him a physical copy. My - I
17 don't know if he was in custody or not at the time.
18 I believe, yeah, he was in custody. So my general
19 advice to people in custody, especially on these
20 kind of cases, well, really in general where it's a
21 serious case, is not to have a copy of their
22 discovery at the jail, just to prevent snitches
23 coming up and people reading it or -- and, you know,
24 these kind of cases also people will look down on
25 inmates being accused of this kind of thing, and so

1 having it in custody can be problematic for them,
2 but if they insist, I'll give it. I'll print
3 whatever I have that's printable and I'll give them
4 reports and witness statements. And then if there's
5 like photos or videos or something like that then we
6 will -- either I or a member of my staff will go to
7 the jail and let them view and watch whatever those
8 things they want to watch, but I don't -- I mean I
9 certainly went over the discovery with him when I
10 was talking about preparing the case, but I don't
11 remember at what point he was given or what he
12 actually got. Really the only thing I have is that
13 we sent him a USB disk with all of his discovery
14 when we -- right after we filed the appeal and sent
15 it to him at SCDC.

16 Q. Did you presume that Mr. Mathews had
17 discussed the discovery with him before you got the
18 case, or no?

19 A. I mean I believe he had. I mean they
20 -- I mean like I say, a year and a half there's bond
21 hearings and multiple requests for discovery to the
22 solicitor's office from Mr. Mathews, and I mean I
23 had talked about them. We would talk about the
24 facts. I just, you know, it's not like he didn't
25 know what he was being accused of doing. We talked

1 extensively about it. And again like why are they
2 saying this or what was going on in the house at the
3 time, and, you know, because all this stuff about
4 her being punished by him, at least from him, I got
5 that information from him, and the stuff about, you
6 know, the brother watching adult type films and
7 pornography on devices and, you know, I got all that
8 from him.

9 Q. So you discussed trial strategy with
10 him?

11 A. I did.

12 Q. Now when did you get a copy of the DNA
13 analysis report, do you recall?

14 A. I do not.

15 Q. It's your testimony that you probably
16 didn't provide him with a copy of it before trial?

17 A. A copy? Probably not. I would've
18 showed him -- I don't think the DNA report matters
19 so.

20 Q. But it does show that there was no DNA
21 evidence found, correct?

22 A. Right.

23 Q. So it wasn't inculpative, correct?

24 A. Right.

25 Q. Now why didn't you object to

1 photographs of, I guess, the scene?

2 A. I mean I don't think I would have -- I
3 don't think the objection would have been sustained.
4 Didn't have a -- I don't, you know, I don't believe
5 I had a reasonable basis to make the objection other
6 than for the form of making the objection which I
7 don't like to do.

8 Q. Why didn't you -- did you object to the
9 interview being entered?

10 A. I think I did. I'll look. Obviously
11 it is in this.

12 Q. So you feel like no additional stuff
13 could have led to it being included. Is that kind
14 of what you're saying?

15 A. That's correct. I mean I think I re-
16 read that portion of the transcript and we did
17 actually talk about what parts would be played and
18 which wouldn't. And, you know, so we, you know, I
19 definitely addressed the video to the extent
20 possible in front of the trial court.

21 Q. Did he discuss with you how he wanted
22 the carpet tested?

23 A. I don't recall that.

24 Q. If he asked for it, would you have
25 considered trying to get that tested?

1 A. Probably briefly, but I don't think I
2 would have done it. Again, I don't think DNA --
3 other than, hey, there's semen here, just DNA in
4 general, I don't think would have had a bearing on
5 this case, because he lives in the house, his DNA's
6 going to be in the house either -- or it's not going
7 to be in the house, but it doesn't tell us anything,
8 so.

9 Q. Did you consider objecting to the
10 victim's mom being asked about promises made in
11 exchange for testifying?

12 A. I did not.

13 Q. Did you object to the expert witness
14 being qualified as an expert witness in this case?

15 A. No.

16 Q. Why didn't you try to keep her from
17 taking, I guess, the stand and testifying? Is there
18 a specific reason?

19 A. The expert?

20 Q. Yeah.

21 A. I don't recall. I don't recall what we
22 -- what happened with the expert. I think we had
23 some pre-trial about experts and, you know, sorted
24 out what the expert would be saying and what would
25 be admissible and stuff like that, but beyond that I

1 don't have a distinctness memory of -- I feel like
2 we sorted that out pre-trial so at the time it was
3 in the trial it had been settled what ground would
4 be covered. That's all I remember.

5 Q. Is there -- did you attempt to argue
6 that the interviewer was unreliable?

7 A. The interview or the ---?

8 Q. The interviewer?

9 A. No, I don't -- no.

10 Q. Did you see anything wrong with the
11 indictments in this case?

12 A. No.

13 Q. So you didn't consider moving to quash
14 them?

15 A. No.

16 Q. Now do you recall any issues with juror
17 polling in this case?

18 A. I don't.

19 Q. And with all these questions would you
20 agree that the transcript is the best reflection of
21 what happened at trial?

22 A. I would agree that it's the most
23 official recollection of what happened at trial.

24 MS. MARTO: One moment, Your Honor.

25 BY MS. MARTO:

1 Q. Do you feel like you represented Mr.
2 Jackson effectively?

3 A. I did the best I could for Mr. Jackson.
4 Obviously, he's not somewhere he wants to be, so he
5 can *res ipsa* that, I guess, but, you know, we
6 presented the defense as we covered the lack of
7 physical evidence. He provided me with a motive to
8 lie and source of knowledge. I don't -- I'm not
9 sure what else we could have done.

10 Q. You agree he got pretty much the worst
11 possible outcome at trial correct?

12 A. Oh, yeah, I would.

13 Q. Consecutive sentences to the max, yeah?

14 A. Judge Mullen had complete confidence in
15 the testimony of the accusers, so.

16 MS. MARTO: No further questions.

17 MS. KANEALEY: May it please the court?

18 THE COURT: Please.

19 **CROSS-EXAMINATION**

20 BY MS. KANEALEY:

21 Q. Good morning.

22 A. Good morning.

23 Q. You said these types of cases, it's
24 sometimes helpful to have them testify.

25 Specifically for Mr. Jackson, would it have been

1 helpful to have him testify?

2 A. It's hard to say at this point, because
3 he couldn't have done any worse.

4 Q. What did you think at that time?

5 A. At that time, I thought that I had
6 everything I needed to make the closing argument I
7 wanted to make from the testimony presented by the
8 State.

9 Q. Okay. And did you go over the
10 discovery with him?

11 A. Yes.

12 Q. Okay. And what is your standard
13 practice regarding reviewing discovery with
14 defendants?

15 A. As I said, it's kind of a tiered
16 system. You know, obviously you're going through it
17 as you're doing prep, but just, hey, I want my
18 motion or whatever that, you know, I -- if they're
19 in jail and it's not a case where it would
20 necessarily be bad for them to have it in jail, I'll
21 send them what's printable, because they can't --
22 there's no -- our jail doesn't have any method for
23 them to view or store media so I'll send them
24 printed discovery. And then I or a staffer will
25 take a computer over there to show anything that's

1 media and, you know, let them watch whatever they
2 want to watch and, you know, I'll sit there. I got
3 all these body cams, and we can watch this one, do
4 you want to watch these four? And if they want to
5 we'll watch them. If they don't, we won't watch
6 them. So that's my standard practice. And of
7 course as we're sitting there, we're actually going
8 through the nitty gritty of trial prep. You're
9 referencing the discovery with the client and they
10 say this, what do we, you know, that kind of thing.
11 So you're kind of going through specific parts and
12 so.

13 Q. Do you feel like you had adequate time
14 to prepare for trial?

15 A. Yeah.

16 Q. Okay.

17 A. We actually had a continuance from the
18 first trial date as well, so to get them -- to make
19 sure we had a witness available.

20 Q. And did you see any basis to object to
21 the State's direct examination of their expert
22 witness?

23 A. No.

24 Q. If you had, would you have objected?

25 A. Yes.

1 Q. Okay. And did you see any grounds to
2 object to the question to the victim's mother were
3 there any promises were made in exchange for her
4 testifying?

5 A. I mean I think they're allowed to ask
6 that.

7 Q. Okay. And if you had would you have
8 objected?

9 A. I would have objected if I thought it
10 was improper, yes.

11 Q. Okay. And did you in fact object to
12 the admission of the forensic interview?

13 A. I think I did.

14 Q. Okay. And did you see any basis to
15 argue the interviewer was unreliable?

16 A. I don't think the interviewer's
17 reliability has any bearing on the case.

18 Q. Okay. Did you see any basis to object
19 to the State's photo exhibits?

20 A. No.

21 Q. Okay. And the State stipulated there
22 was no DNA found, correct?

23 A. Yes.

24 Q. Okay. Did applicant ask you to
25 investigate or test every carpet in the house?

1 A. I don't recall him asking me to do
2 anything about carpet, but if he had, I would've
3 basically told him what I just told you. It's not
4 going to help us and we're probably not going to do
5 it.

6 Q. So you didn't see any reason to test
7 every single carpet in the house?

8 A. No.

9 Q. Okay.

10 A. Because his DNA's going to be in the
11 house.

12 Q. And to your recollection, each juror
13 was in fact polled once, correct?

14 A. I did not see anybody being double
15 polled that I recall.

16 Q. Okay. And lastly, do you stand by your
17 representation today?

18 A. I do.

19 MS. KANEALEY: No further questions, Your
20 Honor.

21 MS. MARTO: Nothing further, Your Honor.
22 No further witnesses.

23 THE COURT: Sir, thank you very much for
24 coming.

25

1 MR. WALKER: Thank you Judge.

2 THE COURT: Anything from the State?

3 MS. KANEALEY: Nothing.

4 THE COURT: I did have an opportunity to
5 review a good portion of this file this morning
6 before I got in here, but obviously I have not
7 looked at the full transcript. So this will be
8 another one that I'm taking under advisement so that
9 I can give more attention to this and to the amended
10 application that I am just now seeing. So I'll take
11 it under advisement and hopefully have you all an
12 order as soon as I can, okay?

13 MS. MARTO: Thank you, Judge.

14 MS. KANEALEY: Thank you.

15 THE COURT: Thank you all.

16 (The hearing was concluded.)

17 - - -END OF TRANSCRIPT- - -

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CERTIFICATE OF REPORTER

I, Cathy L. Young, CVR-M, for the
Fourteenth Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a
true, accurate and complete Transcript of Record of
introduced in the hearing of the captioned case,
relative to appear, in the Circuit Court for
Colleton County, South Carolina, on the 16th day of
April, 2025.

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

A handwritten signature in black ink, reading "Cathy L. Young", is written over a horizontal dashed line.

Cathy L. Young, CVR-M

Court Reporter and Notary

Public in and for South Carolina

My Commission expires: 3-28-2029

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

HENRY D. MCMASTER
Governor



MARK A. KEEL
Chief

Whitlee Hill
Walterboro Police Department
P.O. Box 709
Walterboro, SC 29488

March 21, 2023

DNA ANALYSIS

SLED LAB: L21-10391
Your Case No: 2100763
Incident Date: 05/21/2021
[V] **MINOR**
[S] Lamont Jackson

JUL 1 2025 PM 1:48
COLLETON CO CP, GARY HALE

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

COMPARISON STANDARDS

4 Victim DNA swab

RESULTS:

- This item is being returned to the submitting agency without analysis and has not been inventoried.

ITEMS OF EVIDENCE

1 One pair of children's underwear (pink with rainbows)

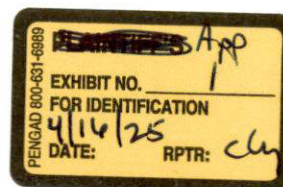
RESULTS:

- Examination for a component of semen (acid phosphatase) was negative.

1.1 Swab from scraping entire interior of one pair of children's underwear (pink with rainbows)

RESULTS:

- No DNA analysis performed.



SLED LAB No. L21-10391
March 21, 2023

Page 2 of 3

1.2 Hair from one pair of children's underwear (pink with rainbows)

1.2.1 Hair

RESULTS:

- No DNA analysis performed.

1.2.2 Hair

RESULTS:

- No DNA analysis performed.

1.2.3 Hair

RESULTS:

- No DNA analysis performed.

1.2.4 Hair

RESULTS:

- No DNA analysis performed.

1.2.5 Hair

RESULTS:

- No DNA analysis performed.

2 Child's shorts (pink and black print)

RESULTS:

- Examination for a component of semen (acid phosphatase) was negative.

3 Victim's shirt

RESULTS:

- Examination for a component of semen (acid phosphatase) was negative.



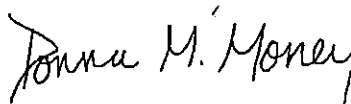
NOTES:

Serology and sample preparation for DNA were performed by Forensic Scientist Cameron Wise.

Any remaining evidence and/or packaging will be returned to the requesting agency.

This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.

Technical records supporting the conclusions in this report are available upon request. Afford sufficient time for production.



Donna M. Money

Forensic Scientist



☒ Wnl ☐ Abnl Neuro: No focal deficits noted.

☒ Wnl ☐ Abnl Anus: Normal anus without lesions, discharge, or evidence of trauma.

☒ Wnl ☐ Abnl Skin: Skin is clean dry and intact without evidence of breakdown. The following was photo documented as present on exam:

1. scar to right elbow, patient states she fell and the scar is old
2. scar to left knee, patient states she fell and the scar is old
3. scar to left mid thigh, patient states she forgot hurt by a stick playing outside

☐ Photos Taken

Genital: ☐ Patient refused genital exam.

Documentation: ☒ Photos ☐ Video ☐ Photos & Video ☐ No imaging

Positioning: ☒ Supine ☐ Prone KC

Tanner Stage: Pubic Hair ☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ Shaved/Waxed

Breast ☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5

Vulva: normal appearing mons pubis, labia majora and minora, clitoral hood. no lesions, discharge, or evidence of trauma

Vestibule: no lesions, discharge, or evidence of trauma

Vagina: vaginal mucosa is pink and moist in appearance

Hymen: There is a smooth hymen with no interruptions note. No abnormal lesions or discharge present.

☒ Annular ☐ Crescentic ☐ Estrogenized ☐ Fimbriated ☐ Microperforate/Imperforate ☐ Redundant

☐ Septate ☐ Other

Additional Information Reviewed

Radiology:

Labs:

Medical Records: EPIC chart reviewed, non-contributory

Photos:

Discussed With:

Other:

JUL 1 2025 PM 1:48
COLLETON CO CP, GARY HALE

Diagnosis and Conclusions

☒ Sexual Abuse

☐ Sexual Abuse / ISB Strongly Indicated

☒ Sexual Abuse / ISB Indicated

☒ The patient gives a clear disclosure of sexual abuse or ISB.

☒ The anogenital examination is normal or nonspecific. A normal or nonspecific examination does not indicate that no sexual abuse or ISB has occurred, as the majority of children who experience sexual abuse or ISB will have a normal or nonspecific examination.

☐ A physical finding is concerning for sexual abuse, but no disclosure is given.

☐ Sexual Abuse / ISB Indeterminate

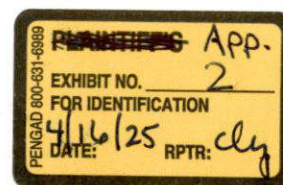
☐ Sexual Abuse Not Indicated Sexual Abuse Details

☐ GC ☐ CT ☐ HIV ☐ Syphilis ☐ Sex Trafficking ☐ Exploitation For Pornography ☐ Intrusive Sexual

Behavior

Risk factors identified for: ☐ Sexual Abuse ☐ Physical Abuse ☐ Neglect ☐ Sex Trafficking

☐ Sexually intrusive behavior in a prepubertal child.



MINOR is a 9yo female seen today for concerns of sexual abuse by her NM's paramour. **MINOR** disclosed to her NM that her NM's paramour was sexually abusing her. NM did not report the sexual abuse to any agencies. It is not clear in the intake who made the DSS report and the caregiver that brought **MINOR** in today is also not aware of how DSS and LE were contacted. **MINOR** was taken into emergent protective custody after making disclosures on scene by Walterboro Police Department.

- ☐ Yes ☒ No ☐ Unk Prior Mental Health Diagnosis in Caregivers
☐ Yes ☒ No ☐ Unk Current Domestic Violence in Home
☐ Yes ☒ No ☐ Unk Prior History of Child Abuse in Caregivers
☒ Yes ☐ No ☐ Unk Prior report to DSS regarding any of the caregiver's children?
☒ Yes ☐ No ☐ Unk Prior Report to DSS related to this child?
☐ Yes ☒ No ☐ Unk Open DSS Case At Time of Referral
☐ Yes ☒ No ☐ Unk History of out of home placement for any of the caregiver's children?
☐ Yes ☐ No ☒ Unk Current CPBS Participation
☐ Yes ☐ No ☒ Unk Prior CPBS Participation
☐ Yes ☒ No ☐ Unk Termination of Parental Rights
☐ Yes ☒ No ☐ Unk Prior Law Enforcement Involvement
☐ Yes ☒ No ☐ Unk Deportation of Primary Caregiver
 Prior history, involvement, or report of child abuse or neglect.

- ☐ Child fatality due to abuse or neglect
☐ Hazardous Conditions In Home
☐ Exposure to Domestic Violence
☐ Exposure to Caregiver's Substance Abuse
☐ Exposure to Drug Manufacturing In Home
☐ Failure to Thrive
☐ Lack Of Supervision
☐ Medical Neglect
☒ Physical Abuse
☐ Physical Neglect
☐ Sexual Abuse
☐ Pregnancy
☐ Sexually Transmitted Infection
☐ Other

Physical Examination

People present: Mallory Sessions, NP; Alexis Oliver, CMA

Relationship: Examiner, MUSC CAP CMA

patient's vitals not recorded

Vital Signs: T: P: R: SpO2: BP: /

Wt: Ht: BMI:

General Appearance:

- ☒ Well Developed, Well Nourished ☐ Thin ☐ Overweight
☒ Cooperative ☐ Shy ☐ Crying ☐ Apprehensive ☐ Hostile
☒ Clean ☐ Poor Hygiene
☒ Active ☐ Withdrawn

☒ Wnl ☐ Abnl Development: WDNW, appears stated age, engages in conversation

☒ Wnl ☐ Abnl Eyes: Pupils equal, round, and reactive to light. No Scleral hemorrhages, Sclera white. Red reflex normal bilaterally.

☒ Wnl ☐ Abnl Ears, Mouth, Nose, Throat: No trauma to external ears. TMs clear. Nares are patent. Nose shows no evidence of trauma, Mouth is normal without evidence of trauma.

☒ Wnl ☐ Abnl Lung: Regular rate, Clear to auscultation, bilaterally.

☒ Wnl ☐ Abnl Heart: Regular in rate and rhythm without murmurs, gallops or rubs

☒ Wnl ☐ Abnl Abdomen: Soft, no significant tenderness, no distention. Normal bowel sounds to auscultation.

☒ Wnl ☐ Abnl MSK: no obvious deformities

Pulmonary

- ☐ Yes ☒ No Wheezing
☐ Yes ☒ No Breathing Problems

Gastrointestinal

- ☐ Yes ☒ No Constipation
☐ Yes ☒ No Diarrhea
☐ Yes ☒ No Frequent Vomiting / GERD
☐ Yes ☒ No Frequent Stomachaches

Genitourinary

- ☐ Yes ☒ No Dysuria
☐ Yes ☒ No Urinary Retention
☐ Yes ☒ No Hematuria
☐ Yes ☒ No Urinary Frequency
☐ Yes ☒ No UTI
☐ Yes ☒ No Bed Wetting
☐ Yes ☒ No Soiling underpants
☐ Yes ☒ No Genital Itching
☐ Yes ☒ No Genital Lesions
☐ Yes ☒ No Genital Bleeding
☐ Yes ☒ No Genital Pain
☐ Yes ☒ No Vaginal Discharge
☐ Yes ☒ No Anal Itching
☐ Yes ☒ No Anal Pain
☐ Yes ☒ No Anal Lesions
☐ Yes ☒ No Anal Bleeding

Neurologic

- ☐ Yes ☒ No Frequent Headaches
☐ Yes ☒ No Problems Moving or Talking
☐ Yes ☒ No Seizures

Skin

- ☐ Yes ☒ No Bruises, cuts, or sores.
☐ Yes ☒ No Rashes

Hematologic

- ☐ Yes ☒ No Bleeding Problems
☐ Yes ☒ No Clotting Problems

Allergy

- ☐ Yes ☒ No Allergies or Immune Problems

Other

- ☐ Yes ☒ No Other Concerns

Social History

Parents' Relationship: Per MA, NM and AO are not together; NF is deceased

Child Care: MA and MU

Discipline: MA states that she has talk to her and explain consequences.

☒ Yes ☐ No ☐ Unk Current Tobacco Use in Home

MU smokes

☐ Yes ☒ No ☐ Unk Current Substance Abuse in Home

☒ Yes ☐ No ☐ Unk Firearms Kept in Home

locked up in safe

Family History

- ☐ Yes ☒ No ☐ Unk Hearing Problems
☐ Yes ☒ No ☐ Unk Multiple Fractures
☐ Yes ☒ No ☐ Unk Brittle Bones
☐ Yes ☒ No ☐ Unk Easy Bruising
☐ Yes ☒ No ☐ Unk Bleeding Too Much
☐ Yes ☒ No ☐ Unk Metabolic Disorders
☐ Yes ☒ No ☐ Unk Seizures
☐ Yes ☒ No ☐ Unk Birth Defects
☐ Yes ☒ No ☐ Unk Unexplained Deaths

Developmental History

Patient Age: 9 yr

- ☐ Yes ☐ No ☒ Unknown Doing well in school in regular classes.
☒ Yes ☐ No ☐ Unknown No behavioral concerns.
☒ Yes ☐ No ☐ Unknown Physical activity similar to peers.
☒ Yes ☐ No ☐ Unknown No prior developmental concerns or therapy.

School Name: Cottageville Elementary Location: Colleton Grade: 4th

School Performance: ☐ Excellent ☐ Good ☒ Average ☐ Fair ☐ Poor

Review of Systems**Psychiatric**

- ☐ Yes ☒ No Difficulty Sleeping
☐ Yes ☒ No Hyperactive or impulsive
☐ Yes ☒ No Fearful of being alone
☐ Yes ☒ No Sad or crying easily.
☐ Yes ☒ No Quiet or withdrawn.
☐ Yes ☒ No Angry Outbursts
☐ Yes ☒ No Hitting or biting
☐ Yes ☒ No Difficulty making or keeping friends
☐ Yes ☒ No Ran away from home
☐ Yes ☒ No Thought about hurting self.
☐ Yes ☒ No Tried to hurt self.
☐ Yes ☒ No Sexualized behavior
☐ Yes ☒ No Other behaviors

Constitutional

- ☐ Yes ☒ No Change in Appetite
☐ Yes ☒ No Takes Vitamins
☐ Yes ☒ No Weight Loss
☐ Yes ☒ No Failure to Thrive Ever

HEENT

- ☒ Yes ☐ No Vision Problems wears glasses
☐ Yes ☒ No Hearing Problems

Dental

- ☐ Yes ☒ No Problems With Teeth

Cardiovascular

- ☐ Yes ☒ No Heart Murmur
☐ Yes ☒ No Heart Problems

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF COLLETON	)	FOR THE FOURTEENTH JUDICIAL CIRCUIT
	)	
Bradley L. Jackson, SCDC #391410,	)	Case No. 2024-CP-15-00363
	)	
Applicant,	)	ORDER OF DISMISSAL
	)	
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

JUL 14 2025 PM 12:26
COLLETON CO CP, GARY HALE

THIS MATTER COMES BEFORE THE COURT by way of Bradley L. Jackson's application for post-conviction relief (PCR) filed on May 21, 2024. Respondent filed its Return requesting an evidentiary hearing. An evidentiary hearing was held on April 16, 2025 at the Beaufort County Courthouse. Applicant was present and represented by Chelsey Marto, Esquire, and Assistant Attorney General Kyle Kanealey represented Respondent. Applicant proceeded forward on all of the allegations in his amended application. In support of these claims, Applicant testified on his own behalf and presented the testimony of Matthew Walker, Esquire (Trial Counsel).

Following a thorough review of the record, along with the testimony and evidence presented at the hearing, this Court finds Applicant has failed to establish any constitutional violations or deprivations entitling him to relief and, accordingly, denies and dismisses this action with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving a cumulative sixty-year sentence. In January 2023, the Colleton County Grand Jury indicted Applicant for two counts of first-degree criminal sexual conduct (CSC) with a minor (2021-GS-

15-00605, -00606). On June 28, 2023, Applicant was convicted as indicted following a jury trial before the Honorable Carmen T. Mullen. Public Defender Matthew Walker represented Applicant, and Assistant Solicitor Julie Kate Keeney represented the State. Following his conviction, Judge Mullen sentenced Applicant to consecutive sentences of thirty years for each charge.

On July 7, 2023, Applicant filed a direct appeal, which was dismissed due to Applicant's withdrawal. The Remittitur was sent on May 22, 2024.¹

CURRENT APPLICATION

On May 21, 2024, Applicant filed this PCR action alleging he is being held in custody unlawfully based on the following allegations of ineffective assistance of counsel:

(A): Counsel did not move for a directed verdict;

(B): Counsel did not diligently prepare or subpoena witnesses, specifically the lead investigator who testified at a preliminary hearing that there was no evidence of sexual assault;

(B)(2): Counsel failed to move to suppress statements and evidence;

(B)(3): Counsel failed to "investigate into whether the alleged victim had ever been sexual penetrating by an expert medical doctor. Since there was no evidence per medical exam did not."

(B)(4): Counsel failed to object to/move to suppress the indictment when Solicitor changed the date, and the arrest warrant does not match.²

¹ Applicant filed his first PCR action on October 9, 2023, which was dismissed without prejudice on February 13, 2024, due to the fact that Applicant's direct appeal was still pending.

² Applicant did not proceed on these claims at the evidentiary hearing.

On April 10, 2025, Applicant filed an amended application alleging:

1. Ineffective assistance of counsel for:
 - a. Failure to ensure each juror was polled once and only once;
 - b. Failure to prepare for trial;
 - c. Failure to object to the State's exhibits;
 - d. Failure to object to the State qualifying their expert witness as an expert witness;
 - e. Failure to object to asking victim's mom regarding promises made in exchange for testifying;
 - f. Erroneously telling Applicant not to testify;
 - g. Failure to object to admission of the forensic interview;
 - h. Failure to raise Brady violations regarding failure to disclose the DNA analysis;
 - i. Failure to cross-examine witnesses effectively;
 - j. Failure to admit the DNA analysis;
 - k. Failure to investigate and test the carpet;
 - l. Failure to object to the State's direct examination of their expert witness;
 - m. Failure to challenge the indictments;
 - n. Failure to argue interviewer was unreliable;
 - o. Failure to collaborate with Applicant regarding strategy.

At the hearing, Applicant proceeded only on the allegations in his amended application.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Colleton County Clerk of Court records of the underlying conviction, Applicant's records from the South Carolina Department of Corrections, the trial transcript, Applicant's appellate records, and the records from this PCR action. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. After a careful review based on the Strickland standard set forth below, this Court finds Applicant has failed to carry his burden of proof. Below are the Court's findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code (2017).

Ineffective Assistance of Counsel

In a PCR action, an applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). To prove ineffective assistance of counsel, the applicant must show counsel was deficient and that the deficiency prejudice applicant. Strickland v. Washington, 466 U.S. 668 (1984). When evaluating deficiency, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E. 2d at 635 (quoting Strickland, 366 U.S. at 690). "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption to received relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. To prove prejudice, an applicant must prove counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. Id. at 117-18, 386 S.E.2d at 625.

Failure to Ensure Each Juror was Polled Once

Applicant alleged Trial Counsel was ineffective for failing to ensure each juror was polled once. The record directly refutes this allegation and reflects each juror was polled once, (Tr. 316 – 318). Applicant has failed to prove deficiency or prejudice and thus, this claim is denied.

Failure to Prepare for Trial and Discuss Strategy with Applicant³

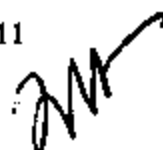
Applicant alleged Trial Counsel failed to prepare for trial and discuss trial strategy with Applicant. This Court finds this allegation is without merit.

³ This section addresses allegations (b) and (c).

In order to prevail upon a claim that counsel did not adequately prepare or investigate a case, an applicant must present evidence of what counsel could have discovered or what other defenses applicant could have requested counsel develop and present had counsel been more prepared. Harris v. State, 377 S.C. 66, 75-76, 659 S.E.2d 140, 145-46 (2008) (citing Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998)). Trial Counsel credibly testified that he had adequate time to prepare for trial, that he reviewed the discovery with Applicant and discussed his strategy with Applicant, and that that his strategy was to impeach the victim and focus on the lack of physical corroboration. Trial Counsel told Applicant they needed a motive for why child would allege the crime took place if not true and needed to answer how the child had knowledge regarding sexual acts. Trial Counsel credibly testified that he reviewed the discovery with Applicant but generally advises against having a copy of the discovery in the jail because of the nature of the crime. This Court finds Trial Counsel was prepared for trial and fully discussed the strategy with Applicant. Based on Counsel's foregoing testimony, Applicant failed to offer any evidence on how Counsel could have further prepared for trial or how further discussion about the strategy would have had a reasonable probability of changing the outcome of trial. Applicant thus failed to prove deficiency and prejudice, and this claim is denied.

Failure to Object to the State's Exhibits

Applicant alleged Trial Counsel was ineffective for failing to object to pictures of the upstairs of the home. Trial Counsel testified he does not believe an objection to the photos of the scene would have been sustained. Applicant failed to set forth a valid, legal objection that would have reasonably excluded the photos. Further, Applicant did not introduce these photos at the PCR hearing, and therefore, it's speculative as to whether they would be excluded. This Court finds Trial Counsel was not deficient for not objecting to the photos. Further, this Court finds that any



objection to the admission of these photos would have been non-meritorious. See Miller v. Keeney, 882 F.2d 1428, 1434 (9th Cir. 1989) (noting that if a petitioner challenges a futile objection, he fails both Strickland prongs); U.S. ex rel. Link v. Lane, 811 F.2d 1166, 1170 (7th Cir. 1987) (finding there is no prejudice from the failure to object unless there is a legally supportable argument for exclusion of the evidence). This Court finds Applicant failed to prove deficiency and prejudice, and this claim is denied.

Failure to object to the State's Expert Witness⁴

Applicant alleged Trial Counsel was ineffective for failing to object to the qualification of the State's expert witness and improper bolstering on direct examination by the State. Trial Counsel testified that there was no basis to object to the State's examination of the expert. Applicant did not provide where the bolstering allegedly took place. This Court finds, after a thorough review of the record, that improper bolstering did not take place. Applicant has failed to set forth any ground for objecting to the qualification of the expert witness or where improper bolstering occurred. Further, this Court finds that any objection would have been non-meritorious. See Miller v. Keeney, 882 F.2d 1428, 1434 (9th Cir. 1989) (noting that if a petitioner challenges a futile objection, he fails both Strickland prongs); U.S. ex rel. Link v. Lane, 811 F.2d 1166, 1170 (7th Cir. 1987) (finding there is no prejudice from the failure to object unless there is a legally supportable argument for exclusion of the evidence). Applicant has failed to prove deficiency and prejudice, and this claim is denied.

⁴ This section addresses allegations (d) and (l).

Failure to object to Questioning of Victim's Mother

Applicant alleged Trial Counsel was ineffective for failing to object to the questioning of the victim's mother regarding promises made in exchange for testifying. Trial Counsel testified there was no basis to object to the questions regarding the mother's promises to testify. During the trial, the Solicitor asked witness Rhoda Manigo: "Have I promised you anything in exchange for testifying?" to which she responded "No, you have not." (Tr. 195). Applicant failed to set forth a valid, legal objection that would have reasonably excluded the testimony. This Court finds that any objection would have been non-meritorious. See Miller v. Keeney, 882 F.2d 1428, 1434 (9th Cir. 1989) (noting that if a petitioner challenges a futile objection, he fails both Strickland prongs); U.S. ex rel. Link v. Lane, 811 F.2d 1166, 1170 (7th Cir. 1987) (finding there is no prejudice from the failure to object unless there is a legally supportable argument for exclusion of the evidence). Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

Advising Applicant Not to Testify

Applicant alleged Trial Counsel was ineffective for erroneously telling Applicant not to testify. Trial Counsel credibly testified that he discussed testifying with Applicant and that Counsel got all he needed from other witnesses in order to make the closing argument he wanted. This Court finds Trial Counsel articulated a valid trial strategy in not calling Applicant to testify and potentially subjecting him to cross examination. Further, Applicant testified that he told the judge he did not wish to testify and that this decision was his choice. This Court finds Trial Counsel was not deficient in his advice to Applicant, and further it was Applicant's choice whether or not to testify. Further, this Court finds Applicant has failed to prove prejudice. Applicant testified that at trial he would have testified that he did nothing to the child. Applicant has failed to show a reasonable probability that the outcome of the trial would have been different had he testified. See

Cherry *supra*. This Court finds Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

Failure to Object to Admission of the Forensic Interview⁵

Applicant alleged Trial Counsel was ineffective for failing to object to the admission of the forensic interview and for failing to argue the interviewer was unreliable. The record directly refutes this allegation and reflects Trial Counsel did object to the admission of the forensic interview on the basis of bolstering and due process. (Tr. 111). Trial Counsel testified that he did not believe the interviewer's reliability would have a bearing on the case. This Court finds Applicant has failed to set forth what more Counsel should have argued in this regard and thus failed to prove deficiency. Further, this Court finds Applicant has failed to prove prejudice. This Court finds the reliability of the interviewer asking the questions would, as Trial Counsel testified to, have no bearing on this case. This Court finds Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

Failure to Cross-Examine Victim Effectively

Applicant alleged Trial Counsel failed to cross-examine the victim effectively. Trial Counsel testified that he tried to not ask too much from the child victim other than asking about the contradicting statements. Trial Counsel testified that it is risky having the victim repeat their story. This Court finds Trial Counsel's testimony credible and that he articulated a valid trial strategy in his cross-examination of the victim. Further, this Court finds cross-examination is a matter of trial strategy, and Applicant has failed to overcome the presumption that Trial Counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at

⁵ This section addresses allegations (g) and (n):

690). Finally, Applicant did not present any credible evidence of what the victim would have said upon further cross-examination and thus did not prove prejudice. This Court finds Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

DNA Analysis⁶

Applicant alleged Trial Counsel was ineffective for failing to raise Brady violations regarding failure to disclose the DNA analysis and failing to admit the DNA analysis. This allegation lacks merit. Initially, these allegations directly contradict each other. Further, the State stipulated to the lack of DNA. Thus, Applicant did not prove deficiency or prejudice and this claim is denied.

Failure to Investigate and Test the Carpet

Applicant alleged Trial Counsel was ineffective for failing to investigate and test the carpet. Trial Counsel credibly testified that he does not recall Applicant requesting to have the carpet tested. Trial Counsel credibly testified that he probably would not have tested it because Applicant lived in the house, so naturally his DNA would be in the house and that would not be helpful. This Court finds Trial Counsel articulated a valid reason for not testing the carpets within the household. Trial Counsel testing all of the carpet in the house where the victim and Applicant lived would be impractical and would have zero impact on the outcome of the trial. Further, Applicant did not submit any evidence at the PCR hearing of what the testing would have shown and thus did not prove prejudice. This Court finds Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

⁶ This section addresses allegations (h) and (j).

Failure to Challenge the Indictments'

Applicant alleged Trial Counsel was ineffective for failing to challenge the indictments. Trial Counsel credibly testified that he did not see anything wrong with the indictments and so did not consider moving to quash them. Applicant did not allege any grounds at the evidentiary hearing on which the indictments could have been dismissed. This Court finds Trial Counsel was not deficient in his performance with regard to this allegation because there was no meritorious ground to challenge the indictments. This Court finds Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief is **DENIED and DISMISSED WITH PREJUDICE.**

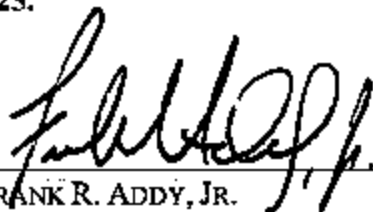
Should Applicant wish to secure appellate review, he must file and serve a notice of appeal within thirty days of receipt by counsel of written notice of entry of judgment. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCR, provides that PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf if the Applicant wishes to seek appellate review. Attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and

2. Applicant shall be remanded to and remain in the custody of the South Carolina Department of Corrections.

IT IS SO ORDERED this 1st day of July, 2025.



FRANK R. ADDY, JR.
Presiding Judge
Fourteenth Judicial Circuit

Greenwood, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF COLLETON

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INDICTMENT

2021GS1500605

At a Court of General Sessions, convened on January 17, 2023, the Grand Jurors of Colleton County present upon their oath:

Criminal Sexual Conduct With Minor, 1st Degree

That in Colleton County, South Carolina, on or about May 21, 2021, the Defendant, Bradley Lamont Jackson, did engage in sexual battery with MINOR who was less than eleven years of age at the time of the sexual battery, all in violation of Section 16-3-655(A)(1), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

WITNESSES

WPD

DOCKET NO. 2021GS1500605

The State of South Carolina

County of Colleton

COURT OF GENERAL SESSIONS

January Term 2023

THE STATE

vs.

Bradley Lamont Jackson

Indictment For

Criminal Sexual Conduct With Minor,
1st Degree

SC Code: 16-3-655(A)(1)

CDR Code: 0385

425
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

ARREST WARRANT NUMBER

2021A1520300155

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date: 1-17-23

VERDICT

Guilty

Foreperson of Petit Jury

Date: 6/28/2023
INDICT

Defendant

Witness:

C.C.C. PLS. and G.S.

JAN 17 2023 PM4:13
COLLETON CO GS, REBECCA H. HILL

STATE OF SOUTH CAROLINA

COUNTY OF COLLETON

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)
)

INDICTMENT

2021GS1500606

At a Court of General Sessions, convened on January 17, 2023, the Grand Jurors of Colleton County present upon their oath:

Criminal Sexual Conduct With Minor, 1st Degree

That in Colleton County, South Carolina, on or about June 13, 2018 until May 20, 2021, the Defendant, Bradley Lamont Jackson, did engage in sexual battery with MINOR who was less than eleven years of age at the time of the sexual battery, all in violation of Section 16-3-655(A)(1), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

WITNESSES

DOCKET NO. 2021GS1500606

427
After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina
County of Colleton

Defendant

COURT OF GENERAL SESSIONS

January Term 2023

I
hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2021A1520300156

THE STATE

vs.

Bradley Lamont Jackson

ACTION OF GRAND JURY

Indictment For

Criminal Sexual Conduct With Minor,
1st Degree

SC Code: 16-3-655(A)(1)

CDR Code: 0385

Defendant

VERDICT

Guilty

Witness:

Patricia Hickman
Foreperson of Petit Jury

Date:
INDICT 6/28/2023

C.C.C. PLS. and G.S.

JAN 17 2023 PM 4:13
COLLETON CO GS, REBECCA H. HILL