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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
General Sessions Court
Grace G. Knie, Circuit Court Judge

Case No. 2020-GS-42-05458
Case No. 2020-GS-42-05459
Case No. 2020-GS-42-05460
Appellate Case No. 2022-000485

The State,

Respondent,

v.

Donald King Pollock,

Appellant.

RECORD ON APPEAL

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Attorney General

Joshua A. Edwards
Assistant Attorney General
S.C. Bar No. 101188

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S.C. Bar No. 8951

ATTORNEYS FOR APPELLANT

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DOCKET NO.

20-GS-42-5458

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

SEP 26 2020

TERM

THE STATE
vs.

Donald King Pollock

Indictment for
CRIMINAL SEXUAL CONDUCT WITH A
MINOR, SECOND DEGREE

SC Code: 16-3-0655 (B)(1)
CDR Code: 0396
Class: FEL/C

WITNESSES

Spartanburg County Sheriff's Office

V. R. Rode

ARREST WARRANT NUMBER

2020A4210101023

ACTION OF GRAND JURY

True Bill

SEP 25 2020

For person of Grand Jury

Date

VERMONT
CLERK OF COURT
JANUARY 1, 2021

For person of Petit Jury

Date

STATE OF SOUTH CAROLINA

INDICTMENT

COUNTY OF SPARTANBURG

STATE JUDGE

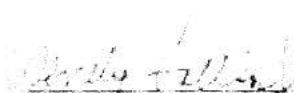
At a Court of General Sessions convened on _____, 2020, the

Grand Jurors of Spartanburg County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, SECOND DEGREE

That the Defendant Donald King Pollock, did in Spartanburg County, on or between the dates of December 4, 2017 and February 29, 2020, commit the crime of Criminal Sexual Conduct with a Minor in the Second Degree in that the Defendant did engage in sexual battery, to wit: digital penetration of the vagina, with a minor, McKenzie Denard, who was fourteen (14) years of age or less but who was at least eleven (11) years of age at the time of said incident. Said incident occurred in Spartanburg County, South Carolina, in violation of §16-3-655(B) THE CODE OF LAWS OF SOUTH CAROLINA, (1976) as amended.

Against the peace and dignity of the State and contrary to the statute in such case made and provided


ASSISTANT SOLICITOR

DOCKET NO

20-GS-42-5459

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

SEP 28 2020

TERM

THE STATE

VS.

Donald King Pollock

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A
MINOR, THIRD DEGREE

SC Code: 16-3-0855 (C)

CDR Code: 3661

Class: FELD

WITNESSES

Spartanburg County Sheriff's Office

Kevin Pollock

ARREST WARRANT NUMBER

2020A4210101024

ACTION OF GRAND JURY
true Bill

SEP 25 2020

For person of Grand Jury

Date

VERDICT
LL
LL
LL
SPARTANBURG CO
SOUTH CAROLINA

For person of Petit Jury

Date

STATE OF SOUTH CAROLINA }
COUNTY OF SPARTANBURG }

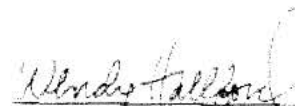
INDICTMENT

At a Court of General Sessions, convened on SEP 20 2020 the
Grand Jurors of Spartanburg County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, THIRD DEGREE

That the Defendant Donald King Pollock, in Spartanburg County, on or between June 1, 2017 and February 29, 2020, he being over the age of fourteen (14) years, did willfully and lewdly commit or attempt to commit a lewd or lascivious act, to wit: having victim touch his genitals, upon or with the body of one McKenzie Denard, a minor under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child in violation of §16-3-655(C), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided


ASSISTANT SOLICITOR

DOCKET NO.

20-GS-42-5460

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

SEP 28 2020

TERM

THE STATE

vs.

Donald King Pollock

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A
MINOR, THIRD DEGREE

SC Code: 16-3-0555 (C)

COR Code: 3681

Class: FELD

WITNESSES

Spartanburg County Sheriff's Office

Kevin L. Lott

ARREST WARRANT NUMBER

2020A4210101025

ACTION OF GRAND JURY

True Bill

SEP 25 2020

Forfeiture of Grand Jury

Date

VERGIST

CLERK

SPARTANBURG

AMY

Forfeiture of Petit Jury

Date

STATE OF SOUTH CAROLINA }
COUNTY OF SPARTANBURG }

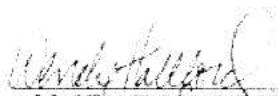
INDICTMENT

At a Court of General Sessions convened on SEP 2, 2020 the
Grand Jurors of Spartanburg County present upon their oath

CRIMINAL SEXUAL CONDUCT WITH A MINOR, THIRD DEGREE

That the Defendant Donald King Pollock, in Spartanburg County, on or between June 1, 2017 and February 29, 2020, he being over the age of fourteen (14) years, did willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of one McKenzie Denard, a minor under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child in violation of §16-3-655(C), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF SPARTANBURG	)	FOR THE SEVENTH JUDICIAL CIRCUIT
	)	
STATE,	)	
	)	VERDICT FORM
v.	)	
	)	
DONALD KING POLLOCK	)	20-GS-42-5458, 20-GS-42-5459, 20-GS-42-5460
	)	21-GS-42-0887
Defendant	)	
_____	)	

1. Criminal Sexual Conduct with a Minor, Second Degree 20-GS-42-5458

- A. _____ As to the charge of Criminal Sexual Conduct with a Minor, Second Degree, Indictment No. 20-GS-42-5458: We, the Jury, unanimously find the Defendant not guilty.
- B. ☒ As to the charge of Criminal Sexual Conduct with a Minor, Second Degree, Indictment No. 20-GS-42-5458: We, the Jury, unanimously find the Defendant guilty.

2. Criminal Sexual Conduct with a Minor, Third Degree 20-GS-42-5459

- A. _____ As to the charge of Criminal Sexual Conduct with a Minor, Third Degree, Indictment No. 20-GS-42-5459: We, the Jury, unanimously find the Defendant not guilty.
- B. ☒ As to the charge of Criminal Sexual Conduct with a Minor, Third Degree, Indictment No. 20-GS-42-5459: We, the Jury, unanimously find the Defendant guilty.

3. Criminal Sexual Conduct with a Minor, Third Degree 20-GS-42-5460

- A. _____ As to the charge of Criminal Sexual Conduct with a Minor, Third Degree, Indictment No. 20-GS-42-5460: We, the Jury, unanimously find the Defendant not guilty.
- B. ☒ As to the charge of Criminal Sexual Conduct with a Minor, Third Degree, Indictment No. 20-GS-42-5460: We, the Jury, unanimously find the Defendant guilty.

4. Criminal Sexual Conduct with a Minor, First Degree 21-GS-42-0887

- A. ☒ As to the charge of Criminal Sexual Conduct with a Minor, First Degree, Indictment No. 21-GS-42-0887: We, the Jury, unanimously find the Defendant not guilty.
- B. ☐ As to the charge of Criminal Sexual Conduct with a Minor, First Degree, Indictment No. 21-GS-42-0887: We, the Jury, unanimously find the Defendant guilty.

If you find the defendant guilty, you are to respond to the following interrogatory:

Do you unanimously find that the Criminal Sexual Conduct with a Minor, First Degree was carried out by means involving sexual or anal intercourse by a person or intrusion by an object?

☐ Yes

☐ No

DATE

4/6/2022

SIGNATURE OF FOREPERSON



STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG

STATE

VS.

INDICTMENT/CASE# 2020 - GS - 42 - 05458

Donald King Pollock

A/W# 2020A4210101023

AKA

Date of Offense: 5/1/2017

Race: WHITE Sex: M Age: 41

S.C. Code § 16-03-0655(B)(1) 16-03-0

DOB: [REDACTED] SS# [REDACTED]

CDR Code #: 0396

Address:

City, State, Zip

DL# [REDACTED] SID# [REDACTED]

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second deg.

In violation of § 16-03-0655(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0396

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45

(CSC w/minor 11+ or CSC w/minor 3-10)

The charge is: ☐ As indicated, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, [REDACTED] (def's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State

ATTEST,

Wendy [Signature] SCB66304 [Signature] [Signature] 10367
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,

for a determinate term of 15 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years

and/or to pay a fine of \$, provided that upon the service of days/months/years/Time Served and/or payment

of \$, plus costs and assessments as applicable, the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 20-GS-42-5459 + 20-GS-42-5460

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOP.

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Donald King Pollock INDICTMENT/CASE# 2020 - GS - 42 - 05458

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GEO ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp. ☒ No Contact with Victim ☐ Domestic Violence Intervention Program
or Victim's Family Members
- ☐ Mental Health Counseling ☐ May serve W/E beginning _____
- ☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☒ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives hearing ☐ Ordered

Total \$ _____ plus 20% fee _____ \$ _____

Payment Terms _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:		\$
Fine may be pd. in equal consecutive weekly/monthly parts of \$ _____ Beginning _____		
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ 100.00
§56-5-2995 (DUI Assessment)	\$12	\$ 12.00
§56-1-286 (DUI Breath Test)	\$25	\$ 25.00
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$ 150.00
§34-11-70(p)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ 41.00
§50-21-114 (BU) Breath Test Fee)	\$50	\$ 50.00
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ 40.00
3% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$ 500.00
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ 0.00
TOTAL		\$ 1,233.75

Clerk of Court/Deputy Clerk _____
Court Reporter: _____

Presiding Judge _____
Judge Code: _____
Sentence Date 4/6/2022

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG

STATE

VS

INDICTMENT/CASE# 2020-GS-42-05459

Donald King Pollock

A/W# 2020A4210101024

AKA: _____

Date of Offense: 5/1/2017

Race: WHITE Sex: M Age: 41

S.C. Code § 16-03-0655(C)

DOB: [REDACTED] SS#: [REDACTED]

CDR Code # 3661

Address: _____

City, State, Zip: _____

DL# [REDACTED] SID# _____

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Sex / Criminal sexual conduct with minor, 3rd degree - Commit/Attempt Lewd act (victim under 16 yrs & actor cv

In violation of § 16-03-0655(C) of the S.C. Code of Laws bearing CDR Code # 3661

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☒ Mandatory GPS ☐ § 17-25-45

(CSC w/minor 14 or CSC w/minor 34)

The charge is ☐ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury (def.'s initials)

The plea is ☐ Without Negotiations or Recommendation ☐ Negotiated Sentence ☐ Recommendation by the State

ATTEST:

[Signature]
Solicitor

SCB66304

SC Bar #

[Signature]
Defendant

[Signature]
Attorney for Defendant

10x67

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center.

for a determinate term of 15 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$_____ provided that upon the service of 15 days/months/years/Time Served and/or payment

of \$_____ plus costs and assessments as applicable, the balance is suspended with probation for 5

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference

The sentence shall run

☒ CONCURRENT or ☒ CONSECUTIVE to sentence on: 20-GS-42-5460

20-GS-42-5460

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC

660 day/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Donald King Pollock INDICTMENT/CASE# 2020 - GS - 42 - 05459

SPECIAL CONDITIONS:

- ☐ PTUP after _____ months/years
- And Other Terms Listed Below
- ☐ Substance Abuse Counseling ☐ Completion of GED ☒ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp. ☒ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning _____
- ☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☒ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: \$ _____

Payment Terms _____ ☐ Set by SCOPPS

Recipient: _____

*Fine		\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____		
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100 -
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25 -
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-50(c)and(d) (Admin. Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 375
☐ Appointed PD or appointed other counsel. Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

Clerk of Court/Deputy Clerk: Lindsey
Court Reporter: Lindsey

Presiding Judge: 150
Judge Code: 27500
Sentence Date: 9/6/2022

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG

STATE

VS

INDICTMENT/CASE# 2020 - GS - 42 - 05460

AKA: Donald King Pollock

AW# 2020A4210101025

Race: WHITE Sex: M Age: 41

Date of Offense: 5/1/2017

DOB: [REDACTED] SS# [REDACTED]

S.C. Code §: 16-03-0655(C)

Address:

CDR Code # 3661

City, State, Zip:

SENTENCE SHEET

DL# [REDACTED] SID# [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Sex / Criminal sexual conduct with minor, 3rd degree - Commit/Attempt Lewd act (victim under 16 yrs & actor ov

In violation of § 16-03-0655(C) of the S.C. Code of Laws bearing CDR Code # 3661

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☒ Mandatory GPS ☐ § 17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury (def's initials)

The plea is ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Wesley Hallgren SCB36304 [Signature] [Signature] 10X67
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Correction ☐ County Detention Center,

for a determinate term of 15 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of 45 days/months/years/Time Served and or payment

of \$, plus costs and assessments as applicable; the balance is suspended with probation for 5

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☒ CONSECUTIVE to sentence on: 20 - GS - 42 - 5458

W/ 20 - GS - 42 - 5459

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.

1669 day/months

To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Donald King Pollock INDICTMENT/CASE# 2020 - GS - 42 - 06460

SPECIAL CONDITIONS:

- ☐ PTUP after _____ months/years
- And Other Terms Listed Below:
- ☐ Substance Abuse Counseling ☐ Completion of GED ☒ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp. ☒ No Contact with Victim ☐ Domestic Violence Intervention Program
on Victim's Family members
- ☐ Mental Health Counseling ☐ May serve W/E beginning _____
- ☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☒ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee. \$ _____

Payment Terms: _____ ☐ Set by SCPPPS

Recipient: _____

*Fine		\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____		
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2996 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 36.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel. Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 179.75

Clerk of Court/Deputy Clerk _____
Court Reporter: _____

Presiding Judge: _____
Judge Code _____
Sentence Date: 4/27/2022

1	STATE OF SOUTH CAROLINA	)	IN THE COURT OF
2		)	GENERAL SESSIONS
3	COUNTY OF SPARTANBURG	)	OF THE SEVENTH
4		)	JUDICIAL CIRCUIT
5	STATE OF SOUTH CAROLINA,	)	
6	Plaintiff,	)	TRANSCRIPT OF RECORD
7	vs.	)	2020-GS-42-05459
8	DONALD KING POLLOCK,	)	2020-GS-42-05460
9	Defendant.	)	2021-GS-42-00887
10		)	

April 4-6, 2022
Spartanburg, South Carolina

B E F O R E:

HONORABLE GRACE G. KNIE, Judge.

A P P E A R A N C E S

WENDY D. HALLFORD, ASSISTANT SOLICITOR
For The State

W. RUSSELL SANFORD, ESQUIRE
For Defendant

Julie A. Cendroski,
Circuit Court Reporter III
Seventh Judicial Circuit

I N D E X

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EXHIBITS

MARKEDENTERED

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1 THE STATE VS. DONALD KING POLLOCK

2 THE COURT: So, let me have Ms. Hallford call the
3 case, but then I'll have some questions for Mr. Pollock.

4 MS. HALLFORD: Your Honor, before you is Donald
5 Pollock for an arraignment under indictment number
6 21-GS-04-0 -- wait, we're 42. 21-GS-42-0887. This is a
7 direct indictment for criminal sexual conduct with a
8 minor in the first degree.

9 THE COURT: Okay. And so, good morning, Mr.
10 Sanford, is it correct that Mr. Pollock has not yet been
11 arraigned on that indictment?

12 MR. SANFORD: That is correct, Your Honor.

13 THE COURT: Okay. And so, let me have him sworn
14 by the clerk.

15 THE CLERK: Please raise your right hand, sir.
16 Do you swear or affirm that the testimony you'll give
17 will be the truth, whole truth, and nothing but the
18 truth so help you God?

19 THE DEFENDANT: I do.

20 THE CLERK: Thank you.

21 THE COURT: Okay. Sir, if you would, state your
22 full name.

23 THE DEFENDANT: Donald King Pollock.

24 THE COURT: Okay. Sir, I have been presented
25 with an indictment. It is case number 21-GS-42-0887.

1 The indictment is a single count indictment. It is for
2 criminal sexual conduct with a minor in the first
3 degree, and I'm gonna go over the indictment with you.

4 When I've completed going over this indictment, I
5 will ask you how you wish to plead. And if you plead
6 not guilty, I will be asking you how you wish to be
7 tried, okay? If at any time during the process you want
8 to consult with Mr. Sanford, you let me know. I'm happy
9 to let you talk to him, okay? Do you understand.

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Okay. All right. And so, the
12 indictment is State vs. Donald King Pollock for criminal
13 sexual conduct with a minor in the first degree. And it
14 says that the defendant, Donald King Pollock, did, in
15 Spartanburg County, on or between June the 1st of 2017
16 through December the 3rd of 2017, commit the offense of
17 criminal sexual conduct with a minor in the first
18 degree, and that the defendant did commit a sexual
19 battery; to wit, digital penetration of the vagina upon
20 the minor victim, [REDACTED], who was under 11
21 years of age at the time of the said incident.

22 Said incident occurred in Spartanburg County,
23 South Carolina, in violation of South Carolina code
24 section 16-3-655(a)(1), the code of laws of South
25 Carolina, 1976, as amended, against the peace and

1 dignity of the State and contrary to the statute in such
2 case made and provided. Signed by the assistant
3 solicitor, Wendy Hallford.

4 Now, sir, did you understand the indictment that
5 I just went over with you?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: And as to that indictment, the single
8 count of the indictment, how do you plead?

9 THE DEFENDANT: Not guilty, Your Honor.

10 THE COURT: How do you wish to be tried?

11 THE DEFENDANT: By jury, Your Honor.

12 THE COURT: And -- all right. So God grant you a
13 speedy delivery, sir. Y'all can now be at ease until
14 the jury comes in.

15 SOLICITOR HALLFORD: Thank you, Your Honor.

16 MR. SANFORD: Thank you, Your Honor.

17 (End of arraignment.)

18 (Recess was had from 10:09 a.m.-10:31 a.m.)

19 (Jury panel enters courtroom.)

20 JURY QUALIFICATION

21 THE COURT: Hey y'all, good morning. I'm Judge
22 Grace Knie. I am a circuit court judge here in the
23 seventh circuit, which includes Cherokee and Spartanburg
24 Counties. I am so happy to be with you all and happy
25 that we are having our first jury term in the courthouse

1 again after, I guess, a couple years, right?

2 THE CLERK: Yes, ma'am.

3 THE COURT: We were doing qualification at the
4 auditorium for a while so that the jurors could spread
5 out and everyone could feel comfortable, and it was a
6 good use of that facility that is owned by the county
7 and very close by. It made a lot of sense. And it was
8 the clerk's idea to do it, and it worked wonderfully.

9 And so now everybody's kind of like, oh, we're
10 back at the courthouse today. Everybody was scrambling.
11 But y'all have figured out where you're supposed to be,
12 where to park, I'm assuming. And it's all downhill from
13 here, because y'all have figured all that out.

14 What we're gonna do in just a second, we're gonna
15 have your clerk of court, Ms. Cox, she's going to swear
16 y'all in, and then we're going to call the roll. We've
17 got a list of y'all. We're gonna call the roll and
18 check it off. Make sure that everyone's here that's
19 supposed to be. And then I'm gonna go through some
20 questions with you.

21 And then after that, we were gonna pick our first
22 jury for the first case for this week, okay? And so now
23 I will now turn it back over to Madam Clerk.

24 THE CLERK: Thank you, Your Honor.

25 I need for everyone to stand and raise your right

1 hands, please. (All comply.)

2 Do you all swear or affirm that the information
3 you provide here today will be the truth, the whole
4 truth, and nothing but the truth so help you God?

5 (All reply in the affirmative.)

6 Thank you. You may be seated.

7 (Roll call was taken off the record.)

8 THE CLERK: That's the roll, Your Honor.

9 JURY QUALIFICATION

10 THE COURT: Okay, thank you. Ladies and
11 gentlemen, I now have certain questions to ask you to
12 determine your qualifications as jurors in the court.
13 These questions determine your general eligibility to
14 serve. State law requires that I ask you these
15 questions and, quite frankly, some of the questions are
16 very personal and you may not want to stand and disclose
17 the information openly in the presence of your fellow
18 jurors.

19 Each question -- after each question, if any
20 juror needs to respond, I'm going to ask you to stand
21 and give your juror number and then your name. All
22 right? If you do not wish to stand at that time because
23 you would prefer to have some privacy in answering the
24 questions, I will call upon you at the end of the
25 questions to come down and talk with me right here at

1 our court reporter.

2 I don't know that I've introduced everybody to
3 y'all. This is our court reporter, Ms. Cendroski. We
4 are a court of record, and so everything that is being
5 said is being recorded and typed today.

6 Y'all have already met the clerks of court here,
7 Ms. Moffitt. And we have, of course, the clerk of
8 court, Ms. Cox. We also have fine people also from the
9 clerk's office who are working with us today here. And
10 this is my law clerk, Katharyn Thompson, who helps me
11 keep everything straight, thank goodness. Okay.

12 And I don't know that I also told y'all that this
13 -- are they doing a joint term?

14 THE CLERK: It's supposed to be joint, but the
15 common pleas have all settled.

16 THE COURT: And so the term of court that y'all
17 are going to be called upon to assist us with is General
18 Sessions court. There's Common Pleas, which is civil.
19 And there's General Sessions, which is criminal. And
20 so, this is a term of General Sessions court. And
21 normally, this is for one week, Monday through Friday,
22 okay?

23 And so, let me continue on now with the
24 questions. Again, if you don't feel comfortable
25 standing in front of everyone else, I will give you an

1 opportunity to come down at the end. Just please
2 remember to make a mental note that you will need to
3 come down at the end. It is absolutely essential that
4 we get accurate information about y'all, okay?

5 And so, the first set of questions deals with
6 your qualifications to serve as jurors. Then I will
7 have a second set of questions that deals with
8 eligibility to serve. So, beginning with your
9 qualifications: Is there any member of the jury panel
10 who is not a citizen of the United States? If so,
11 please stand. No response.

12 Is there any member of the jury panel not a
13 resident and citizen of Spartanburg County? If so,
14 please stand. No response.

15 Is any member of the jury panel unable to read,
16 write, speak or understand the English language? If so,
17 please stand.

18 (No person stood.)

19 Okay. Does someone need to respond? Okay. No
20 response.

21 Does any member of the jury panel have less than
22 a sixth grade education or its equivalent? If so,
23 please stand. No response.

24 Is any member of the jury panel unable because of
25 mental or physical infirmities to render efficient jury

1 service? For example, does any member of the jury panel
2 have any medical condition that would prevent you from
3 serving on a jury this week?

4 And I'll go ahead and tell you a little bit about
5 the schedule. That might make everybody feel more
6 comfortable. Normally, we'll start at 9 or 9:30 in the
7 morning. Y'all will have a mid-morning break, usually
8 at 10:30 or 11, for at least 15 minutes. We will break
9 for lunch midday, usually between 12:30 and 2, somewhere
10 in there, and y'all will have at least an hour and 15
11 minutes.

12 There'll be a mid-afternoon break around 3:30 or
13 so for another 15 minutes. And I will do my very best
14 to conclude each afternoon by 5 o'clock, because I
15 certainly do understand that your personal lives are
16 very important to you, but also that you have other
17 responsibilities.

18 And so -- and understanding that if we're in the
19 middle of a witness testimony or something like that, I
20 would let y'all know if we were to be later than five.
21 All right?

22 And so, understanding those parameters, does
23 anyone need to respond to this question? If so, please
24 stand. No response.

25 Has any member of the jury panel been convicted

1 by guilty plea or trial in a state or federal court of
2 record of a crime punishable by imprisonment for more
3 than one year and your civil rights have not been
4 restored by pardon or amnesty?

5 Punishable by more than one year, means that you
6 could have received a sentence of more than one year,
7 regardless of the sentence that you actually may have
8 received. If this applies to you and you wish to stand
9 at this time, please stand. If you want to wait and
10 come down afterward, I'm happy for you to talk to me
11 about it privately.

12 JUROR 84: I ---

13 THE COURT: One second, okay? Yes, sir, do you
14 want to come down and talk to me about it?

15 JUROR 84: That's fine.

16 THE COURT: Okay. And, actually we're gonna go
17 down right there and talk where you are. I'm just
18 slower than y'all are.

19 (Juror 84 comes forward.)

20 Okay. Your Juror 84?

21 JUROR 84: Yes, ma'am.

22 THE COURT: Okay. All right. And I do see that
23 you've got a burg violent.

24 JUROR 84: Yes, sir [sic], in 2011.

25 THE COURT: Yes, sir, but that would disqualify,

1 right?

2 SOLICITOR HALLFORD: Yes, ma'am.

3 MR. SANFORD: Just for the Court's recognition, I
4 have represented Mr. Lancaster before.

5 THE COURT: Okay. Thank you for coming. You are
6 disqualified, so I'm gonna let you leave. Thank you
7 very much.

8 Okay. Juror number 84 will be disqualified.

9 THE BAILIFF: Juror number 72.

10 (Juror 72 comes forward.)

11 THE COURT: Hey, how are you doing? Hold on one
12 second, okay? I'm sorry. Can you turn your badge
13 around?

14 (Complies.)

15 Okay. Mr. Irby?

16 JUROR 72: Yes, ma'am.

17 THE COURT: Let's see. So you've got that and
18 you've got 2004 PWID; is that correct?

19 JUROR 72: What's a P -- what that is [sic]?

20 THE COURT: Possession with intent to distribute.

21 JUROR 72: Oh, I don't ---

22 THE COURT: Manufacturing?

23 JUROR 72: I don't remember that one, but it
24 might have been. I guess it's on there, so...

25 THE COURT: Yeah. It's been about 18 years ago.

1 JUROR 72: Oh, okay then.

2 THE COURT: Okay. According to my records it
3 does show that you would be disqualified, but do you
4 dispute any of that?

5 JUROR 72: Yeah. I dispute that one in 2004.

6 THE COURT: What about this?

7 JUROR 72: Conspiracy. Yeah, that was 25 years,
8 I think I remember that one.

9 THE COURT: Okay. That's been a long time ago.

10 JUROR 72: Yeah.

11 THE COURT: But according to my records, he would
12 be disqualified.

13 SOLICITOR HALLFORD: Correct.

14 THE COURT: But I appreciate you coming in, Mr.
15 Irby.

16 JUROR 72: Okay ma'am.

17 THE COURT: But you're free to go. Okay? And
18 the bailiffs will take your name tag, all right?

19 THE BAILIFF: Juror 28.

20 (Juror 28 comes forward.)

21 THE COURT: Hey.

22 JUROR 28: Hey, how are you doing?

23 THE COURT: You are Mr. Cooley?

24 JUROR 28: Yeah.

25 THE COURT: Number 28?

1 JUROR 28: Yeah.

2 THE COURT: Okay. I'm seeing charges that are
3 misdemeanors.

4 JUROR 28: Yeah.

5 THE COURT: And so, Wendy, what is this in 2006?

6 SOLICITOR HALLFORD: It was dismissed.

7 THE COURT: Oh, okay.

8 JUROR 28: Dismissed, yeah.

9 THE COURT: And so you're not disqualified.

10 JUROR 28: I'm not?

11 THE COURT: You're not. You can stay with us.
12 Okay. Thank you, Mr. Cooley.

13 SOLICITOR HALLFORD: And that was number 28,
14 right?

15 THE COURT: Uh-huh. So juror numbers 84 and 72
16 are excused. They are disqualified. Juror 28 is
17 staying with us, okay? All right. Anyone else?

18 (No person responded.)

19 (Court resumes the bench.)

20 THE COURT: The next question as to qualification
21 is: Is any member of the jury panel a clerk or deputy
22 clerk of court, constable, sheriff, or other
23 commissioned law enforcement officer, probate judge,
24 county commissioner, magistrate or other county officer,
25 or employed within the walls of any courthouse? If so,

1 please stand. No response.

2 Is there any member of the jury panel who has
3 previously served on jury duty in circuit court, not a
4 municipal magistrate city court or federal court, but a
5 circuit court during this calendar year? If so, please
6 stand. No response.

7 Has any member of the jury panel served as a
8 member of the Spartanburg County grand jury during the
9 last several years? If so, please stand. No response.

10 Again, Jurors 84 and 72 are excused because they
11 are disqualified.

12 Now we move to jury exemptions. State law
13 provides for several exemptions to jury service. An
14 exemption does not mean that you are not qualified to
15 serve. It simply means that you have the right to say I
16 choose not to serve. And there are a number of
17 exemptions and I will go through these. Again, if you
18 do not feel comfortable coming forward or standing where
19 you are, you will be given an opportunity to come
20 forward at the conclusion of the questions, okay?

21 And I guess I need to ask, in regards to the
22 first set of questions, did anyone need to come forward
23 that did not?

24 (No person responded.)

25 Okay, thank you. Okay. And so, I will begin

1 with the first of these ten questions. Those of you who
2 are 65 years of age or older may be exempted from jury
3 service. Those of you 65 years of age or older
4 represent a pool of tremendous talent for jury service
5 and we urge you to serve this week, if you are inclined
6 to do so. But if you wish to be exempted, you may
7 certainly do so. Is there any member of the jury panel
8 who is 65 years of age or older and wishes to be
9 exempted from jury service this week? If so, please
10 stand. No response.

11 Another exemption concerns prior jury service.
12 No person is required to serve as a juror more often
13 than once every three calendar years. Therefore, if any
14 member of the jury panel has served on jury duty during
15 the last two calendar years, you may be exempt from
16 service this week if you choose to be exempted. Please
17 note this exemption does not apply if your jury service
18 was in a magistrate, municipal, city court, or a federal
19 court. If this exemption applies to you and you wish to
20 be exempted, please stand. No response.

21 Again, persons who have served on our grand jury
22 or as grand jurors in the last five calendar years may
23 also be exempt from jury service. If any member of the
24 jury panel or if any member of the jury panel has served
25 on a grand jury during the last five calendar years, you

1 may be exempted from service this week if you choose to
2 be exempted. If this applies to any of you, please
3 stand. No response.

4 The next exemption deals with those of you who
5 have legal custody of young children. Please listen
6 carefully to this exemption, it has several parts, all
7 of which must apply for you to be exempted on this
8 basis. You may be exempted from jury service if you
9 have a child under the age of seven years and you have
10 legal custody of your child or children, you have the
11 principle care, custody, and control of your child or
12 children, and you are unable to make arrangements for
13 the adequate care of your child or children while
14 performing jury duty.

15 If all of these requirements apply to you, then
16 you may be exempted on this basis. If this exemption
17 applies to you and you wish to be exempted, please
18 stand. And you will need to complete an affidavit that
19 will be given to you from the clerk's office concerning
20 your responsibilities. Does this apply to anyone? No
21 response.

22 The next exemption is if you are the primary
23 caretaker of a person who is 65 years of age or older
24 and you are unable to provide adequate care for the
25 person while performing jury service, you may be exempt

1 from jury duty. If this applies to you, please stand.

2 Yes, sir, your juror number?

3 JUROR 13: 13.

4 THE COURT: Yes, sir.

5 JUROR 13: My grandfather is ---

6 THE COURT: Wait one second. I'm sorry. Mr.

7 Boyter?

8 JUROR 13: Yes, ma'am.

9 THE COURT: Okay. Go ahead.

10 JUROR 13: My grand-pop is 66 and he and I live
11 together and I'm the only one who can give him his
12 medicine.

13 THE COURT: Okay. Mr. Boyter, can you hold that
14 thought and come down and talk to me at the end?

15 JUROR 13: Yes, ma'am.

16 THE COURT: Okay. All right. Just don't forget
17 to come down, okay?

18 JUROR 13: Yes, ma'am.

19 THE COURT: Okay. We're gonna come back to you.
20 Anybody else?

21 (No response.)

22 If you are the primary caretaker of a severely
23 disabled person who is unable to care for themselves and
24 cannot be left unattended and you are unable to provide
25 adequate care for the person while performing jury

1 service, you may be exempt from jury duty. If this
2 exemption applies to you and you wish to be exempted,
3 please stand. No response.

4 The next exemption deals with those of you who
5 may be attending school at this time or working in some
6 capacity with a school. If this exemption applies to
7 you and you wish to be exempted, we will transfer your
8 service to another term of court at a time which will
9 not conflict with your school responsibilities. Is
10 there any member of the jury panel who is a full-time
11 student, school teacher, school crossing guard, school
12 bus driver, or who serves in any other school related
13 function who is unable to serve on jury duty this week
14 as a result of that school involvement? If so, please
15 stand. No response.

16 Is there any member of the jury panel who is
17 employed with the Department of Corrections at a
18 penitentiary and would like to be exempted? If so,
19 please stand.

20 (No person stood.)

21 Is there any juror who performs services for a
22 business, commercial, or agricultural enterprise, which
23 is so essential to the operation of the enterprise that
24 if you were required to perform jury duty the enterprise
25 would have to close or stop functioning? If so, and you

1 wish to be exempted, please stand. No response.

2 Now, ladies and gentlemen, that concludes the
3 statutory list of qualifications and exemptions for jury
4 service. It may be that you were qualified and no
5 exemption applies to you, but jury service this week
6 would constitute an extreme hardship on you for a
7 particular reason. I cannot permanently excuse a
8 qualified juror from jury service, but under extreme and
9 compelling circumstances I may excuse a juror from this
10 term of court and transfer the juror to another terms of
11 court, particularly jurors who have not previously
12 transferred. Please understand that general
13 inconvenience is not a sufficient reason to transfer you
14 to another term of court.

15 To justify a transfer to another term of court,
16 service this week must constitute an extreme hardship.
17 And I like to give examples here. For instance, if you
18 are a certified public accountant and this is the
19 busiest week of the year for you, I can certainly
20 consider transferring you to another term.

21 If you have surgery scheduled this week or
22 something happy, like a family wedding coming up this
23 weekend and you're actively involved in it, I can
24 certainly entertain requests for transferring you to
25 another term. And so, if that applies to anyone and you

1 wish to tell me about it, please stand.

2 Okay. Your juror number?

3 JUROR 79: 79.

4 THE COURT: And I'll tell you what, why don't you
5 come down. Is there anybody else that wanted to talk to
6 me and didn't stand up earlier? If so, I'm gonna ask
7 you all to form a line right here. And the bailiffs are
8 gonna have you come down and talk to me, okay?

9 (Court leaves bench.)

10 THE BAILIFF: Juror 79.

11 (Juror 79 comes forward.)

12 THE COURT: Sir, you're Mr. Jones?

13 JUROR 79: Yes, ma'am.

14 THE COURT: Yes, sir.

15 JUROR 79: Our fire station is undermanned
16 because it's spring break.

17 THE COURT: Okay. So...

18 JUROR 79: We only have one firefighter in the
19 fire station.

20 THE COURT: Which one do you work in?

21 JUROR 79: Boiling Springs. It's right up here.

22 THE COURT: I can transfer you to another term,
23 okay? If you can talk to the clerk of court. Thank
24 you.

25 Okay. So Mr. Jones is going to be transferred.

1 Thank you, sir. Step over here so that Julie can hear
2 us. Okay. Juror 79 is being transferred.

3 THE BAILIFF: Number 13.

4 (Juror 13 comes forward.)

5 THE COURT: Okay. Sir, you're Mr. Boyter?

6 JUROR 13: Yes, ma'am.

7 THE COURT: Okay. And you said your grandfather
8 is living in your home?

9 JUROR 13: Yes, ma'am. Me and him live together
10 and I'm the only one working in the house.

11 THE COURT: Okay.

12 JUROR 13: And I totalled my truck just right
13 after I received my summons and I had to get a ride up
14 here this morning.

15 THE COURT: Would another week be better for you?

16 JUROR 13: Yes, ma'am.

17 THE COURT: Okay. Let me have the clerk get with
18 you and we'll transfer you to another term, okay?

19 JUROR 13: Okay.

20 THE COURT: Thank you, Mr. Boyter.

21 Mr. Boyter is being transferred.

22 THE BAILIFF: Number 150.

23 (Juror 150 comes forward.)

24 THE COURT: You're Mr.?

25 JUROR 150: Symahanou.

1 THE COURT: Symahanou. Okay.

2 JUROR 150: Yeah. I have a question. Back in
3 like 2006 I was charged with a DUAC. I didn't know if
4 that disqualified me or not.

5 THE COURT: That would not. That would not
6 disqualify you.

7 JUROR 150: And the second part is, like, with
8 the last question you asked about working.

9 THE COURT: You're a chef?

10 JUROR 150: Yeah. Because we have to -- I'm a
11 sushi chef at the restaurant, so we have to close part
12 of the restaurant down. So I was worried if this was
13 multiple days.

14 THE COURT: It is.

15 JUROR 150: Okay.

16 THE COURT: Would you prefer to be transferred?

17 JUROR 150: Whatever is possible.

18 THE COURT: Okay. Is there a better time of year
19 for you that's not as busy? I know ---

20 JUROR 150: I'm part owner.

21 THE COURT: I can't imagine working that hard. I
22 mean, how stressful that is for you, but why don't we
23 see if there's a better week for you.

24 JUROR 150: Okay. Because it's easily 13 hours a
25 day, 7 days a week for me.

1 THE COURT: Okay. We're gonna let you talk to
2 the clerk, okay?

3 JUROR 150: Okay.

4 THE COURT: Thank you, sir. So Juror 150 is also
5 being transferred. So 79, 13, and 150. Okay. Anyone
6 else?

7 (No response.)

8 (Court resumes the bench.)

9 THE COURT: Okay. Again, 84, 72 are
10 disqualified. 79, 13, and 150 are being transferred. I
11 just want to make sure all of our notes are the same,
12 okay?

13 THE CLERK: Yes, ma'am.

14 THE COURT: Okay. I find now that the jury panel
15 is qualified. Thank you all.

16 Let me talk to our clerk for just a moment.

17 (Bench conference was held off the record.)

18 All right. Ladies and gentlemen, we are getting
19 ready to conduct the jury selection for our first trial
20 of the week, and we are going to take a brief recess so
21 that I can talk to the lawyers on that case real fast.
22 And so, y'all take a break and we'll keep working, all
23 right? Fifteen minutes. All right, thank you.

24 (Jury panel leaves courtroom at 11:15 a.m.)

25 (Jury panel enters courtroom at 11:47 a.m.)

1 THE COURT: Okay. And so I will ask the
2 bailiffs, are all of our jurors here?

3 THE BAILIFF: Yes, ma'am.

4 THE COURT: Okay. All right. Ladies and
5 gentlemen, we are ready to begin with jury selection in
6 the first case that is going to require some of your
7 participation this week. The title of the case is
8 The State versus Donald Pollock. And, Mr. Pollock, this
9 is a criminal case, a General Sessions case. And
10 Mr. Pollock has been accused by the State or by the
11 prosecutor with having committed the crimes of criminal
12 sexual conduct with a minor in the second degree,
13 criminal sexual conduct with a minor in the third
14 degree, criminal sexual conduct with a minor in the
15 third degree, and criminal sexual conduct with a minor
16 in the first degree.

17 And that is the charges that have been made
18 against the defendant, Mr. Pollock, by way of
19 indictment. These are the indictments. (Indicating.)
20 An indictment is simply a charging paper. It is not
21 evidence of anything, it is not proof of anything, it
22 doesn't establish anything. It simply is the means by
23 which any person who is accused of a crime who is
24 brought into this court to stand trial on a charge is
25 notified of what crime the State claims they have

1 committed, so you have to have an indictment.

2 And these indictments, as I stated, numbers
3 21-GS-42-887, charged Donald King Pollock with the
4 offense of criminal sexual conduct with a minor in the
5 first degree. 20-GS-42-5460, criminal sexual conduct
6 with a minor in the third degree. 20-GS-42-5459,
7 criminal sexual conduct with a minor in the third
8 degree. And 20-GS-42-5458, criminal sexual conduct with
9 a minor in the second degree.

10 Now, as to those allegations, Mr. Pollock has
11 entered pleas of not guilty. And a plea of not guilty
12 places upon the State the burden of proving the
13 allegations that have been made against the defendant.
14 The burden of proving each of the essential elements
15 that constitute the crime that is alleged against the
16 defendant. And, therefore, the burden is upon the
17 State, the solicitor, to establish the defendant's guilt
18 to the satisfaction of 12 jurors beyond a reasonable
19 doubt before any verdict of guilty can be returned as to
20 any of the charges.

21 Now, I'm going to tell you just a little bit more
22 about the alleged charges. Apparently, the dates of the
23 alleged offenses are between December the 4th of 2017,
24 through February the 29th of 2020. And it is alleged
25 that the incidents occurred here in Spartanburg County.

1 So, before we begin with jury selection, I have
2 some questions to ask you. The purpose of the questions
3 is to determine if there is any reason why any one or
4 more of you jurors should not be selected to participate
5 in the trial of the case. In other words, is there some
6 reason why you think you cannot be fair and impartial as
7 it relates to the particular case?

8 I will be introducing people to you, and the
9 purpose of the introductions is to determine if you have
10 any connection with anybody involved in the case,
11 whether it be the lawyers, potential witnesses, the
12 defendant. Whether you know these people by living
13 here, working here, going to church here, socializing
14 here.

15 If you even think that you might know somebody, I
16 want you to let us know. We want to know that now,
17 rather than after you become a juror and you're sitting
18 over here listening to testimony and a light comes on
19 and you think, oh, well, maybe that person went to
20 school with my son or my daughter or was my neighbor or
21 work in the grocery store I go to. We would prefer to
22 know ahead of time, okay, to be fair to everyone.

23 And so, I am going to now begin. And y'all have
24 already been sworn earlier today to answer questions
25 asked and to tell the truth. And, again, I will stress

1 to y'all that it is absolutely essential that we have
2 accurate information. Okay?

3 And so, let me first make introduction to you the
4 solicitor involved or the assistant solicitor involved
5 in this case, is Ms. Wendy Hallford. Ma'am, if you will
6 please stand. (Complies.)

7 Thank you. And then we also have counsel for the
8 defendant, and he is present here today, Mr. Russell
9 Sanford. And he is with the law firm of -- is it now
10 Warder and Sanford or have y'all made that big switch
11 yet?

12 MR. SANFORD: No, Your Honor, we haven't. It's
13 still the Law Firm of Richard Warder.

14 THE COURT: Okay. The Law Firm of Richard
15 Warder. And they have offices I know in Greenville and
16 possibly in other places in the Upstate. Additionally,
17 the defendant is present, Donald Pollock.

18 Sir, if you would please rise. (Complies.)
19 Okay, thank you.

20 And the potential witnesses in the case. And I
21 want counsel to listen hard and make sure I don't miss
22 anybody. [REDACTED] ? [REDACTED] ?

23 SOLICITOR HALLFORD: They're present. Do you
24 want them to stand?

25 THE COURT: Yes, please. Sometimes you may not

1 recognize a name, but you'll recognize a face. And
2 [REDACTED] is correct?

3 SOLICITOR HALLFORD: (Nods head up and down.)

4 THE COURT: Okay. Brandy Howell, formerly known
5 as Brandy Pollock. Kelsey Ledford from -- Kelsey
6 Ledford, is she from the solicitor's office?

7 SOLICITOR HALLFORD: No. Spartanburg County
8 Sheriff's Office, Your Honor.

9 THE COURT: Sheriff's office, okay. Christopher
10 Terry from the sheriff's department here in Spartanburg
11 County. Tiffany Hill from the sheriff's office here in
12 Spartanburg County.

13 Heather Flassing from the Children's Advocacy
14 Center, also referred to as CAC, C-A-C, The Children's
15 Advocacy Center here in Spartanburg. Dr. Nancy
16 Henderson with Prisma Health. Dr. Lynn McMillan, USC
17 Upstate. And Rebecca Grounsell from the Children's
18 Advocacy Center.

19 Any other potential witnesses from the State or
20 from the defendant?

21 MR. SANFORD: I have none, Your Honor.

22 THE COURT: Okay.

23 SOLICITOR HALLFORD: Nothing from the State. I'm
24 sorry.

25 THE COURT: Okay. All right. And so, y'all have

1 now been introduced to the potential witnesses, the
2 attorneys, and the defendant. And so, let me begin with
3 these questions.

4 Does any member of the jury panel, or has any
5 member of the jury panel ever been related by blood or
6 marriage to anyone that I just named, or do you know any
7 of the people that I just named?

8 (No response.)

9 Has anyone ever had a close personal or social
10 relationship with any of these people, including the
11 defendant? If so, please stand. Stand, okay? And if
12 you will provide first your juror number.

13 JUROR 119: 119. And I just wanted to say I know
14 one of the witnesses that was going to testify.

15 THE COURT: Yes, ma'am. That's what we're
16 asking. If I didn't make it clear, I want to know if
17 y'all know anybody that I just named or think you do,
18 okay? So, Mary Jane Poole, correct?

19 JUROR 119: Yes.

20 THE COURT: Okay. And, ma'am, Juror 119, which
21 witness is it?

22 JUROR 119: Dr. Henderson.

23 THE COURT: And can you be a little more
24 specific? Is it through a professional basis?
25 Neighbors? Friends? Church?

1 JUROR 119: Friends. Children went to school
2 together, and I was a friend of her husband, ex-husband
3 -- late husband, rather.

4 THE COURT: Would that affect your ability to be
5 fair and impartial in this case?

6 JUROR 119: No.

7 THE COURT: Okay.

8 JUROR 119: I mean, I'll be fair and whatever,
9 impartial, but I just wanted to let you know I knew her.

10 THE COURT: Okay. All right, thank you. Thank
11 you, Ms. Poole.

12 Yes, ma'am?

13 JUROR 40: Juror number 40, Shelbi Dolman.

14 THE COURT: Okay. Juror number 40, Shelbi E.
15 Dolman. Yes, ma'am?

16 JUROR 40: I believe I do know one of the
17 deputies that was listed.

18 THE COURT: Okay. We have Kelsey Ledford.

19 JUROR 40: Yes, ma'am.

20 THE COURT: Is that the person that you know?

21 JUROR 40: Yes, ma'am.

22 THE COURT: Is that a man or a woman?

23 JUROR 40: It's a female.

24 THE COURT: Okay. And how do you know Officer
25 Ledford?

1 JUROR 40: I just know her in passing. I mean,
2 my husband works at the sheriff's office, so I know who
3 she is, but I don't have any daily contact or anything
4 like that with her, but I do know who she is.

5 THE COURT: Would that affect your ability to be
6 fair and impartial in this case?

7 JUROR 40: No, ma'am.

8 THE COURT: Okay, thank you.

9 JUROR 40: Thank you.

10 THE COURT: That's juror number 40. I'll allow
11 her to stay on this. Okay.

12 Again, if I wasn't absolutely crystal clear, I
13 need to know if anyone is related or was related by
14 blood or marriage to any of the people that I've just
15 stated their names to you or if you know them or think
16 you know them in any capacity, whether it be
17 professionally, socially, through a friendship, a
18 distant relative. Any knowledge of any of the witnesses
19 or the lawyers or the defendant? (No response.)

20 Okay. And some of these questions may seem to be
21 redundant, but I want to make sure that I'm asking them
22 exactly as they are. And so, has any juror, juror's
23 family member, or a close friend been represented by
24 Richard Warder's Law Firm? He is an attorney. Some
25 people refer to him as Dick Warder, and his last name is

1 spelled W-a-r-d-e-r, or Russell Sanford, who is the
2 attorney here in the courtroom from that law firm, or
3 any other attorney practicing in that firm? Again, is
4 any juror, juror's family member, or close friend been
5 represented by Mr. Warder's law firm, Mr. Sanford, or
6 any attorney working there? If so, please stand. Okay.
7 No response.

8 And if y'all don't feel comfortable answering
9 these questions, any of them that I pose to you, I will
10 give you an opportunity to come down at the end and you
11 can speak with me at the court reporter, okay?
12 Privately.

13 Has any juror, juror's family member, or close
14 personal friend been in a case prosecuted by Wendy
15 Hallford, Wendy is the prosecutor here, or any member of
16 the Seventh Circuit Solicitor's Office? That would be
17 the Spartanburg County Solicitor's Office or Cherokee
18 County Solicitor's Office, okay? That would be the
19 Seventh Circuit Solicitor's Office. If that applies to
20 you, please stand. No response.

21 Has any juror, juror's family member, or close
22 personal friend, been a party to a contested divorce in
23 which there was a dispute as to either custody of the
24 children and/or child support? If so, please stand. No
25 response.

1 Has any juror, juror's family member or close
2 friend been arrested for, accused of, or convicted of
3 any violent crime, such as murder, manslaughter, armed
4 robbery, or criminal sexual conduct, or any similar
5 crime? If so, please stand.

6 Okay. And, again, if y'all want to come down and
7 talk to me privately at the end you can do that. Would
8 you feel more comfortable?

9 (Jurors nod heads up and down.)

10 Okay. Tell me your juror numbers, though, so I
11 won't forget.

12 JUROR 120: 120.

13 JUROR 164: 164.

14 THE COURT: Okay. Just don't forget to come
15 down, okay?

16 Has any juror or juror's family member or close
17 friend been arrested for, accused of, or convicted of
18 any crime involving a minor child as a victim or
19 witness? Has any juror, juror's family member, or close
20 personal friend been arrested for, accused of, or
21 convicted of any crime involving a minor child? And I
22 think that would also mean, or did you participate in
23 any such charges as a witness? If that applies to you,
24 please stand.

25 Okay. That's Juror 120 and?

1 JUROR 63: 63.

2 THE COURT: Okay. And would y'all feel more
3 comfortable talking to me privately?

4 JUROR 63: Yes.

5 THE COURT: Okay. Just don't forget to come
6 forward, okay?

7 Has any juror, juror's family member, or close
8 personal friend been a victim of a crime either as an
9 adult or a minor? If so, please stand.

10 Okay. Your juror number?

11 JUROR 71: 71.

12 THE COURT: And, sir, would you feel more
13 comfortable talking to me privately?

14 JUROR 71: (Nods head up and down.)

15 THE COURT: Okay, thank you. And juror number?

16 JUROR 170: 170.

17 THE COURT: And, sir, would you feel more
18 comfortable talking to me privately?

19 JUROR 170: Yes.

20 THE COURT: Okay. Just don't forget.

21 Has any juror, juror's family member, or close
22 personal friend been seen at the Spartanburg's
23 Children's Advocacy Center or any similar center in any
24 other county or state? And, again, that is referred to
25 also as CAC. If this applies to you, please stand. No

1 response.

2 Is any juror or juror's family member or close
3 personal friend currently being prosecuted by the
4 Seventh Circuit Solicitor's Office or any other
5 prosecuting agency in any other county or state? If so,
6 please stand. No response.

7 Has any juror or juror's family member or close
8 personal friend previously been prosecuted by the
9 Seventh Circuit Solicitor's Office or any other
10 prosecuting agency in another county or state? If so,
11 please stand.

12 (No response.)

13 Is any juror or juror's family member, or close
14 personal friend currently involved in a case handled by
15 the Spartanburg County Sheriff's Office? If so, please
16 stand. And if you would give your juror number.

17 JUROR 106: 106.

18 THE COURT: And do you want to tell me about it
19 privately?

20 JUROR 106: Okay.

21 THE COURT: Just don't forget to come down, okay?
22 106.

23 Has any juror or juror's family member or close
24 personal friend previously been involved in a case
25 handled by the Spartanburg County Sheriff's Office? If

1 so, please stand. Your juror number?

2 JUROR 35: 35.

3 THE COURT: Okay. And do you want to tell me
4 about it later?

5 JUROR 35: Yes.

6 THE COURT: And your juror number, sir?

7 JUROR 28: 28.

8 THE COURT: Okay.

9 JUROR 114: 114.

10 THE COURT: Okay.

11 JUROR 48: And 48.

12 THE COURT: 48?

13 JUROR 48: Yes, ma'am.

14 THE COURT: Okay. Is any juror or juror's family
15 member or close personal friend a member of any
16 organization that does not recognize the government of
17 the United States or the State of South Carolina? If
18 so, please stand. No response.

19 Okay. Has anyone heard anything about this case,
20 whether it was prior to today or while you have been at
21 the courthouse for jury duty today? If so, please
22 stand. No response.

23 Do you or anyone that you know currently work or
24 has previously worked with the Seventh Circuit
25 Solicitor's Office or any law enforcement agency in

1 Spartanburg or Cherokee counties? If so, please stand.

2 Okay. And, ma'am, if you would give your name
3 again.

4 JUROR 40: Shelbi Dolman, number 40.

5 THE COURT: And what is your relationship?

6 JUROR 40: My husband works for Spartanburg
7 County Sheriff's Office.

8 THE COURT: And ---

9 SOLICITOR HALLFORD: May we approach briefly?

10 THE COURT: Yes. Why don't we step -- it might
11 be easier to just step back, since we don't have any
12 privacy.

13 (Court leaves the bench.)

14 (In chambers conference was held off the record.)

15 THE COURT: Okay. And so, the juror that was a
16 addressing me, ma'am?

17 JUROR 40: Yes, ma'am.

18 THE COURT: Again, you're juror number 40?

19 JUROR 40: 40, yes, ma'am.

20 THE COURT: Shelbi Dolman?

21 JUROR 40: Yes, ma'am.

22 THE COURT: Okay. And your spouse works for the
23 sheriff's department?

24 JUROR 40: Yes, ma'am.

25 THE COURT: And is his last name Dolman?

1 JUROR 40: Yes, ma'am.

2 THE COURT: Okay. And can you tell me a little
3 bit more about what he does?

4 JUROR 40: He is on the ICE team, which is
5 Interstate Criminal Enforcement. He just sits on the
6 interstate looking for drugs basically.

7 THE COURT: Okay. Ma'am, would that affect your
8 ability to be fair and impartial in this case?

9 JUROR 40: No, ma'am.

10 THE COURT: Okay. All right. I'm going to let
11 you stay with us.

12 JUROR 40: Okay.

13 THE COURT: Okay. And, sir, your name?

14 JUROR 48: Todd Flippin, juror number 48, but I'd
15 prefer to approach at some point.

16 THE COURT: Okay. Just don't forget to come
17 down, okay?

18 JUROR 48: Yes, ma'am.

19 THE COURT: All right. Ma'am?

20 JUROR 93: Juror number 93. I volunteer with the
21 Hope Healing Group at the sheriff's office. I go
22 there --

23 THE COURT: Okay.

24 JUROR 93: -- to the sheriff's office.

25 THE COURT: So you're not employed there --

1 JUROR 93: No.

2 THE COURT: -- but you work there as a volunteer?

3 JUROR 93: Yeah.

4 THE COURT: Ma'am, would that affect your ability
5 to be fair and impartial in this case?

6 JUROR 93: No.

7 THE COURT: Okay. Thank you, ma'am. And, again,
8 that was juror number 93, correct?

9 JUROR 93: Uh-huh.

10 THE COURT: Stephanie McDowell?

11 JUROR 93: Yes, ma'am.

12 THE COURT: Okay. Have you ever campaigned for
13 or made a contribution to Sheriff Chuck Wright or
14 Solicitor Barry Barnette? If so, please stand. No
15 response.

16 Has any potential juror, a close family friend,
17 relative or friend, ever been or is currently a member
18 of a victim's advocacy group such as MADD, which is
19 Mother's Against Drunk Driving; CAVE, which is Citizens
20 Against Violent Crime; SADD, or other similar
21 organizations? If so, please stand.

22 Yes, ma'am, your juror number?

23 JUROR 17: 17.

24 THE COURT: And give me just one moment. Ms.
25 Carmon?

1 JUROR 17: Yes.

2 THE COURT: Would that affect your ability to be
3 fair and impartial in this case?

4 JUROR 17: No, ma'am. I'm a volunteer at the
5 Safe Home Rape Crisis Center.

6 THE COURT: And, ma'am, would that affect your
7 ability to be fair and impartial in this case?

8 JUROR 17: No.

9 THE COURT: Okay, thank you.

10 Do you or anyone that you know work at the
11 Department of Social Services or any similar agency? If
12 so, please stand.

13 Yes, ma'am, your juror number?

14 JUROR 73: 73.

15 THE COURT: And your name?

16 JUROR 73: Marcia Jagers.

17 THE COURT: And, ma'am, is it you or a family
18 member of yours?

19 JUROR 73: Me. I'm in case management with DDSN
20 and we work with Social Services.

21 THE COURT: And what is DDSN?

22 JUROR 73: Department of Social Services -- I'm
23 sorry, Disabilities and Special Needs.

24 THE COURT: Okay. And so y'all collaborate
25 with --

1 JUROR 73: Yeah.

2 THE COURT: -- the Department of Social Services?

3 JUROR 73: Yeah.

4 THE COURT: Would that affect your ability to be
5 fair and impartial in this case, Ms. Jaggers?

6 JUROR 73: No, ma'am.

7 THE COURT: Okay, thank you.

8 Has any potential juror or a close family member,
9 relative, or friend ever been a victim of a serious
10 crime? If so, please stand.

11 Your juror number, ma'am?

12 JUROR 93: 93.

13 THE COURT: And is it something you want to tell
14 me about privately?

15 JUROR 93: Yes, ma'am.

16 THE COURT: Okay.

17 JUROR 63: 63.

18 THE COURT: And you wanted to come down afterward
19 and talk to me, didn't you?

20 JUROR 63: Yes, ma'am.

21 THE COURT: Okay. Just don't forget. Thank you.

22 Has any member of the jury panel had experience
23 with or know something about people who have been
24 affected by sexual abuse? And, again, if you wish to
25 come down and talk to me afterward I will give you that

1 opportunity, okay? Juror number 63?

2 JUROR 63: Yes, ma'am.

3 JUROR 154: Number 154.

4 THE COURT: Okay. All right.

5 Does anyone currently have children under the age
6 of 15 years in your household? If so, please stand.

7 Okay. I will just start here in the front row. The
8 only identifying information you need to give are the
9 ages. What's your juror number?

10 JUROR 26: 26.

11 THE COURT: Yes, sir.

12 JUROR 26: I have a daughter that's eight and a
13 son that's six.

14 THE COURT: Thank you.

15 JUROR 154: 154. Eight and eleven are my two
16 youngest out of five.

17 THE COURT: One more time? I'm sorry.

18 JUROR 154: 8 and 11 and 16.

19 THE COURT: Okay, thank you.

20 JUROR 170: 170. I've got a four year old and
21 two three year olds.

22 THE COURT: Thank you.

23 JUROR 90: Juror 90. 10, 5, and 1.

24 THE COURT: Okay. And your juror number was
25 what?

1 JUROR 90: Is 90.

2 THE COURT: I'm sorry. Thank you.

3 Yes, ma'am.

4 JUROR 106: 106. 12 years old.

5 THE COURT: Okay.

6 JUROR 73: 73. 14.

7 THE COURT: Okay.

8 JUROR 114: 114 and she's four.

9 THE COURT: Thank you.

10 JUROR 48: Number 48. I've got a 16 year old, 14

11 year old, 10 year old, 8 year old. No, that's not

12 right. 10, 12, 14 and 15. Close enough.

13 THE COURT: Are you sure?

14 JUROR 48: Don't tell them I said this.

15 THE COURT: It's just between us. All right,

16 thank you.

17 JUROR 127: 127. And four year old.

18 THE COURT: Okay.

19 JUROR 40: Number 40 and 16 months.

20 THE COURT: Wow.

21 Yes, sir.

22 JUROR 158: 158. 8, 5, 4, and 3.

23 JUROR 87: 87. 5.

24 THE COURT: Okay.

25 JUROR 137: 137. 11.

1 JUROR 85: I'm 85. I've got four grandchildren
2 starting at 15, 9, 5, and 1.

3 THE COURT: Thank you.

4 Yes, sir?

5 JUROR 99: 99, and a five year old.

6 THE COURT: Thank you.

7 Yes, ma'am?

8 JUROR 120: Juror number 120. I have a 13, 9, 8,
9 and 7.

10 THE COURT: Yes, sir?

11 JUROR 164: 164. 8, 14, and 16.

12 THE COURT: Thank you. Yes, sir?

13 JUROR 107: 107. 11 and 8.

14 THE COURT: Okay. Yes, ma'am?

15 JUROR 61: 61. 13 and 9.

16 THE COURT: Okay. Yes, ma'am?

17 JUROR 128: 128. A four year old.

18 THE COURT: Thank you.

19 JUROR 43: 43. 14, 12, and 8 months.

20 THE COURT: Thank you.

21 JUROR 135. 135. I've got two twins, they're 15.

22 THE COURT: Okay, thank you.

23 JUROR 161: I'm 161. I have a three year old.

24 THE COURT: 161?

25 JUROR 161: Uh-huh.

1 THE COURT: Okay.

2 Yes, ma'am?

3 JUROR 17: Number 17. I have three
4 grandchildren, five, and twins that are three.

5 THE COURT: Okay. All right. Well, I'm just so
6 proud of y'all being able to be here and keep all that
7 under control, okay? All right.

8 Is anyone on the jury panel a mandated reporter?
9 If so, please stand.

10 JUROR 93: 93.

11 THE COURT: Okay.

12 JUROR 73: 73.

13 THE COURT: Okay. And I'm gonna let y'all tell
14 me about that in just a minute, okay?

15 JUROR 73: Okay.

16 THE COURT: All right. Just don't, don't forget
17 to come forward.

18 This, this case involves allegations with sexual
19 conduct with a child. Does anyone feel that subject
20 matter is such that they will not be able to focus on
21 the evidence in the case? If so, please stand. No
22 response.

23 Does any member of the jury panel volunteer with
24 children, such as the Boy Scouts, Girl Scouts, youth
25 group, church group, schools? If so, please stand.

1 Okay. We'll start over here. (Indicating.)

2 JUROR 93: 93.

3 THE COURT: And, ma'am, what group is it?

4 JUROR 93: The church group and at the Fill It
5 With Hope support group for children camp.

6 THE COURT: Okay, thank you.

7 JUROR 93: Uh-huh.

8 THE COURT: Yes, ma'am.

9 JUROR 111: Juror 111, Celicia Palmore. I'm a
10 member of Delta Sigma Theta Sorority, Incorporated and
11 we volunteer with youth groups in our sorority.

12 THE COURT: Okay. And let me, let me ask Juror
13 Number 93 to stand up. I'm not certain that I should
14 ask, but I'll just go ahead, just to be clear. Would
15 anything be -- anything about your volunteer work
16 interfere --

17 JUROR 93: No, ma'am.

18 THE COURT: --with your ability to be fair and
19 impartial in this case?

20 JUROR 93: No, ma'am.

21 THE COURT: And Juror 111, the same question for
22 you. Anything about your volunteer work that would
23 interfere with your ability to be fair and impartial in
24 this case?

25 JUROR 111: No, Your Honor.

1 THE COURT: Okay, thank you.

2 Juror 73?

3 JUROR 73: Yeah, 73.

4 THE COURT: Ma'am, what is the nature of the
5 volunteer work?

6 JUROR 73: Church group, dance, and Our Sisters
7 and Our Brother's Keeper, we're a member.

8 THE COURT: Okay. Ma'am, is there anything about
9 that volunteering that would interfere with your ability
10 to be fair and impartial in this case?

11 JUROR 73: No, ma'am.

12 THE COURT: Okay. Juror 48?

13 JUROR 48: That's correct.

14 THE COURT: Yes, sir.

15 JUROR 48: I'm an assistant scoutmaster for Troop
16 2 in Spartanburg.

17 THE COURT: And, sir, is there anything about
18 that volunteer work that would interfere with your
19 ability to be fair and impartial in this case?

20 JUROR 48: No, ma'am.

21 THE COURT: Okay, thank you.

22 Yes, sir?

23 JUROR 139: 139, Dan Shook. I've worked with
24 Anchor House in the past, and Hatcher Gardens
25 participates in a check giving and fundraisers with

1 various organizations that support children, so...

2 THE COURT: And you work at Hatcher Gardens --

3 JUROR 139: Yes.

4 THE COURT: -- as a?

5 JUROR 139: As the garden manager.

6 THE COURT: Garden manager, okay.

7 JUROR 139: And, like I said, we do -- these
8 groups come in, so we partner with them. So I work
9 these groups on a regular basis.

10 THE COURT: Sir, is there anything about that
11 work that would interfere with your ability to be fair
12 and impartial in this case?

13 JUROR 139: No, not really.

14 THE COURT: Okay, thank you.

15 Yes, ma'am?

16 JUROR 119: Mary Jane Poole, 119.

17 THE COURT: Yes, ma'am?

18 JUROR 119: I'm employed and also a volunteer at
19 Trinity United Methodist Church Children's Center youth
20 groups and other church functions.

21 THE COURT: And is there anything about your
22 volunteering there that would prohibit you from being
23 fair and impartial in this case?

24 JUROR 119: No, ma'am.

25 THE COURT: Okay, thank you.

1 Yes, ma'am?

2 JUROR 17: Juror 17, Esther Carmon. I babysit
3 kids in my home and I also work with the kids in my
4 church.

5 THE COURT: Ma'am, is there anything about that
6 work that would interfere with your ability to be fair
7 and impartial?

8 JUROR 17: No, ma'am.

9 THE COURT: Okay, thank you.

10 Is there any potential juror who would give more
11 credibility or believability to the testimony of a
12 police officer simply because he is a police officer, as
13 compared to another witness who is not a police officer?
14 If so, please stand. No response.

15 Is there anyone that believes that they could not
16 be or could not evaluate the testimony of a child in the
17 same manner that they would evaluate the testimony of an
18 adult? If so, please stand. No response.

19 Are there members of the jury panel who do not
20 like lawyers, particularly lawyers who represent persons
21 accused of crimes? If so, please stand. No response.

22 Have any of you for any reason given a statement
23 or been questioned by or made a report to any child
24 protective agency, such as the Department of Social
25 Services, the police, or anyone about an incident

1 involving a child? If so, please stand. If y'all can
2 give me your juror numbers, I can let y'all come down
3 and talk to me privately after.

4 Okay. Yes, ma'am?

5 JUROR 58: Juror 58.

6 THE COURT: Okay.

7 Yes, ma'am?

8 JUROR 161: I'm 161.

9 THE COURT: 161, okay. Okay. Just don't forget to
10 come down.

11 Has any member of the jury panel ever been, or
12 you or a family member or a close friend, ever been a
13 civilian or a military law enforcement officer? And so,
14 if that applies to you, please stand. Juror number 40?

15 JUROR 40: Yes, ma'am.

16 THE COURT: Okay. And so in addition to your
17 spouse, is there anybody else in your family?

18 JUROR 40: My father is a retired state trooper.
19 He's been retired for four or five years now.

20 THE COURT: Okay. Anyone else?

21 JUROR 40: No, ma'am.

22 THE COURT: Yes, ma'am?

23 JUROR 111: Juror 111, Celicia Palmore. I have
24 an older brother that's in law enforcement. He's a
25 police chief for the City of Prosperity in Newberry

1 County.

2 THE COURT: Okay. Anyone else?

3 JUROR 111: That's all.

4 THE COURT: Okay. And let me go back and ask
5 Juror Number 111, would that affect your ability to be
6 fair and impartial in this matter?

7 JUROR 111: No, ma'am, it would not.

8 THE COURT: Juror Number 40, would it affect your
9 ability to be fair and impartial in this matter?

10 JUROR 40: No, ma'am.

11 THE COURT: Okay. And, Yes, ma'am?

12 JUROR 90: Number 90. My aunt works for Berkeley
13 County Sheriff's Department, and my uncle is the game
14 warden also in Berkeley County Sheriff's -- Berkeley
15 County.

16 THE COURT: Ma'am, would that affect your ability
17 to be fair and impartial in this case?

18 JUROR 90: No, ma'am.

19 THE COURT: That's a No?

20 JUROR 90: No.

21 THE COURT: Okay. Yes, sir?

22 JUROR 107: 107. My father was a deputy in
23 Georgia about 30 years ago.

24 THE COURT: Anyone else?

25 JUROR 107: No.

1 THE COURT: Okay. Would that affect your ability
2 to be fair and impartial in this case?

3 JUROR 107: No, ma'am.

4 THE COURT: Okay, thank you.

5 Yes, ma'am?

6 JUROR 73: 73. My uncle is a state trooper in
7 Texas.

8 THE COURT: In Texas?

9 JUROR 73: Uh-huh.

10 THE COURT: Ma'am, would that affect your ability
11 to be fair and impartial in this case?

12 JUROR 73: (Shakes head back and forth.)

13 THE COURT: Okay. Anyone else?

14 (No response.)

15 Okay. Specifically, as to the case that we are
16 taking up, the solicitor alleges that the defendant, Mr.
17 Pollock, committed the offenses of criminal sexual
18 conduct against the child of his former spouse, his
19 former wife. Does any potential juror have any personal
20 knowledge of the allegations? If so, please stand. No
21 response.

22 In a case where a defendant is accused of a
23 crime, does any juror suspect that the defendant is
24 guilty just because he is accused of a crime? If so,
25 please stand. No response.

1 If during a witness's testimony, the witness
2 becomes emotional or the witness starts to cry, would
3 you be able to put aside your own emotion and sympathy
4 in order to make a decision based upon the evidence in
5 the case? Or, I guess, the question should be, would
6 you not be able to put that aside and make a decision
7 based on the evidence in the case? So, if you believe
8 that you could not put that aside and make a decision
9 based on the evidence in the case, please stand. No
10 response.

11 Has any member of the jury panel read about this
12 case in a newspaper? Heard anything about it on any
13 media source or from any source other than being in this
14 courtroom today? If so, please stand. No response.

15 Has any member of the jury panel liked or
16 followed any of the following entities on any form of
17 social media? Examples would be any crime watch page or
18 account, any account dealing the Spartanburg County
19 Sheriff's Office or any page or account dealing with
20 sexual assault or criminal domestic violence? If so,
21 please stand.

22 Okay. So Juror Number 40?

23 JUROR 40: Yes, ma'am.

24 THE COURT: And what is that?

25 JUROR 40: The Spartanburg County Sheriff's

1 Office Facebook Page.

2 THE COURT: And, ma'am, would that affect your
3 ability to be fair and impartial in this case?

4 JUROR 40: No, ma'am.

5 THE COURT: Okay, thank you.

6 Yes, sir?

7 JUROR 87: 87, and the County Facebook page.
8 Spartanburg County Facebook page.

9 THE COURT: Okay. And, sir, your name is
10 Demetre, is it Liguori?

11 JUROR 87: Yes.

12 THE COURT: Would that affect your ability to be
13 fair and impartial in this case?

14 JUROR 87: No, ma'am.

15 THE COURT: All right, thank you.

16 Has any potential juror used the hashtag "me too"
17 when responding or posting about sex crimes on the
18 internet or any social media site, such as Facebook,
19 Twitter, Instagram, Snap Chat, Marco Polo, You Tube, or
20 any other electronic platform? No response.

21 Has any potential juror had any involvement with
22 or know someone who has involvement with the Children's
23 Advocacy Center of Spartanburg County, Cherokee County,
24 or Union County? If so, please stand. No response.

25 Have any of you received any special training or

1 education in the subject of sexual offenses, whether
2 that be against minors or adults? If so, please stand.

3 JUROR: Can you repeat that, please?

4 THE COURT: Have you received any special
5 training or education in the subject of sexual offenses,
6 whether that be against minors or adults? Juror 17,
7 yes, ma'am.

8 JUROR 17: I have.

9 THE COURT: Okay. Ma'am, that training ---

10 JUROR 17: From Safe Homes, Rape Crisis Center.

11 THE COURT: And, ma'am, would that affect your
12 ability to be fair and impartial in this case?

13 JUROR 17: No, ma'am.

14 THE COURT: Okay, thank you.

15 Has any member of the jury panel attended any
16 events or meetings in relation to sexual assault or
17 criminal domestic violence? If so, please stand.

18 Yes, ma'am, number 17.

19 JUROR 17: Yes.

20 THE COURT: And is that through your employment
21 at Safe Homes?

22 JUROR 17: Yes.

23 THE COURT: Anything else?

24 JUROR 17: No.

25 THE COURT: Okay. Would that affect your ability

1 to be fair and impartial in this case?

2 JUROR 17: No, ma'am.

3 THE COURT: Okay, thank you.

4 The alleged victim in this case is a child.
5 Knowing that, would that affect your ability to be fair
6 and impartial in this case? If so, please stand. No
7 response.

8 Has any potential juror ever served as a witness
9 in any jury trial? If so, please stand. Okay. Juror
10 48, if you could explain the nature of that?

11 JUROR 48: It was a capital arson trial in El
12 Paso County Colorado in 2009.

13 THE COURT: Would that affect your ability to be
14 fair and impartial? Was it just one?

15 JUROR 48: Just one trial. That's all I have,
16 yes, ma'am.

17 THE COURT: Would that affect your ability to be
18 fair and impartial in this case?

19 JUROR 48: No.

20 THE COURT: Okay, thank you.

21 Juror 120?

22 JUROR 120: Related to the other ones.

23 THE COURT: I'm sorry?

24 JUROR 120: It was related to the others.

25 THE COURT: Okay. And so, you're gonna talk to

1 me about it in a minute?

2 120: Yeah. U-huh.

3 THE COURT: Okay, thank you.

4 All right. Has any potential juror ever served
5 as a juror in a civil or criminal matter? Okay.

6 JUROR 93: 93.

7 THE COURT: Yes, ma'am. How long ago was that?

8 JUROR 93: I want to say five years. I'm not
9 exactly sure. It was here, the summons.

10 THE COURT: Was it here at this courthouse?

11 JUROR 93: Yes, it was civil.

12 THE COURT: Okay. Did you enjoy it?

13 JUROR 93: It was okay.

14 THE COURT: Okay. And so it was a civil trial?

15 JUROR 93: It was a civil trial.

16 THE COURT: Okay. Would anything about that
17 experience affect your ability to be fair and impartial
18 in this case?

19 JUROR 93: No. No.

20 THE COURT: Thank you. And that's juror 93.
21 Yes, ma'am?

22 JUROR 128: 128. 2017 here.

23 THE COURT: And do you remember what type of case
24 it was? Was it criminal or civil?

25 JUROR 128: Criminal.

1 THE COURT: And would anything about that
2 experience affect your ability to be fair and impartial
3 in this case?

4 JUROR 128: No.

5 THE COURT: Thank you, ma'am.

6 Yes, sir?

7 JUROR 43: 43, and I do not remember when the
8 trial was. It was years ago. At least more than 10
9 years, but it was criminal.

10 THE COURT: Was it here at this courthouse?

11 JUROR 43: Yes, ma'am.

12 THE COURT: And it was criminal?

13 JUROR 43: Yes, ma'am.

14 THE COURT: Okay. Would anything about that
15 experience interfere with your ability to be fair and
16 impartial in this case?

17 JUROR: No, ma'am.

18 THE COURT: Okay, thank you. That's Juror 43,
19 correct?

20 JUROR 43: Yes, ma'am.

21 THE COURT: Okay.

22 JUROR 76: Number 76, and I'm thinking it was
23 more than 25 years ago and it was civil.

24 THE COURT: Okay. And here in this courthouse?

25 JUROR 76: Yes, ma'am.

1 THE COURT: Okay. Would anything about that
2 experience affect your ability to be fair and impartial
3 in this case?

4 JUROR 76: No.

5 THE COURT: Okay, thank you.

6 Yes, sir?

7 JUROR 135: 135. It was a criminal case. I
8 forgot how many years ago. It's been a while.

9 THE COURT: Was it here in this courthouse?

10 JUROR 135: Yes, ma'am.

11 THE COURT: Okay. Sir, is there anything about
12 that experience that would affect your ability to be
13 fair and impartial?

14 JUROR 135: No, ma'am.

15 THE COURT: Okay, thank you.

16 Yes, sir?

17 JUROR 95: Number 95. About ten years ago. It
18 was criminal.

19 THE COURT: And, sir, was there anything about
20 that experience that would affect your ability to be
21 fair and impartial in this case?

22 JUROR 95: No, ma'am.

23 THE COURT: Okay, thank you. That's Juror 95.

24 Has any potential juror ever served on a state or
25 federal grand jury? If so, please stand.

1 (No response.)

2 Okay. And is any member of the jury panel, or
3 has any member of the jury panel formed or expressed an
4 opinion about any issue or matter involved in this case?
5 If so, please stand. No response.

6 Has any member of the jury -- is any member of
7 the jury panel aware of any bias or prejudice towards
8 either the State or the defendant in this case? Pleas
9 stand. No response.

10 Is there any member of the jury panel who has a
11 religious or moral opposition that prevents you from
12 rendering judgment against another person? If so,
13 please stand.

14 (No response.)

15 Does any member of the jury panel know of any
16 reason whatsoever why he or she should not serve as a
17 juror in this case, with particular emphasis being
18 placed on your ability to be fair and impartial to both
19 the State and the defendant? No response.

20 Now, I am going to give y'all a chance to come
21 down and talk with me. And I have written some numbers
22 down, but I know this may not include everyone. But I
23 just want to remind those of you who did stand, 120,
24 164, 63, 71, 170, 106, 35, 28, 114, and 48, and there
25 may be more. 93, 63, 154, 73, 58, 161. And I do need

1 for juror number 40 to come down as well, okay?
2 (Judge leaves bench for side conference.)
3 Okay. Juror number 40.
4 (Juror 40 comes forward.)
5 Okay. So, does your ---
6 COURT REPORTER: I can't hear, Judge.
7 THE COURT: Okay.
8 JUROR 40: My stepmother works at the solicitor's
9 office.
10 THE COURT: Okay. What is her name?
11 JUROR 40: Angie Elder.
12 THE COURT: Okay. What does she do there?
13 JUROR 40: I don't know. I think she works for
14 -- I know she works for Barry Barnette, but I'm not sure
15 exactly.
16 THE COURT: Okay.
17 JUROR 40: I know it's the solicitor's office.
18 I'm not sure what she does there.
19 THE COURT: Okay. I would be inclined to excuse
20 you.
21 JUROR 40: Okay.
22 THE COURT: Quite frankly from a General Sessions
23 term.
24 SOLICITOR HALLFORD: I would say so.
25 THE COURT: Yeah.

1 SOLICITOR HALLFORD: I mean, I would rather keep
2 her, but...

3 THE COURT: I know.

4 JUROR 40: I mean, I would love to do it, but...

5 THE COURT: But, okay. And so when they --
6 hopefully we -- I don't know if we could -- Tonya, could
7 we transfer this young lady to a civil term?

8 THE CLERK: Yes, ma'am.

9 THE COURT: That would be better.

10 JUROR 40: Okay.

11 THE COURT: But thank you for being here.

12 JUROR 40: Yeah. Thank you so much.

13 THE COURT: Nice to meet you.

14 JUROR 40: Absolutely.

15 THE COURT: Okay. So Juror Number 40 is going to
16 be excused. Okay? The next one, please.

17 THE BAILIFF: Juror 63.

18 (Juror 63 comes forward.)

19 THE COURT: Yes, sir, your name again is Mr.
20 Hendrick ---

21 JUROR 63: Brian Hendrickson.

22 THE COURT: Yes, sir?

23 JUROR 63: So there were several. I had a
24 divorce where the child support was contested by my
25 ex-wife. She never ended up paying any child support.

1 Every time we would go to court she would quit her job,
2 but we got the judgment for and get a new one.

3 My son, when he was a minor, was accused of
4 sexual misconduct with another minor.

5 THE COURT: In what county?

6 JUROR 63: Linn County, Illinois.

7 THE COURT: Okay.

8 JUROR 63: What was the next one? I was mugged
9 on the streets of Chicago, and my wife was attacked by
10 someone with a knife as she was sleeping. My son-in-law
11 was a police officer in Illinois.

12 And my wife and I ran a K-9 search and rescue
13 team, where dogs are trained to find missing people.
14 And one of the cases we ended up working ended up being
15 a rape and murder of two small children. Of course, we
16 didn't know that at the time that we were doing the
17 work.

18 THE COURT: Okay. How long ago was that?

19 JUROR 63: That case was maybe 12 years ago.

20 THE COURT: Okay. How long have you lived in
21 South Carolina?

22 JUROR 63: We've been down here for
23 five-and-a-half years.

24 THE COURT: Okay. And so, the involvement that
25 you're discussing does not -- it is not involved with

1 this solicitor's office?

2 JUROR 63: No.

3 THE COURT: The sheriff's office?

4 JUROR 63: None of it, no. No, this all went on
5 in Illinois, yeah.

6 THE COURT: Okay. Would any of that affect your
7 ability to be fair and impartial in this case?

8 JUROR 63: I would like to hope not, but I don't
9 know.

10 THE COURT: I need a yes or a no.

11 JUROR 63: I don't -- I do not think that I would
12 be able to be impartial in this case.

13 THE COURT: Okay. So what we're going to do, I'm
14 going to excuse you, sir, from this case --

15 JUROR 63: Okay.

16 THE COURT: -- but not from the term.

17 JUROR 63: Okay.

18 THE COURT: Do you understand?

19 JUROR 63: Yeah.

20 THE COURT: Because there are other cases on the
21 roster.

22 JUROR 63: Okay. Juror Number 63 is going to be
23 excused from this case. Okay.

24 THE BAILIFF: 93.

25 (Juror 93 comes forward.)

1 THE COURT: You're Ms. McDowell?

2 JUROR 93: Right.

3 THE COURT: Okay.

4 JUROR 93: My father was murdered. He was the
5 Chaplin of our county.

6 THE COURT: What's his name?

7 JUROR 93: Amos Durham.

8 THE COURT: Dura?

9 JUROR 93: Amos Durham, D-u-r. Amos Durham.

10 THE COURT: I'm sorry. Somebody's phone is going
11 off.

12 JUROR 93: D-u-r-h-a-m.

13 THE COURT: I'm sorry.

14 JUROR 93: That's okay.

15 THE COURT: Okay. Now, were you the lady that
16 said that you are a mandatory reporter?

17 JUROR 93: Mandatory reporter, yeah. We are with
18 the Housing Authority, so we are a mandatory reporter if
19 we see children in houses that are unfit to live in.

20 THE COURT: Okay. I got ya. Okay.

21 JUROR 93: Then I do a lot of volunteer work with
22 Healing With Hope Support Group ---

23 COURT REPORTER: I didn't hear that.

24 THE COURT: Healing with Hope, is that what you
25 said?

1 JUROR 93: Yeah, Healing With Hope Support Group
2 with Spartanburg County.

3 THE COURT: Okay.

4 SOLICITOR HALLFORD: May we ask what that deals
5 with?

6 JUROR 93: Victims with homicides, just a support
7 group.

8 THE COURT: So those are tied to the sheriff's
9 department too?

10 JUROR 93: Yeah, for the sheriff's office. They
11 support the victim advocate. They do the group.

12 THE COURT: Okay. I think that it would be best
13 if you were excused from this case, okay?

14 JUROR 93: Uh-huh.

15 THE COURT: Not for the week, okay?

16 JUROR 93: No.

17 THE COURT: But I'm gonna excuse you from this
18 case, all right?

19 JUROR 93: Okay.

20 THE COURT: Tonya, we're excusing Juror 93 from
21 this case, okay?

22 THE CLERK: Yes, ma'am.

23 THE BAILIFF: Juror 73.

24 (Juror 73 comes forward.)

25 THE COURT: Okay. And you're Ms. Jagers?

1 JUROR 73: Yes.

2 THE COURT: Yes, ma'am?

3 JUROR 73: I'm a mandatory reporter because of my
4 work, through DSS also. I plan with them. And I also
5 deal with Ohan reports.

6 THE COURT: What is that?

7 JUROR 73: We collect data on exploitation with
8 kids, because I was over caregivers. So we have cases
9 where we have to call it in if they say they were
10 negligent ---

11 THE COURT: Okay. She's taking it down, so...

12 JUROR 73: Oh, okay.

13 THE COURT: And so, is this tied to the sheriff's
14 department?

15 JUROR 73: No. No.

16 THE COURT: Okay.

17 JUROR 73: Well, they get included if it's an
18 Ohan report. They do send it there.

19 THE COURT: When is the last time that you had to
20 do that, to report through the Sheriff's Department?

21 JUROR 73: Maybe last July. Maybe last July.

22 THE COURT: Okay. If it weren't the Sheriff's
23 Department, I wouldn't be inclined, but I think I am
24 inclined to transfer her to another case.

25 JUROR 73: Okay.

1 THE COURT: She's excused from this case. So
2 you're not excused from this term, but there are other
3 types of cases that would not involve this, okay?

4 JUROR 73: All right.

5 THE COURT: Thank you. So Juror 73 is excused
6 from this case.

7 THE BAILIFF: 164.

8 (Juror 164 comes forward.)

9 JUROR 164: My father was convicted ---

10 THE COURT: Wait. 164, Mr. Wilson?

11 JUROR 164: Yes.

12 THE COURT: Yes, sir?

13 JUROR 164: My father was convicted of multiple
14 counts first, second, and third-degree criminal sexual
15 conduct with a minor, kidnapping, and tampering with
16 witnesses.

17 THE COURT: What county?

18 JUROR 164: This was a criminal county in New
19 Jersey.

20 THE COURT: Okay. How long ago?

21 JUROR 164: '17.

22 THE COURT: 2017?

23 JUROR 164: Yes.

24 THE COURT: Okay. Would that affect your ability
25 to be fair and impartial in this case?

1 JUROR 164: I don't believe so. I haven't been
2 put in this predicament.

3 THE COURT: Were you residing with him at the
4 time or did you reside with your ---

5 JUROR 164: No. I wasn't living with him. I did
6 all of his paperwork. All -- everything for the cases
7 to help him try to get whatever he was trying to
8 accomplish.

9 SOLICITOR HALLFORD: May the State be heard
10 briefly? We're getting rid of people from the sheriff's
11 office, I feel like ---

12 THE COURT: I understand.

13 Again, would that affect your ability to be fair
14 and impartial in this case?

15 JUROR 164: I don't believe so, but I can't -- I
16 don't know. I've never been put in the predicament like
17 that, so...

18 THE COURT: Okay. All right. What I'll do,
19 we're gonna transfer you to another type --

20 JUROR 164: Okay.

21 THE COURT: -- of case, okay?

22 JUROR 164: Okay.

23 THE COURT: And so, there are other cases this
24 week.

25 JUROR 164: Okay.

1 THE COURT: All right. We're gonna transfer
2 Juror 164 to another case.

3 THE CLERK: Yes, Your Honor.

4 THE COURT: But not from the term, okay?

5 JUROR 164: Okay.

6 THE BAILIFF: Juror 128.

7 (Juror 128 comes forward.)

8 THE COURT: Yes, tell me your name.

9 JUROR 128: I'm currently in ---

10 THE COURT: And you're Courtney Rice. Yes,
11 ma'am?

12 JUROR 128: I'm currently in a family court case,
13 custody and child support.

14 THE COURT: Where?

15 JUROR 128: Spartanburg County.

16 THE COURT: Okay. Is that it?

17 JUROR 128: And my fiance, he was released years
18 ago for aggravated assault.

19 THE COURT: Released from the Department of
20 Corrections?

21 JUROR 128: Ye, ma'am.

22 THE COURT: Okay. Would that affect your ability
23 to be fair and impartial in this case?

24 JUROR 128: No.

25 THE COURT: All right. Thank you, ma'am.

1 THE BAILIFF: Juror 58.

2 (Juror 58 comes forward.)

3 THE COURT: Yes, ma'am?

4 JUROR 58: First, I just need clarification on
5 serious crime. Is it a crime that has been reported or
6 not reported or happened, and is there a time duration
7 on the crime?

8 THE COURT: Okay. Just tell me what you're
9 referring to.

10 JUROR 58: Okay. I was a victim of sexual abuse.
11 It's been probably 40 years. It was never reported. It
12 was never prosecuted. It was never given the nature of
13 the person who was ---

14 THE COURT: Okay. And would that affect your
15 ability to be fair and impartial in this case?

16 JUROR 58: I don't think so.

17 THE COURT: I need a yes or a no.

18 Juror 58: No, I don't believe that it would.
19 And the other piece of -- because -- the other piece, I
20 was part of an acrimonious divorce. It wasn't -- my
21 then husband liked to keep my children forcibly from me.
22 We did call the police and they were out and we did have
23 to file a statement, but they did not press charges
24 against him in Greer.

25 THE COURT: In Greer? And how long ago was that?

1 JUROR 58: That was in 2005.

2 THE COURT: Okay. Would that affect your ability
3 to be fair and impartial?

4 JUROR 58: No.

5 THE COURT: Okay. Okay. So, I'm going back to
6 the first question, the first set of facts that you gave
7 me. Would that affect your ability to be fair and
8 impartial in this case?

9 JUROR 58: No.

10 THE COURT: Okay, thank you. That's Juror Number
11 58.

12 THE BAILIFF: Number 120.

13 THE COURT: Yes, ma'am. Please come forward.
14 Doug, you can let them get a little closer if you want
15 to.

16 Yes, ma'am, Ms.?

17 JUROR 120: Prado.

18 THE COURT: Yes, ma'am.

19 JUROR 120: I was the key witness in a sexual
20 assault case against -- that was brought up against my
21 uncle in New Jersey.

22 THE COURT: Your uncle?

23 JUROR 120: Yes.

24 THE COURT: How long ago was that?

25 JUROR 120: I was little. I want to say, like

1 early teens.

2 THE COURT: And how -- I don't have any idea how
3 old you are.

4 JUROR 120: Oh, sorry. I was probably like -- it
5 was when I was 12 years old, I'm 30 -- I'm gonna be 33,
6 like in two weeks.

7 THE COURT: Okay. Okay. So, would that affect
8 your ability to be fair and impartial in this case?

9 JUROR 120: No, I'm good.

10 THE COURT: Okay.

11 JUROR 120: It will just be traumatizing.

12 THE COURT: All right. Well...

13 JUROR 120: Just the trial part, not the
14 specifics of it. I just remember being questioned and
15 everything. And you know when you're little you're
16 like, I don't know what's going on as an adult.

17 THE COURT: So, again, I'm asking if ---

18 JUROR 120: It wouldn't affect me deciding that,
19 no.

20 THE COURT: Your ability to be fair and
21 impartial?

22 JUROR 120: No. That's not gonna affect it, no.

23 THE COURT: Okay. Juror 120, anything else?

24 JUROR 120: Nope, that was it.

25 (Juror 170 comes forward.)

1 THE COURT: Mr. --

2 JUROR 170: Zimmermann.

3 THE COURT: -- Zimmermann? Yes, sir.

4 JUROR 170: I have sexual abuse in my family and
5 my mother was assaulted by an uncle. And my sister, who
6 was assaulted by my brother. I want to say I'm
7 impartial, but I don't think I will be.

8 THE COURT: So, let me just ask then, sir, do you
9 believe that that would affect your ability to be fair
10 and impartial in this case?

11 JUROR 170: (Nods head up and down.)

12 THE COURT: Yes?

13 JUROR 170: Yes, ma'am.

14 THE COURT: Okay. And I need -- we're making a
15 record.

16 JUROR 170: Yes.

17 THE COURT: Okay. All right. So what we'll do,
18 we'll have you transferred to a different case, okay?
19 Okay.

20 JUROR 170: Yes.

21 THE COURT: Okay. So Juror 170 is going to be
22 transferred to a different case.

23 THE BAILIFF: Your Honor, 71.

24 (Juror 71 comes forward.)

25 THE COURT: 71, Mr. Howard. Yes, sir?

1 JUROR 71: I think the question was about a
2 juror's family member being a victim?

3 THE COURT: Yes, sir.

4 JUROR 71: So, about 12 years ago my wife had a
5 situation where a supervisor -- some things happened and
6 what happened was, she compartmentalized some things
7 from her childhood and she almost had a nervous
8 breakdown. She, she couldn't stay still. It took six
9 therapists. She takes medicine just to try to cope.

10 THE COURT: And, sir, would that affect your
11 ability to be fair and impartial in this case?

12 JUROR 71: I'd like to think it would not, but...

13 THE COURT: And I need just a yes or a no.

14 JUROR 71: I could be fair and impartial.

15 THE COURT: Okay. All right. Sir, I'm gonna let
16 you stay with us. Thank you, Mr. Howard. That's Juror
17 Number 71.

18 THE BAILIFF: Juror 154.

19 (Juror 154 comes forward.)

20 JUROR 154: 154, Kenny Tuckmantel.

21 THE COURT: Tuckmantel?

22 JUROR 154: Yes, ma'am.

23 THE COURT: Yes, sir.

24 JUROR 154: My wife was molested as a child by
25 her uncle. He committed suicide and I still pick her up

1 at night having nightmares.

2 THE COURT: How long ago did that happen?

3 JUROR 154: When she was in her childhood.

4 THE COURT: And how old is she now?

5 JUROR 154: 39.

6 THE COURT: And, sir, would that affect your
7 ability to be fair and impartial in this case?

8 JUROR 154: In this case, yes, ma'am.

9 THE COURT: Okay. What I'm going to do is I will
10 excuse you from this case and ask the clerk to assign
11 you to a different case this week.

12 THE CLERK: Yes, sir -- yes, ma'am. I'm sorry.

13 SOLICITOR HALLFORD: I may not know this, but our
14 investigator recognized him in the t-shirt. Volleyball
15 or something?

16 JUROR 154: Uh-huh.

17 THE COURT: Okay.

18 SOLICITOR HALLFORD: Okay. So he knows someone
19 in the office too. Just wanted to ---

20 THE COURT: All right. So, sir, there are other
21 cases that may be called this week --

22 JUROR 154: Yes, ma'am.

23 THE COURT: -- but you won't be serving on this
24 one, okay?

25 JUROR 154: Thank you.

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

2 JUROR 154: Do I come back tomorrow or what do I
3 do?

4 THE COURT: Yes, sir. Just, you can go back ---

5 JUROR 154: Or do I park my tailgate in the back
6 pew?

7 THE COURT: Yes, that's what you do, okay? Thank
8 you.

9 THE BAILIFF: Juror 28.

10 (Juror 28 comes forward.)

11 THE COURT: Yes, sir, Mr. Cooley?

12 JUROR 28: I ---

13 COURT REPORTER: Sir, can you face me, sir?

14 JUROR 28: What do I need to do?

15 THE COURT: Just -- we need to make sure that she
16 can hear. Okay.

17 JUROR 28: I've got a titanium hip with 13 screws
18 and I have to take pain medication occasionally. And I
19 just don't want that to come back in this case. It's
20 really hurting me now.

21 THE COURT: I promise you that I will do my best
22 to accommodate you if you were chosen, okay?

23 JUROR 28: All right.

24 THE COURT: You could even sit and stand as
25 needed. We could put you on the back row of the jury

1 panel.

2 JUROR 28: Okay.

3 THE COURT: If you're chosen, okay?

4 JUROR 28: All right. All right.

5 THE BAILIFF: Juror 114.

6 (Juror 114 comes forward.)

7 JUROR 114: There was a question I was a little
8 confused about like being in court. What was the
9 question again?

10 THE COURT: Okay. I asked several, several
11 questions.

12 JUROR 114: It's not about -- because I had to
13 come with my brother to a court date. It's been about
14 12 years ago. I don't remember exactly. It was -- it
15 was like, maybe, criminal, like, charges. But I did
16 speak on his behalf. His lawyer requested.

17 THE COURT: Okay. And so it was a plea?

18 JUROR 114: I guess. I mean, he didn't have to
19 do any time. He got probation. I just didn't know.

20 THE COURT: You're a good sister.

21 JUROR 114: Okay, thank you.

22 THE COURT: And so, but you don't remember
23 anything about the nature of the charges?

24 JUROR 114: No, not exactly.

25 THE COURT: Ma'am, would that affect your ability

1 to be --

2 JUROR 114: No.

3 THE COURT: -- fair and impartial in this case?

4 JUROR 114: No, ma'am.

5 THE COURT: Okay, thank you. I'm gonna let you
6 stay with us.

7 JUROR 114: Okay. Thank you, ma'am.

8 THE BAILIFF: Juror 106.

9 THE COURT: Juror 114 is staying.

10 (Juror 106 comes forward.)

11 I'm sorry, you're 10 --?

12 JUROR 106: Number 106.

13 THE COURT: 106, Ms. Murphy?

14 JUROR 106: Yes.

15 THE COURT: Yes, ma'am.

16 JUROR 106: Both of my sons are currently dealing
17 with assault charges they got at school, so I am -- and
18 they haven't -- it just happened this month, so it's
19 freshly new. So that's what ---

20 THE COURT: These are your children?

21 JUROR 106: Yeah.

22 THE COURT: And the charges are pending here in
23 Spartanburg?

24 JUROR 106: Yeah.

25 THE COURT: How old are your children?

1 JUROR 106: They're 18.

2 THE COURT: Okay. So it would be in the
3 solicitor's office?

4 JUROR 106: Yeah.

5 THE COURT: Okay.

6 SOLICITOR HALLFORD: Are they -- can I ask if
7 they're the victims or the defendants?

8 JUROR 106: Defendants.

9 THE COURT: That's what I understood.

10 SOLICITOR HALLFORD: Well, I didn't ----

11 JUROR 106: I didn't -- I can't share everything.

12 THE COURT: And so, ma'am, what I would be
13 inclined to do is transfer you to another term, maybe a
14 civil term --

15 JUROR 106: Okay.

16 THE COURT: -- of court.

17 JUROR 106: Okay.

18 THE COURT: I'm gonna transfer Juror 106 to a
19 civil term.

20 JUROR 106: Okay, thank you.

21 THE COURT: Thank you for coming up, though,
22 okay?

23 THE BAILIFF: Juror 161.

24 (Juror 161 comes forward.)

25 THE COURT: Yes, ma'am, good morning. You're Ms.

1 Wilkins?

2 JUROR 161: Hi.

3 THE COURT: Yes, ma'am.

4 JUROR 161: Yeah. I had to call DSS on my
5 sister, on her daughter. She kind of got crazy on her.

6 COURT REPORTER: I can't hear you, ma'am. I'm
7 sorry.

8 THE COURT: You can just speak right here. So
9 you called DSS on your sister?

10 JUROR 161: On my sister's daughter, yeah. She
11 kind of went crazy and she's like, she's not all the way
12 there.

13 THE COURT: How long ago was this?

14 JUROR 161: This was January -- February.

15 THE COURT: Of this year?

16 JUROR 161: Uh-huh.

17 THE COURT: Ma'am, is there anything about that
18 experience that would affect your ability to be fair and
19 impartial on this case?

20 JUROR 161: (Shakes head back and forth.)

21 THE COURT: I need for you to answer out loud.

22 JUROR 161: Oh, no.

23 SOLICITOR HALLFORD: May I ask if we know each
24 other? I can't see your whole face, but I feel like I
25 know you. It was your eyes. It wasn't your whole face,

1 I'm sorry.

2 THE COURT: Okay. Ma'am, is there anything else
3 that you need to tell us?

4 JUROR 161: No.

5 THE COURT: Okay. All right. So, Juror 161 is
6 gonna stay with us, okay? Thank you.

7 THE BAILIFF: Juror 35.

8 (Juror 35 comes forward.)

9 THE COURT: 35, Ms. Dawkins. Yes, ma'am?

10 JUROR 35: My son has some charges pending
11 against him.

12 THE COURT: Through the -- from the Spartanburg
13 County Sheriff's Department?

14 JUROR 35: Yes.

15 THE COURT: Okay. And are they pending in the
16 solicitor's office right now?

17 JUROR 35: He's 24, and he hasn't told me exactly
18 what's going on. I just know he has some charges
19 pending against him.

20 THE COURT: Okay. Ms. Dawkins, what I'd be
21 inclined to do is move you to a civil term.

22 JUROR 35: Okay.

23 THE COURT: Okay?

24 JUROR 35: All right.

25 THE COURT: Okay. And so, I'll ask Ms. Dawkins

1 can be transferred to a civil term, okay?

2 THE CLERK: Yes, ma'am.

3 THE COURT: Thank you, ma'am. Thank you for
4 coming up, okay?

5 THE BAILIFF: Your Honor, 48.

6 (Juror 48 comes forward.)

7 THE COURT: Yes, sir.

8 JUROR 48: Good afternoon, Judge Knie.

9 THE COURT: Yes, sir.

10 JUROR 48: So we represent the sheriff's
11 department and the solicitor's office. Odom Bomar. I
12 represented Chuck Wright and others, so I think it's
13 just pretty important for y'all to know.

14 THE COURT: Yes, it is. So what we'll do, I just
15 dont see any way around transferring you to a civil
16 term, okay? That would make more sense. All right. So
17 we're going to transfer 48 to a civil term.

18 JUROR 48: Thank you, I appreciate it.

19 THE COURT: Thank you.

20 THE BAILIFF: Juror 24.

21 (Juror 24 comes forward.)

22 JUROR 24: Yes. I was ---

23 THE COURT: Yes, ma'am. You're Juror 24, Ms.
24 Clary?

25 JUROR 24: Yes.

1 THE COURT: Yes, ma'am?

2 JUROR 24: I have served on a civil and criminal
3 case in this courtroom before.

4 THE COURT: About how long ago?

5 JUROR 24: One was about six years ago and the
6 other one was probably about 10 or 12.

7 THE COURT: And is there anything about that
8 experience that would affect your ability to be fair and
9 impartial in this case?

10 JUROR 24: No.

11 THE COURT: Okay, thank you, ma'am.

12 JUROR 24: Thank you.

13 THE BAILIFF: Juror 12.

14 JUROR 12: Number 12.

15 THE COURT: Yes, sir, Mr. Bowling?

16 JUROR 12: Yes, ma'am. So my wife was a victim
17 of date rape. She was drunk. This was before we moved
18 here and it's been about ten years, so I think I
19 probably do have a bias.

20 THE COURT: Okay. And so let me ask, sir, do you
21 believe that that situation with your wife would affect
22 your ability to be fair and impartial in this case?

23 JUROR 12: I think so.

24 THE COURT: Okay. Okay. So what we'll do, I'm
25 gonna remove you from this case.

1 JUROR 12: Yes, ma'am.

2 THE COURT: But you will not be removed from the
3 term. There are other types of cases we'll be handling,
4 okay?

5 JUROR 12: That's perfect. Thank you very much.

6 THE COURT: All right, thank you. That's Juror
7 number 12 will be transferred from this case, okay?

8 THE CLERK: Yes, ma'am.

9 THE COURT: Anyone else?

10 No response.

11 Okay. And now that I've got you all up here, any
12 other questions you want me to ask them?

13 MR. SANFORD: I have none.

14 SOLICITOR HALLFORD: No, ma'am.

15 THE COURT: Okay. And, Julie, you got that on
16 the record, no further questions?

17 COURT REPORTER: Yes, ma'am.

18 THE COURT: All right, thank you.

19 (Discussion held off the record with the clerk of
20 court.)

21 THE COURT: Okay. And so, one more time. Is
22 there anyone else that needs to respond to any question
23 that I have asked and you have not?

24 (No response.)

25 Okay. If y'all will bear with us for just a few

1 moments, we will have our list. With computers it takes
2 no time at all. It used to be that we had someone pull
3 each number from a basket and that took a long time.

4 THE CLERK: When your juror name and number is
5 called, please bring all your belongings to the bailiff
6 standing in the center aisle.

7 Juror 107, Michael Nappier.

8 (White male comes forward.)

9 What says the State?

10 SOLICITOR HALLFORD: Please present the juror.

11 THE CLERK: What says defense?

12 MR. SANFORD: Please seat this juror.

13 THE CLERK: Number 28, Wendell Cooley.

14 (White male comes forward.)

15 What says the State?

16 SOLICITOR HALLFORD: Please excuse this juror.

17 THE CLERK: 43, Kevin Duthie.

18 (White male comes forward.)

19 What says the State?

20 SOLICITOR HALLFORD: Please present the juror.

21 THE CLERK: What says defense?

22 MR. SANFORD: Please seat this juror.

23 THE CLERK: 111, Celicia Palmore.

24 (Black female comes forward.)

25 What says the State?

1 SOLICITOR HALLFORD: Please present the juror.
2 THE CLERK: What says defense?
3 MR. SANFORD: Please excuse this juror.
4 THE CLERK: Number 29, Brandon Copeland.
5 (Black male comes forward.)
6 What says the State?
7 SOLICITOR HALLFORD: Please excuse the juror.
8 THE CLERK: Number 66, Precious Her.
9 (Asian woman comes forward.)
10 What says the State?
11 SOLICITOR HALLFORD: Please present the juror.
12 THE CLERK: What says defense?
13 MR. SANFORD: Please seat this juror.
14 THE CLERK: 149, Lyudmyla Susidenko.
15 (White female comes forward.)
16 What says the State?
17 SOLICITOR HALLFORD: Please present the juror.
18 THE CLERK: What says defense?
19 MR. SANFORD: Please excuse this juror.
20 THE CLERK: 135, Frederic Scott.
21 (Black male comes forward.)
22 What says the State?
23 SOLICITOR HALLFORD: Please present the juror.
24 THE CLERK: What says defense?
25 MR. SANFORD: Please seat this juror.

1 THE CLERK: Number 82, Seher Kul.
2 (White female comes forward.)
3 What says the State?
4 SOLICITOR HALLFORD: Please present the juror.
5 THE CLERK: What says defense?
6 MR. SANFORD: Please excuse this juror.
7 THE CLERK: Number 5, Robert Barefoot.
8 (White male comes forward.)
9 THE CLERK: What says the State?
10 SOLICITOR HALLFORD: Please present the juror.
11 THE CLERK: What says defense?
12 MR. SANFORD: Please seat this juror.
13 THE CLERK: Number 58, Malla Hart.
14 (White female comes forward.)
15 What says the State?
16 SOLICITOR HALLFORD: Please present the juror.
17 THE CLERK: What says defense?
18 MR. SANFORD: Please excuse this juror.
19 THE CLERK: Number 32, Rebecca Croon.
20 (White female comes forward.)
21 What says the State?
22 SOLICITOR HALLFORD: Please present the juror.
23 THE CLERK: What says defense?
24 MR. SANFORD: Please seat this juror.
25 THE CLERK: Number 45, Matthew Everette.

1 (White male comes forward.)
2 What says the State?
3 SOLICITOR HALLFORD: Please present the juror.
4 THE CLERK: What says defense?
5 MR. SANFORD: Please seat this juror.
6 THE CLERK: Number 95, Robert McKelvey.
7 (White male comes forward.)
8 What says the State?
9 SOLICITOR HALLFORD: Please excuse the juror.
10 THE CLERK: Number 120, Dana -- Diana Prado.
11 (Hispanic female came forward.)
12 What says the State?
13 SOLICITOR HALLFORD: Please present this juror.
14 THE CLERK: What says defense?
15 MR. SANFORD: Please excuse this juror.
16 THE CLERK: 119, Mary Jane Poole.
17 (White female comes forward.)
18 What says the State?
19 SOLICITOR HALLFORD: Please excuse the juror.
20 THE CLERK: 139, Daniel L. Shook.
21 (White male comes forward.)
22 What says the State?
23 SOLICITOR HALLFORD: Please present the juror.
24 THE CLERK: What says defense?
25 MR. SANFORD: Please excuse this juror.

1 THE CLERK: Number 26, Nathan Coe.
2 (White male comes forward.)
3 What says the State?
4 SOLICITOR HALLFORD: Please present the juror.
5 THE CLERK: What says defense?
6 MR. SANFORD: Please seat this juror.
7 THE CLERK: 161, Gabrielle Wilkins.
8 (Black female comes forward.)
9 What says the State?
10 SOLICITOR HALLFORD: Please excuse the juror.
11 THE CLERK: Number 90, Brittney Martin.
12 (Black female comes forward.)
13 What says the State?
14 SOLICITOR HALLFORD: Please present the juror.
15 THE CLERK: What says defense?
16 MR. SANFORD: Please excuse this juror.
17 THE CLERK: 33, Bradley Culbreth.
18 (White male comes forward.)
19 What says the State?
20 SOLICITOR HALLFORD: Please present the juror.
21 THE CLERK: What says defense?
22 MR. SANFORD: Pleas seat this Juror.
23 THE CLERK: 85, Robert Lawter.
24 (White male come forward.)
25 What says the State?

1 SOLICITOR HALLFORD: Please present the juror.
2 THE CLERK: What says defense?
3 MR. SANFORD: Please excuse this juror.
4 THE CLERK: 87, Demetre Liguori.
5 (Black male comes forward.)
6 What says the State?
7 SOLICITOR HALLFORD: Please present the juror.
8 THE CLERK: What says defense?
9 MR. SANFORD: Please seat this juror.
10 THE CLERK: 118, Hailey Pondor.
11 (White female comes forward.)
12 What says the State?
13 SOLICITOR HALLFORD: Please present the juror.
14 THE CLERK: What says defense?
15 MR. SANFORD: Please excuse this juror.
16 THE CLERK: Number 17, Esther Carmon.
17 (Black female comes forward.)
18 What says the State?
19 SOLICITOR HALLFORD: Please present the juror.
20 THE CLERK: What says defense?
21 MR. SANFORD: Please excuse this juror.
22 THE CLERK: Number 76, Joy Johnson.
23 (White female comes forward.)
24 What says the State?
25 SOLICITOR HALLFORD: Please present the juror.

1 THE CLERK: What says defense?
2 MR. SANFORD: Please seat this juror.
3 THE CLERK: Number 4, Tim Bandigas.
4 (Asian Male come forward.)
5 What says the State?
6 SOLICITOR HALLFORD: Please present the juror.
7 THE CLERK: What says defense?
8 MR. SANFORD: Please seat this juror.
9 THE CLERK: This will be for the alternate, the
10 first alternate. 127, Joshua Reeves.
11 (White male comes forward.)
12 What says The State?
13 SOLICITOR HALLFORD: Please excuse the juror.
14 THE CLERK: Number 10, Mario Borja.
15 (Hispanic male comes forward.)
16 THE CLERK: What says the State?
17 SOLICITOR HALLFORD: Please seat the juror.
18 THE CLERK: What says defense?
19 MR. SANFORD: Please seat this juror.
20 THE CLERK: Number 21, Zach Cato.
21 (White male comes forward.)
22 What says the State?
23 SOLICITOR HALLFORD: Please present the juror.
24 THE CLERK: What says defense?
25 MR. SANFORD: Please seat this juror.

1 THE CLERK: Your Honor, jury selection is
2 complete.

3 THE COURT: Okay, thank you. Let me have the
4 lawyers come up for just a moment, please.

5 (Bench conference was held off the record.)

6 Everyone be at ease for just a moment, okay?

7 (In-chambers conference was held off the record.)

8 (Court resumes bench.)

9 THE COURT: Okay. Before I give y'all
10 instructions, I want to confer with the real folks in
11 charge. If I could have the bailiffs come up and talk
12 with me. We'll just step right back out.

13 (In chambers conference was held off the record.)

14 (Court resumes the bench.)

15 THE COURT: Okay. Ladies and gentlemen, there
16 are some issues that I have to take up with the lawyers,
17 all right? And I know that y'all have been here since,
18 some of you before 9 o'clock this morning, and are ready
19 for a break or ready to go get some lunch. And so, what
20 I am going to do, I am going to ask that the big
21 group -- first of all, everybody needs to understand
22 that y'all are going to lunch, every one of the jurors,
23 okay? Whether you have been selected to be on the jury
24 or you're still in our panel, y'all are going to lunch
25 and coming back at 3:30, because I have to take up some

1 matters of law on the record with the attorneys, and we
2 are going to do that while y'all are gone, okay?

3 Y'all get to go to lunch. They may get to drink
4 some water or something, I don't know. But we'll work
5 all that out with them. But I just, I want to make the
6 best use of you all's time. And so, the folks that I
7 have -- let me see. Let me talk to Tonya. The folks
8 that I've excused from this case, they can go?

9 THE CLERK: Okay.

10 THE COURT: So if I told you, you were excused
11 from serving on the trial of this case, stand up for me,
12 please. Okay. And y'all will need to call back tonight
13 after 6 o'clock, okay, for further instructions about
14 whether or not you will be needed at another trial
15 beginning tomorrow. Then when you call after six, it's
16 going to -- it'll tell you instructions and when to call
17 back again. That keeps you from having to come down
18 here every day, okay? Y'all were given a sheet of
19 paper. Y'all were given a sheet of paper with a phone
20 number on it; is that correct?

21 THE CLERK: Yes, ma'am. They should have been
22 given the pamphlet.

23 THE COURT: Tonya, is this it?

24 THE CLERK: Yes. Have y'all been given the --
25 okay. So they have not been given the blue paper yet.

1 We will give them.

2 THE COURT: Okay. So if they go back to their
3 jury assembly room --

4 THE CLERK: Yes, ma'am, they will be given the
5 pamphlet.

6 THE COURT: With a phone number on it?

7 THE CLERK: Yes, ma'am.

8 THE COURT: Okay. And you will call that number
9 after 6 o'clock tonight. So why don't we let y'all go
10 first. Thank you very much for your patience and your
11 time.

12 (Excused jurors left the courtroom.)

13 Okay. Those of you who were not excused
14 initially by me from this case, okay, y'all go to lunch
15 and be back in your jury assembly room at 3:30, okay?
16 You are to tell the bailiffs, who will be looking for
17 you, that you are to go to the jury assembly room. All
18 right? And so, I'm going to let y'all go and be back at
19 3:30. And do they go through the jury assembly room?

20 THE BAILIFF: No. She's got them.

21 THE COURT: Okay. What do they do with their
22 name tags?

23 THE BAILIFF: They'll take them.

24 THE COURT: Okay. All right. And don't talk to
25 anyone you see. If you see the lawyers, don't say

1 hello. They're not supposed to speak to anybody, okay?
2 Anybody about this case. And so it's best just to
3 remain as quiet as possible.

4 (Jury panel leaves courtroom.)

5 Okay. The members of the jury, y'all are also
6 going to be excused until 3:30. And y'all are going to
7 go through this door, which is where your jury room is,
8 all right? And the bailiffs are going to give you --
9 let me see that.

10 Okay. Well for now they are coming back at 3:30,
11 okay? And y'all are to tell the bailiffs -- they have a
12 list with you all's names and you're to tell them that
13 you're on Judge Knie's jury, okay? And you're to come
14 into your jury room. And so, that will keep y'all
15 separated. And then we will move along after y'all get
16 back. I'll see y'all at 3:30.

17 Don't talk about this with anyone. Y'all aren't
18 to talk -- right now y'all don't know anything about it
19 anyway, but y'all aren't to talk, speculate, do any
20 research, call anyone, tell anyone anything specific
21 about the case. You can say that you've been chosen and
22 you're excited about it. And that y'all get to go to
23 lunch and come back at 3:30. And then, hopefully, we'll
24 be able to move on very quickly after that, all right?

25 All right, thank you. And my alternates will sit

1 where they are when they come back. Everyone else can
2 move around, okay?

3 JUROR: Ma'am, I left my book in the jury
4 assembly room, will I be able to get that back? It was
5 a present.

6 THE COURT: Sure. Sure. You'll get it back. Do
7 you have ---

8 JUROR: The name of the book? It's Points Of
9 Common Sarcasm.

10 THE COURT: Okay. Well, I ---

11 JUROR: It's funny, okay?

12 THE COURT: Okay. Well, anyway, one of the
13 bailiffs should be able to bring it to you.

14 THE BAILIFF: I'll get it for you.

15 JUROR: I also left a book. It was on genealogy
16 wars.

17 THE BAILIFF: It was a hardback, right? It was a
18 hardback book?

19 JUROR: Yes, ma'am.

20 THE BAILIFF: Was yours a hardback book?

21 JUROR: No, mine's soft.

22 THE BAILIFF: Okay. I'll get it. I promise you
23 I'll get them. It's just a notebook. It's here laying
24 around and it's in the front somewhere.

25 THE BAILIFF: I'll get it.

1 THE COURT: All right. I'll see you all at 3:30.

2 (Jury leaves the courtroom at 1:50 p.m.)

3 THE COURT: Okay. So let me now talk to lawyers.
4 Why don't y'all just be prepared to be back in here at
5 2:45, okay?

6 MR. SANFORD: Yes, ma'am.

7 THE COURT: Thank y'all.

8 SOLICITOR HALLFORD: Thank you.

9 (A lunch recess was had from 1:56 p.m. - 2:53
10 p.m.)

11 THE COURT: Okay. We are back on the record.
12 And this would be with regard to the matter of The State
13 versus Donald King Pollock. And we had completed
14 selecting the jury with two alternates, and I asked if
15 there were any objections to the jury selection and the
16 State indicated that there was. I wanted you all to
17 have a chance to eat something and take a break. I know
18 it's been a long morning, and it was also a long
19 morning, I'm sure, for the jury. So I have let them go
20 to lunch and they are to return in about 35 minutes.

21 I hope y'all have had time during our very short
22 break to at least gather your thoughts about the motion
23 and any responses thereto. Okay? And so, we will now
24 go on the record with regard to the State's Batson
25 challenge under Batson v. Kentucky, U.S. Supreme Court

1 case 1986.

2 Ms. Hallford?

3 SOLICITOR HALLFORD: Yes, sir, Your Honor [sic],
4 the defense exercised nine strikes, eight of them were
5 against females. Specifically, one, two -- excuse me,
6 two black female -- three black females and four -- 1,
7 2, 3, 4, 5.

8 THE COURT: I had ten strikes. Was it nine
9 strikes?

10 MS. HALLFORD: Oh, was it more than nine?

11 MR. SANFORD: That's what I had, Your Honor. I
12 had ten.

13 SOLICITOR HALLFORD: Okay. So apparently I
14 missed something.

15 THE COURT: First of all, why don't we do this,
16 let's identify the strikes. And then what I thought we
17 could do, to help me, is y'all just go
18 through one-by-one and we'll do one at a time. And then
19 I may take a short recess and come back in on it, okay?
20 So, let me -- let me see. Let me just do it -- well,
21 okay.

22 So, the first strike that I have for the
23 defendant is Juror Number 111. Is that what y'all have?

24 MS. HALLFORD: That's what I have.

25 THE COURT: Okay. And then I have the second

1 strike being Juror 149.

2 MS. HALLFORD: Yes, ma'am.

3 THE COURT: The third strike being 82.

4 MS. HALLFORD: Yes, ma'am.

5 THE COURT: Fourth being Juror 58.

6 MS. HALLFORD: Yes, ma'am.

7 MR. SANFORD: Uh-huh.

8 THE COURT: The fifth being Juror 120. The sixth
9 being Juror 139.

10 MS. HALLFORD: Yes, ma'am.

11 THE COURT: The seventh being Juror 90. The
12 eighth being Juror 85.

13 MS. HALLFORD: Okay. I missed that one.

14 THE COURT: Robert C. Lawter.

15 MS. HALLFORD: Okay.

16 THE COURT: The ninth being Juror 118. And the
17 tenth being Juror 17. And then as to the alternates,
18 did the defendant use any strikes on the alternates?

19 MR. SANFORD: I don't believe so, Your Honor. I
20 think the State used one strike.

21 MS. HALLFORD: I struck one.

22 THE COURT: 127. All right. And then, so the
23 first alternate was juror number --

24 MS. HALLFORD: Ten.

25 THE COURT: -- ten. And the second alternate was

1 juror number 21. So I don't think the defendant used
2 any strikes on that.

3 So, understanding that, what I'd like to do is
4 have the movement, this being the State or the person
5 objecting to the strike, being the State, has a burden
6 to show that -- or to make a prima facie showing about
7 the strike. And then I will let Mr. Sanford respond.
8 And why don't we go down each one, and we'll just do
9 them all, okay?

10 SOLICITOR HALLFORD: Your Honor, the State's
11 position is that a prima facie showing is that out of
12 ten strikes he struck eight females. And that's very
13 concerning because you cannot strike because of gender.
14 So regarding Juror Number 111, his first strike, that is
15 a black female.

16 THE COURT: Okay. And so, let me hear ---

17 MR. SANFORD: From me, Your Honor?

18 THE COURT: Yes, sir.

19 MR. SANFORD: Thank you, Your Honor. My
20 reasoning for striking Juror Number 111, was that she
21 stated during voir dire that she volunteered with
22 children. She also had family in law enforcement. So
23 that was my reason for striking her.

24 THE COURT: Okay. Do you remember that?

25 SOLICITOR HALLFORD: Yes, I do. And that would

1 be a gender neutral reason.

2 THE COURT: Okay. Let's take up, this would be
3 149. And, unfortunately, I could probably hear that
4 name 50 times and still not be able to pronounce it
5 correctly, Lyudmyla O. Susidenko, right? Okay. And
6 that was Juror Number 149. This is the second strike.

7 SOLICITOR HALLFORD: Yes, Your Honor. She never
8 said anything. She never came forward. She's a nurse
9 and her husband is self-employed, so it's interesting to
10 me what the ---

11 MR. SANFORD: Your Honor, I struck her due to her
12 occupation as a nurse. I know that there could be some
13 technical aspects that we get into with, at least, a
14 pediatrician testifying. And so, her occupation was the
15 reason for my strike there.

16 THE COURT: Okay. Anything else from the State
17 as to this one?

18 SOLICITOR HALLFORD: Did you seat any other
19 nurses? May we enquire if he seated any other nurses?

20 MR. SANFORD: I don't believe that I did, Your
21 Honor.

22 THE COURT: Okay, next, Juror 82?

23 SOLICITOR HALLFORD: Your Honor, this is also a
24 white female. She also never came forward on anything.
25 She just did the initial questions. She's a procurement

1 manager and her husband works in the automotive
2 industry.

3 MR. SANFORD: Your Honor, my reason for striking
4 there is that when we were doing the initial
5 qualification of the jury, I thought that it seemed as
6 if maybe her English wasn't her first language, and I
7 thought there might be a little discrepancy on what she
8 could understand. I don't know that, but that was my
9 only concern on that one, and that was my reason for the
10 strike.

11 SOLICITOR HALLFORD: Your Honor, that would be a
12 race based strike. She was asked, is there anyone who
13 cannot understand, speak, write the English language,
14 she did not stand up. She did not appear to have any
15 issues with understanding or answering questions. The
16 State's position is that is not a gender neutral strike.

17 MR. SANFORD: Your Honor, I would say that's not
18 a race-based strike, that's a knowledge strike.

19 THE COURT: Let's keep going. Number 58, Malla
20 Hart.

21 SOLICITOR HALLFORD: Your Honor, that's a white
22 female.

23 MR. SANFORD: Your Honor, she had previously
24 disclosed that she was a victim of some sort of sexual
25 abuse that was never prosecuted, and that was my reason

1 for the strike.

2 THE COURT: Just one minute. Okay. I do have
3 that in my notes, okay? Okay. The next one, Juror
4 Number 120, Ms. Diana Prado.

5 SOLICITOR HALLFORD: Oh, I'm sorry, Your Honor.
6 That's a white female.

7 THE COURT: I think it's listed as Hispanic on
8 our roll.

9 SOLICITOR HALLFORD: Oh, it is? Okay.

10 THE COURT: But...

11 MR. SANFORD: And, Your Honor, she has disclosed
12 that she was a star witness in a sexual assault case,
13 and so that was my reason for striking her.

14 THE COURT: Okay. I do remember her. I don't
15 know if she used the word "star" witness, but she was,
16 was very young.

17 MR. SANFORD: She was -- yes, ma'am.

18 THE COURT: And it was a family member.
19 Okay. 139?

20 SOLICITOR HALLFORD: That's a white male.

21 THE COURT: Okay. Is there any objection by the
22 State as to that?

23 SOLICITOR HALLFORD: No, ma'am.

24 THE COURT: Okay. Juror Number 90, Brittney
25 Martin.

1 SOLICITOR HALLFORD: Black female.

2 MR. SANFORD: Your Honor, the reason I struck her
3 is that she said that she had two family members that
4 worked for the -- in Banfield County. I believe one was
5 a sheriff's officer and one was a game warden.

6 THE COURT: Okay. Anything else on Juror Number
7 90?

8 SOLICITOR HALLFORD: No, ma'am.

9 THE COURT: 85 is a white male. Any objection
10 from the State?

11 SOLICITOR HALLFORD: No challenge from the State.

12 THE COURT: Okay. Juror 118, Hailey Pondor.

13 SOLICITOR HALLFORD: White female. She said
14 nothing in -- other than the basic questions that she
15 has to answer. She's employed at Fluor.

16 MR. SANFORD: And, Your Honor, watching her
17 through all the questioning and everything, her general
18 demeanor to me seemed like she'd be sympathetic to the
19 State's case, and that's why I decided to strike her.

20 SOLICITOR HALLFORD: Can we get specifics on how
21 we can tell from demeanor that someone would be
22 sympathetic to the State's case?

23 MR. SANFORD: Your Honor, I believe at this point
24 I don't have to make any argument, I mean under Batson,
25 that is persuasive. All I have to give is a non-gender

1 neutral reasoning. And, Your Honor, I'm looking at all
2 of the jury while this is happening.

3 I see some of them shaking their heads when they
4 hear things. I see people looking down when they hear
5 things. I see people looking more active in their eyes.
6 I see more people -- some people looking more, you know,
7 closed in, more like they're introverted. And so, based
8 on those demeanors, that factors into my strike and I
9 struck her based on her demeanor.

10 THE COURT: And then the last one, Juror Number
11 17, Carmon Esther -- no, I'm sorry, Esther Carmon,
12 right?

13 SOLICITOR HALLFORD: I have her as a black
14 female.

15 MR. SANFORD: And, Your Honor, she had multiple
16 things where she did some volunteer work. She also
17 works as a rape crisis center. She works as a
18 babysitter, and that's the reason that I struck her.

19 THE COURT: I remember she stood up numerous
20 times, okay, regarding her work at Safe Homes. Okay.
21 Anything else?

22 SOLICITOR HALLFORD: Your Honor, some of his
23 reasons for striking are clearly gender neutral, but he
24 struck an individual because in his opinion she doesn't
25 understand English well enough. Your Honor addresses

1 that with your questioning and she was able to respond
2 perfectly adequately.

3 And then he says that he watched Juror Number
4 118's demeanor and thought that she'd be beneficial to
5 the State's case. If that's the standard for overcoming
6 Batson, just saying I presented a general neutral reason
7 that really has no basis in fact, he could not point to
8 something specific about her, then the State believes
9 that he struck her because she is a female.

10 MR. SANFORD: And, Your Honor, I would, I would
11 say that, you know, I don't know whether she -- yes, she
12 can understand the English language, but I don't know
13 once we start getting into arguments and things like
14 that in front of the jury, I wasn't sure that she would,
15 you know, necessarily understand them.

16 I also believe that my other individual that the
17 State is challenging -- you know, she can sit there and
18 say it's not, you know, I can just not say specifics,
19 but at the same time I have to take into account not
20 only what's on the sheet of paper, but I also have to
21 take into account what their emotional state and their
22 demeanor in this courtroom is.

23 And if I feel like I don't think somebody's
24 demeanor would be beneficial to my case or I don't
25 believe that they would be somebody that I'd want on the

1 jury, I should be able to strike that person because
2 that is a general neutral reason, whether they're a man
3 or a woman or anything else.

4 So, Your Honor, I don't believe that I have
5 struck people for gender specific reasons. I believe I
6 remained gender neutral through the whole jury process,
7 and I would ask you to keep the jury remain seated as
8 we, as we have chosen.

9 THE COURT: Okay. Anything else from the State?

10 SOLICITOR HALLFORD: Just briefly, Your Honor. I
11 watched the jury too, and when there is an issue of
12 demeanor, I write down what it was. And I did have a
13 juror who rolled her eyes and I was watching her when
14 she was being sworn and there was a delay when everyone
15 else said yes and then she said yes. And I made notes
16 of that. So I'm just inquiring, is this -- does he even
17 know that this is the same juror that he was looking at
18 at the time? Did he make notes about it, or is this
19 just something that has come out now because he needs a
20 gender neutral reason?

21 MR. SANFORD: No, Your Honor. I believe that
22 this was a woman who was probably about 5'7". She had
23 long blond hair. I believe she had a tattoo on her
24 calf. She was wearing mostly black. I believe she
25 works in retail. So, yes, I do know exactly who that

1 juror was. And, yes, that was my reasoning for it.

2 THE COURT: Okay. All right. So I'll be back
3 with y'all in just a few minutes. Y'all be at ease for
4 about ten minutes.

5 MR. SANFORD: Thank you, Your Honor.

6 SOLICITOR HALLFORD: Thank you, Your Honor.

7 THE COURT: Thank you.

8 (Recess was had from 3:40 - 3:49 p.m.)

9 THE COURT: Let me talk to the lawyers for just a
10 second. The problem is I don't have a place to talk to
11 you. Maybe we could -- maybe we could just come right
12 over here, okay?

13 (A sidebar conference was held off the record.)

14 THE COURT: Okay, counsel, are we ready?

15 SOLICITOR HALLFORD: The State's ready.

16 THE COURT: Okay.

17 MR. SANFORD: The defense is ready, Your Honor.

18 THE COURT: Okay. I have considered in detail
19 the State's motion, and while I do understand the
20 majority of the strikes that were made by the defendant
21 were gender neutral, there are two that give me
22 concerns, specifically as to Juror 82 and Juror 118.
23 And I am going to take it to the third part of the
24 *Batson* consideration and find that those strikes were a
25 pre -- the reasons given were a pretext concerning

1 gender. Both of these jurors were white females. And
2 so, with that, the proper procedure will be that I will
3 now quash the jury and we will draw another jury. And
4 the process will begin again de novo.

5 And I am basing this on my understanding of our
6 case law, not only under Batson, but under *Easler*,
7 *Jones*, *Stewart*, *Oglesbee*, okay? And so, with that, I
8 will ask if the jury can be brought around. Or, I'll
9 tell you what, the jurors that were excused from this
10 case do not need to be brought around. And those are
11 the jurors that were told to call back after 6 o'clock
12 tonight. They were excused from this case only.

13 But the rest of the venire that went to the grand
14 jury room, and then the jurors that are in this jury
15 room need to come out and they are going to be put back
16 together, okay, got it?

17 And, Madam Clerk, we will need a new list.

18 THE CLERK: Yes, ma'am.

19 THE COURT: Anything from the State?

20 SOLICITOR HALLFORD: Nothing from the State.

21 THE COURT: Anything from the defendant before
22 the jury comes in?

23 MR. SANFORD: Nothing, Your Honor.

24 THE COURT: Okay. Thank y'all. I know y'all
25 have had a long day. I'm sure y'all are exhausted.

1 Thank you.

2 SOLICITOR HALLFORD: Thank you, Your Honor.

3 THE COURT: All right, yes, ma'am. And I'll
4 explain it to them. They're actually gonna come back.
5 Did they get their items that they wanted?

6 THE BAILIFF: Yes, ma'am. I put it in there.

7 THE COURT: Okay. So they are coming back and I
8 will explain it to them. They're going to be seated.

9 (Jury enters courtroom at 3:51 p.m.)

10 THE COURT: Thank y'all. If y'all will be seated
11 again in the gallery. Y'all have your personal
12 belongings, I hope?

13 (All nod heads up and down.)

14 Madam Solicitor and counsel for the defendant,
15 can you come up for just a minute?

16 (Bench conference was held off the record.)

17 (Jury panel enters courtroom at 3:56 p.m.)

18 THE COURT: All right. I'm looking at Mr. Lee,
19 Mr. Bailiff, are we ready?

20 THE BAILIFF: Yes.

21 THE COURT: Okay. All right. Thank y'all.
22 Okay. So my first question is, if y'all were excused
23 from this case, did anyone come back that was excused
24 from this case?

25 (No response.)

1 Okay. So y'all just want to serve so badly, it's
2 so exciting. Okay. All right. But I need for y'all to
3 stand up for me and we're gonna start by getting your
4 juror numbers, okay? We just want to make sure that we
5 have done that correctly, okay?

6 And so -- just one moment.

7 Yes, sir?

8 JUROR 12: 12.

9 JUROR 93: 93.

10 JUROR 164: 164.

11 JUROR 35: 35.

12 JUROR 73: 73.

13 JUROR 106: 106.

14 JUROR 154: 154.

15 JUROR 63: 63.

16 JUROR 40: 40.

17 THE COURT: Anyone else?

18 JUROR 85: 85.

19 THE COURT: Okay. Give me just one moment, okay?
20 And so, if y'all were excused from this case, I'm going
21 to allow y'all to leave and call back this evening after
22 6 o'clock. All right? Take your belongings with you,
23 please, and call back after 6 o'clock. If you were
24 excused from this case during the questioning.

25 JUROR 119: 119?

1 THE COURT: No. You were not excused before we
2 -- no.

3 JUROR 119: Okay. All right.

4 THE COURT: Okay.

5 MR. SANFORD: Your Honor?

6 THE COURT: Yes.

7 MR. SANFORD: Can I approach real quick?

8 THE COURT: Yes, sir.

9 (Bench conference was held off the record.)

10 Y'all bear with us just one moment, okay?

11 Y'all be at ease for just one moment.

12 (Court leaves the bench.)

13 (Court resumes the bench.)

14 THE COURT: Okay. Thank you. Counsel, if y'all
15 can come up.

16 (Bench conference was held off the record.)

17 THE COURT: Okay. And so, Juror Number 85 is
18 still with us, Okay? Okay, thank you. Please be
19 seated. Okay. Anything else, counsel, before we begin
20 our jury selection anew?

21 SOLICITOR HALLFORD: Nothing from the State.

22 MR. SANFORD: Nothing from the defense, Your
23 Honor.

24 THE COURT: Okay. And so, I will now ask our
25 clerk, we will start our jury selection de novo.

1 THE CLERK: Once again, when your juror number is
2 called, please meet the bailiff in the center of the
3 aisle, bring all of your belongings. And once you are
4 selected for the jury, please have a seat in the jury
5 box.

6 Number 66, Precious Her.

7 (Asian female comes forward.)

8 What says the State?

9 SOLICITOR HALLFORD: Please present the juror.

10 THE CLERK: What says defense?

11 MR. SANFORD: Please seat this juror.

12 THE CLERK: 29, Brandon Copeland.

13 (Black male comes forward.)

14 What says the State?

15 SOLICITOR HALLFORD: Please excuse the juror.

16 THE CLERK: 99, Shaun Melton.

17 (White male comes forward.)

18 What says the State?

19 SOLICITOR HALLFORD: Please present the juror.

20 THE CLERK: What says defense?

21 MR. SANFORD: Please seat this juror.

22 THE CLERK: 135, Frederic Scott.

23 (Black male comes forward.)

24 What says the State?

25 SOLICITOR HALLFORD: Please seat the juror.

1 THE CLERK: What says defense?
2 MR. SANFORD: Please seat this juror.
3 THE CLERK: 82, Seher Kul.
4 (White female comes forward.)
5 What says the State?
6 SOLICITOR HALLFORD: Please present the juror.
7 THE CLERK: What says the defense?
8 MR. SANFORD: Please seat this juror.
9 THE CLERK: 107, Michael Nappier.
10 (White male comes forward.)
11 What says the State?
12 SOLICITOR HALLFORD: Please present the juror.
13 THE CLERK: What says defense?
14 MR. SANFORD: Please seat this juror.
15 THE CLERK: 26, Nathan Coe.
16 (White male comes forward.)
17 What says the State?
18 SOLICITOR HALLFORD: Please present the juror.
19 THE CLERK: What says defense?
20 MR. SANFORD: Please seat this juror.
21 THE CLERK: 119, Mary Jane Poole.
22 (White female comes forward.)
23 What says the State?
24 SOLICITOR HALLFORD: Please excuse the juror.
25 THE CLERK: 32, Rebecca Croon.

1 (White female came forward.)
2 What says the State?
3 SOLICITOR HALLFORD: Please present the juror.
4 THE CLERK: What says defense?
5 MR. SANFORD: Please seat this juror.
6 THE CLERK: 120, Diana Prado.
7 (Hispanic female comes forward.)
8 What says the State?
9 SOLICITOR HALLFORD: Please present the juror.
10 THE CLERK: What says defense?
11 MR. SANFORD: Please excuse this juror.
12 THE CLERK: 43, Kevin Duthie.
13 (White male comes forward.)
14 What says the State?
15 SOLICITOR HALLFORD: Please present the juror.
16 THE CLERK: What says defense?
17 MR. SANFORD: Please seat this juror.
18 THE CLERK: 24, Kay Clary.
19 (White female comes forward.)
20 What says the State?
21 SOLICITOR HALLFORD: Please present the juror.
22 THE CLERK: What says defense?
23 MR. SANFORD: Please seat this juror.
24 THE CLERK: 17, Esther Carmon.
25 (Black female comes forward.)

1 What says the State?

2 SOLICITOR HALLFORD: Please present the juror.

3 THE CLERK: What says defense?

4 MR. SANFORD: Please excuse this juror.

5 THE CLERK: 161, Gabrielle Wilkins.

6 (Black female come forward.)

7 What says the State?

8 SOLICITOR HALLFORD: Please excuse the juror.

9 THE CLERK: 139, Daniel Shook.

10 (White male comes forward.)

11 What says the State?

12 SOLICITOR HALLFORD: Please present the juror.

13 THE CLERK: What says defense?

14 MR. SANFORD: Please excuse this juror.

15 THE CLERK: 21, Zach Cato.

16 (White male comes forward.)

17 What says the State?

18 SOLICITOR HALLFORD: Please present the juror.

19 THE CLERK: What says the defense?

20 MR. SANFORD: Please seat this juror.

21 THE CLERK: 28, Wendell Cooley.

22 (White male comes forward.)

23 What says the State?

24 SOLICITOR HALLFORD: Please excuse this juror.

25 THE CLERK: Number 90, Brittney Martin.

1 (Black female comes forward.)
2 What says the State?
3 SOLICITOR HALLFORD: Please present the juror.
4 THE CLERK: What says defense?
5 MR. SANFORD: Please excuse this juror.
6 THE CLERK: Number 33, Bradley Culbreth.
7 (White male comes forward.)
8 What says the State?
9 SOLICITOR HALLFORD: Please present the juror.
10 THE CLERK: What says defense?
11 MR. SANFORD: Please seat this juror.
12 THE CLERK: 149, Lyudmyla Susidenko.
13 (White female comes forward.)
14 What says the State?
15 SOLICITOR HALLFORD: Please present the juror.
16 THE CLERK: What says defense?
17 MR. SANFORD: Please excuse this juror.
18 THE CLERK: 71, Robert Howard, Jr.
19 (White male comes forward.)
20 What says the State?
21 SOLICITOR HALLFORD: Please present the juror.
22 THE CLERK: What says defense?
23 MR. SANFORD: Please excuse this juror.
24 THE CLERK: 111, Celicia Palmore.
25 (Black female comes forward.)

1 What says the State?

2 SOLICITOR HALLFORD: Please present the juror.

3 THE CLERK: What says defense?

4 MR. SANFORD: Please excuse this juror?

5 THE CLERK: 137, William Shackelford.

6 (White male comes forward.)

7 What says the State?

8 SOLICITOR HALLFORD: Please present the juror.

9 THE CLERK: What says defense?

10 MR. SANFORD: Please seat this juror.

11 THE CLERK: This will be for the first alternate.

12 Number 76, Joy Johnson.

13 (White female comes forward.)

14 What says the State?

15 SOLICITOR HALLFORD: Please present the juror.

16 THE CLERK: What says defense?

17 MR. SANFORD: Please excuse this juror.

18 THE CLERK: Number 10, Mario Borja.

19 (Hispanic male comes forward.)

20 What says the State?

21 SOLICITOR HALLFORD: Please present the juror.

22 THE CLERK: What says defense?

23 MR. SANFORD: Please seat this juror.

24 THE CLERK: 158, Tiffany Westbrook.

25 (White female comes forward.)

1 What says the State?

2 SOLICITOR HALLFORD: Please present the juror.

3 THE CLERK: What says defense?

4 MR. SANFORD: Please seat this juror.

5 THE CLERK: Your Honor, the jury selection is
6 complete.

7 THE COURT: Thank you. Let me talk to the
8 lawyers.

9 (Side bar was held off the record.)

10 Okay. So, those of you who have not been
11 selected to serve on the jury on our first case of the
12 week, I want to first of all thank y'all so much for
13 your patience today and your willingness to be here. I
14 have been observing each of you and do appreciate you
15 all's willingness to be here and your patience with the
16 system.

17 I don't know if I will see y'all again this week,
18 and so if I don't, I want to thank y'all for coming and
19 serving. And I also want to brag on Spartanburg and our
20 county courthouse and all of its staff. They do a
21 wonderful job. Circuit judges get to travel around the
22 state. I was out of circuit last week for the entire
23 week. It's good to be back home this week. But I want
24 to tell you that you should be very proud of the court
25 staff here at the Spartanburg County courthouse, the

1 but he was the person who was active in her life, and
2 they did father/daughter things together. Sounds great,
3 doesn't it?

4 Her dad's gone, so she had a man who had stepped
5 up to be a dad to her, and it was great. It was great
6 until the day that it wasn't. And that day happened
7 during the summer after her fourth grade year when the
8 defendant began to touch her sexually.

9 And it started just touching her on the buttocks
10 and the breasts over her clothes, ten-years-old, what
11 would develop into breasts, and it progressed. And she
12 will tell you about that. But, ultimately, he ended up
13 digitally penetrating her vagina multiple times. He
14 would take her little child's hand and make her
15 masturbate him. He touched her on the butt and the
16 breasts.

17 So that is why he is charged with criminal sexual
18 conduct with a minor in the first degree. That's when
19 the digital penetration that occurred when she was under
20 the age of 11. Criminal sexual conduct with a minor in
21 the second degree is for the digital penetration that
22 occurred when she was between 11 and 14.

23 The two counts of criminal sexual conduct with a
24 minor in the third degree, are related to him forcing
25 her to masturbate him and then to him touching her

1 breasts and her buttocks.

2 You will hear from [REDACTED] that she didn't know
3 how to tell her mother, and she will explain to you why.
4 But eventually in the spring of 2020, her mom started
5 asking her -- her mom started having a conversation and
6 she ended up telling her mom what the defendant had been
7 doing to her.

8 You're going to hear from [REDACTED], of course,
9 and you'll hear from a couple of other witnesses. This
10 is not going to be a long case, but it is a very
11 important case. And as the judge asked you, the State
12 also ask that you pay very close attention.

13 And at the end of the case, after you have heard
14 the testimony, the State is going to ask that you render
15 a verdict of guilty. And we are asking for that
16 verdict, ladies and gentlemen, because that man is
17 guilty of sexually molesting the child that he should
18 have protected. He is guilty of penetrating her with
19 his fingers, and touching her in ways that no man or
20 woman should ever do to a child. Guilty.

21 THE COURT: Mr. Sanford?

22 MR. SANFORD: Thank you, Your Honor. May it
23 please the Court?

24 THE COURT: Yes, sir.

25 OPENING STATEMENT

1 Denard.

2 THE COURT: Please come forward.

3 (Witness comes forward.)

4 THE CLERK: Please place your left hand on the
5 bible and raise your right, please. Do you solemnly
6 swear or affirm that the testimony you're about to give
7 will be the truth, the whole truth, and nothing but the
8 truth so help you God?

9 THE WITNESS: Yes, I do.

10 THE COURT: Ma'am, just make yourself
11 comfortable. Do you need water?

12 THE WITNESS: I'm good, thank you.

13 THE COURT: Is there one there for you, though?
14 Here, you can have one of those.

15 THE WITNESS: Thank you.

16 THE COURT: If you will state your full name for
17 the record, spelling your last.

18 THE WITNESS: [REDACTED].

19 THE COURT: Okay. Direct examination.

20 SOLICITOR HALLFORD: Thank you, Your Honor.

21 DIRECT EXAMINATION

22 BY SOLICITOR HALLFORD:

23 Q. And I apologize, I've been pronouncing your name
24 incorrectly. [REDACTED]? When is your birthday?

25 A. [REDACTED].

1 Q. So that makes you how old today?

2 A. Fifteen.

3 Q. Where are you currently living?

4 A. In Wellford.

5 Q. With whom do you live?

6 A. My mom and my two dogs.

7 Q. Do you know your biological father?

8 A. Yes.

9 Q. Do you remember about -- or do you know about how
10 old you were when your mom and your biological father
11 separated?

12 A. About a year old. I really don't remember their
13 relationship.

14 Q. After they separated, did you spend time with him
15 sometimes?

16 A. Yes.

17 Q. Do you still have a relationship with him?

18 A. Not at the moment.

19 Q. What happened?

20 A. Whenever everything came out about my case, he
21 wasn't there for me and has consistently not been there
22 for me and used the case as an excuse for his
23 alcoholism.

24 Q. Has it been difficult for you to lose that
25 relationship with your father?

1 A. Yes.

2 Q. Where do you go to school?

3 A. Burns Freshman Academy.

4 Q. That makes you a ninth grader, right?

5 A. Yes.

6 Q. Okay. Where did you go to middle school?

7 A. Florence Chapel.

8 Q. Do you have a favorite subject?

9 A. Social Studies.

10 Q. Are you involved in any school activity?

11 A. I'm in marching band.

12 Q. What instrument do you play?

13 A. I play the clarinet.

14 Q. Do you now have any hobbies or have you had some
15 hobbies in the past? I think your mom mentioned a
16 couple of them.

17 A. I did Taekwondo and I got my second degree black
18 belt. I played soccer for a little while. And I did
19 gymnastics.

20 Q. Are you working anywhere now?

21 A. I babysit.

22 Q. Do you do that on a regular basis or just
23 sporadically?

24 A. Whenever they need me, but normally two to three
25 times a week.

1 Q. Same family or different family?

2 A. One singular family.

3 Q. What kind of plans do you have for after you
4 graduate from high school?

5 A. I want to go into the medical field as a nursing
6 anesthetist and -- because I used to want to be an
7 anesthesiologist, but when I found a nursing
8 anesthetist, I liked the hours better and you basically
9 get to do the same thing.

10 Q. And you don't have to go to school as long
11 either, do you?

12 A. Correct.

13 Q. That would be appealing. Do you see Donald
14 Pollock in the courtroom today?

15 A. I do.

16 Q. Could you point him out for us, please?

17 A. (Indicating.)

18 Q. Are you pointing to the individual at defense
19 counsel's table wearing a navy blue suit coat?

20 A. I am.

21 Q. Do you remember how old you were when your mom
22 and Donald Pollock married?

23 A. I was three or four.

24 Q. And I know you had a relationship with your
25 biological dad at that time, but when you were growing

1 up with Donald Pollock in your life, did you consider
2 him to be like a father to you?

3 A. I did.

4 Q. Did you have a good relationship with him until
5 this stuff happened?

6 A. I did.

7 Q. What kind of stuff would the two of you do
8 together?

9 A. We would run errands together and he took me to
10 get ice cream. I would help him with projects that he
11 was doing around the house or -- we just, anything you
12 would do with a father.

13 Q. Is it accurate to say that he was a very
14 important part of your life?

15 A. Yes.

16 Q. Did you love him during that time?

17 A. I did.

18 Q. Did he seem to love you?

19 A. I think so.

20 Q. Was he someone that you trusted?

21 A. Yes.

22 Q. Was he someone that you felt you could rely on?

23 A. Yes.

24 Q. At some point did your mom stop working full time
25 and then start going to school?

1 A. Yes, she did.

2 Q. Do you know where your mom had been working?

3 A. Greenville Dermatology.

4 Q. On -- when she was working at Greenville
5 Dermatology, do you know where Mr. Pollock was working?

6 A. D. H. Griffin. It was a wrecking company.

7 Q. Do you know kind of what he did for that job?

8 A. He was a bidder and a project manager.

9 Q. What does that mean, a bidder?

10 A. He would bid on jobs that they could do and
11 things like that.

12 Q. At some point after your mom went back to school,
13 did you notice a change in the relationship between your
14 mom and Donald Pollock?

15 A. Yes.

16 Q. What did you notice yourself?

17 A. I noticed them become more distant and not try or
18 spend as much time together. It was just kind of like
19 they were living two separate lives in the same house.

20 Q. Prior to that happening, what did you observe
21 about their relationship?

22 A. They were together when they could be watching
23 shows, cooking dinner together, sitting out on the porch
24 and just talking, having conversations.

25 Q. And I know you had a biological father. You got

1 to spend some time with him, but did you consider him,
2 and you and your mom as a family unit?

3 A. Yes.

4 Q. And was that a very important part of your life?

5 A. Yes.

6 Q. Now, obviously you're here because of the sexual
7 assault allegations, and we're gonna go deeper into that
8 in a minute, but when did that first happen?

9 A. December of 2017.

10 Q. Do you remember what grade you had just gone
11 through prior to that summer?

12 A. I had just come out of fourth grade.

13 Q. Around March of 2020, did you and your mom move
14 out of the residence at [REDACTED] and move in with
15 someone named Dan?

16 A. Yes.

17 Q. At the time you were living with Dan, were you
18 aware that your mom and he were in a relationship?

19 A. I was.

20 Q. The residence that you were living in at [REDACTED]
21 [REDACTED], was that in Spartanburg County?

22 A. Yes.

23 Q. When you moved out -- let me back up for a
24 second.

25 After you guys lived with Dan for a while, did

1 you and your mom end up getting your own apartment?

2 A. We did.

3 Q. And after having moved out from Mr. Pollock, at
4 some point did you move back into the [REDACTED]
5 house?

6 A. Yes.

7 Q. What was your -- and when you moved out and back
8 in, this was during the timeframe when the sexual abuse
9 was going on; is that correct?

10 A. Yes.

11 Q. Had you told your mom anything about this?

12 A. No.

13 Q. What was your reaction when you found out that
14 your mom was going to move back in with Donald Pollock?

15 A. I was upset. I tried to get her not to, and I
16 tried to give her every reason in the book other than
17 what had been happening.

18 Q. Why didn't you give her the reason about what had
19 been happening?

20 A. I was embarrassed and scared and I didn't really
21 know what he was gonna say about it.

22 Q. When it very first started happening, the summer
23 after your fourth grade year when you were ten, why
24 didn't you tell your mom the first time?

25 A. I didn't even understand what he was doing.

1 Q. So, then your mom and you moved back out after
2 the second time moving in, at that point why didn't you
3 say, mom, here's why I didn't want to live with him?

4 A. Because I thought that it was just done and I
5 wasn't ever gonna have to see him again. I didn't -- I
6 just didn't feel a need to.

7 Q. Had your relationship with Donald Pollock
8 deteriorated after he started touching you?

9 A. Yes.

10 Q. Prior to that you loved him?

11 A. Yes.

12 Q. Do you still love him?

13 A. No.

14 Q. Why not?

15 A. Because he put me through one of the most awful
16 situations I've ever been through.

17 Q. When you guys moved back in the second time, did
18 he touch you any -- while you were living at the [REDACTED]
19 [REDACTED] house the second time?

20 A. No.

21 Q. Why would -- why do you think that was?

22 A. I think at that point he was just so obsessed
23 with my mom and their relationship and getting her back,
24 that it just didn't happen.

25 Q. Do you remember the last time that something

1 happened to you, that Donald Pollock did something
2 sexual to you?

3 A. It was in February of 2020.

4 Q. And how do you happen to remember?

5 A. I just remember that being one of the last times
6 that I saw him before he left and we moved out and
7 everything just started falling apart with him and my
8 mom.

9 Q. How old were you in February of 2020?

10 A. Thirteen.

11 Q. Okay. Now, we're gonna get into some of the
12 specifics about this. You testified earlier that the
13 first stuff started the summer after your fourth grade
14 year when you were ten; is that accurate?

15 A. Yes.

16 Q. Well, let me ask you this, is it easier for you
17 to just say what happened, or is it gonna be easier for
18 you to have me ask you kind of questions about it?

19 A. Questions.

20 Q. Okay. What's the first thing that you remember
21 happening that Donald Pollock did to you that was
22 sexual?

23 A. Touching my boobs and my butt.

24 Q. Was that over the clothes or under the clothes?

25 A. Over.

1 Q. What was the next thing that happened?

2 A. He would touch my boobs and my butt under my
3 clothes. And after a while he started to touch my
4 vagina.

5 Q. Okay. So let's go back to the touching of the
6 boobs and the butt under the clothes. How is he getting
7 access -- let me back up again.

8 That would be on your skin, correct?

9 A. Correct.

10 Q. How was he getting access to your skin? Was he
11 removing your clothes or what?

12 A. He could go under my clothes or put his hands in
13 my pants or partially pull them down or would take them
14 off.

15 Q. You testified a few minutes ago that when this
16 first happened, you didn't understand what was going on.
17 When you were ten were you kind of aware of sex and that
18 kind of stuff?

19 A. No.

20 Q. Your mom testified that she didn't let you have
21 access to the internet. Is that accurate?

22 A. Yes.

23 Q. When he first started sexually assaulting you, if
24 you remember, was your mom still working?

25 A. She was.

1 Q. And was he also working?

2 A. Yes.

3 Q. How was it that he was able to get access to you?

4 A. It would be either he'd pick me up early from
5 summer camp or my mom takes long baths. And so, she
6 would be either doing that and we would be in another
7 room or just any time that we were alone and secluded.

8 Q. Do you have any recollection of where your mom
9 was the very first time when he touched you on your
10 breasts and your boobs?

11 A. I'm pretty sure she was at work.

12 Q. And let me ask you a question, at ten did you
13 actually have breasts or was it just like a nipple area?

14 A. I think that I was in trainers bras.

15 Q. You said that he started touching your vagina.
16 Do you have a -- was that still during the summer of
17 2010?

18 A. Yes.

19 Q. When he started touching your vagina, was that on
20 the out -- initially was that on the outside or on the
21 inside or both?

22 A. Initially it was on the outside.

23 Q. At some point did he begin touching you on the
24 inside of your vagina?

25 A. Yes.

1 Q. I know this sounds obvious, but I have to ask,
2 what was he touching you with?

3 A. His hands and his fingers.

4 Q. And what was going into your vagina?

5 A. His fingers.

6 Q. Did the -- we call that digital penetration. So
7 did the digital penetration occur during the summer
8 after your fourth grade year?

9 A. Yes.

10 Q. And you were ten at the time?

11 A. Yes.

12 Q. When he first started touching your vagina, was
13 that over your clothes or under your clothes?

14 A. At first it was just over.

15 Q. How was he able to get access to your vagina?
16 Like, what happened to your clothing?

17 A. He would either put his hands in my pants or pull
18 them down.

19 Q. Do you remember what it felt like to you as a ten
20 year old to have a grown man stick his finger in your
21 vagina?

22 A. It hurt.

23 Q. Did you ever say anything to him about it
24 hurting?

25 A. No. I just -- I -- there's not communication. I

1 just -- I would try and get him off or away from him.

2 Q. While this was going on, would he talk to you?

3 A. No, not really.

4 Q. And while it was going on, what would you do?

5 A. I would just scratch, kick, you know, anything a
6 ten year old can do to get away.

7 Q. Once he started putting -- okay. Once he started
8 putting his fingers in your vagina, was that something
9 that continued from when you were ten until the abuse
10 ended in February of 2020?

11 A. Yes.

12 Q. Did it happen every time he touched you sexually
13 or just sometimes?

14 A. Most of the time.

15 Q. Okay. And the touching of the breasts and the
16 buttocks, is that something that happened regularly or
17 periodically from the time it began when you were ten
18 until the time it ended when you were 13?

19 A. Yes.

20 Q. Was there ever a time that he tried to put
21 something other than his fingers inside your vagina?

22 A. Yes.

23 Q. Tell us what happened.

24 A. He was trying to put his penis in me. He was,
25 like, trying to position me and pull my pants down and

1 things like that.

2 Q. What do you mean by "trying to position me"?

3 A. Like, trying to make it to where he had access to
4 my vagina.

5 Q. Where were you when this was happening?

6 A. In his and my mom's bedroom.

7 Q. And specifically in the bedroom, where were you?

8 A. On the bed.

9 Q. Where was he?

10 A. On the bed.

11 Q. Okay. What happened to clothing that time?

12 A. He was trying to pull my pants down and he was
13 naked and he was just, like I said, trying to get my
14 pants off.

15 Q. Was it common for him to be naked when he was
16 sexually assaulting you or was that something unusual?

17 A. No. I believe that was the only time that he was
18 ever fully naked. He could have boxer on most of the
19 time.

20 Q. Did he ever do anything with your hands to any
21 part of his body?

22 A. Yes.

23 Q. Tell us about that.

24 A. He would take my hand and try and make me grab
25 his penis and masturbate it.

1 Q. When you say, try to make you grab his penis, did
2 you ever have to put your hand on his penis?

3 A. Yes.

4 Q. And you said he was trying to make you masturbate
5 him. How did you know what you were supposed to do?

6 A. He would move my hand up and down.

7 Q. So, make sure I understand this, your hand -- he
8 has forced your hand to wrap around his penis, and then
9 he has his hand around your hand. And what is he doing
10 with his hand?

11 A. Moving it up and down.

12 Q. Did anything ever come out of his penis when this
13 happened?

14 A. No.

15 Q. Is the masturbation, forcing you to masturbate
16 him, something that happened during the summer of when
17 you were ten or was that something that progressed later
18 on?

19 A. I think that it progressed there on. I'm pretty
20 sure.

21 Q. Do you know for sure when it started?

22 A. I think it was the school year after that summer,
23 so fifth grade year.

24 Q. Okay. All right. Did he ever try to make you do
25 anything to his penis with something other than your

1 hands?

2 A. He -- yes.

3 Q. What was that? Tell us what happened.

4 A. He would try and force my mouth down to his
5 penis.

6 Q. When you say he tried to force your mouth down to
7 his penis, be descriptive in what's happening.

8 A. He would put his hand on the back of my head and
9 push it down towards his penis.

10 Q. When he was pushing your head towards his penis,
11 was his penis in his clothes or outside of his clothes?

12 A. Outside.

13 Q. And how would it get outside of his clothes?

14 A. He would take it out.

15 Q. Did he ever, in fact, make you perform oral sex
16 on him or get your mouth on his penis even for a brief
17 period of time?

18 A. No.

19 Q. Did all the sexual assaults happen at the [REDACTED]

20 [REDACTED] ?

21 A. No.

22 Q. Where else did it happen?

23 A. His parent's house.

24 Q. Where is that located?

25 A. It's in Georgia.

1 Q. Okay. So that's outside of our jurisdiction.
2 That's not in front of this jury today, okay? The stuff
3 that happened in Spartanburg, did that all happen at the
4 [REDACTED] ?

5 A. Yes.

6 Q. Where inside the residence did Donald Pollock
7 sexually assault you?

8 A. In his and my mom's bedroom, in the living room,
9 in his office, and in my bedroom.

10 A. Where in the master -- your mom and his bedroom,
11 I'm gonna call that the master bedroom, okay? Where in
12 the master bedroom would sexual abuse take place?

13 A. On the bed.

14 Q. How would you happen to be -- how would you end
15 up in the master bedroom with him?

16 A. There were a lot of things that my mom kept in
17 there that I would need, Band-Aids, hair ties, just
18 anything like that.

19 Q. So, if you went in there to get something, then
20 what would happen?

21 A. He would either already be in there or follow me
22 in.

23 Q. Where in the office would the sexual assaults
24 take place?

25 A. There's a futon in there and there's an office

1 chair.

2 Q. Where in the living room would the sexual
3 assaults take place?

4 A. Down on the couch.

5 Q. And I think you said in your bedroom?

6 A. Yes, ma'am.

7 Q. And where in your bedroom?

8 A. On my bed.

9 Q. You testified earlier that to the best of your
10 recollection, the last time he sexually assaulted you
11 was February of 2020. That was right before you and
12 your mom moved out the first time?

13 A. Correct.

14 Q. Okay. Once you guys moved out, what did you
15 think about the possibilities of him ever doing this to
16 you again?

17 A. I didn't think that we would go back after, so I
18 just thought that it was something that I wouldn't have
19 to worry about again.

20 Q. Do you remember, as best as you can recall, what
21 sex acts he did the last time you were sexually
22 assaulted by Donald Pollock?

23 A. He touched my boobs and my butt, and he put his
24 fingers inside my vagina.

25 Q. At the time the sexual assault ended, how often

1 was he sexually abusing you, [REDACTED]

2 A. It wasn't a schedule, but I would say that it
3 happened at least once a week.

4 Q. Was it always once a week or were there times
5 when a week or two would go by?

6 A. Maybe occasionally, yes.

7 Q. As the sexual abuse progressed, do you remember
8 where your mom would be when this would happen?

9 A. She would be at school or studying in the
10 bathtub. She could have gone to run errands or anything
11 like that.

12 Q. Was there ever a time when your mom almost caught
13 him sexually abusing you?

14 A. No.

15 Q. Was there ever a time where you -- prior to the
16 conversation at Costco, was there ever a time where you
17 tried to hint around to your mom that he was sexually
18 abusing you?

19 A. No. I would always say that I hated him, but I
20 never told anyone why.

21 Q. And was the hatred something that you developed
22 after he began to sexually molest you?

23 A. Yes.

24 Q. While the abuse was going on, or even when it
25 first started happening, why didn't you tell another

1 adult? If you didn't feel comfortable telling your mom,
2 why didn't you tell another adult?

3 A. Because it made me feel gross. I just didn't
4 know what to say. I was scared. I didn't know if she
5 would believe me. I just didn't know what to say about
6 it.

7 Q. You said a while ago that you didn't understand
8 what was happening initially, but over the course of the
9 abuse, did you come to understand that this was
10 something that should not be going on to a child?

11 A. Yes.

12 Q. At that point when you realized wait a minute,
13 had it been going on for a significant period of time?

14 A. Yes.

15 Q. Were you afraid that you would be held partially
16 responsible for this?

17 A. Yes.

18 Q. At some point during the sixth grade, did you
19 tell a friend Kathleen? I think you call her KK.

20 A. Yes, I did.

21 Q. Do you remember specifically what you told her?

22 A. I told her about what Donnie would do to me, and
23 I told her about how it scared me and how I was worried
24 about it, but I didn't want to tell anyone because I
25 didn't know if I'd be relieved.

1 Q. What did you tell Kathleen about whether or not
2 Kathleen should tell any adults about what you were
3 disclosing to her?

4 A. I told her that she shouldn't tell anyone.

5 Q. Did you also tell a friend Julian and a friend
6 Ron?

7 A. Yes, I did.

8 Q. Did you also tell them not to tell any adults
9 about what you were telling them?

10 A. Yes, I did.

11 Q. Why did you not want them to let people know what
12 Donald Pollock was doing to you, [REDACTED]

13 A. Because then I would have to talk about it and
14 tell my mom. And I just didn't know what to say, and I
15 didn't know what to do with what was happening.

16 Q. In over 2020, did you end up telling your mom
17 that Donald Pollock had been touching you sexually?

18 A. Yes.

19 Q. At the time you told your mom, was this after the
20 second time you guys had moved out?

21 A. Yes.

22 Q. Where were you and just tell us what happened?

23 A. Me and my mom were at Costco and I was trying to
24 go further ahead of her and the things that I knew where
25 they were and things like that, and she would have met

1 me. And I was getting frustrated with her and I just
2 kind of lashed out. And I was, like, why are you so
3 protective of me? Why can't I do these things? And at
4 that time I thought I was so grown up, so I told her
5 that I was old enough. And, and she was just kind of,
6 no, you can't, whatever.

7 And we got back into the car and she told me
8 about how her step-dad sexually abused her and
9 everything. And I just kind of went quiet. And I got
10 chills, and I just -- I look at her and she asked me
11 what was wrong, and I told her that Donnie had been
12 touching me.

13 Q. You told her that he had been touching you?

14 A. And kissing me.

15 Q. Touching and kissing you. Why at that point
16 didn't you tell your mom everything that he had been
17 doing?

18 A. I was so embarrassed and I didn't even know what
19 to say to her.

20 Q. What was your mom's reaction to getting that
21 information?

22 A. She was hysterical. She started crying and I
23 couldn't calm her down. And she, she had to pull over
24 in the parking lot. And she threw up on the side of the
25 road. And she was just crying, and I was trying to get

1 her to drink water and just calm her down in any way I
2 could, but she was very upset about what he had been
3 doing to me.

4 Q. Were you in the car when she called Donnie
5 Pollock?

6 A. Yes.

7 Q. Were you able to hear what he was saying?

8 A. Yes.

9 Q. How were you able to hear what he was saying?

10 A. He was over the speakers in the car.

11 Q. Ah, okay. I forgot about those. So, when your
12 mom was talking to him, did you hear your mom ask him
13 about anything other than kissing?

14 A. I don't believe so.

15 Q. Did it appear -- or in retrospect, does it appear
16 that your mom only picked up on the kissing part at that
17 point?

18 A. Yes.

19 Q. Did you go over to your friend Lauren's house
20 while your mom confronted Donnie Pollock?

21 A. I did.

22 Q. Where after that day, the Costco day, did you end
23 up going?

24 A. What do you mean?

25 Q. Did you go stay somewhere?

1 hear it, she had to live it. After you deliberate,
2 return a verdict of guilty because he is guilty. Thank
3 you.

4 THE COURT: Mr. Sanford, closing argument.

5 MR. SANFORD: Thank you, Your Honor, may it
6 please the Court?

7 THE COURT: Yes, sir.

8 MR. SANFORD: Ms. Hallford.

9 CLOSING ARGUMENT

10 MR. SANFORD: Ladies and gentlemen of the jury,
11 first of all, I want to thank y'all for dealing -- being
12 in your fish bowls here. I know it's a little awkward.
13 Hopefully now that we're kind of going away from COVID
14 protocols, they'll eventually move these and we won't
15 have jurors that are being looked at kind of like in an
16 aquarium.

17 I also appreciate you having to deal with all the
18 up and down and in and out and paying attention during
19 this. I know it's been a bit of a three days here, but
20 I do appreciate y'all being here and thank y'all so much
21 for your service.

22 When I started on Monday, the State's right, I
23 did say that it was a story, and we talked about that
24 story. That it's a story that harms, it's a story that
25 hurts. And the State is sitting up here saying they

1 have no reason, there's no reason for her to make up
2 this lie. Why would she go through this? And I think
3 you have probably listened to the story. And I think
4 you've probably been churning in your mind a little bit
5 here and have seen some of the holes that are in this
6 story.

7 First of all, let's talk about the expert
8 witnesses that came up. Dr. Henderson, there's her
9 medical exam, said it was a normal medical exam. And
10 she testified that that does not mean that there's
11 sexual abuse, it does not mean that there's not sexual
12 abuse. So, I think, there's nothing really in that
13 report that you can take into account other than there's
14 a normal report that would be normal for most people.

15 Blind expert, she testified, I know nothing about
16 this case. And she sat up here and she gave some
17 generalities about what she had learned in her area of
18 expertise. What she knew. But she had never
19 interviewed [REDACTED] She had never read any reports in
20 this case. She never read any files or medical reports,
21 anything. So she's just generally talking about
22 something.

23 Could those things apply to this case? Maybe.
24 Could they not apply to this case? Maybe. So she has
25 no real input on what went on in this case. She knows

1 nothing about it.

2 The State said that there's no reason to lie.
3 And Brandy sat up here and I think she had about
4 20,000-plus reasons to lie. At the time she was relying
5 on Mr. Pollock's income. She was going through a
6 divorce or she was thinking about divorce at the time.
7 She was in an affair.

8 And when these alleged allegations arose, she
9 took over \$20,000 out of his account. Money that she
10 could live on, because she was in school. She needed to
11 pay for school. She needed to care for her children.
12 But she took out that money automatically.

13 She also said on the stand that she began selling
14 stuff on Craigslist from the house without Donnie
15 knowing. Without asking him if she could sell his
16 things.

17 Now, she stood up on the stand and she said that
18 Mr. Pollock, Donnie, this was the first time he heard
19 about the affair. She hid that affair. She hid a bank
20 account she specifically made to take the funds out.
21 She hid that she was calling around looking for
22 apartments.

23 She stood up there and said that she had lied to
24 her child. She lied to get the information that she
25 wanted. I believe that shows how manipulating she can

1 be and how she knew to manipulate [REDACTED] and how she
2 knew how to manipulate her. That she knew she was
3 easily manipulated.

4 They had plenty of time together. They moved out
5 in February. [REDACTED] said she spent most of the time
6 with her mom. They had plenty of time to be together.
7 They didn't know any -- we don't have any record of
8 those conversations, but they were together almost all
9 the time.

10 Let's talk about some other holes here. You
11 heard plenty of testimony that, you know, she called the
12 police, she called the police. We didn't hear from any
13 police. Didn't hear about any investigation. Didn't
14 hear anything that went into that. We only heard from
15 the two experts, Brandy, and [REDACTED]

16 We also heard about friends that she told. Now,
17 [REDACTED] sat up here and said my mom is one of my best
18 friends, but I don't feel like I could have told her.
19 But yet, she's felt fine telling some of her other
20 friends.

21 Now, the State also stood up here and gave a
22 whole lot of hypotheticals. Why didn't she put crack
23 rocks in his car. And why didn't she go to the police
24 at that point? Well, we can sit up here and we can come
25 up with hypotheticals all day. But what you have to

1 rely on is what's in front of you, the evidence.

2 Some things that have been said today just seem a
3 little implausible to me. That Brandy was in the house
4 when this happens and she didn't hear anything. And she
5 couldn't -- if she got off of, you know -- allegedly
6 Donnie was touching her and she ran away. She didn't go
7 to her mom, she went somewhere else.

8 Or that she said that she was -- the alleged
9 abuse happened approximately once a week. Now, it's
10 about three years that the State is alleging it
11 happened, which would mean that would be, if you're
12 saying once a week for about three years, that's about
13 156 times over those three years.

14 [REDACTED] sat up here and said, oh, no, there's no
15 time that my mom had a chance to come in and see me.
16 None of that happened. Think of the amount of times
17 that somebody is home on you, and somebody comes in on
18 you that you're not expecting or shows up at a place or
19 goes into a room, forgets something, comes into another
20 room. How can there be that many times and not have
21 somebody walk in? Not have somebody come in on you?
22 That's a lot of planning.

23 We also heard that Brandy was tracking Donnie's
24 phone, but Donnie couldn't track her phone. She kept
25 denying him. She liked to control what he was doing.

1 Now, Brandy took about a week-and-a-half before
2 she reported this to law enforcement. And she said now
3 she's a mandated reporter, but she wasn't then. She
4 didn't really know what that was, but she should have
5 known that she needed to report that. She had been in
6 school for about a year-and-a-half at that point. And I
7 believe that she probably would have been taught about
8 those ethics at that point.

9 [REDACTED] also said she fought Donnie off as best as
10 she could and, you know, she happened to get away from
11 him a time or two allegedly. And, you know, she had
12 been taking taekwondo for seven or eight years. I don't
13 know whether she was able to use that or not, but I hear
14 the State talk about reasonable doubt and how, you know,
15 you need to talk about well, it's not any possible doubt
16 and it's not any all this kind of stuff. But if you can
17 sit in there and you can say, well, is this possible?
18 Not probable. Is this possible?

19 It is possible that this is a lie and they were
20 using this to keep all of Donnie's money while she
21 stayed in school and then she could get out? Is it
22 possible that she wanted his money while she was trying
23 to stay in a relationship with Dan? Is it possible that
24 there is any other -- that this didn't happen? Any
25 other thing that happened? And I think that you need to

1 make my client not guilty.

2 Now, we talked about these being some of the
3 worst charges you can put up against somebody. And once
4 you put yourselves in Donnie's shoes where you can have
5 an accusatory story come against you. You can end up in
6 trial. You can have no police testimony. You can have
7 no physical evidence. You can have no investigation and
8 yet here you are sitting here with these charges against
9 you.

10 Ladies and gentlemen of the jury, I believe that
11 you should take a look at that and you should think
12 about that because I think once you look at all the
13 evidence or the lack of evidence in this case, that
14 there's only a story. That the story is one that the
15 State has hung their hat on. They haven't provided,
16 like I said, any other evidence. And I do believe that
17 you should look at it and you'll say, you know I
18 understand where they're coming from. However, I do
19 have some doubts about this story. I do have some
20 doubts about how this was conducted. And I think you'll
21 go back there and you will take your opportunity to hold
22 the State accountable, the police accountable, to hold
23 the system accountable that there needs to be more
24 evidence and they need to have evidence beyond a
25 reasonable doubt to find somebody guilty, other than

1 just a story.

2 So, ladies and gentlemen of the jury, the judge
3 is gonna charge you here in a minute, and I want you to
4 listen to what she says. I want you to listen to the
5 charges she gives you and I want to take those to heart.
6 I want you to take those to heart. I want you to go
7 back into your jury deliberations room -- jury
8 deliberation room and take the time you need.

9 I want you to discuss about what you've heard in
10 court. And I believe once you enter into your
11 deliberations and you discuss, I believe that you find
12 Donnie Pollock not guilty. Thank you.

13 THE COURT: Thank you, counsel. Okay. Now, I am
14 getting ready to charge y'all on the law. But before I
15 do that, why don't we all stand up. Y'all have been
16 sitting now for about an hour. Okay? Thank you. All
17 right. Thank you. Be seated.

18 JURY CHARGE

19 THE COURT: Mr. Foreman and members of the jury,
20 as I explained to you earlier, the state of South
21 Carolina charges Donald King Pollock with the crimes of
22 criminal sexual conduct with a minor in the first
23 degree, the second degree, and the third degree. You
24 will, of course, bear in mind that he has pled not
25 guilty. And by that plea, he denies the charges alleged

1 matter of the State versus Donald King Pollock and
2 indictments 20-GS-42-5458, 5459, 5460, and 21-GS-42-887,
3 members of the jury and Mr. Foreman, have y'all reached
4 a verdict?

5 MR. FOREMAN: We have.

6 THE COURT: Is it unanimous?

7 MR. FOREMAN: It is, Your Honor.

8 THE COURT: Has it been reduced to writing?

9 MR. FOREMAN: I'm sorry?

10 THE COURT: Has it been reduced to writing?

11 MR. FOREMAN: It has.

12 THE COURT: Have you signed the verdict form?

13 MR. FOREMAN: I have.

14 THE COURT: Okay. If you will hand the verdict
15 form to the bailiff.

16 Okay, thank you. I will now ask that the clerk
17 publish the verdict.

18 THE CLERK: Yes, ma'am. In General Sessions
19 court, The State versus Donald King Pollock, criminal
20 sexual conduct with a minor second degree, indictment
21 20-GS-42-5458, as to the charge of criminal sexual
22 conduct with a minor second degree, we, the jury,
23 unanimously find the defendant guilty.

24 As to criminal sexual conduct with a minor third
25 degree, indictment 20-5459, as to the charge of criminal

1 sexual conduct with a minor third degree, we, the jury,
2 unanimously find the defendant guilty.

3 As to criminal sexual conduct with a minor third
4 degree, indictment 20-5460, as to the charge of criminal
5 sexual conduct with a minor third degree, we, the jury,
6 unanimously find the defendant guilty.

7 Criminal sexual conduct with a minor first
8 degree, indictment 21-0887, as to the charge of criminal
9 sexual conduct with a minor first degree, we, the jury,
10 unanimously find the defendant not guilty.

11 If you find the defendant guilty, you are to
12 respond to the following interrogatory. Do you
13 unanimously find the criminal sexual conduct with a
14 minor first degree was carried out by means involving
15 sexual or anal intercourse by a person or intrusion by
16 any object -- that's not marked.

17 THE COURT: Right. Because it was not guilty on
18 the fourth count; is that correct?

19 THE CLERK: Yes, ma'am.

20 THE COURT: Okay.

21 THE CLERK: So this is signed by the foreperson
22 and dated today's date, 4/6/2022. Ladies and gentlemen
23 of the jury, if this is your verdict and still your
24 verdict, please raise your right hand.

25 (All jurors rose hands.)

1 gonna ask that the defendant please rise. (Complies.)

2 With regard to the matter of The State versus
3 Donald King Pollock, and indictment 20-GS-42-5458,
4 criminal sexual conduct with a minor in the second
5 degree, it is the order of the court that the defendant
6 be committed to the state Department of Corrections for
7 a period of 15 years. He will get credit for 660 days
8 that he has spent on monitored house arrest with GPS
9 monitoring. There will be no contact with the victim or
10 the victim's family members.

11 This is consecutive to the sentence under
12 indictments 20-GS-42-5459 and 5460, criminal sexual
13 conduct in the third degree, in which the defendant will
14 receive a sentence of 15 years. That will be suspended
15 to time served, followed by probation for five years.
16 These are concurrent sentences with each other, but
17 consecutive to 20-GS-42-5458. Again, he will get the
18 credit of 660 days.

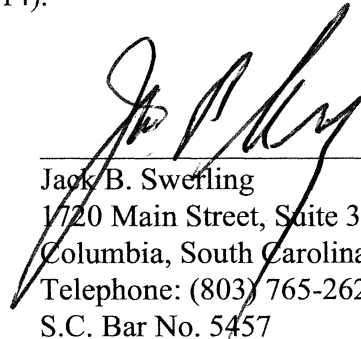
19 During the period of probation, there will be
20 random drug and alcohol testing. There will be no
21 contact with the victim or the victim's family members.
22 And as to all charges, the defendant will be required to
23 register as a sex offender per the statute, and will
24 appear on the central registry of child abuse and
25 neglect, pursuant to the statute.

Sep 29 2023

CERTIFICATE OF COUNSEL

Pursuant to Rule 210(g) of the South Carolina Appellate Court Rules, counsel for appellant certifies that this record on appeal contains all material proposed to be included by any of the parties and not any other material.

Counsel further certifies that this record on appeal complies with the Order of the Supreme Court of South Carolina entitled *Re: Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings*, 407 S.C. 607, 757 S.E.2d 421 (April 15, 2014).



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