

**VOLUME I OF II**

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

**RECEIVED**

**Feb 25 2026**

Appeal from Berkeley County

S.C. SUPREME COURT

Honorable Deadra L. Jefferson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES EDWARD BOLEY, II,

APPELLANT

APPELLATE CASE NO. 2025-000228

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STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF BERKELEY

2024-GS-08-04555

2024-GS-08-04552

2024-GS-08-04556

2024-GS-08-04807

State of South Carolina )

) TRANSCRIPT OF RECORD

-vs-

)

) January 27, 2025 - Day 1 of 4

James Edward Boley,

)

) Moncks Corner, South Carolina

B E F O R E:

The Honorable Deadra L. Jefferson, Judge

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	<u>EXHIBITS</u>			
	<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
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1 (State's Exhibit Nos. 1-20, 22-32, 34-35, 41-43 were  
2 premarked for identification.)

3 THE COURT: You may be seated.

4 Good morning. Good morning, ladies and gentlemen,  
5 I am Deadra Jefferson. I'm one of your resident judges  
6 for the Ninth Circuit, which is made up of Charleston  
7 and Berkeley Counties. It is our pleasure and privilege  
8 to have you serve with us this morning for this term  
9 of general sessions court, which is criminal court.  
10 Your jury service will conclude on Friday. This term  
11 is only for one week.

12 Our purpose this morning is to determine  
13 your general eligibility to serve as jurors. Each one  
14 of you is here because you meet one of three criteria,  
15 that is, if you're a licensed driver, you have an ID  
16 card from the highway department, or if you're a  
17 registered voter, then you're subject to jury service.  
18 We understand the inconvenience that jury service poses  
19 both to your personal and your professional lives.  
20 We thank you for being here with us this morning.  
21 Hopefully, this will be an educational and enjoyable  
22 week for you.

23 Jury qualification is done in several  
24 stages. At the end of this process, I will share  
25 with you some general guidelines for your service

1 this week in an effort to make you feel more comfortable  
2 in what I'm certain are unfamiliar surroundings. We've  
3 already gone through the first stage of that process  
4 where the clerk has sworn each of you, and where you  
5 have provided us with certain information, the process  
6 that we call roll call.

7           The next part of that process requires that  
8 I ask certain questions of you. Each of these questions  
9 is mandated by state law. If a question applies to you,  
10 please stand, and in a loud and clear voice, tell me  
11 your name, your juror number, an answer to the question,  
12 if applicable, and remain standing until I've completed  
13 questioning you.

14           Again, each of these questions is mandated  
15 by state law, and they're mandatory that they are asked.  
16 It is not, however, our intention for anyone to suffer  
17 any embarrassment. So if there's a question that  
18 you don't feel comfortable answering in the presence  
19 of your fellow jurors, please make a mental note  
20 to speak with me privately at the end of this process,  
21 when I invite you to do so. Again, we don't want anyone  
22 to suffer any embarrassment, but it is absolutely  
23 essential that we have accurate information consistent  
24 with the oath that you have taken.

25           Here are the questions regarding your

1 general eligibility to serve. Is there any member  
2 of the panel not now a citizen of the United States?  
3 Please stand at this time. Is there any member of the  
4 panel not now a resident and citizen of Berkeley County,  
5 state of South Carolina? If so, please stand at  
6 this time.

7 Is there any member of the panel unable to  
8 read, write, speak, or understand the English language?  
9 If so, please stand at this time. Is there any member  
10 of the panel who has less than a sixth-grade education  
11 or its equivalent? If so, please stand at this time.  
12 Yes, ma'am, tell me your name and your juror number.

13 THE JUROR: Okay. My number is 143,  
14 and I'm Azucena Palmer.

15 THE COURT: You said No. 1-4-3?

16 THE JUROR: Yes, ma'am.

17 THE COURT: And tell me your situation,  
18 ma'am.

19 THE JUROR: I cannot understand a lot  
20 of English, and I can't speak a lot.

21 THE COURT: How long have you been in the  
22 United States?

23 THE JUROR: More than 20 years.

24 THE COURT: Do you have a driver's license?

25 THE JUROR: Yes, ma'am.

1                   THE COURT: Then, you are more than capable  
2 of meeting the criteria of being able to understand  
3 the English language. Thank you.

4                   THE JUROR: I can understand more, but  
5 I can't writing ---

6                   THE COURT: You won't. You won't be  
7 required to write anything.

8                   THE JUROR: Okay.

9                   THE COURT: If you have any difficulty,  
10 let us know.

11                   THE JUROR: Okay.

12                   THE COURT: Does any member of the panel  
13 have less than a sixth-grade education or its  
14 equivalent? If so, please stand at this time. Is there  
15 any member of the panel incapable, by reason of a mental  
16 or physical infirmity, to render efficient jury service?  
17 Again, I know this is an intensely personal question,  
18 and if you don't feel comfortable answering it in the  
19 presence of your fellow jurors, please make a mental  
20 note to speak with me privately. If you feel  
21 comfortable, I would invite you to stand at this time.

22                   Has any member of the panel been convicted,  
23 by guilty plea or trial, in a state or federal court  
24 of record, of a crime punishable by imprisonment  
25 for more than one year, and your civil rights have

1 not been restored by pardon or amnesty? When I say  
2 a court of record, that means the general sessions  
3 court or federal criminal court, not magistrate court,  
4 municipal court, or city court.

5 When I say punishable by imprisonment for  
6 more than one year, that means if the maximum penalty  
7 for the offense was a year and a day or more, but  
8 you may well have received probation. And by a pardon  
9 or amnesty, that means whether the federal government  
10 or state government has issued you a pardon or some  
11 form of amnesty which has completely restored all  
12 of your civil rights, including your right to sit  
13 on a jury.

14 If you feel you fit into any of these  
15 categories, and you feel comfortable in standing,  
16 I would invite you to do so. Otherwise, please make  
17 a mental note and speak with me privately at the end  
18 of the process. Yes, ma'am, tell me your name and juror  
19 number.

20 THE JUROR: Danielle Duvall, juror No. 63.

21 THE COURT: Yes, ma'am.

22 THE JUROR: Can I speak with you privately?

23 THE COURT: Yes, ma'am, just make a mental  
24 note to do that at the end of the process. Is there  
25 any member of the panel a clerk of court, deputy clerk

1 of court, constable, sheriff, or other commissioned law  
2 enforcement officer, probate judge, county commissioner,  
3 magistrate, or other county officer, any person employed  
4 within the walls of any courthouse? If so, please stand  
5 at this time.

6 Is there any member of the panel who's  
7 previously served on jury duty in a court of record,  
8 that means circuit court, not city court, magistrate  
9 court, or municipal court during this calendar year,  
10 which is 2025? If so, please stand at this time.

11 Is there any member of the panel who's a member of  
12 the Berkeley County Grand Jury during the past several  
13 years? If so, please stand at this time.

14 We will now move to exemptions. An  
15 exemption does not mean you're not qualified to serve;  
16 it simply means, in some instances, you have the ability  
17 to say, I would like to be excused, or I choose not  
18 to serve. For example, those who are 65 years of age  
19 or older are exempt from jury service. We would  
20 encourage you to remain with us, if you're inclined  
21 to do so, because you represent a tremendous pool  
22 of talent for jury service. However, if you are  
23 65 years of age or older, and you wish to be exempted,  
24 I would ask that you stand at this time.

25 Is there any member of the panel who has

1 previously served on jury duty in the general sessions  
2 court, not circuit [sic] court, magistrate court,  
3 municipal court, or federal court during the previous  
4 two calendar years? That would be 2024 or 2023.  
5 You may be exempted on this basis because no one  
6 is required to serve jury duty more than once every  
7 three calendar years.

8           Again, this service is not applicable  
9 to magistrate court, municipal court, city court,  
10 or federal court. If you have served in the circuit  
11 court on jury duty during 2024 or 2023, and you wish  
12 to be exempted, I would ask that you stand at this time.

13           The next exemption has several parts,  
14 all of which must apply in order for you to be exempted  
15 on this basis, so please listen carefully. You may  
16 be exempted from jury service if you have a small child  
17 or small children under the age of seven, and you have  
18 their principal care, custody, and control, and you  
19 are unable to make arrangements for their adequate care  
20 while performing jury duty. If all of these  
21 requirements are present, then you may be exempted  
22 on this basis, but only if all of these requirements  
23 are present.

24           In common parlance, this exemption is for  
25 those who are stay-at-home parents who do not work

1 outside the home, who have a minor child or minor  
2 children under the age of seven, and you cannot make  
3 alternate arrangements for their care while performing  
4 on jury duty. If you feel this applies, and you wish  
5 to be exempted, I would ask that you stand at this time.  
6 Yes, ma'am, tell me your name and juror number.

7 THE JUROR: Bianca Leigh-Manuell, juror 118.

8 THE COURT: And, ma'am, are you employed  
9 outside the home?

10 THE JUROR: I work from home.

11 THE COURT: How old are -- how many children  
12 do you have?

13 THE JUROR: I have two.

14 THE COURT: And what are their ages?

15 THE JUROR: Five and six.

16 THE COURT: And what are your work hours  
17 when you work from home?

18 THE JUROR: I work from 9:00 to 5:30.

19 My one child is in first grade, and my other one  
20 is in pre-K, but it's a half a day, and I don't --  
21 I had arrangements today, but I won't regularly have  
22 arrangements.

23 THE COURT: So you pick up your child  
24 at 12 o'clock?

25 THE JUROR: Yes, ma'am.

1 THE COURT: And you don't have -- and your  
2 child stays at home with you the rest of the day while  
3 you're working?

4 THE JUROR: Yes, ma'am.

5 THE COURT: Okay. Ma'am, you're exempted  
6 until that child reaches seven. If you would come  
7 forward and execute the affidavit that's required.

8 THE JUROR: Yes, ma'am.

9 THE COURT: Is there any member of the panel  
10 who is attending -- who is a full-time student,  
11 schoolteacher, school crossing guard, school bus driver,  
12 or serves in any other school-related function who  
13 is unable to serve on jury duty this week as a result  
14 of that school involvement? If this applies to you,  
15 we will transfer you to a term that will not conflict  
16 with your school responsibilities. If you feel you  
17 fit into any of these categories, and you wish to seek  
18 a transfer, I would ask that you stand at this time.

19 Is there any member of the panel who  
20 performs services for a business, commercial, or  
21 agricultural enterprise whose services are so essential  
22 to the operation of the enterprise that the enterprise  
23 must close or cease to function if you're required  
24 to perform jury duty? If this applies, we'll transfer  
25 you to a term -- to another term of court. This is for

1 seasonal-type workers whose work is more busy during  
2 certain times of the year than others, such as  
3 agricultural workers, commercial fishermen, and the  
4 like. If you feel you fit into this category, and  
5 you wish to seek a transfer, I would ask that you stand  
6 at this time. Yes, ma'am, tell me your name and juror  
7 number.

8 THE JUROR: Tracie Christopher, juror 43.

9 THE COURT: And what is your circumstance,  
10 ma'am?

11 THE JUROR: I'm an accountant, and today  
12 is the first day of tax season.

13 THE COURT: Tax season, yeah. So do you  
14 want to be -- when -- let's see. April 15th is the  
15 deadline, right?

16 THE JUROR: Yes, ma'am.

17 THE COURT: Does that fall on a weekend?  
18 What day of the week does that fall on? Would a term  
19 after April, ma'am, be acceptable?

20 THE JUROR: Absolutely.

21 THE COURT: Have you been transferred  
22 before?

23 THE JUROR: No, ma'am.

24 THE COURT: Okay. We'll transfer you  
25 to a term beyond April the 17th, which would be --

1 actually, April 21st, which would be the tax deadline,  
2 so it would sometime -- it'll give you time for all  
3 the stragglers who are panicked who hadn't gotten their  
4 taxes done, so it will be June sometime. They'll send  
5 you a new summons.

6 THE JUROR: Okay.

7 THE COURT: Thank you, ma'am. Have a good  
8 day. Is there any member of the panel who is employed  
9 -- yes, sir, tell me your name and juror number.

10 THE JUROR: Daryl Merrick, juror No. 132.  
11 I'm not sure if I fall in the category, but I'm a small  
12 business owner. I'm the sole person right now, so me  
13 being here a full week, you know ---

14 THE COURT: Well, you won't be here for  
15 a full week unless ---

16 THE JUROR: Yes, ma'am.

17 THE COURT: --- you're picked.

18 THE JUROR: Okay.

19 THE COURT: And if you're not picked, you'll  
20 be able to go about your life as usual. I see on here  
21 that you're a landscaper.

22 THE JUROR: Yes.

23 THE COURT: It's going to be raining all  
24 week.

25 THE JUROR: What's that, ma'am?

1 THE COURT: I said it's going to ---

2 THE JUROR: Oh, no -- I mean -- again,  
3 I'm not -- I'm a business owner, so, I mean, you know,  
4 again, yeah, I do landscaping, but I'm the owner of  
5 the business. There's a lot of other things behind  
6 the scenes and ---

7 THE COURT: I got that, but this might  
8 be a good week for you to go ahead and get it out  
9 of the way because you're always going to have that  
10 problem.

11 THE JUROR: Okay.

12 THE COURT: In the wintertime, at least  
13 from my personal, there's a lull. You don't come every  
14 week during those months.

15 THE JUROR: Yes, ma'am.

16 THE COURT: So, I think this might be a good  
17 time for you to go ahead and get it out of the way.  
18 But again, as I've indicated, if you're not selected,  
19 you'll be able to go about your life as normal. You'll  
20 just call after six o'clock each evening to see if we  
21 have a need of your service.

22 THE JUROR: Yes, ma'am.

23 THE COURT: Is there any member of the panel  
24 who's employed as a guard with the department of  
25 corrections at a penitentiary? If so, I would ask that

1 you stand because state law exempts you on that basis.  
2 Is there any member of the panel who is the primary  
3 caregiver of a person age 65 years of age or older,  
4 a severely -- or a severely-disabled person, either  
5 of whom are unable to care for themselves, could  
6 not be left unattended, and you cannot make alternate  
7 arrangements for their care, and you're not employed  
8 outside of the home? If you feel you fit into this  
9 category and wish to be exempted, I would ask that  
10 you stand at this time.

11 Ladies and gentlemen, that concludes  
12 the statutory list of qualifications and exemptions  
13 for jury service. It may be that you are qualified  
14 and that -- but you feel jury service this week would  
15 constitute an extreme hardship upon you for a particular  
16 reason. Please recognize that while I can transfer  
17 a juror, it must be under extreme and compelling  
18 circumstances, and it must be a juror who was not  
19 previously transferred. Please recognize that general  
20 inconvenience is not a sufficient basis to transfer  
21 you to another term of court. To justify a transfer,  
22 service must constitute an extreme hardship upon you.

23 However, if there are any members of the  
24 panel who have a doctor's appointment for yourself  
25 or an immediate member of your family, or any other

1 pre-arranged appointment, or an appointment that may  
2 have risen emergently since you received your jury  
3 summons, if you would make me aware of that because  
4 I can make alternate arrangements for you to meet that  
5 obligation. If you feel you fit into that category,  
6 I would ask that you stand at this time. Yes, sir,  
7 tell me your name and juror number.

8 THE JUROR: Juror 104, Bryant Jefferson.

9 THE COURT: Yes, sir.

10 THE JUROR: I have a surgical procedure  
11 scheduled for the 30th.

12 THE COURT: What day of the week is that?

13 THE CLERK: Thursday.

14 THE JUROR: That's Thursday.

15 THE COURT: Is that Thursday?

16 THE CLERK: Yes, Your Honor.

17 THE COURT: And you'll need time to  
18 recuperate, I assume?

19 THE JUROR: I'll be under general  
20 anesthesia.

21 THE COURT: No, I mean, you'll need  
22 to recuperate the next day, won't you?

23 THE JUROR: Yeah.

24 THE COURT: Sir, we'll transfer -- have  
25 you been transferred before?

1 THE JUROR: No.

2 THE COURT: We'll transfer you to a term  
3 that will not conflict with that responsibility.  
4 What time would work better for you?

5 THE JUROR: Sometime after April works  
6 great.

7 THE COURT: We'll do June, sir; they'll send  
8 you a new summons.

9 THE JUROR: Okay, great.

10 THE COURT: Yes, sir, tell me your name  
11 and juror number.

12 THE JUROR: Juror 124. Do traffic ---

13 THE COURT: You have traffic court?

14 THE JUROR: Yes, ma'am.

15 THE COURT: What day do you have traffic  
16 court?

17 THE JUROR: On the 31st.

18 THE COURT: I'll protect you for the 31st,  
19 sir.

20 THE JUROR: Thank you.

21 THE COURT: You're welcome.

22 MS. SAS: Your Honor.

23 THE COURT: Yes.

24 MS. SAS: May I approach?

25 THE COURT: Give me a moment.

1 MS. SAS: Sure.

2 THE COURT: Is there anyone else that feels  
3 they fit into that category? Ladies and gentlemen,  
4 this is now the opportunity for those who did not  
5 respond earlier to any of the personal questions that  
6 were asked, or any other question that was asked,  
7 especially those who may have a question or concern  
8 about your qualifications and how any of the  
9 qualifications may apply to you in your particular  
10 situation.

11 Or if there is a personal question you did  
12 not feel comfortable answering in the presence of your  
13 fellow jurors, this would be the time to speak with the  
14 Court, or those who wish to seek a transfer. I would  
15 emphasize before making that request that this is  
16 a particularly good week to satisfy your jury service.

17 If you would bear with me for just one  
18 moment.

19 THE JUROR: I have ---

20 THE COURT: I'll talk with you in just  
21 a moment, ma'am. I apologize.

22 (Off-the-record conversation held at sidebar.)

23 (Back on the record.)

24 THE COURT: Okay. Those who wish to  
25 speak with the Court privately, if you would line up

1 in the aisle so that the bailiffs can direct you.  
2 I need you to take your seats. Don't approach the bench  
3 without permission. If there's something germane,  
4 I'll make you aware of it. I also need to speak with  
5 No. 124.

6 THE BAILIFF: 190.

7 THE COURT: Yes, sir, if you would tell  
8 me your name and your juror number.

9 THE JUROR: Trevor Thomas, 190.

10 THE COURT: Yes, sir.

11 THE JUROR: My wife goes to school in the  
12 afternoons, and we have four children.

13 THE COURT: Your wife goes to school where?

14 THE JUROR: Trident. And there's nobody  
15 to watch our kids.

16 THE COURT: And how old are your children?

17 THE JUROR: I've got two that are eight  
18 and two that are seven.

19 THE COURT: They're in school, right?

20 THE JUROR: Yes, ma'am, until two o'clock.

21 THE COURT: So your kids get -- what's your  
22 wife's schedule at school?

23 THE JUROR: She has to go to school  
24 at four o'clock.

25 THE COURT: And how are you employed?

1 What are your work hours?

2 THE JUROR: 6:00 to 2:30.

3 THE COURT: So you work at Boeing?

4 THE JUROR: Yes, ma'am.

5 THE COURT: And you get off at 2:30?

6 THE JUROR: Yes, ma'am.

7 THE COURT: Sir, the best I can do  
8 is transfer you; I can't excuse you.

9 THE JUROR: Okay.

10 THE COURT: So have you been transferred  
11 before?

12 THE JUROR: No, ma'am.

13 THE COURT: Okay. I need you to pick a week  
14 that you think will work better for you.

15 THE JUROR: Uh ---

16 THE COURT: Or a month, I guess, is a better  
17 way of putting it.

18 THE JUROR: I mean, my wife doesn't have  
19 any breaks in school, so I don't know.

20 THE COURT: But she would have a short break  
21 in between semesters.

22 THE JUROR: I mean, she has like -- I don't  
23 know the schedule, though.

24 THE COURT: Yeah, they have a break before  
25 the summer term starts.

1 THE JUROR: Yeah. I mean, she has, like,  
2 spring break and stuff like that.

3 THE COURT: No, they have a break before  
4 -- they have a break in between each term.

5 THE JUROR: Okay. Yeah, I don't know.

6 THE COURT: Yeah. They don't go  
7 continuously. They have a term, they have a break,  
8 they have a term, they have a break, and they have,  
9 like, a main master, and they have a break, yeah.

10 THE JUROR: Okay. So, I don't -- I'm not  
11 too sure.

12 THE CLERK: Judge, if he were to get her  
13 schedule and then call us back.

14 THE COURT: Why don't you do that.

15 THE JUROR: Yeah.

16 THE CLERK: We could see when we could  
17 do it.

18 THE COURT: We'll transfer you.

19 THE JUROR: Yes, ma'am.

20 THE COURT: And then we can work it so  
21 that -- yeah, so that when she's off, you'll be able  
22 to.

23 THE JUROR: I can do that, yeah.

24 THE COURT: Does that work?

25 THE CLERK: You have the number, and you can

1 call us.

2 THE JUROR: Yes, yes.

3 THE CLERK: Yeah, okay.

4 THE JUROR: Thank you.

5 THE COURT: Perfect. Thank you, sir.

6 Have a good day.

7 THE JUROR: Thank you.

8 THE COURT: No. 190 is transferred.

9 THE BAILIFF: Juror No. 63.

10 THE COURT: How are you, ma'am? Tell me

11 your name and juror number.

12 THE JUROR: Danielle Duvall, and it's 63.

13 THE COURT: Bear with me just one moment.

14 Have you had your civil rights restored by pardon

15 or amnesty?

16 THE JUROR: I don't ---

17 THE COURT: Have you applied for a pardon?

18 THE JUROR: No, I have not.

19 THE COURT: Okay. Then, they've not been

20 restored. You would be exempt.

21 THE JUROR: Okay.

22 THE COURT: Have a great day.

23 THE JUROR: Thank you so much.

24 THE COURT: You're welcome. No. 63

25 is exempt.

1 THE BAILIFF: Juror 71.

2 THE COURT: Good morning, ma'am.

3 THE JUROR: Good morning, Your Honor.

4 THE COURT: Tell me your name and juror  
5 number.

6 THE JUROR: Gwendolyn Ferguson, No. 71.

7 I didn't know if this would be a conflict or not.

8 I supervise the mental health CORE Program at Charleston  
9 County Mental Health. I'm considered an officer of the  
10 court and a designated examiner.

11 THE COURT: Well ---

12 THE JUROR: And because it's Charleston  
13 County, I wasn't sure if there was a conflict or not.

14 THE COURT: It's not.

15 THE JUROR: Okay.

16 THE COURT: Unless you're aware -- just make  
17 us aware during voir dire if you're aware of the case  
18 or something.

19 THE JUROR: Okay.

20 THE COURT: If you have some personal  
21 knowledge, but it wouldn't exempt you.

22 THE JUROR: Okay.

23 THE COURT: Thank you.

24 THE JUROR: Thank you.

25 THE BAILIFF: Juror 23.

1 THE COURT: Good morning.

2 THE JUROR: Good morning.

3 THE COURT: Tell me your name and your juror  
4 number.

5 THE JUROR: Jeffrey Brant; I'm juror No. 23.

6 THE COURT: Yes, sir.

7 THE JUROR: I do wish to participate,  
8 but I am a full-time student, currently at Trident  
9 Technical College.

10 THE COURT: Okay.

11 THE JUROR: And I fear that is -- well,  
12 my course of study, that might bring issue with it  
13 because currently, I do have an associate's in criminal  
14 justice, and currently, I'm working on a paralegal  
15 course.

16 THE COURT: Yeah, that wouldn't be  
17 a conflict.

18 THE JUROR: Yeah.

19 THE COURT: But you're in school right now,  
20 correct?

21 THE JUROR: Yes, I'm currently in school.

22 THE COURT: Okay. When do you have a break  
23 from school?

24 THE JUROR: I believe I have spring break;  
25 I don't know the specific date of it. But currently,

1 all my courses are online.

2 THE COURT: So your courses are online.  
3 So do you have to have a specified time that you finish  
4 -- that you have to be in school?

5 THE JUROR: So for online courses, they  
6 are Monday through Thursday. They start at 8:00 a.m.;  
7 they end at 9:30.

8 THE COURT: Okay. What I'll do is I can  
9 -- what's a better month for you to serve?

10 THE JUROR: I don't exactly know at this  
11 time. I mean, like I said, I do wish to participate.  
12 It's just I wanted to make sure that it wouldn't  
13 disqualify me for doing so. That was the main concern.

14 THE COURT: Yeah, you're not disqualified.

15 THE JUROR: Okay.

16 THE COURT: But if you're in school from  
17 8:00 to 9:30, you wouldn't be able to be here on time.

18 THE JUROR: Like I said, I have checked  
19 with my teachers, and these online courses, they aren't  
20 strictly necessary for participation in the course.  
21 It's just the worry was that, you know, the whole --  
22 the course of study would cause issue because I know  
23 typically, you know, you get disqualified from courses  
24 whenever you have prior legal knowledge.

25 THE COURT: No, you don't.

1 THE JUROR: Oh.

2 THE COURT: Lawyers serve on juries all the  
3 time.

4 THE JUROR: Oh, okay.

5 THE COURT: Yeah. I mean, it's up to  
6 you. If you want to go to class and have us transfer  
7 you to a term that won't conflict with your classes,  
8 or whether you want to be transferred -- or whether  
9 you want to stay. It's up to you.

10 THE JUROR: I think I'll stay, if that's  
11 an option.

12 THE COURT: That is fine. Number ---

13 THE JUROR: Okay. That's just my only  
14 concern.

15 THE COURT: No worries. No. 23 is  
16 qualified.

17 THE BAILIFF: Juror 182.

18 THE COURT: Hello, ma'am. How are you?

19 THE JUROR: I'm doing well. Thank you.

20 THE COURT: Tell me your name and juror  
21 number.

22 THE JUROR: Renata Strang, 182.

23 THE COURT: Yes, ma'am.

24 THE JUROR: I have a rare genetic disorder  
25 that impacts my liver and lungs, and I have an

1 autoimmune disease that compromises my immune system,  
2 and I'm deathly afraid to be here because if I get  
3 sick ---

4 THE COURT: Did you bring a doctor's excuse  
5 with you?

6 THE JUROR: I don't have one because I don't  
7 technically -- I didn't get this notice until about  
8 a week and a half ago and ---

9 THE COURT: So why don't we transfer you  
10 so you can get a note from your doctor. How is that?

11 THE JUROR: I don't know that they will  
12 write a note because my biggest concern is my mental  
13 stability while here because all I hear is everybody  
14 sniffing, coughing, sneezing.

15 THE COURT: Do you have a diagnosis?

16 THE JUROR: Alpha-1 antitrypsin deficiency.

17 THE COURT: No, no. I mean, mentally,  
18 do you have a ---

19 THE JUROR: I suffer from anxiety.

20 THE COURT: Do you have a diagnosis of that?

21 THE JUROR: Yes.

22 THE COURT: And who diagnosed you with that?

23 THE JUROR: Oh, God. I think I was  
24 diagnosed as a teenager.

25 THE COURT: Okay. So why don't -- are you

1 still receiving treatment?

2 THE JUROR: I haven't been in counseling  
3 for a few years because I permanently work from home,  
4 and it's not an issue because I have reasonable medical  
5 accommodation.

6 THE COURT: We'll transfer you to give  
7 you an opportunity to get a note from your doctor.

8 THE JUROR: Okay.

9 THE COURT: We'll give you -- we'll transfer  
10 you to June.

11 THE JUROR: How much notice do I get?  
12 Because I only received ---

13 THE COURT: They'll give you a month's  
14 notice.

15 THE JUROR: A month?

16 THE COURT: But you have enough notice  
17 now to know you'll need an excuse by June.

18 THE CLERK: It'll be June 16th.

19 THE JUROR: June 16th is the day?

20 THE CLERK: Uh-huh.

21 THE JUROR: Thank you.

22 THE COURT: You're welcome, ma'am. Have  
23 a good day.

24 THE BAILIFF: Juror 143.

25 THE COURT: Yes, ma'am. Tell me your name

1 and juror number.

2 THE JUROR: My name is Azucena Palmer,  
3 and my number is 143.

4 THE COURT: Yes, ma'am.

5 THE JUROR: Yes. I have two kids; one 6  
6 and one 12, and I no working, only my husband working.  
7 So my husband working 5:30 in the morning to six  
8 o'clock, so I don't have nobody to take it to the school  
9 and pick up after school. I have one in kindergarten  
10 and one in middle school.

11 THE COURT: Okay. You can be transferred  
12 until that child reaches the age of seven. If y'all  
13 would have her fill out the affidavit.

14 THE CLERK: Yes, ma'am.

15 THE COURT: If you would go talk to them  
16 for me, they'll take care of you. Thank you, ma'am.

17 THE JUROR: Thank you.

18 THE COURT: You're welcome.

19 THE BAILIFF: Juror 162.

20 THE COURT: Good morning, ma'am. Tell me  
21 your name and juror number.

22 THE JUROR: Emily Rojas, 162.

23 THE COURT: Yes, ma'am.

24 THE JUROR: I'm nine months pregnant.

25 I will be the sole ---

1 THE COURT: You said five?

2 THE JUROR: Nine.

3 THE COURT: Oh, wow.

4 THE JUROR: Yeah. I will be the sole  
5 caregiver, I suppose. I don't know if that means  
6 I could still stay and ---

7 THE COURT: I would go ahead and get it out  
8 of the way.

9 THE JUROR: Get it out of the way.

10 THE COURT: Yeah. But if you have any  
11 difficulty, and you start having pre-term labor ---

12 THE JUROR: Okay.

13 THE COURT: --- you know, you don't feel  
14 well, let us know so that we can help you out.

15 THE JUROR: Okay. Just wanted to make  
16 it known.

17 THE COURT: Thank you.

18 THE JUROR: Thank you.

19 THE COURT: 162 is qualified.

20 THE BAILIFF: Juror 124.

21 THE COURT: Good morning, sir. How are you?

22 THE JUROR: Fine. Juror 124, Jasper Lloyd.

23 THE COURT: Yes, sir.

24 THE COURT: I've got a traffic ticket  
25 on the 30th.

1 THE COURT: Yeah. But do you -- come  
2 a little closer for me. Have you gotten your civil  
3 rights restored, or had a pardon from any of these  
4 other convictions, like the burglary and the unlawful  
5 -- the failure to stop for a blue light?

6 THE JUROR: Oh, that's been taken care of.

7 THE COURT: Yeah. But have you -- you were  
8 convicted of those, correct?

9 THE JUROR: Uh-huh.

10 THE COURT: Have you received any kind  
11 of pardon from the government restoring your civil  
12 rights to sit on a jury?

13 THE JUROR: I did one in Goose Creek  
14 already, though, in magistrate.

15 THE COURT: Yeah, they probably didn't pull  
16 your record. Let's see here. Let me just make sure.  
17 Bear with me one second. I appreciate your patience.

18 THE JUROR: You're fine.

19 THE COURT: Is that your date of birth?

20 THE JUROR: Yes, ma'am.

21 THE COURT: Is that your Social Security  
22 number? Which one is yours? So they may have you  
23 confused with somebody. Bear with me.

24 (Pause.)

25 THE COURT: You're convicted of tampering

1 with a vehicle back in 1990.

2 THE JUROR: I was a young kid.

3 THE COURT: How old were you?

4 THE JUROR: About 17 -- 16, 17.

5 THE COURT: Were you prosecuted as an adult?

6 THE JUROR: I think it got thrown out;

7 I think I paid a fine.

8 THE COURT: Well, it says that you got three  
9 years, suspended to one year of probation.

10 THE JUROR: I paid a fine.

11 THE COURT: And then -- let's see here.

12 You were convicted of habitual traffic offender back  
13 in ---

14 THE JUROR: I did a year.

15 THE COURT: --- 1996. Yeah.

16 THE JUROR: I didn't get the whole year,  
17 though.

18 THE COURT: Yeah. But it carries five  
19 years. And were you convicted of cocaine-based  
20 possession?

21 THE JUROR: No, ma'am. That was thrown out.

22 THE COURT: That was thrown out. Let's see.  
23 It says convicted here, though.

24 THE JUROR: Uh-uh.

25 THE COURT: Five years and \$5,000, suspended

1 to five-years probation.

2 THE JUROR: Oh, what year was that?

3 THE COURT: That was ---

4 THE JUROR: '95?

5 THE COURT: --- 95, yeah. Sir, you would  
6 be exempt.

7 THE JUROR: Okay.

8 THE COURT: So have a good day, but look  
9 into getting a pardon, if that's something you want  
10 to look into.

11 THE JUROR: Thank you.

12 THE COURT: You're welcome. I wish you  
13 well. Have a good day.

14 THE JUROR: So I can leave?

15 THE COURT: Yes, sir. Have a great day.  
16 No. 124 is exempt.

17 THE BAILIFF: Juror 181.

18 THE CLERK: She's been transferred twice,  
19 Your Honor.

20 THE COURT: Thank you. Yes, ma'am, tell  
21 me your name and juror number.

22 THE JUROR: I'm juror 181, Linda Stewart.

23 THE COURT: Yes, ma'am.

24 THE COURT: My husband got admitted to  
25 Roper on Friday. He's doing a bone marrow biopsy

1 today, and, I guess, he's going to start chemotherapy,  
2 and he was at Trident for the last ten days because  
3 he was going into heart failure. I didn't get to fill  
4 out this form. I don't know if I need to still turn  
5 it in, the form that they sent us, but I didn't know  
6 if that would ---

7 THE COURT: I don't want to be intrusive,  
8 but your husband has been diagnosed with something?

9 THE JUROR: Yes, T-cell lymphoma.

10 THE COURT: A very aggressive form?

11 THE JUROR: It's very aggressive. It was  
12 causing fluid in his heart. They had to put in a chest  
13 tube to drain the fluid.

14 THE COURT: And so how long is he going  
15 to be in the hospital?

16 THE JUROR: They said for about a month  
17 at Roper.

18 THE COURT: Are you going to be going  
19 to work every day?

20 THE JUROR: I don't know yet; I just found  
21 out.

22 THE COURT: Yeah, it's horrible. I'm so  
23 sorry. And you work as a federal contractor with what  
24 agency?

25 THE JUROR: Amentum; it's an applications

1 support center for USCIS. I'm the site supervisor  
2 for biometrics.

3 THE COURT: I'm going to transfer you for  
4 two months out, but I need you to understand we can't  
5 transfer you any more.

6 THE JUROR: Thank you. I know.

7 THE COURT: And I'm so sorry that you're  
8 having that experience.

9 THE JUROR: Thank you.

10 THE COURT: I hope things get better.

11 THE JUROR: Okay. Thank you.

12 THE COURT: You're welcome. Have a good  
13 day. They'll send you a new ---

14 THE JUROR: Okay.

15 THE COURT: --- subpoena -- summons.  
16 I'm sorry.

17 THE JUROR: Thank you.

18 THE COURT: You're welcome. Ladies and  
19 gentlemen, the panel is now qualified. Please permit  
20 me to share with you some guidelines this week for  
21 your service. Please have no interaction with anyone  
22 in or about the courthouse. Even an innocent  
23 conversation could be observed and easily  
24 misinterpreted. Please be prompt. It is not fair  
25 when we must delay the proceedings because someone

1 is tardy. By the same token, if you run into some  
2 challenge in the morning, please make us aware of it  
3 in the event that we can render assistance to you.

4 Also, I will tell you at the outset of this  
5 process, there will be times when you have to wait  
6 on us, but know that when you're waiting, we're working.  
7 Jury service is the only time that you can be waiting,  
8 but still be serving a very beneficial purpose to the  
9 system. There are many parts of the process that  
10 we cannot allow you to be exposed to because we have  
11 to protect your impartiality as the finders of the facts  
12 in a case. And if an emergency occurs at home, work,  
13 or otherwise, please make us aware of it so that we  
14 can help you address the issue.

15 We will select a jury for today for the  
16 case -- one of the cases for this week. If you are  
17 not selected, you will be able to go about your business  
18 as normal, and you will only have to call the jury  
19 information line after six o'clock each evening to  
20 determine if we have need of your services. Could  
21 counsel approach for me, please?

22 (Off-the-record conversation held at sidebar.)

23 (Back on the record.)

24 THE COURT: Does Mr. Boley wish to have  
25 a formal arraignment, Mr. Seaton?

1 MR. SEATON: No, Your Honor.

2 THE COURT: Okay. Ladies and gentlemen,  
3 we're going to go through a process called voir dire,  
4 which is simply a legal term, meaning that I'm going  
5 to ask you some questions so that the attorneys can more  
6 effectively exercise their preemptory challenges during  
7 jury selection. If a question applies to you, please  
8 stand, and in a loud and clear voice, tell us your  
9 name, your juror number, an answer to the question,  
10 if applicable, and remain standing until the Court  
11 has completed questioning you.

12 Before we go to through that process,  
13 I'm going to have counsel for the State introduce  
14 themselves, tell us the names of the lawyers in their  
15 offices, and also have counsel for the defense to  
16 provide us with the same information, and have his  
17 client stand and face the panel. You may proceed,  
18 Ms. Sas.

19 MS. SAS: Thank you, Your Honor.

20 THE COURT: You're welcome.

21 MS. SAS: Good morning, everyone. My name  
22 is Kamila Szymczynska-Sas. I'm one of the assistant  
23 solicitors here in Berkeley County. Berkeley County  
24 is in the Ninth Judicial Circuit, which consists of  
25 Berkeley and Charleston, and our elected solicitor is

1 Scarlett Wilson. Our deputy solicitor is Anne Williams,  
2 and our senior solicitor is Wilton McNeely.

3 We have the following other solicitors in  
4 our office: Alex Myers, Kawohi Morris, Julie Rochester,  
5 Rachel Janowski, Adam Carr, Tori Walton, Jon Newlon,  
6 Michael Secrist, and Ben Dennis, sitting right in  
7 front of you. We also have Kayla Donato, Nick Young,  
8 Olivia Lynch, Michelle Hart, as well as Laura Newberry.

9 Assisting, and my co-counsel this week,  
10 is Marie Lerch, and also our paralegal, Allison Mills.  
11 Also with us this week is the case agent from  
12 Berkeley County Sheriff's Office, Sergeant Scott Bell.  
13 Thank you.

14 MR. SEATON: Good morning, ladies  
15 and gentlemen. My name is Beau Seaton. My office  
16 is right across the street. I've practiced here  
17 in Berkeley County for about 28 years. I practice  
18 with Remington Duncan, and with me this morning  
19 is Mr. James Boley, also known as Jim.

20 MS. SAS: Your Honor, if I may? I have  
21 mistakenly omitted one person from our office.

22 THE COURT: That's okay.

23 MS. SAS: That's Samantha Aldridge.  
24 My apologies.

25 THE COURT: Ladies and gentlemen -- excuse

1 me. I apologize. I'm still trying to get over this  
2 croup cough. I'm hoping it'll -- sounds worse than  
3 it is, but I appreciate your indulgence if my voice  
4 gives out on me. We're going to select a jury for  
5 the State of South Carolina v. James Edward Boley on  
6 the following indictments; indictment 2024-GS-08-4552,  
7 State v. James Edward Boley, criminal sexual conduct  
8 with a minor in the second degree.

9 That indictment alleges as follows:  
10 That in Berkeley County, South Carolina, on or about  
11 June 1st of 2018 and February 14th of 2020, the  
12 Defendant, James Edward Boley, did commit a sexual  
13 battery, to wit, penile-vaginal penetration upon  
14 a minor -- how is that first name pronounced? I don't  
15 want to mispronounce it.

16 MS. SAS: Minor

17 THE COURT: Minor

18 [REDACTED], who was 14 years of age or less, but  
19 who was at least 11 years of age, alleging a violation  
20 of Code Section 16-3-655(b)(1) and 16-3-656 of the  
21 Code of Laws, as amended. And indictment  
22 2024-GS-08-4555, the State v. James Edward Boley,  
23 criminal sexual conduct with a minor in the second  
24 degree, and that indictment alleges as follows:  
25 That in Berkeley County, South Carolina, between

1 June 1, 2018 and February 14, 2020, the Defendant,  
2 James Edward Boley, did commit a sexual battery,  
3 to wit, digital penetration upon a minor, **Minor**  
4 **[REDACTED]**, who was 14 years of age or less,  
5 but who was at least 11 years of age, alleging a  
6 violation of Code Section 16-3-655(b)(1) and 16-3-656  
7 of the Code of Laws, as amended.

8 And indictment 2024-GS-08-4556, criminal  
9 sexual conduct with a minor in the third degree.  
10 And that indictment alleges that in Berkeley County,  
11 South Carolina, between June 1, 2018 and February 14,  
12 2020, the Defendant, James Edward Boley, who was over 14  
13 years of age, did willfully and lewdly commit or attempt  
14 to commit a lewd or lascivious act upon, or with the  
15 body or its parts, of **Minor** **[REDACTED]**, a child  
16 under the age of 16 years of age, with the intent  
17 of arousing, appealing to, or gratifying the lust,  
18 passions, or sexual desires of the Defendant or the  
19 child.

20 That, in addition, if the Defendant was  
21 18 years of age or less, and the child was at least 14  
22 years of age, and alleging that such lewd and lascivious  
23 conduct was non-consensual, alleging a violation  
24 of Code Section 16-3-655(c) of the Code of Laws,  
25 as amended.

1                   And indictment 2024-GS-08-4807, criminal  
2 sexual conduct with a minor in the second degree.  
3 And that indictment alleges that in Berkeley County,  
4 South Carolina, between June 1, 2018 and February 14,  
5 2020, the Defendant, James Edward Boley, did commit  
6 a sexual battery, to wit, anal or penile penetration  
7 upon a minor, **Minor**, who was 14 years  
8 of age or less, but who was at least 11 years of age,  
9 alleging a violation of Code Section 16-3-655(b)(1) and  
10 16-3-656 of the Code of Laws, as amended, and alleging  
11 all of these allegations to be against the peace and  
12 dignity of the state of South Carolina.

13                   Again, ladies and gentlemen, I'm going  
14 to ask you a series of questions. If any of these  
15 questions apply to you, I would ask that you stand --  
16 excuse me -- and in a loud and clear voice, tell us  
17 your name, your juror number, an answer to the question,  
18 if applicable, and remain standing until I've completed  
19 questioning you.

20                   I know that some of these questions may,  
21 at some point, become intensely personal. If someone  
22 does not feel comfortable answering that question in  
23 the presence of your fellow jurors, please make me aware  
24 of it, and I will speak with you with the court reporter  
25 and counsel at the bench.

1                   Is there any member of the panel related  
2 by blood or marriage to James Edward Boley or  
3 **Minor** [REDACTED]? If so, please stand at  
4 this time. Does any member of the panel have a close  
5 personal or social relationship with James Edward Boley  
6 or **Minor** [REDACTED], or anyone who is related  
7 to either of these individuals? If so, please stand  
8 at this time.

9                   The following are a list of potential  
10 witnesses in this case. I would ask that you listen  
11 carefully: **Brother 1** [REDACTED], Kimberly Perez,  
12 Marco Pichardo, Chris Jones, **AJ** [REDACTED]  
13 William "Jamie" Johnson, Dr. Ian Kane of the Medical  
14 University, Katherine Fabrizio, a SANE nurse at the  
15 Medical University of South Carolina, Megan Temple, MS,  
16 LPC, LPC/S, Sergeant Scott Bell, Officer Patrick Dolly,  
17 Melissa Kindard, Joseph Goyette, and Ramoan "Ortez"  
18 Howell, all of the Berkeley County Sheriff's Office.

19                   Is there any member of the panel related  
20 by blood or marriage to any of the people that I have  
21 just listed, or does anyone have a close personal  
22 or business relationship with any of these individuals?  
23 If so, please stand at this time. Yes, ma'am, tell me  
24 your name and your juror number.

25                   THE JUROR: Gwendolyn Ferguson, juror

1 No. 71.

2 THE COURT: And what is your relationship  
3 and to whom?

4 THE JUROR: I'm a former co-worker of  
5 Melissa Kinard.

6 THE COURT: I'm sorry. I can barely hear  
7 you.

8 THE JUROR: I'm a former co-worker ---

9 THE COURT: You said, you're a former  
10 co-worker of who?

11 THE JUROR: --- of Melissa Kinard.

12 THE COURT: And how would you characterize  
13 that relationship; acquaintance, friends, co-workers?

14 THE JUROR: Co-workers, acquaintance.

15 THE COURT: Do you currently have any  
16 interaction with her?

17 THE JUROR: No, ma'am.

18 THE COURT: When was the last time you had  
19 interaction with her?

20 THE JUROR: Probably a year ago, about  
21 a year ago.

22 THE COURT: I'm sorry. I didn't hear you.

23 THE JUROR: About a year ago.

24 THE COURT: As a result of this experience,  
25 do you feel that you can remain fair and impartial

1 and render a fair and impartial decision in this case,  
2 based solely on the evidence as it will be presented  
3 and on the law as the Court will instruct?

4 THE JUROR: Yes, ma'am.

5 THE COURT: You can take your seat.  
6 Thank you. Has any member of the panel ever been  
7 represented by any of the attorneys involved in this  
8 case, or any of the lawyers and their offices? If so,  
9 please stand at this time. Is there any member of the  
10 panel related by blood or marriage, or have a close  
11 personal or social relationship with any of the  
12 attorneys involved in this case, any of the attorneys  
13 and their offices, or any person employed in any  
14 capacity whatsoever in their offices? If so, please  
15 stand at this time. Yes, sir, tell me your name and  
16 juror number.

17 THE JUROR: Josh Whitley, juror No. 200.

18 THE COURT: And who is it that you have  
19 a relationship with?

20 THE JUROR: Several on both sides.

21 THE COURT: I need you to tell me who they  
22 are.

23 THE JUROR: Beau Seaton, Ms. Sas,  
24 Solicitor Wilson, Anne Williams, Ben Dennis, and I think  
25 that's all of them.

1 THE COURT: And in what capacity have you  
2 interacted with them?

3 THE JUROR: Colleagues, friends --  
4 colleagues at the bar, friends. I mean, not the bar,  
5 but the legal bar.

6 THE COURT: I know what you meant. Would  
7 you consider them work acquaintances or social  
8 acquaintances?

9 THE JUROR: Both.

10 THE COURT: How often would you say you  
11 interact with them?

12 THE JUROR: Solicitor Wilson, several times  
13 a month; Mr. Seaton, several times a quarter, and then  
14 socially with the others.

15 THE COURT: As a result of these  
16 experiences, do you feel that you can remain fair  
17 and impartial and render a fair and impartial decision  
18 in this case, based solely on the evidence as it will  
19 be presented and on the law as the Court will instruct?

20 THE JUROR: I do.

21 THE COURT: Thank you, sir. You may  
22 take your seat. Has any member of the panel formed  
23 or expressed an opinion about any issue -- yes, sir,  
24 tell me your name and juror number.

25 THE JUROR: Richard Baxley, 15.

1 THE COURT: Yes, sir.

2 THE JUROR: A good friend of mine was  
3 represented by Beau about 30-something years ago,  
4 and I did a lot of helping with his case and stuff  
5 with his child support and stuff.

6 THE COURT: Okay. You must mean  
7 Mr. Seaton's father, because I don't think Mr. Seaton  
8 has had his law license 30 years, have you?

9 MR. SEATON: I'm sorry, Judge, but I have.

10 THE COURT: You have? Really?

11 MR. SEATON: You were in the family court  
12 when I started, Judge.

13 THE COURT: Don't remind me how old I am.  
14 I had to figure out how long I had a law license  
15 the other night, I was laying there thinking, how long  
16 have I had a law license?

17 MR. SEATON: It's been too long, Judge.

18 THE COURT: You've had a law license for  
19 30 years?

20 MR. SEATON: Almost, in '95.

21 THE COURT: I am stunned.

22 MR. SEATON: I don't appreciate getting  
23 called out any more than you do, Judge.

24 THE COURT: I just knew he was talking about  
25 your daddy. Yes, sir. You said you helped extensively

1 with his case -- your friend's case?

2 THE JUROR: Yes, ma'am.

3 THE COURT: Okay. And that was about  
4 30 years ago?

5 THE JUROR: Yeah, in the late '90s.

6 THE COURT: Okay. But you were not  
7 personally represented by Mr. Seaton, correct? It was  
8 your friend?

9 THE JUROR: No, ma'am.

10 THE COURT: It was your friend that was  
11 represented by Mr. Seaton?

12 THE JUROR: Yes, ma'am.

13 THE COURT: Okay. As a result of this  
14 experience, do you feel that you could remain fair  
15 and impartial and render a fair and impartial decision  
16 in this case, based solely on the evidence as it will  
17 be presented and on the law as the Court will instruct?

18 THE JUROR: Yes, ma'am.

19 THE COURT: Thank you, sir. You may  
20 take your seat. Has any member of the panel formed  
21 or expressed an opinion about any issue or matter  
22 involved in this case? If so, please stand at this  
23 time. Is there any member of the panel aware of any  
24 bias or prejudice toward either the State or the defense  
25 in this case? If so, please stand at this time.

1           Is there any member of the panel who has  
2 any personal knowledge of the alleged facts and  
3 circumstances of this case? If so, please stand at this  
4 time. Is there any member of the panel who has read,  
5 watched, or listened to any media accounts about this  
6 case, if there have been any? That would include  
7 anything on the internet, radio, television, or  
8 newspaper. If so, please stand at this time.

9           Is there any member of the panel who  
10 is a member of or contributor to any group which  
11 has as its primary concern the enforcement of victim's  
12 rights? These groups would include, but are not limited  
13 to, Mothers Against Drunk Driving, Students Against  
14 Drunk Driving, Citizens Against Violent Crime, People  
15 Against Rape, Parents Advocating a Return to Decency  
16 and Ethics, or any other type of community-watch group.  
17 If so, please stand at this time.

18           Is there any member of the panel who has a  
19 moral, philosophical, or religious opposition to sitting  
20 in judgment of a fellow human being? If so, please  
21 stand at this time. Is there any member of the panel,  
22 or a member of your immediate family, ever been  
23 the victim of a violent crime? If so, please stand  
24 at this time.

25           THE JUROR: Paula Marion, juror 127.

1 THE COURT: Was it you or a family member?

2 THE JUROR: Family member.

3 THE COURT: And which family member?

4 THE JUROR: My sister, who was 14 years old.

5 THE COURT: Okay. If you would remain  
6 standing for me. Was it in the nature of a sexual  
7 assault?

8 THE JUROR: Yes, ma'am, and murder.

9 THE COURT: If you would remain standing  
10 for me. Yes, ma'am, tell me your name and juror number.

11 THE JUROR: Emily Rojas, 162.

12 THE COURT: And was it you or a family  
13 member?

14 THE JUROR: Myself.

15 THE COURT: If you would remain standing.  
16 Yes, sir, in the purple.

17 THE JUROR: No. 31, Eric Bultenhuis.

18 THE COURT: Was it you or a family member?

19 THE JUROR: My wife.

20 THE COURT: About how long ago; 20 years,  
21 50 years?

22 THE JUROR: Twenty-five years.

23 THE COURT: Twenty-five years?

24 THE JUROR: Ish.

25 THE COURT: Remain standing for me.

1 Yes, ma'am.

2 THE JUROR: Juror No. 41.

3 THE COURT: Was it you or a family member?

4 THE JUROR: A family member.

5 THE COURT: Which family member?

6 THE JUROR: A cousin.

7 THE COURT: Okay. If you would remain  
8 standing for me. Sir, in the black shirt.

9 THE JUROR: Juror 166, James Rybicki.

10 THE COURT: Was it you or a family member?

11 THE JUROR: I would rather speak in private.

12 THE COURT: Okay. But at this point, I need  
13 you to tell me what ---

14 THE JUROR: It was a family member.

15 THE COURT: Which family member?

16 THE JUROR: Mother.

17 THE COURT: Okay. If you would remain  
18 standing for me. In the pink, yes, ma'am.

19 THE JUROR: Yes. Juror No. 71; it was  
20 myself.

21 THE COURT: Okay. If you would remain  
22 standing. And, yes, ma'am.

23 THE JUROR: 159.

24 THE COURT: And was it you or a family  
25 member?

1 THE JUROR: It was myself.

2 THE COURT: And, sir, in the orange.

3 THE JUROR: Myself, my sister, and my  
4 brother.

5 THE COURT: And your juror number?

6 THE JUROR: Seventy-three.

7 THE COURT: You said 7-3?

8 THE JUROR: Yes, ma'am.

9 THE COURT: And you said it was yourself,  
10 your sister, and ---

11 THE JUROR: My brother.

12 THE COURT: As a result of these  
13 experiences, do you all feel that you could remain fair  
14 and impartial and render a fair and impartial decision  
15 in this case, based solely on the evidence as it will  
16 be presented and on the law as the Court will instruct?  
17 No. 127.

18 THE JUROR: I do not.

19 THE COURT: Ma'am, you would be exempt  
20 from the trial of this case. You may take your seat.  
21 No. 162.

22 THE JUROR: I do not.

23 THE COURT: Ma'am, you would be exempt  
24 from the trial of this case. You may take your seat.  
25 No. 31.

1 THE JUROR: I do.

2 THE COURT: Okay. Sir, you may take your  
3 seat. Thank you. No. 41.

4 THE JUROR: I do.

5 THE COURT: You may take your seat.  
6 Thank you. No. 166.

7 THE JUROR: I would not.

8 THE COURT: Sir, you would be exempt  
9 from the trial of this case. You may take your seat.  
10 No. 71.

11 THE JUROR: I do not.

12 THE COURT: You would be exempt from the  
13 trial of this case. You may take your seat. No. 159.

14 THE JUROR: No.

15 THE COURT: Does that mean you cannot?

16 THE JUROR: Yes.

17 THE COURT: Okay. You would be exempt  
18 from the trial of this case. And No. 73.

19 THE JUROR: Yes, ma'am, I can.

20 THE COURT: Okay. Thank you, sir. You may  
21 take your seat. Is there any member of the panel who  
22 has had what they would characterize as an unpleasant  
23 experience with law enforcement, such that it would  
24 affect your ability to remain fair and impartial?  
25 If so, please stand at this time. Is there any member

1 of the panel who lives in the area of Benjamin Drive  
2 or Emma Meredith Drive in Goose Creek? If so, please  
3 stand at this time.

4 Is there any member of the panel, or a  
5 member of your immediate family, ever been the victim  
6 of a sex assault? If so, please stand at this time.  
7 Those who have been exempted do not need to stand  
8 again. That would be Nos. 127, 166, 71, 159, and 162.  
9 If you feel this applies, and you wish to share that  
10 with the Court, if you would stand.

11 THE JUROR: Juror No. 137. My wife was  
12 assaulted.

13 THE COURT: Was she a child or an adult?

14 THE JUROR: Adult.

15 THE COURT: How long ago, sir?

16 THE JUROR: It's been like ---

17 THE COURT: Five years ago, ten years ago?

18 THE JUROR: Thirty years ago.

19 THE COURT: Thirty years ago. Sir,  
20 as a result of this experience, do you feel that  
21 you could remain fair and impartial and render a fair  
22 and impartial decision in this case, based solely  
23 on the evidence as it will be presented and on the law  
24 as the Court will instruct?

25 THE JUROR: I do.

1                   THE COURT: Thank you, sir. You may  
2 take your seat. Does any member of the panel know  
3 of any reason whatsoever why he or she should not  
4 serve as a juror in this case, with particular emphasis  
5 being placed on your ability to be fair and impartial  
6 to both the State and the defense? If so, please stand  
7 at this time. Yes, ma'am, tell me your name and juror  
8 number.

9                   THE JUROR: Denise Mitchum, juror 136.

10                  THE COURT: Okay. And are you telling  
11 the Court you cannot be fair and impartial?

12                  THE JUROR: I am.

13                  THE COURT: And are you telling me that  
14 that's a fixed opinion on your part?

15                  THE JUROR: I am.

16                  THE COURT: Are you telling me that you  
17 cannot set aside that opinion and follow the law as  
18 the Court instructs it?

19                  THE JUROR: I don't believe so.

20                  THE COURT: Okay. There's no right or wrong  
21 answer, but it has to be a yes or no answer.

22                  THE JUROR: No, I cannot.

23                  THE COURT: Okay. But is it the process  
24 in general, or this type of case?

25                  THE JUROR: I was in law enforcement for

1 15 years. I served as a ---

2 THE COURT: I just need to know is it this  
3 type of case, or is it the process in general?

4 THE JUROR: Yes.

5 THE COURT: Pardon me?

6 THE JUROR: These cases.

7 THE COURT: Okay. You would be exempt  
8 from the trial of this case, ma'am, 136. All right.

9 THE JUROR: Your Honor.

10 THE COURT: Yes. Yes, sir.

11 THE JUROR: Juror No. 200, Josh Whitley.

12 THE COURT: Yes, sir.

13 THE JUROR: I believe I can be fair, but  
14 I have a longstanding relationship with the sheriff's  
15 office, did service on the county council, the finance  
16 department, but I believe I can be fair.

17 MR. SEATON: Your Honor, I would ask that  
18 he would be exempt for cause.

19 THE COURT: I have to go through the  
20 questioning.

21 MR. SEATON: Yes, ma'am, certainly.

22 THE COURT: Mr. Whitley, as a result  
23 of these experiences, do you feel that you can remain  
24 fair and impartial?

25 THE JUROR: I believe so.

1           THE COURT:  There's no right or wrong  
2 answer, but it has to be a yes or no answer.  So I need  
3 you to search yourself.  And again, there's no right  
4 or wrong answer, but it has to be definitive, and it has  
5 to be a yes or a no.  Do you feel that based on this  
6 experience that you can remain fair and impartial?

7           THE JUROR:  No.

8           THE COURT:  Okay.  Sir, you -- are you  
9 telling me that this is a fixed opinion?

10          THE JUROR:  Yes.

11          THE COURT:  Are you telling me that you  
12 cannot set aside that opinion and follow the law as  
13 it is instructed and make a decision based on the facts  
14 as they are presented?

15          THE JUROR:  I believe I can follow the law,  
16 Your Honor.

17          THE COURT:  Okay.  I'm going to ask that  
18 question a little bit differently.  Again, there's  
19 no right or wrong answer, but I do need a yes or a no.  
20 The fact that you may have a predisposition, the law  
21 does not expect any juror to come to this court  
22 dispossessed of their own personal knowledge of events  
23 or their own philosophical events.

24                 However, it does require that you are  
25 able -- if you have a fixed opinion, to set that

1 fixed opinion aside and to follow the law as it is  
2 instructed, and make a fair and impartial decision,  
3 based solely on the evidence as it is presented. So  
4 that is what my question goes to. Do you feel that  
5 you can be fair and impartial? Again, there's no right  
6 or wrong answer, but I do need a yes or a no.

7 THE JUROR: No.

8 THE COURT: Okay. Sir, you would be exempt  
9 from the trial of this case only. You may take your  
10 seat. All right. Anybody else? All hearts and minds  
11 clear. All righty. Strikes will be ten and five.

12 Ladies and gentlemen, if you would give  
13 us a moment. We have to prepare what are called  
14 strike sheets, which lists your names purely randomly.  
15 And if your name is called as we begin the selection  
16 process, if you would stand where you are currently  
17 seated until we either excuse or seat you as a juror.  
18 We appreciate your patience as we create that strike  
19 list. Again, your numbers are completely random.  
20 Are there any additional questions from the State?

21 MS. SAS: No, Your Honor.

22 THE COURT: Any additional questions from  
23 the defense?

24 MR. SEATON: None from the defense,  
25 Your Honor.

1 THE COURT: All right. I think we need  
2 two alternates. What do y'all think? State?

3 MS. SAS: I'm sorry, Your Honor.

4 THE COURT: I was thinking two alternates.  
5 What do you think?

6 MS. SAS: Yes, Your Honor, I would agree  
7 with that.

8 THE COURT: Defense?

9 MR. SEATON: Yes, ma'am.

10 THE COURT: I think we need two alternates.

11 (Pause.)

12 THE COURT: Ladies and gentlemen, I would  
13 ask that you give the clerk your undivided attention.  
14 You may proceed when ready.

15 THE CLERK: Ladies and gentlemen, when  
16 I call your name, would you please stand where you are.  
17 If I say, seat the juror, bring all your belongings  
18 forward to the bailiff at the front. If I say, excuse  
19 the juror, just please sit down. Juror No. 42,  
20 Kamren Chisholm. What sayeth the State?

21 MS. SAS: Please seat the juror.

22 THE CLERK: What sayeth the defense?

23 MR. SEATON: Please seat the juror.

24 THE CLERK: Seat the juror. Please come  
25 forward, Mr. Chisholm. Thank you. Juror No. 89,

1 Tiffany Harrelson. What sayeth the State?

2 MS. SAS: Court's indulgence.

3 THE CLERK: Sure.

4 MS. SAS: Please seat the juror.

5 THE CLERK: What sayeth the defense?

6 MR. SEATON: Please excuse the juror.

7 THE CLERK: Excuse the juror. Juror

8 No. 138, Glorilynn Moore. What sayeth the State?

9 MS. SAS: Please seat the juror.

10 THE CLERK: What sayeth the defense?

11 MR. SEATON: Please seat the juror.

12 THE CLERK: Seat the juror. Juror No. 184,

13 Clybert Swinton, Jr. What sayeth the State?

14 MS. SAS: Court's indulgence.

15 THE CLERK: Sure.

16 MS. SAS: Please excuse the juror.

17 THE CLERK: Excuse the juror. Juror

18 No. 137, Christopher Mobley. What sayeth the State?

19 MS. SAS: Please seat the juror.

20 THE CLERK: What sayeth the defense?

21 MR. SEATON: Please excuse the juror.

22 THE CLERK: Excuse the juror. Juror No. 45,

23 Megan Colson. What sayeth the State?

24 MS. SAS: Please seat the juror.

25 THE CLERK: What sayeth the defense?

1 MR. SEATON: Please excuse the juror.

2 THE CLERK: Excuse the juror. Juror No. 38,  
3 Karen Campbell. What sayeth the State?

4 MS. SAS: Please seat the juror.

5 THE CLERK: What sayeth the defense?

6 MR. SEATON: Please seat the juror.

7 THE CLERK: Seat the juror. Juror No. 81,  
8 Kyla Goldsmith. What sayeth the State?

9 MS. SAS: Please seat the juror.

10 THE CLERK: What sayeth the defense?

11 MR. SEATON: Please seat the juror.

12 THE CLERK: Seat the juror. Juror No. 86,  
13 Arthur Hamilton, Jr. What sayeth the State?

14 MS. SAS: Please excuse the juror.

15 THE CLERK: Excuse the juror. Juror  
16 No. 191, William Thomason. What sayeth the State?

17 MS. SAS: Court's indulgence. Seat the  
18 juror.

19 THE CLERK: I'm sorry?

20 MS. SAS: I'm sorry. Please seat the juror.

21 THE CLERK: Thank you. What sayeth the  
22 defense?

23 MR. SEATON: Please seat the juror.

24 THE CLERK: Seat the juror. Juror No. 76,  
25 Robbie Geiselman. What sayeth the State?

1 MS. SAS: Please seat the juror.

2 THE CLERK: What sayeth the defense?

3 MR. SEATON: Please excuse the juror.

4 THE CLERK: Excuse the juror. Juror No. 31,  
5 Eric Buitenhuis. What sayeth the State?

6 MS. SAS: Please seat the juror.

7 THE CLERK: What sayeth the defense?

8 MR. SEATON: Please seat the juror.

9 THE CLERK: Seat the juror. Juror No. 64,  
10 Tracey Eaddy. What sayeth the State?

11 MS. SAS: Please seat the juror.

12 THE CLERK: What sayeth the defense?

13 MR. SEATON: Please seat the juror.

14 THE CLERK: Seat the juror. Juror No. 144,  
15 Bobbi Patrick. What sayeth the State?

16 MS. SAS: Please seat the juror.

17 THE CLERK: What sayeth the defense?

18 MR. SEATON: Please excuse the juror.

19 THE CLERK: Excuse the juror. Juror  
20 No. 202, Keith Williams. What sayeth the State?

21 MS. SAS: Please seat the juror.

22 THE CLERK: What sayeth the defense?

23 MR. SEATON: Please seat the juror.

24 THE CLERK: Seat the juror. Juror No. 178,  
25 Kimberly South. What sayeth the State?

1 MS. SAS: Court's indulgence.

2 THE CLERK: Yes, ma'am.

3 MS. SAS: Please seat the juror.

4 THE CLERK: What sayeth the defense?

5 MR. SEATON: Please excuse the juror.

6 THE CLERK: Excuse the juror. Juror No. 40,

7 Jason Carrigan. What sayeth the State?

8 MS. SAS: Court's indulgence. Please seat

9 the juror.

10 THE CLERK: What sayeth the defense?

11 MR. SEATON: Please seat the juror.

12 THE CLERK: Seat the juror. Juror No. 120,

13 Ladonna Lewis. What sayeth the State?

14 MS. SAS: Court's indulgence. Please seat

15 the juror.

16 THE CLERK: What sayeth the defense?

17 MR. SEATON: My fingers are too fat.

18 Give me a minute. Please excuse the juror.

19 THE CLERK: Excuse the juror. Juror No. 82,

20 Joshua Grunlund. What sayeth the State?

21 MS. SAS: Please seat the juror.

22 THE CLERK: What sayeth the defense?

23 MR. SEATON: Please seat the juror.

24 THE CLERK: Seat the juror. Juror No. 157,

25 Kelly E. Richardson. What sayeth the State?

1 MS. SAS: Please seat the juror.

2 THE CLERK: What sayeth the defense?

3 MR. SEATON: Please seat the juror.

4 THE CLERK: Seat the juror. Juror No. 169,  
5 Carolyn Schultz. What sayeth the State?

6 MS. SAS: Please seat the juror.

7 THE CLERK: What sayeth the defense?

8 MR. SEATON: Please excuse the juror.

9 THE CLERK: Excuse the juror. Juror  
10 No. 100, Walter Howell, Jr. What sayeth the State?

11 MS. SAS: Court's indulgence. Please seat  
12 the juror.

13 THE CLERK: What sayeth the defense?

14 MR. SEATON: Please seat the juror.

15 THE CLERK: Seat the juror. The first  
16 alternate ---

17 THE COURT: Strikes are one and two.

18 THE CLERK: Juror No. 41, Pamela  
19 Chamberlain. What sayeth the State?

20 MS. SAS: Please seat the juror.

21 THE CLERK: What sayeth the defense?

22 MR. SEATON: Please excuse the juror.

23 THE CLERK: Excuse the juror. Juror No. 74,  
24 Evonna Frayer. What sayeth the State?

25 MS. SAS: Please seat the juror.

1 THE CLERK: What sayeth the defense?

2 MR. SEATON: Please seat the juror.

3 THE CLERK: Seat the juror. Alternate  
4 No. 2. Juror No. 85, Ryan Guffey. What sayeth the  
5 State?

6 MS. SAS: Please seat the juror.

7 THE CLERK: What sayeth the defense?

8 MR. SEATON: Seat the juror.

9 THE CLERK: Seat the juror.

10 THE COURT: Any motions regarding the  
11 selection of the jury from the State?

12 MS. SAS: None from the State, Your Honor.

13 THE COURT: From the defense?

14 MR. SEATON: Nothing from the Defendant,  
15 Your Honor.

16 THE COURT: Ladies and gentlemen, we thank  
17 you for your time and your attention. If you would  
18 call the jury information line after six o'clock  
19 this evening for further instructions. You're excused  
20 with the Court's profound thanks. Have a great day.  
21 Stay safe.

22 (Remaining jury panel exits the courtroom.)

23 (Pause.)

24 THE COURT: Any exceptions to the jury being  
25 sworn from the State?

1 MS. SAS: No, Your Honor.

2 THE COURT: From the defense?

3 MR. SEATON: No, Your Honor.

4 THE COURT: Ladies and gentlemen, if you  
5 would stand for me, please, and raise your right hand  
6 so that the clerk can administer the oath to you.

7 (Whereupon, the jury panel was duly sworn.)

8 THE CLERK: Thank you. You may be seated.

9 THE COURT: Ladies and gentlemen, I'm going  
10 to place you into the capable hands of the bailiffs  
11 who are going to get your cell phone numbers and some  
12 other information from you. And also, during this  
13 break, I need to discuss scheduling with counsel.  
14 During this break, please do not discuss the case  
15 in any manner whatsoever. Please don't speculate what  
16 you think the case may or could be about. If you would  
17 go with the bailiffs for me, please.

18 (The jury exited the courtroom at 12:04 p.m.)

19 (Pause.)

20 THE COURT: Have you already given the  
21 exhibits to the court reporter? Is this the most  
22 updated list that you all have provided us with?

23 MS. SAS: Yes, Your Honor, and I've provided  
24 that list, and I have everything ---

25 THE COURT: We have a list, 1 through 43.

1 MS. SAS: Yes, Your Honor. And Mr. Seaton  
2 and I have reviewed that the only thing I'm missing  
3 is the CV and will be bringing that.

4 THE COURT: And what number is that you're  
5 referring to?

6 MS. SAS: That is No. 23, Your Honor;  
7 that is still downstairs in our office.

8 THE COURT: And when it says photographs,  
9 what are these photographs of?

10 MS. SAS: Your Honor, these are ---

11 THE COURT: 1 through 11.

12 MS. SAS: These are photographs of the  
13 residence, to include No. 18 as well.

14 THE COURT: And I assume that's sort of the  
15 area as well?

16 MS. SAS: Yes, Your Honor.

17 THE COURT: What email are you referring  
18 to in 24?

19 MS. SAS: Your Honor, that is an email  
20 that was provided to Mr. Seaton in discovery that the  
21 victim emailed to Sergeant Scott Bell. In the email,  
22 are screenshots of communications between her and the  
23 Defendant that she included for Sergeant Bell from  
24 the TextNow app.

25 THE COURT: Facebook printouts, what are

1 those of?

2 MS. SAS: Your Honor, all the Facebook  
3 printouts are for communications between either the  
4 victim or the Defendant -- the victim and the Defendant,  
5 or the Defendant and her brother, **Brother 1** who's also  
6 a witness. And those are -- some of them are directly  
7 from the Facebook preservation, and some of them are  
8 -- yeah, they're all -- and one of them is a screenshot  
9 that is from a phone of the Facebook Messenger  
10 communications.

11 THE COURT: What records are you referring  
12 to in 34?

13 MS. SAS: Your Honor, 34 is the victim's  
14 medical records; they're for ID only to refresh  
15 the witness. And I would say for the Court's  
16 notification, Nos. 33 through 43 will all be only  
17 for ID, if necessary.

18 THE COURT: Mr. Seaton, do you have any  
19 exception to 1 through 11?

20 MR. SEATON: Your Honor, assuming that  
21 they are coming in as we're -- as I'm being told,  
22 then I certainly do not.

23 THE COURT: Well, what -- my question  
24 is more direct than that because I'm going to try to --  
25 I want to admit as many things that y'all don't have

1 an argument about ahead of time. So are you saying that  
2 you need -- you object, unless they lay a foundation,  
3 or are you ---

4 MR. SEATON: No, ma'am.

5 THE COURT: --- telling me you don't have  
6 an objection?

7 MR. SEATON: I don't have an objection  
8 to any of these things, assuming that ---

9 THE COURT: Well, let me go through the  
10 numbers.

11 MR. SEATON: Yes, ma'am.

12 THE COURT: 1 through 11 are photos of  
13 the residence, as well as 18. Do you have any objection  
14 to those?

15 MR. SEATON: No, ma'am. No, ma'am, I do  
16 not.

17 THE COURT: So do you have any exception  
18 to those being marked and admitted without objection?  
19 That would be 1 through 11 and 18.

20 MR. SEATON: Just so that I'm sure that  
21 I'm understanding the Court's query, that I don't have  
22 -- if she lays the proper foundation for them, I do not  
23 have a problem with any of those.

24 THE COURT: Do you have an objection?  
25 I'm asking do you have any objection to them coming

1 in now?

2 MR. SEATON: No. No, ma'am.

3 THE COURT: Okay. So we could admit  
4 1 through 11 and No. 18 without objection; is that  
5 accurate?

6 MR. SEATON: Yes, ma'am.

7 THE COURT: Okay. And then the aerial,  
8 I assume, of maps, which is 12 through 17 of the  
9 area ---

10 MR. SEATON: Without objection.

11 THE COURT: --- any exception to those?

12 MR. SEATON: Without objection.

13 THE COURT: What is 19? What diagram is 19?

14 MS. SAS: Your Honor, it's a diagram that  
15 the victim drew of the layout of the residence.

16 THE COURT: Do you have any exception to  
17 that?

18 MR. SEATON: No, Your Honor.

19 THE COURT: It will be marked and admitted;  
20 that's No. 19. The Facebook printout from **Brother 1**  
21 which is 20 and 21, do you have any exception to those?

22 MR. SEATON: The only -- I would have  
23 exceptions depending on who brought it in and how.

24 THE COURT: Yeah. I think we'll leave  
25 those. All right. Because isn't he -- well, I don't

1 know what they are. What is 22, video screenshot?  
2 What is that?

3 MS. SAS: Your Honor, 23 is the video,  
4 and that's a video of the victim, showing her in that  
5 house, and then 22 -- during that time frame, and 22  
6 is a screenshot from that video.

7 THE COURT: I mean, what does it show?

8 MS. SAS: It's ---

9 MR. SEATON: Her sleeping.

10 THE COURT: Huh?

11 MR. SEATON: Her sleeping.

12 MS. SAS: It's her being in that residence,  
13 staying, living, cleaning the house because this was  
14 not her father, obviously. And if there's a point  
15 of contention, we want to show that she actually lived  
16 in that residence.

17 MR. SEATON: There's no contention.

18 THE COURT: All right. So do we still need  
19 it?

20 MS. SAS: Your Honor, the State would  
21 like to present 23 and 22, and we believe we can lay  
22 the proper foundation for it.

23 THE COURT: Do you have any exception  
24 to 22 and 23?

25 MR. SEATON: No, Your Honor.

1           THE COURT:  And this email, 24, do you have  
2 any exception to that?

3           MR. SEATON:  I do, Your Honor.

4           THE COURT:  What about 25 and 26?

5           MR. SEATON:  Which are?

6           THE COURT:  The Facebook printout  
7 communications between the victim and the Defendant,  
8 or the Defendant and victim's brother.

9           MR. SEATON:  The same.  I would have the  
10 same.

11           THE COURT:  So 24, 25, 26, all the way  
12 through 32.  So as I understand it, 1 through 19 come  
13 in without objection, as well as 22 and 23 without  
14 objection.  Do y'all want to double-check those numbers  
15 to make sure?

16           MS. SAS:  Your Honor, could you read them  
17 to us again?  I'm so sorry.

18           THE COURT:  That's okay.  1 through 19,  
19 which are photographs, map, and photographs of the  
20 residence.  We jump over to Facebook printouts, which  
21 are 20 and 21.  We go to 22 and 23, which are the  
22 screenshot of this individual in the house and the  
23 actual CD of her in the house.  Then everything else  
24 is ID only, until the appropriate foundation has been  
25 laid.

1 MR. SEATON: That's correct, Your Honor.  
2 I would -- the solicitor just asked me about the  
3 self-authenticity ---

4 MS. SAS: Certificate of authenticity.

5 MR. SEATON: Correct.

6 MS. SAS: For the Facebook, Your Honor.

7 And I think ---

8 MR. SEATON: I'm never going to try that --  
9 I will never try that again.

10 MS. SAS: And that's No. 33, Your Honor.

11 MR. SEATON: I don't have any problem with  
12 that.

13 MS. SAS: So, I think that kind of takes  
14 away that they're authentic. It's just, we're going  
15 to lay out the foundation through the witnesses that  
16 we're admitting ---

17 MR. SEATON: I agree with that, Your Honor.

18 THE COURT: So y'all are telling me --  
19 well, it doesn't really -- I guess, I'm trying to figure  
20 out ---

21 MS. SAS: So ---

22 THE COURT: You wouldn't normally -- you  
23 would not normally admit a certificate of authenticity.

24 MS. SAS: Your Honor ---

25 THE COURT: That's about foundation for

1 the Court, not the jury.

2 MS. SAS: Your Honor, in the past ---

3 THE COURT: Unless there's some contention  
4 that they don't exist, or they've been hypothecated  
5 or something, then it might become an issue.

6 MS. SAS: Your Honor, we would like to,  
7 for the purposes if there's going to be some challenge  
8 to it, then we would like that admitted as the exhibit.

9 THE COURT: Then, I'll cross that bridge  
10 when I get to it.

11 MS. SAS: Okay.

12 THE COURT: All right. So 1 through 19  
13 are marked and admitted without objection, as well  
14 as 22 and 23. Everything else is ID only.

15 (State's Exhibit Nos. 1-19, 22-23 were admitted into  
16 evidence without objection.)

17 THE COURT: I'm not making any rulings  
18 on anything that's evidentiary until the evidence  
19 is presented, and I'm referring to the State's motion  
20 in limine which seeks to limit certain testimony.  
21 I have no clue what this case is about; I'm not going  
22 to have two trials.

23 So what we're going to do is if you come  
24 to any of the subject matter, and that goes for both  
25 sides, you need to make me aware there's a matter

1 of law. I'll hear it in camera, and then I'll make  
2 a contemporaneous decision regarding the admissibility  
3 of the evidence because I don't know, if anything,  
4 about Ms. Perez's relevance; I have no clue.

5 And I assume this deals with some Lyle  
6 testimony regarding other acts that took place and then  
7 -- that are purported to have taken place in another  
8 county?

9 MS. SAS: Yes, Your Honor, and that's going  
10 to be through the victim's testimony. She's going  
11 to be the first ---

12 THE COURT: I got that, and we're going  
13 to have to do it in camera.

14 MS. SAS: Okay. So, Your Honor, do you want  
15 me to, before I ask that question of her ---

16 THE COURT: You need to tell me you have  
17 a matter of law.

18 MS. SAS: Okay. Absolutely.

19 THE COURT: I would suggest you save all  
20 of that until the end.

21 MS. SAS: Your Honor ---

22 THE COURT: It's up to you.

23 MS. SAS: Yeah, it's going to be probably  
24 at the initial stages because this is kind of how her  
25 disclosure comes about, but I will certainly let the

1 Court know that we have a matter of law.

2 THE COURT: Well, you need to ask as many  
3 questions as you can until you get to that.

4 MS. SAS: Of course, Your Honor.

5 THE COURT: Let's see.

6 MS. SAS: Your Honor, the other matter  
7 for that witness is also the rape shield as well.

8 THE COURT: I'm going in the order you've  
9 submitted them to me.

10 MS. SAS: Okay.

11 THE COURT: The photographs and the sketch,  
12 I think, is moot because y'all have already agreed  
13 to those items, correct?

14 MR. SEATON: Yes, ma'am.

15 THE COURT: And I don't think you have  
16 any objection to outcry testimony, correct, Mr. Seaton?

17 MR. SEATON: No, ma'am.

18 THE COURT: So that motion is, likewise,  
19 moot, correct? And there's a broad motion about an  
20 expert. You're going to have to establish that she is,  
21 in fact, an expert, and I think we all know the case law  
22 is very clear about the limitations of that testimony,  
23 and I expect y'all to color within the lines because  
24 I think the law is very clear on that point, and it's  
25 very limited as to what she can testify to. Are you

1 really objecting to her qualifications as an expert?

2 MR. SEATON: No, ma'am.

3 THE COURT: Okay.

4 MR. SEATON: I would certainly ask that  
5 we cover it.

6 THE COURT: Well, I think they would have  
7 to.

8 MR. SEATON: But other than that, no, ma'am.

9 THE COURT: But, I mean, I'm just trying  
10 to determine if this motion in limine really is germane  
11 because -- or viable because you're not objecting  
12 to her qualifications. What you're objecting to is  
13 -- well, what they're trying to establish, the scope  
14 of her testimony, and I think we're all very clear  
15 based on case law, what she can and what she can't  
16 testify to.

17 MS. SAS: And, Your Honor, just for the  
18 record, are we referring to the testimony of the expert,  
19 Megan Temple?

20 THE COURT: Yeah, that's who I was referring  
21 to.

22 MS. SAS: And, Your Honor, I just want to  
23 put on the record too -- and I've spoken to Mr. Seaton  
24 about it -- and we certainly, I think, have enough  
25 witnesses to go through Wednesday. The only day that

1 expert is available is on Wednesday, and certainly,  
2 if Mr. Seaton ---

3 THE COURT: I need you all to be very clear,  
4 I'm not stopping court early.

5 MS. SAS: Oh, no, Your Honor.

6 THE COURT: And I'm not starting court late  
7 because an expert is not available. They get paid to  
8 be available. You need to be clear about your schedule  
9 so that they are available. So, I'm putting you on  
10 notice way ahead in advance. I don't want to hear,  
11 I can't find her, we need to stop court at two o'clock.  
12 It's not happening, so that we're all clear.

13 All right. Expert's testimony, we already  
14 dealt with that. Dr. Ian Kane, I would imagine this  
15 is the doctor at the ER, or who saw her preliminarily  
16 before the SANE witness; is that accurate?

17 MS. SAS: He was ---

18 THE COURT: Pediatric emergency medicine.  
19 Did he actually treat her?

20 MS. SAS: He was the one signing off on all  
21 the charge, and he was the ---

22 THE COURT: You don't ---

23 MS. SAS: --- supervisor in the ER.

24 THE COURT: --- object to his qualifications  
25 as an expert, do you?

1 MR. SEATON: No, ma'am.

2 THE COURT: And that's the scope of the  
3 State's motion, so that's moot. Katherine Fabrizio,  
4 she's the SANE nurse. You don't object to her  
5 qualifications?

6 MR. SEATON: I do, Judge.

7 THE COURT: Yeah, I don't -- is there such  
8 an expertise as a SANE nurse?

9 MR. SEATON: It's further than ---

10 THE COURT: I think the case law is real  
11 clear on that, too.

12 MR. SEATON: It's further than that.  
13 This was not within the SANE protocols.

14 THE COURT: Well, that's ---

15 MR. SEATON: So she was not seen as  
16 a SANE ---

17 THE COURT: There's two separate things.  
18 Either they're asking -- their motion goes to whether  
19 she can be qualified as an expert. They're not talking  
20 about the scope of her testimony. You have to make  
21 a contemporaneous objection.

22 MR. SEATON: Yes, ma'am. Yes, ma'am.

23 THE COURT: My question is, do you object  
24 to her being qualified as an expert as a sexual assault  
25 nurse?

1 MR. SEATON: Yes, I do object.

2 THE COURT: Okay. Then, we'll have to take  
3 that up outside of the jury's presence.

4 MR. SEATON: Yes, ma'am.

5 THE COURT: Facebook Messenger  
6 communications. There's no objection to the  
7 authenticity. I think his objection goes to something  
8 else, doesn't it?

9 MR. SEATON: Yes, ma'am.

10 THE COURT: So then that's moot. What?  
11 Hearsay? What is the ---

12 MR. SEATON: I just want to make sure  
13 I'm not giving up some opportunity that they try to get  
14 it in improperly, and then I'm told, well, you've  
15 already agreed to it, so.

16 THE COURT: Well, no, what they're saying  
17 is that they have the certification that they got  
18 these from Facebook, and what I'm trying to figure  
19 out is ---

20 MR. SEATON: Yes, ma'am.

21 THE COURT: --- do you object to the fact  
22 that ---

23 MR. SEATON: I'm not going to ---

24 THE COURT: --- these are what they purport  
25 to be?

1 MR. SEATON: I do not object to that.

2 THE COURT: Okay. TextNow is the same  
3 thing.

4 MR. SEATON: Yes, ma'am.

5 THE COURT: And I think number -- the last  
6 one, which is self-serving statements -- well, he can't  
7 introduce his statement into evidence, right?

8 MS. SAS: And that's kind of -- we just want  
9 to make sure ---

10 THE COURT: Unless there's some exception  
11 to the hearsay rule.

12 MS. SAS: Our position is ---

13 THE COURT: Do you plan to introduce your  
14 client's statement?

15 MR. SEATON: I don't think I've seen where  
16 he's made any statements, so I'm not real sure ---

17 MS. SAS: And not to my knowledge,  
18 Your Honor ---

19 MR. SEATON: --- what we're talking about.

20 MS. SAS: --- but we just want to make sure  
21 we're covered.

22 THE COURT: So then it's a moot issue.

23 MS. SAS: That there's no ---

24 THE COURT: Then, you need to make a  
25 contemporaneous objection where you're telling me ---

1 MS. SAS: Absolutely, Your Honor.

2 MR. SEATON: I'm certainly not familiar ---

3 THE COURT: --- you don't have a statement  
4 he made. Yeah.

5 MR. SEATON: I have not seen where any  
6 statement through Rule 5, or my personal knowledge,  
7 that there is any statements.

8 THE COURT: And I assume that you're going  
9 to stay within the lines of the rape shield statute,  
10 and this motion is, likewise, moot.

11 MR. SEATON: Your Honor, with the -- my  
12 promise that I've made to the solicitor's office is that  
13 if I believe there is an exception, that I would make  
14 her and the Court ---

15 THE COURT: We'll have to do it outside  
16 of the jury's presence.

17 MR. SEATON: Yes, ma'am, exactly.

18 THE COURT: What exception could there  
19 potentially be?

20 MR. SEATON: Certainly, one of -- the main  
21 one that I would anticipate would be whether or not  
22 the person was being truthful in their testimony.

23 THE COURT: That doesn't -- that's not  
24 an exception to the rape shield statute.

25 MR. SEATON: Yes, ma'am.

1 THE COURT: There are very specific  
2 exceptions.

3 MR. SEATON: It is. I apologize. I was  
4 not quite prepared to argue that right this second.

5 THE COURT: Oh, no, I don't -- I'm just  
6 trying to figure out if this is legitimately an issue.

7 MR. SEATON: It is, Judge.

8 THE COURT: But we'll have to take that  
9 up in camera.

10 MR. SEATON: And I apologize. I didn't  
11 look, but I will certainly make the Court aware of any  
12 probing of the shield.

13 THE COURT: Well, there's not to be any  
14 mention at all under the rape shield statute, unless --  
15 I'll take it up in camera and decide whether ---

16 MR. SEATON: Yes, ma'am.

17 THE COURT: --- in fact ----

18 MR. SEATON: Yes, ma'am.

19 THE COURT: But there are very few -- very  
20 specific limitations -- meet that burden.

21 MR. SEATON: Obviously ---

22 THE COURT: You don't get to smear  
23 somebody's reputation.

24 MR. SEATON: Yes, ma'am.

25 THE COURT: Yeah.

1 MR. SEATON: Of course.

2 THE COURT: How old is the victim now?

3 MS. SAS: Your Honor, she is now 18.

4 THE COURT: Were any offers extended to  
5 Mr. Boley?

6 MS. SAS: Yes, Your Honor.

7 THE COURT: When was that?

8 MS. SAS: Court's indulgence. Your Honor,  
9 the State extended a global offer, as Mr. Boley also  
10 has related charges in Colleton County.

11 THE COURT: With the same individual?

12 MS. SAS: Yes, Your Honor.

13 THE COURT: How many charges does he have  
14 pending in Colleton?

15 MS. SAS: Your Honor, I believe they  
16 indicted him for one, but there was another warrant  
17 maybe that wasn't served, and, potentially, he was going  
18 to be directly indicted for it going to trial.

19 THE COURT: So what is that charge that's  
20 in Colleton? You said, one count of what?

21 MS. SAS: Court's indulgence, Your Honor.  
22 Your Honor, I believe right now he has a criminal sexual  
23 conduct with a minor, third, pending. But I do believe  
24 there was disclosure on the first, so I'm not sure  
25 if the prosecutor there, if they go to trial, would

1 directly indict it for the first.

2 MR. SEATON: All I know is this is four  
3 years old, and if they're going to start indicting,  
4 warning, and arresting, they sure have had plenty  
5 of time.

6 THE COURT: Well, it's their prerogative,  
7 you know. They don't have any statute of limitations.  
8 I had one that was 35 years old before. They were  
9 well grown. There were four sisters. So, you know,  
10 South Carolina has no statute of limitations on anything  
11 that I'm aware of. So, I don't know that time is any  
12 sort of prerequisite or dispositive. What offer --  
13 so what global offer was extended to him?

14 MS. SAS: Your Honor, the initial offer  
15 we extended was to plea to that Colleton County charge,  
16 the criminal sexual conduct with a minor, third degree,  
17 and to criminal sexual conduct with a minor, second  
18 degree, for Berkeley, and we would ask for a 15-year  
19 active sentence.

20 THE COURT: But he could ask for less?

21 MS. SAS: Correct. And then, we have  
22 then engaged in some additional negotiations regarding  
23 a negotiated sentence.

24 THE COURT: Okay.

25 MS. SAS: And extended a ten-year active

1 offer with the same charges.

2 THE COURT: When did that expire?

3 MS. SAS: Your Honor, that expired that day  
4 when Defendant came to court to reject it.

5 THE COURT: And so what day was that?

6 MS. SAS: That was November 14 of 2024,  
7 before Judge Curtis.

8 THE COURT: And so he's already rejected  
9 it on the record?

10 MS. SAS: Yes, Your Honor.

11 THE COURT: And have you all entered into  
12 any other negotiations or discussions since that time?

13 MS. SAS: We attempted to, Your Honor,  
14 I think, unsuccessfully, I would say.

15 THE COURT: Is there any -- I'm asking  
16 for PCR purposes solely. It doesn't matter to me one  
17 way or the other, but hindsight is 20/20, and I need  
18 a contemporaneous record. I always have to think  
19 in worst-case scenarios. Have you all -- is it viable  
20 for you to continue any discussions with Ms. Sas,  
21 Mr. Seaton?

22 MR. SEATON: I do not believe so,  
23 Your Honor.

24 THE COURT: Okay. All right. Who's the  
25 State's first witness?

1 MS. SAS: The victim, Your Honor.

2 THE COURT: All right. I think we should  
3 break until a quarter of two for lunch, which gives us  
4 an hour and 15 minutes. Any exception from the State?

5 MS. SAS: None from the State, Your Honor.

6 THE COURT: Any from the defense?

7 MR. SEATON: Only exception would be  
8 I'm starting to lose my hearing after 30 years.  
9 What time did you say?

10 THE COURT: A quarter to two, which gives  
11 us an hour and 15 minutes.

12 MR. SEATON: Yes, ma'am.

13 MS. SAS: Your Honor ---

14 THE COURT: Yes, ma'am.

15 MS. SAS: If I may address a couple of  
16 things.

17 THE COURT: Sure.

18 MS. SAS: One is sequestration of the  
19 witnesses. I believe that's something that ---

20 THE COURT: I would assume that's something  
21 y'all could agree to.

22 MR. SEATON: We have.

23 MS. SAS: I just wanted to make sure we put  
24 that on the record. The other thing would be regarding  
25 Defendant's custody status now that the case has been

1 called for trial. I'm not sure if there's anything  
2 from his bonding company, but it would be our position  
3 that ---

4 THE COURT: What is his bond exactly?

5 MS. SAS: Court's indulgence. Your Honor,  
6 his bond is \$180,000.

7 THE COURT: Any conditions?

8 MS. SAS: No contact with the victim,  
9 victim's family, directly or indirectly. Must have  
10 supervised visitation with any minor, and Charleston  
11 Bail Bonds posted that bond. And, Your Honor, that  
12 was just originally set on the three counts, one  
13 of which we're not proceeding forward on. So really  
14 he has bond ---

15 THE COURT: I have four indictments.

16 MS. SAS: Your Honor, we directly indicted  
17 one of them, so there's one warrant that we did not  
18 directly indict, so his bond initially was set on three  
19 original warrants, and then we added additional  
20 indictments. So from the cases that are proceeding  
21 forward, two of the charges have a bond, but two  
22 actually do not have a bond.

23 THE COURT: So how could they not have  
24 a bond? Even if he's directly indicted, you're still  
25 supposed to present yourself to set a bond.

1 MS. SAS: Your Honor, one of them was  
2 directly indicted in December, and he was on the docket  
3 for last week, and the other indictments were in  
4 November. So given as close as we were to trial, we did  
5 not appear on the docket to get it served and have  
6 a bond. But again, he was on the docket last week.

7 THE COURT: So he hasn't been served with  
8 these indictments?

9 MS. SAS: Well, he's -- they've been  
10 provided in discovery to Mr. Seaton, and we've discussed  
11 them, but he was on the docket last week.

12 THE COURT: Yes, sir, be glad to hear from  
13 you. They're asking that your client's bond be called,  
14 but he has cases where his bond hadn't been set, which  
15 I'm sort of confused about that.

16 MR. SEATON: I just show up where I'm told  
17 to show up, Judge. You know, he's been on bond for  
18 four years, Your Honor. The bonding company is happy  
19 to continue him on bond until the resolution of this  
20 case.

21 THE COURT: I need some proof of that  
22 because if he doesn't show up, I'm going to estreat  
23 their bond.

24 MR. SEATON: Yes, ma'am.

25 THE COURT: And they need to be aware

1 of that.

2 MR. SEATON: Yes, ma'am, of course.

3 THE COURT: And he also needs to be aware  
4 that if he doesn't show up, he's going to be tried in  
5 his absence.

6 MR. SEATON: Certainly.

7 THE COURT: Have you advised him of that?

8 MR. SEATON: I have not, but I will  
9 certainly do so.

10 THE COURT: Sir, if you would stand for me,  
11 please, and raise your right hand to be sworn.

12 (Whereupon, MR. JAMES EDWARD BOLEY was duly sworn.)

13 THE COURT: You could put your right hand  
14 down. Sir, state your full name for the record.

15 THE DEFENDANT: James Edward Boley.

16 THE COURT: Sir, do you understand that  
17 you're currently out on bond?

18 THE DEFENDANT: I didn't hear you,  
19 Your Honor.

20 THE COURT: Do you understand that you're  
21 currently out on bond ---

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: --- to secure your appearance  
24 for trial?

25 THE DEFENDANT: Yes, ma'am.

1           THE COURT: Do you understand that your  
2 bonding company -- now, I'm expecting them before  
3 the close of business today to give me some proof,  
4 either in person or in writing, that they plan to remain  
5 on his bond. They understand that if he does not appear  
6 that the Court will estreat his bond. I need some proof  
7 of that when we either return from lunch or before  
8 we adjourn for the day. Sir, do you understand that  
9 if you fail to appear that the trial will continue?

10           THE DEFENDANT: Yes, ma'am.

11           THE COURT: Do you understand that if  
12 convicted, that you will be sentenced, and your sentence  
13 will be sealed and a bench warrant will be issued for  
14 your arrest?

15           THE DEFENDANT: Yes, ma'am.

16           THE COURT: Do you understand that even  
17 if we are still in the middle of trial and a verdict  
18 has not been yet -- not yet been reached, that a bench  
19 warrant, likewise, will be issued for your arrest?

20           THE DEFENDANT: Yes, ma'am.

21           THE COURT: Okay. All right. Thank you  
22 very much. See you at -- well, I need you all to stay  
23 there until I excuse the jury for lunch.

24           (The jury entered the courtroom at 12:30 p.m.)

25           THE COURT: You may be seated. Ladies

1 and gentlemen, we appreciate your patience. We're  
2 going to take our lunch recess. We're going to break  
3 for an hour and 15 minutes. I need for you all to  
4 return to the designated point where the bailiffs have  
5 directed by a quarter of two. As soon as everyone  
6 arrives, we will resume the trial with opening arguments  
7 and the Court's opening instructions.

8           During this break, you're strictly  
9 instructed not to read, watch, or listen to any media  
10 accounts about this case, that includes anything  
11 that could be on the internet, radio, television,  
12 or in the newspaper, and you're strictly instructed  
13 not to do any independent research of any type on the  
14 internet.

15           When you return to the courthouse, please  
16 don't have any contact with anyone that you do not  
17 recognize to be a fellow juror. Again, it is very  
18 easy for an innocent conversation to be observed  
19 and misinterpreted. I hope you all have a good lunch.  
20 Please stay safe. The weather is not particularly  
21 wonderful, and we'll see you all at a quarter of two.  
22 Have a good lunch.

23           (The jury exited the courtroom at 12:32 p.m.)

24           THE COURT: You may be seated. Is there  
25 anything before we break for lunch from the State?

1 MS. SAS: Your Honor, just one little thing,  
2 and again, it's a pretrial matter. We pulled  
3 everybody's rap sheets, and we've shared them with  
4 the counsel. There are three people that have -- appear  
5 to have something on their criminal histories, which  
6 we would argue that two of them, it's not admissible,  
7 and one, that it's an error, and we've provided that  
8 information to Mr. Seaton.

9 So all I would ask is before Mr. Seaton  
10 crosses, if he intends to get into any of those records,  
11 that we address it as a matter of law with these  
12 witnesses.

13 THE COURT: Mr. Seaton?

14 MR. SEATON: I've looked at the records,  
15 Your Honor, they are all old, and I do not believe  
16 that it would be of any value, so I do not anticipate  
17 -- the only one that might be is with the brother,  
18 but I am told by the solicitor's office that it was  
19 a mistake. They have proof of it, and I have no reason  
20 to doubt the solicitor's office, and so I have no  
21 intention in going into that either.

22 THE COURT: Okeydoke. Anything else before  
23 we break for lunch from the State?

24 MS. SAS: No, Your Honor, nothing from the  
25 State.

1 THE COURT: From the defense?

2 MR. SEATON: No, Your Honor.

3 THE COURT: Have a good lunch. See you  
4 at a quarter to two.

5 MR. SEATON: Thank you, Judge.

6 THE COURT: You're welcome.

7 (Recess taken.)

8 (Back on the record.)

9 THE COURT: State ready to proceed?

10 MS. SAS: Yes, Your Honor.

11 THE COURT: I'm sorry, Mr. Seaton. You want  
12 to tell me something?

13 MR. SEATON: Your Honor, I do have one  
14 matter I would like to take up before we brought in the  
15 jury.

16 THE COURT: Sure.

17 MR. SEATON: I've already given a copy  
18 to opposing counsel. This is Charleston Bail Bonds,  
19 and George Parker, the owner, I contacted him, told him  
20 we needed that to show that he is still under a bond,  
21 and that they are prepared to continue him on bond  
22 throughout this trial process.

23 THE COURT: Do you have a copy?

24 MS. SAS: Yes, Your Honor.

25 THE COURT: All right. Any exception to

1 that request from the State?

2 MS. SAS: Your Honor, we remain with  
3 our initial request for him to be taken into custody,  
4 but we respect the Court's decision.

5 THE COURT: Yeah, I'll think about it.  
6 Madam Court Reporter, if you could mark that as  
7 a Court's Exhibit for me. Thank you. You can keep  
8 it once you've marked it.

9 (Court's Exhibit No. 1 was marked for identification.)

10 (Court's Exhibit No. 1 was admitted into evidence.)

11 THE COURT: Is there anything else before  
12 we proceed from the State? And I'm appointing No. 202  
13 as the foreperson.

14 (Pause.)

15 THE COURT: State ready to proceed?

16 MS. SAS: Yes, Your Honor.

17 THE COURT: Defense ready to proceed?

18 MR. SEATON: Yes, ma'am.

19 THE COURT: All right. I have appointed  
20 No. 202 as the foreperson. Please bring in the jury.  
21 Is there any exception to the jury taking notes from  
22 the State?

23 MS. SAS: None from the State, Your Honor.

24 THE COURT: From the defense?

25 MR. SEATON: No, Your Honor.

1 (The jury entered the courtroom at 1:55 p.m.)

2 THE COURT: You may be seated. Ladies  
3 and gentlemen, I hope you all had a pleasant lunch.  
4 As I told you before lunch, you've been selected  
5 for the case of the state of South Carolina versus  
6 James Edward Boley. There are four indictments in this  
7 case, the elements of which I will explain to you at the  
8 conclusion of the trial.

9 What I'm saying to you now is intended  
10 to be an introduction procedurally to the case so  
11 that you will better understand what is happening.  
12 You all will be given the opportunity to take notes.  
13 The bailiff is going to pass out notepads to you, along  
14 with writing implements. You need to write your juror  
15 number on the first page of that notebook so that you  
16 will be able to readily identify which notepad belongs  
17 to you. Likewise, I will give you some notes regarding  
18 note-taking near the conclusion of this instruction.

19 And as I've already indicated, the Defendant  
20 is charged by four indictments in this case with  
21 criminal sexual conduct with a minor, second degree,  
22 three counts, and criminal sexual conduct with a minor,  
23 third degree, one count, the elements of which I will  
24 explain to you at the conclusion of the case.

25 The indictments, ladies and gentlemen,

1 are simply the charge or charges by which the case  
2 is brought into court, and they are not, in any sense,  
3 evidence of any of the allegations they may contain.  
4 The Defendant has pled not guilty to the indictments.  
5 The State, therefore, has the burden of proving each  
6 and every element of each indictment beyond a reasonable  
7 doubt. And it will be your duty, ladies and gentlemen,  
8 to decide whether the State has met that burden or not.

9 Your purpose as jurors is to find and  
10 determine the facts. You are the sole judges of the  
11 facts. If, at any time, I make any comment regarding  
12 the facts, you must disregard it. You are to determine  
13 the facts from the testimony you hear and other evidence  
14 that may be introduced in court. It is up to you to  
15 determine the inferences which you feel may properly  
16 be drawn from the evidence.

17 It is especially important that you perform  
18 your duty of determining the facts diligently and  
19 conscientiously because, ordinarily, there's no way  
20 to correct an erroneous determination of facts made  
21 by a trial jury.

22 On the other hand, and with equal emphasis,  
23 the same law that makes you the judges of the facts,  
24 makes me the judge of the law. The law that's given  
25 by the Court is the only law you can consider. You

1 must accept and follow it, even though you may disagree  
2 with it. The Court cannot tell you what the facts are,  
3 and you cannot disagree with the Court about what the  
4 law is or what the law should be.

5           Your responsibility is to take the law,  
6 as it is instructed, and apply it to the facts as you  
7 find them from the testimony of the sworn witnesses  
8 and the other evidence that may be introduced during  
9 the course of the trial. After doing that, you'll  
10 render your verdict under the solemn oath that you've  
11 taken as jurors in this case.

12           Until I advise you to begin your  
13 deliberations, you must not discuss this case with  
14 anyone, that includes among yourselves, friends,  
15 family members, or anyone involved in the case.  
16 After the case is submitted to you, you must discuss  
17 it only in the jury room among your fellow jurors.

18           The attorneys and the parties have been  
19 advised that they are not to speak with you at all.  
20 So if you should see or run into anyone involved in  
21 the case, and they don't speak or they act or seem  
22 unfriendly, please don't think that that's the case.  
23 They're simply following the Court's instructions.  
24 Again, we would not want an innocent conversation  
25 to be observed and misinterpreted.

1           During the trial, you're not to read,  
2 listen to, or watch any news reports about the case.  
3 That includes anything that may be in the newspapers,  
4 internet, radio, or television. You must not consider  
5 anything that you may have read or heard about this  
6 case outside the courtroom, whether before or during  
7 the trial. It is essential that you maintain an open  
8 mind and not decide any issue in the case, until all  
9 of the evidence has been presented, the parties have  
10 made their closing arguments, and I've instructed you  
11 on the law which applies to this case.

12           It is your solemn responsibility to  
13 determine whether the state of South Carolina has  
14 met their burden of proof or not. And your verdict  
15 must be based solely on the evidence as it is presented  
16 to you in this trial and on the law as I will instruct  
17 you during and at the close of the trial.

18           In just a moment, the solicitor will make  
19 what is called an opening statement in which the  
20 assistant solicitor will explain to you what they  
21 perceive the issues to be in this case. The attorney  
22 for the defense may also make an opening statement,  
23 although, he is not required to do so. Keep in mind  
24 that what the attorneys tell you during their opening  
25 statements is not evidence. It is only their contention

1 as to what they believe the evidence will show in this  
2 case.

3 The evidence will be presented to you by  
4 the testimony of sworn witnesses from the witness stand  
5 and/or by exhibits that may be introduced into evidence.  
6 From time to time during the trial, you will hear  
7 counsel say, Your Honor, I object. Just as in sports,  
8 business, or any other structured activity, there are  
9 certain rules that we must obey in the presentation  
10 of evidence. These rules have a definite purpose.  
11 They ensure that you receive the most trustworthy  
12 and reliable evidence that is available.

13 An objection is to bring to the Court's  
14 attention an error in the presentation of the evidence,  
15 or a purported error, so please don't believe that  
16 the Court, by sustaining or overruling an objection,  
17 favors one side or the other. You should expect  
18 objections; they are a healthy part of adversarial  
19 process. And you should not hold an objection against  
20 either party.

21 Again, as I've indicated, they are a  
22 necessary and vital and integral part of our adversarial  
23 process. Nor should you conclude from the Court  
24 overruling or sustaining an objection that I favor one  
25 side or the other.

1           Also from time to time, you will hear the  
2 attorneys say, Your Honor, we have a question or matter  
3 of law to discuss with you. They may ask to approach  
4 the bench, or we may find it necessary to exclude  
5 you from the courtroom while we discuss matters  
6 of law.

7           The reason we do this is, as I've  
8 instructed, you are the finders of the facts.  
9 And sometimes when I'm discussing matters of law  
10 with counsel, it might be necessary for me to make some  
11 comment about the facts in connection with the ruling.  
12 And for this reason, we exclude you from the courtroom  
13 so that in no way you will be influenced by anything  
14 that the Court may say or do in connection with the  
15 facts of this case.

16           In determining the facts in this case, you  
17 must decide whether or not the testimony of a witness  
18 is believable or not. It is the Court's responsibility  
19 to rule as a matter of law as to whether certain  
20 testimony is admissible at all or not. But once  
21 the testimony is admitted, whether or not you believe  
22 it, is solely a matter for you to determine in your  
23 fact-finding province.

24           In deciding whether to believe a witness,  
25 you have the right to consider the interest of any

1 witness, the bias of any witness, the prejudice of any  
2 witness, the opportunity for the witness to have seen  
3 the matters and things about which the witness may  
4 testify, and the way the witness acts on the witness  
5 stand, what we commonly refer to as their demeanor.

6           You have the right to consider anything  
7 that is in the record that will help you evaluate  
8 that testimony of the witnesses. That means that  
9 it is your duty to pay close attention to the witnesses,  
10 to observe them, to listen to the witnesses, and to pay  
11 close attention to counsel and the Court.

12           Although, I know it can be very difficult,  
13 please do not allow your thoughts to wander, but give  
14 strict attention to the testimony, so that at the end  
15 of the testimony, after the arguments of counsel  
16 and the charge on the law given by the Court, you will  
17 then be in a position to determine what the facts are,  
18 apply the law to those facts, and thus, render a verdict  
19 in this case.

20           As I've indicated, you'll be allowed to take  
21 notes. Note-taking is a privilege that you may choose  
22 to exercise or choose not to exercise. Please don't  
23 feel you're required to take notes; not everyone finds  
24 note-taking helpful to them. If you should decide  
25 to take notes, please don't try to record everything

1 that is said. It is vital that you rely on your powers  
2 of observation to examine the witnesses in order  
3 to determine their credibility and believability.  
4 So again, please do not allow note-taking to become  
5 a distraction to you.

6           You may want to keep an outline of the  
7 main points that are being made and the main arguments  
8 so that at the conclusion of the trial, you can allow  
9 your notes to refresh your memory. Please be reminded  
10 that your notes are for your specific and your  
11 individual purposes. They're only to be used to refresh  
12 your memory of the trial evidence and general arguments.  
13 They are not to be shared with anyone else. And also,  
14 your notes will be left in your chairs during breaks  
15 and recesses to eliminate any premature temptation  
16 to deliberate regarding any issue or matter in the case.

17           Also be reminded that your notes are for  
18 your specific and your individual purposes. They are  
19 to be used to refresh your own memory. And your notes  
20 should not be given any greater weight or considered  
21 any more reliable than the individual recollections  
22 of other jurors. The recollections of other jurors  
23 should be considered just as reliable as notes that  
24 may have been taken by a fellow juror.

25           It is your added duty, Mr. Foreman, to fill

1 out the verdict form, basically, be the jury's scrivener  
2 at the appropriate time and write out any questions  
3 the jury may have during deliberations. But I'll give  
4 you further instructions regarding that at the  
5 conclusion of the case.

6 Ladies and gentlemen, again, as I've just  
7 said, the foreperson is a scrivener. They don't have  
8 any greater vote or voice than you do. It is purely  
9 a random process that the Court employs in selecting  
10 a foreperson. So again, I emphasize they don't have  
11 any greater vote or voice than you do. They basically  
12 act as a scrivener, in other words, fill out the verdict  
13 form, and if you all have any questions during  
14 deliberations, to write those out for the Court.

15 In order to preserve everyone's rights,  
16 I'm going to give counsel the opportunity to take  
17 exception to anything that the Court has said by way  
18 of opening instruction. Any exceptions from the State?

19 MS. SAS: None from the State, Your Honor.

20 THE COURT: Any exceptions from the defense?

21 MR. SEATON: No, Your Honor.

22 THE COURT: Thank you. Ladies and  
23 gentlemen, I would ask that you give counsel your  
24 undivided attention in opening arguments. You may  
25 proceed.

1 MS. LERCH: Thank you, Your Honor.

2 THE COURT: You're welcome.

3 MS. LERCH: May it please the Court.

4 THE COURT: Yes, ma'am.

5 MS. LERCH: Tio, uncle in Spanish. This is  
6 what the victim, **Minor** called the Defendant,  
7 James Boley. He was basically the father figure in her  
8 life. **Minor** mother, Kimberly, and the Defendant's  
9 daughter, Tanya, became best friends, and their families  
10 grew to be like family over time.

11 The Defendant supported **Minor** family.  
12 They trusted him. They loved him; he loved them, or so  
13 they thought. Instead, the state of South Carolina will  
14 prove to you that the Defendant had all of them fooled  
15 as he was sexually assaulting **Minor** between the ages  
16 of 12 and 13 in Berkeley County.

17 As you hear testimony from the witness stand  
18 this week, we may not like everything that the victim  
19 did or how she did it. You may not agree with the  
20 decisions that her mother made, but this case isn't  
21 about their actions; this case is about the Defendant's  
22 actions, his actions of sexually abusing a child.

23 Ladies and gentlemen, my name is  
24 Marie Lerch, and I, along with my co-counsel,  
25 Ms. Kamila Sas, represent the state of South Carolina

1 on behalf of the Ninth Circuit Solicitor's Office  
2 and Solicitor Scarlett Wilson. The Defendant is charged  
3 with three counts of criminal sexual conduct with  
4 a minor, second degree, and one count of criminal sexual  
5 conduct with a minor, third degree.

6 Judge Jefferson will explain the law  
7 to you at the end of the trial, and we completely defer  
8 to the Court on that. However, I'm going to give  
9 you a brief overview of the law and what the -- what  
10 the State will be proving this week.

11 First, we have criminal sexual conduct  
12 with a minor, second degree. The actor engages in  
13 a sexual battery, and the victim is at least 14 years  
14 old or less, but at least 11 years old. A sexual  
15 battery means intercourse -- sexual intercourse,  
16 cunnilingus, which is oral sex on a vagina, fellatio,  
17 which is oral sex on a penis, anal intercourse, or any  
18 intrusion, however slight, or any part of a person's  
19 body, or of any object into the genital or anal openings  
20 of another person's body, except when such intrusion  
21 is accomplished for medically-recognized treatment  
22 or diagnostic purposes.

23 Second is criminal sexual conduct with  
24 a minor, third degree. The Defendant must be over  
25 the age 14 years. Defendant willfully and lewdly

1 committed, or attempted any lewd or lascivious act upon,  
2 on or with the body of another -- or any part of members  
3 thereof, a child under the age of 16, with the intent  
4 of arousing, appealing to, or gratifying the lust  
5 or passions or sexual desires of such person or of such  
6 child.

7           There are two types of evidence, some  
8 of which you will see this week; direct evidence and  
9 circumstantial evidence. Direct evidence is evidence  
10 that directly proves the existence of a fact and does  
11 not require any deduction. For example, this would  
12 be a video of a crime actually occurring. You would  
13 see it happen.

14           Circumstantial evidence is evidence that is  
15 proof of a chain of facts or circumstances that indicate  
16 the existence of a said fact. For example, this would  
17 be if someone walks in dripping wet, they're wearing  
18 a raincoat, holding an umbrella, you could deduct that  
19 it's raining outside. The law makes no distinction  
20 on the weight or value given to one type of evidence  
21 or the other.

22           Over the next few days, there will be  
23 evidence presented to you from the witness stand through  
24 testimony by the victim, by members of her family,  
25 members of the Defendant's family, and others about

1 how the abuse started, about how it eventually came  
2 out and why, and about what others observed during this  
3 approximate two-year time period in Berkeley County.

4 As the State, it is our burden to prove  
5 to you beyond a reasonable doubt that the Defendant  
6 is guilty. Proof beyond a reasonable doubt is proof  
7 that leaves you firmly convinced of the Defendant's  
8 guilt. This does not mean that the State has to  
9 overcome every single doubt. There are very few things  
10 in this world that we know with absolute certainty.

11 Listen closely to the evidence that's  
12 presented to you this week, use your common sense  
13 as you evaluate that evidence that's been presented  
14 to you. As you hear it, as you see the evidence,  
15 you will be firmly convinced that the Defendant  
16 is guilty of criminal sexual conduct with a minor,  
17 second degree, and criminal sexual conduct with a minor,  
18 third degree.

19 THE COURT: Mr. Seaton.

20 MR. SEATON: Thank you, Your Honor.

21 THE COURT: You're welcome.

22 MR. SEATON: Ladies and gentlemen, Jim  
23 has asked me to represent him, tell his side of the  
24 story because what happens is this is just a dispute.  
25 He is not convicted of any crime; he's merely been

1 accused. Each side in this dispute gets an opportunity  
2 to be heard, and the State is going first because  
3 it is their burden to prove beyond a reasonable doubt  
4 at every step of this case that the crimes that he's  
5 been charged with, that he did them, and my job is to  
6 tell you that he didn't. And so this dispute is going  
7 to be settled by y'all.

8 Your Honor has already told you that she  
9 is the judge of the law. All those things you saw up  
10 there, those laws, that's her job. She's the one who  
11 tells you what that means and how to apply it to the  
12 facts. You are the actual judge. Y'all are the ones  
13 who decide whether or not the facts of what you've been  
14 told prove beyond a reasonable doubt that Jim has done  
15 the things that he's been accused of.

16 Now, the State -- well, unfortunately,  
17 I think it kind of came out earlier both the judge  
18 and I have been around a long time. And I'm kind  
19 of an old dog in terms of, I haven't picked up on the  
20 technology. I'm not going to be using the big screen  
21 and PowerPoint presentation. They've got a great  
22 assistant who does an excellent job at it. I just never  
23 learned it, so I'm just going to ask you to apply your  
24 common sense and your everyday experiences, and to use  
25 your own minds in deciding what you are hearing and

1 whether it's the whole story.

2           You know, when I see that thing that talks  
3 about direct evidence and circumstantial, it kind  
4 of made me smile because the reason they tell you that  
5 is there isn't any direct evidence. You're not going  
6 to see any videos; you're not going to hear any  
7 testimony by any doctor or forensic person that anything  
8 happened. It's all going to be the people that get  
9 on the stand and the motives they have to say what  
10 they have to say. That's what you're going to hear.  
11 You're not going to see direct evidence; you're going  
12 to get a whole bunch of circumstantial.

13           And when we do things, like, we say,  
14 well, I don't have to prove that it's raining outside  
15 because somebody walked in, and they've got an umbrella,  
16 and they're wet. Well, guess what? I can come up with  
17 at least ten different reasons why that's true, besides  
18 it's raining, and that's their job. They have to prove  
19 beyond a reasonable doubt that it's raining, not that  
20 the person is wet, not that the person has got an  
21 umbrella that's wet. They have to prove that it's  
22 raining.

23           And so I like all that technology. I enjoy  
24 it as much as y'all do, but it don't change the facts,  
25 and the facts are you're going to hear different

1 stories. You're going to hear different versions  
2 of different stories; you're going to hear different  
3 reasons why you hear different stories. That's what  
4 you're going to hear. It's -- Mr. Boley doesn't have  
5 any job to tell you he didn't do it.

6 That's -- you know, one of the beautiful  
7 things about the country that we live in is this system  
8 where the State has this burden, they've got to prove  
9 it, not us. We don't have to prove that he's innocent.  
10 He's had to wait four years for his day. We've sat  
11 here in line. Like everybody else, we waited our turn.  
12 It's been four years. Now you're finally going to hear  
13 some facts. I just ask you pay attention.

14 THE COURT: You may proceed.

15 MS. SAS: State calls **Minor**  
16 to the stand.

17 THE CLERK: Please raise your right hand,  
18 place your left hand on the Bible.

19 MS. **Minor** was called as a  
20 witness, being duly sworn, was examined and testified  
21 as follows:

22 THE CLERK: Thank you. You may be seated.  
23 Please state your full name, spell your last name for  
24 the record.

25 THE WITNESS: **Minor** A-L-I-C-E-A.

1 THE COURT: You need to speak directly into  
2 the microphone for me, please. And if you have a middle  
3 name, if you would also state that.

4 THE WITNESS: Minor [REDACTED]

5 [REDACTED].

6 THE COURT: You may proceed.

7 DIRECT EXAMINATION

8 BY MS. SAS:

9 Q. Minor [REDACTED] if you can just make sure to speak  
10 up a little bit. I know you're soft spoken, okay?

11 A. Okay.

12 Q. Can you tell the jury how old you are?

13 A. I'm 18.

14 Q. Okay. And what is your date of birth?

15 A. [REDACTED] [REDACTED].

16 Q. Okay. And where do you live right now?

17 A. I just moved back in with my dad.

18 Q. Okay. And where does he live?

19 A. In Ladson.

20 Q. Okay.

21 THE COURT: We can barely hear her.

22 I'm going to need her to speak ---

23 THE WITNESS: In Ladson.

24 THE COURT: --- directly into the microphone  
25 for me.

1 MS. SAS: If you can move the microphone  
2 a little bit towards you.

3 THE COURT: And speak directly into it for  
4 us, please.

5 MS. SAS: Okay.

6 BY MS. SAS:

7 Q. Do you work?

8 A. Yes, I'm a waitress.

9 Q. Okay. And do you go to school?

10 A. Yes. I just graduated high school, and I go --  
11 right now, I go to Paul Mitchell to be an esthetician;  
12 I graduate in May.

13 Q. Okay. And where -- you said your dad lives  
14 in Ladson.

15 A. Correct.

16 Q. What about your mom?

17 A. She lives out of state.

18 Q. Okay. Where does she live?

19 A. In Boston, Massachusetts.

20 Q. Okay. And are you in touch -- you're clearly  
21 in touch with your dad. Are you in touch with your mom?

22 A. Yes.

23 Q. Okay. And do you have any siblings?

24 A. Yes, I do.

25 Q. Okay. And how many siblings do you have?

1           A.    On my mom's side, I have five, and on my dad's  
2 side, I have two.

3           Q.    Okay.  Talk to me about the siblings on your  
4 mom's side.  How many -- can you tell me the names  
5 and how old they are?

6           A.    I have all brothers.  [Brother 1] -- well, we  
7 call him [Brother 1] he just turned 20.  And then, we have  
8 [Brother 2] [ph], and [Brother 2] is about to be ten in March.  
9 And then, we have [Brother 3] he's eight, but he'll be nine  
10 in June.  And then, we have [Brother 4] and [Brother 4] he's two.  
11 He just turned two in November.  And then, we have  
12 [Brother 5] and [Brother 5] he's about to be one in June.

13          Q.    Okay.  [Minor] do you know the Defendant,  
14 James Boley?

15          A.    Yes, I do.

16          Q.    Okay.  How do you know him?

17          A.    I called him my Tio.

18          Q.    Okay.

19                   MR. SEATON:  Your Honor ---

20                   MS. SAS:  Can you speak up a little bit  
21 more?

22                   THE COURT:  Yeah, we can barely -- I can  
23 barely hear her.

24                   MR. SEATON:  Could the microphone maybe  
25 be turned up?

1 THE COURT: No, I just checked into that,  
2 and it can't -- it's as loud as it can go.

3 THE WITNESS: I called him Tio.

4 MS. SAS: Can you move the microphone up  
5 just a little bit? Yeah.

6 THE COURT: Okay. We're going to try to get  
7 another microphone.

8 MS. SAS: Okay. Thank you, Your Honor.

9 BY MS. SAS:

10 Q. You said you called him Tio?

11 A. Yes, ma'am.

12 Q. Okay. And so how is he related to you?

13 A. It's my dad's brother, which is my cousin.

14 It's his grandpa from her mom's side.

15 Q. Okay. And so who is your cousin's mom?

16 A. Tanya.

17 Q. Okay. And who's your cousin's dad?

18 A. Sergio [ph], which is my dad's brother.

19 Q. Okay. And so who is Tanya to the Defendant?

20 A. His daughter.

21 Q. Okay. And when is approximately the last time  
22 that you have seen the Defendant?

23 A. It'll be five years.

24 Q. Okay.

25 A. Coming up.

1 Q. So what year would that have been?

2 A. 2020.

3 Q. Okay. And why would -- why was that the last  
4 time that you saw him?

5 A. That's when it came out he was sexually abusing  
6 me.

7 Q. Okay. And how was he -- what do you mean by  
8 sexually abusing you? Can you describe that to the  
9 jury?

10 A. He was putting his penis inside my vagina, and  
11 he was putting his penis inside my butt, and he was  
12 touching on my body with no clothes on, and he was  
13 putting his fingers in my vagina, and was using sex toys  
14 in my vagina.

15 Q. **Minor** there's another microphone right  
16 next to you. If you try to use that, maybe that will  
17 be a little louder, okay? I'm sorry. You have to  
18 kind of hold that. **Minor** do you see the Defendant  
19 in the courtroom here today?

20 A. Yes.

21 Q. Okay. Can you point out to him, or can you  
22 describe to the jury -- for the record what he is  
23 wearing and where he is located?

24 A. He's on my left side, and he has a pink button  
25 up and a white shirt.

1 MS. SAS: Your Honor, can the record reflect  
2 that the victim pointed to the Defendant, James Boley,  
3 seated at the defense table.

4 THE COURT: I think she's already testified  
5 to it. You may move on.

6 MS. SAS: Your Honor, we have a matter  
7 of law that we need to take up with the Court.

8 THE COURT: Mr. Foreperson, ladies and  
9 gentlemen, I have a matter of law that I need to  
10 consider with counsel. During the break, please do  
11 not discuss the case, and please leave your notepads  
12 in your seats. We appreciate your patience.

13 (The jury exited the courtroom at 2:23 p.m.)

14 THE COURT: You may be seated. Y'all can  
15 turn that mic off. You may proceed.

16 MS. SAS: Your Honor, the next ---

17 THE COURT: You need to ask the question  
18 you're going to ask.

19 MS. SAS: Absolutely, Your Honor.  
20 Your Honor, the question will be ---

21 THE COURT: You need to ask the question  
22 to the witness so I can hear the answer.

23 MS. SAS: Absolutely.

24 BY MS. SAS:

25 Q. **Minor** where did the sexual abuse happen?

1           A.    On Benjamin Drive.

2                    THE COURT:   Can't hear you.

3                    MS. SAS:    You can answer the whole thing.  
4 Remember how we talked that there's some things the  
5 judge is going to listen ---

6                    MR. SEATON:   Your Honor, I would ask that  
7 she not try to lead her into what she needs to say.

8                    THE COURT:   I don't think that's what she's  
9 saying. I think she's trying to refresh her  
10 recollection that she explained to her the progress ---

11                   MS. SAS:    Yes, Your Honor, and I told her  
12 to be careful.

13                   THE COURT:   So if she asks you a question,  
14 you need to answer. Go ahead. We don't need that  
15 mic, though, because it'll carry into that jury room.  
16 That's why I told you to turn it off. Go ahead.  
17 I'm listening.

18                   THE WITNESS:   It started on Cottageville.

19 BY MS. SAS:

20           Q.    Okay.

21           A.    And then it led to ---

22                   THE COURT:   It started in Colleton; is that  
23 what you said?

24                   THE WITNESS:   Cottageville.

25                   THE COURT:   Cottageville. I'm going to need

1 you to speak loudly and clearly so that the court  
2 reporter can take down everything you're saying.

3 THE WITNESS: Yes, ma'am.

4 MS. SAS: Okay.

5 THE COURT: You may continue.

6 BY MS. SAS:

7 Q. You said it started in Cottageville, and you were  
8 saying something?

9 A. Yes. It started in Cottageville, and it led  
10 to Benjamin Drive.

11 Q. Okay. And how old were you in Cottageville?

12 A. Around six or seven.

13 MR. SEATON: Your Honor, I apologize.  
14 I'm either going to need to move closer ---

15 THE COURT: You can move closer if you need  
16 to. Let's see if this remedies it.

17 MR. SEATON: Yes, ma'am.

18 THE COURT: Go ahead.

19 THE WITNESS: I was about six or seven when  
20 it started in Cottageville.

21 BY MS. SAS:

22 Q. Okay. And what started in Cottageville?

23 A. With him touching me.

24 Q. Okay.

25 MS. SAS: Your Honor, this would be

1 everything that we would ask about Cottageville.

2 THE COURT: I need you to ask all the  
3 questions that are going to be objectionable.

4 MS. SAS: Okay.

5 THE COURT: So that he can cross-examine,  
6 and I can hear arguments, we have a full proffer, and  
7 then I can rule. So ask every question you anticipate  
8 is going to be a problem ---

9 MS. SAS: Okay.

10 THE COURT: --- because I'm not going  
11 to stop and start ---

12 MS. SAS: Absolutely.

13 THE COURT: --- based on your continuum  
14 on how you want to ask the questions.

15 MS. SAS: Court's indulgence.

16 BY MS. SAS:

17 Q. Let's go back to the house in Cottageville.  
18 We're going to talk about Benjamin Drive, but let's talk  
19 about the house in Cottageville. Where did it happen  
20 in Cottageville?

21 A. In his bedroom.

22 Q. Okay. When you say his bedroom, whose bedroom?

23 A. Jimmy's bedroom.

24 Q. Okay. And where was this bedroom located?

25 A. When you walked through the door, you're going

1 to walk through the kitchen, and then you walk through  
2 the little hallway, and you make a right, and it's  
3 the living room, and you walk all the way to the back,  
4 and then that's his room.

5 Q. Okay. And whose residence was that in  
6 Cottageville?

7 A. Jimmy's.

8 Q. Okay. Do you know why you would have been at his  
9 residence in Cottageville?

10 A. My mom and his daughter were best friends so we  
11 were there all the time ---

12 Q. Okay.

13 A. --- literally.

14 MS. SAS: Court's indulgence, Your Honor.  
15 Your Honor, these are the only questions that we intend  
16 to ask about Cottageville from this witness.

17 THE COURT: Are there any other questions  
18 contained in the motion in limine regarding this  
19 witness's testimony that you have identified are  
20 objectionable or need to be taken outside the jury's  
21 presence?

22 MS. SAS: Your Honor, the only thing I can  
23 think of is our motion for rape shield.

24 THE COURT: Which hasn't come up yet. Okay.

25 MS. SAS: No. And that will be on cross.

1           THE COURT: Do you have any exception  
2 to the questions that were asked, Mr. Seaton?

3           MR. SEATON: I believe the questions  
4 that were asked pertaining to Cottageville does not --  
5 the exception would be the relevance to this particular  
6 case when he has a charge that he's facing in  
7 Cottageville, and I don't understand the relevance.  
8 There has been no proof of some sort of common scheme  
9 or pattern that has been established. The facts  
10 of what happened in Colleton County aren't relevant  
11 to the charges he's facing here.

12           THE COURT: Ms. Sas.

13           MS. SAS: Thank you, Your Honor.  
14 Your Honor, the State would argue that the evidence  
15 of -- the testimony about Cottageville and the abuse  
16 starting with the touching would be admissible to show  
17 the existence of a common scheme because the abuse that  
18 happened there continued to happen in Berkeley County.

19           It's not like it started with one thing  
20 and that didn't happen here in Berkeley. It started  
21 with touching, and it continued to escalate, and the  
22 touching was also a part of it. He's charged with  
23 criminal sexual conduct with a minor third, in  
24 Cottageville, in Colleton County, and he's also charged  
25 with criminal sexual conduct with a minor third here,

1 in Berkeley County.

2 Your Honor, this was continuant on-and-off  
3 abuse when this Defendant had access to this victim.  
4 It's also a vital part of the grooming process,  
5 Your Honor, that we tend to -- that we will intend  
6 to argue happened here. She was little. It began  
7 with touching, and it continued and escalated.

8 There are -- these two sexual abuse acts are  
9 the same in nature. We're not trying to seek to admit  
10 any other testimony about any oral sex or about anything  
11 else that happened in Cottageville. We're limiting it  
12 to just beginning there with that. We're not actually  
13 going into a lot of description about what happened  
14 there, just kind of a general overview. So they're  
15 very similar in nature, and we believe that is one  
16 of the -- one of the elements that we have to satisfy.

17 Your Honor, I believe there's a case on  
18 point from 2008, and that's State v. Kirton, 381 S.C. 7;  
19 it's an appellate court case. That court found to  
20 properly rule that the evidence of when the Defendant  
21 began touching the victim and committing other sexual  
22 acts with the victim when she was six or seven was  
23 admissible to show a common scheme or plan, that the  
24 Defendant's continued illicit conduct towards the victim  
25 was extremely probative to prove the charge criminal

1 sexual conduct which occurred, and we believe that's  
2 exactly what is happening here.

3           Again, it started with touching, it  
4 escalated, it was a continued process with some times  
5 when she wasn't living there, she was still visiting  
6 at the house. There's times that she left out of state  
7 and then moved back with him, and then they moved to  
8 Moncks Corner to the Benjamin Drive, and she was also  
9 staying with him, and the abuse continued.

10           MR. SEATON: I haven't heard any of that  
11 testimony, Your Honor.

12           MS. SAS: Your Honor, we can certainly  
13 go through all the testimony about what happened  
14 in Berkeley County if the Court would like to hear  
15 that.

16           THE COURT: I think that might be the better  
17 way to do it.

18           MS. SAS: Sure, Your Honor. We can  
19 certainly do that.

20           THE COURT: Because that's the only way  
21 I'm going to be able to determine that it's probative  
22 for purposes of Lyle. And at this point, I haven't  
23 heard anything ---

24           MS. SAS: Absolutely, Your Honor.

25           MR. SEATON: Thank you, Your Honor.

1 THE COURT: --- that establish or meet your  
2 burden in that regard.

3 MS. SAS: Absolutely, Your Honor.

4 THE COURT: Okay. All right. You're ready  
5 to proceed?

6 MS. SAS: Yes, Your Honor.

7 THE COURT: Please get the jury for me.  
8 You can give her that mic back.

9 MS. SAS: So ---

10 THE COURT: At this point, I have not heard  
11 anything that satisfies the elements of Lyle.

12 MS. SAS: Your Honor ---

13 THE COURT: And once you finish making  
14 an inquiry, we can go back in camera, and I can decide  
15 if any of it is relevant at that point. But at this  
16 point, I've not heard anything.

17 MS. SAS: Your Honor, can we proffer  
18 additional testimony from the victim? Because I can  
19 ask her ---

20 THE COURT: I told you to ask all your  
21 questions.

22 MS. SAS: There is the jury, Your Honor,  
23 so I wasn't sure ---

24 THE COURT: I need that door closed.

25 THE CLERK: Okay.

1 MS. SAS: Your Honor, my apologies. I only  
2 asked the Cottageville questions, so I apologize.  
3 If the Court can give me additional time to ask  
4 the questions about the Benjamin Drive so I can draw  
5 a connection, I would really appreciate it.

6 THE COURT: But those deal with the  
7 indictments, right?

8 MS. SAS: Yes, Your Honor.

9 THE COURT: I think in the interest of time,  
10 you need to move forward.

11 MS. SAS: Okay. So, **Minor** don't talk  
12 anything about Cottageville, okay, until the judge  
13 allows us to, if she does, okay?

14 THE COURT: Go ahead and get the jury  
15 for me.

16 (The jury entered the courtroom at 2:33 p.m.)

17 THE COURT: You may be seated. You may  
18 proceed.

19 MS. SAS: Thank you, Your Honor.

20 THE COURT: You're welcome.

21 BY MS. SAS:

22 Q. **Minor** I believe before the jury went out,  
23 you testified about the Defendant sexually abusing you.  
24 Can you tell the jury where the sexual abuse happened?

25 A. On Benjamin Drive.

1 Q. Okay. And how old were you then at  
2 Benjamin Drive?

3 A. Like, 11, 12, 11.

4 Q. Do you remember what grade you were in?

5 A. We just ended up moving there, so I was about  
6 to start seventh grade.

7 Q. Okay. And do you remember how old were you when  
8 the sexual abuse ended?

9 A. Thirteen, about to be 14.

10 Q. Okay. What grade were you in?

11 A. Eighth grade.

12 Q. Okay. And do you remember why it ended?

13 A. That's when basically it came out.

14 Q. Okay. How did it come out?

15 A. My mom. It was midnight, it just turned  
16 Valentine's Day, and my mom, she told me -- she called  
17 me to the bathroom, and I really knew what she -- I had  
18 a feeling I knew what she was getting to.

19 In the beginning, I was nervous. I was scared  
20 because I know how my mom reacts and -- but I knew we  
21 were in a safe spot, like, you know, I knew we were home  
22 and nobody was around, and she was already emotional.  
23 So we were in the bathroom. And in the beginning,  
24 I didn't tell her much, but then I ended up telling  
25 her, and she was crying. Then, she told me to go back

1 to bed, and I went back to bed.

2 Q. Okay. **Minor** you said that you were in the  
3 bathroom. Whose residence were you in?

4 A. My mom's.

5 Q. Okay. Do you remember where your mom lived?

6 A. Emma Meredith Circle; it's an apartment complex  
7 called Waters at Saint James.

8 Q. Okay. And you said you were in the bathroom.  
9 Why were you in the bathroom?

10 A. She called me into the bathroom.

11 Q. Okay.

12 A. And when she called me into the bathroom,  
13 basically, you know -- she wasn't really trying to ask  
14 me, you know -- more so, like, you know, when a mother  
15 asks their child, you know, is anything going on?

16 Q. Okay. Without saying what she said, okay?

17 A. You know, so it's really not -- she really  
18 didn't ask me, but I knew what she was getting to.  
19 And in the beginning, I was nervous to tell her.  
20 And then, I broke down crying, and I just sat on the  
21 bathroom floor and told her everything. And she didn't  
22 react in a bad way; she was just emotional. And I felt  
23 safe telling her at that point because we were in the  
24 house by ourselves.

25 Q. Why were you nervous to tell her?

1           A.    Because you never know what somebody would do.  
2    I don't know.  If I told her, and she would react  
3    in a crazy way, and he could have hurt her, you know,  
4    anything, any type of way.  Yeah.

5           Q.    Let's talk a little bit about the house on  
6    Benjamin Drive, okay?  Whose residence was it on  
7    Benjamin Drive?

8           A.    Jimmy's.

9           Q.    Okay.  And who's Jimmy?

10          A.    The person I called Tio.

11          Q.    Okay.  And is Jimmy the Defendant, James Boley?

12          A.    Yes.

13          Q.    Okay.  And why would you have been at his  
14    residence at Benjamin Dive?

15          A.    I, basically, lived with him.  I was using --  
16    really using his address to go to school at Cane Bay  
17    when I was living with him.  I would bounce from my  
18    mom's house to his house.

19          Q.    Okay.  Which school did you go to?

20          A.    Cane Bay Middle.

21          Q.    Okay.  And -- so you mentioned your mom lived  
22    in an apartment.  Do you know how far was his residence  
23    from your mom's apartment?

24          A.    It was, like, in a car, like, three minutes.

25          Q.    Okay.  And you said you were bouncing from place

1 to place. So did you ---

2 A. Not like -- like, I would stay with my mom,  
3 and sometimes I would stay with him, but I took the bus  
4 from his house, so I was always back and forth.

5 Q. Did you stay the night at the Benjamin Drive  
6 address?

7 A. Yeah, I basically lived there.

8 Q. Okay. Who else -- did anyone else live there  
9 at Benjamin Drive?

10 A. Yes.

11 Q. Who lived there?

12 A. His cousin, Jamie, and his daughter, his son,  
13 Noe, and then later down the road, my brother came  
14 and moved in as well because he was using the same  
15 address to go to school at Cane Bay High School.

16 Q. Okay. So you said his cousin. Whose cousin?

17 A. Jimmy's cousin.

18 Q. Okay. And what was his name, the cousin's name?

19 A. Jamie Johnson.

20 Q. Okay. And you said his daughter. Whose  
21 daughter?

22 A. Jamie's.

23 Q. Okay. Do you remember her name?

24 A. **AJ**

25 Q. Okay. Do you remember how old she was at the

1 time, approximately?

2 A. No, but a teenager.

3 Q. Okay. And then you said ---

4 A. Still in school.

5 Q. Okay. I'm sorry. And then you said your brother  
6 also stayed there?

7 A. Yes, ma'am.

8 Q. And what was your brother's name?

9 A. His real name or what we called him?

10 Q. Both.

11 A. **Brother 1** but we called him **Brother 1**

12 Q. Okay. And how old was **Brother 1** at the time?

13 A. Like, 14, a freshman.

14 Q. And then you mentioned another person. I think  
15 you said ---

16 A. Noe.

17 Q. Who is that?

18 A. That's his son.

19 Q. Whose son?

20 A. Jimmy's son.

21 Q. Okay. Did you ever go to the Defendant's house  
22 on Benjamin Drive when it was -- it wasn't a school  
23 day?

24 A. Yeah. Basically, we've had family parties,  
25 everybody just goes there and hang out.

1 Q. Okay.

2 A. Or I will just go there just to hang out.

3 Q. Who's everybody?

4 A. His family.

5 Q. Okay.

6 A. His daughter, her family, his cousins.

7 Q. Do you remember anybody's names, other than  
8 the people you just listed, that lived there?

9 A. What do you mean, that came over?

10 Q. Yes.

11 A. I don't remember their names like that. Well,  
12 I mean, I know his family's names.

13 Q. Were there a lot of people?

14 A. Yes. So it's like a family house.

15 Q. Okay. So you said you were bouncing between  
16 your mom's place and his place. So where did you have  
17 your things?

18 A. Both places, but my school clothes was really  
19 at his house.

20 Q. Okay. Why would you have to have things at both  
21 places and school clothes at his house?

22 A. I basically lived with him.

23 Q. Okay. And where would you keep your things?

24 A. What do you mean?

25 Q. Like, the ---

1           A.   My clothes?

2           Q.   Your clothes and the items you had.

3           A.   We had -- he had, like, a double closet that  
4 had two doors.   So the first door was his -- where  
5 his stuff were, and the second door was where my stuff  
6 were.   And then, I had a drawer that was in the bathroom  
7 in the corner, and that's where I had clothes as well,  
8 and then I had my own sink in his bathroom.

9           Q.   Okay.   The closet you mentioned, where was that  
10 closet located?

11          A.   In his room.

12          Q.   Okay.   And the bathroom, how many -- describe  
13 to the jury a little bit about the house on the inside  
14 and outside.

15          A.   We never really used the front door.   The side  
16 door was where, like -- where you parked your cars,  
17 so everybody goes in through the side door.   When  
18 you walk in, to the left is a laundry mat, and then  
19 the dining room is right there when you first walk in,  
20 and then it's the kitchen, and then, this big living  
21 room space.   And then when you keep going straight,  
22 on the left, you'll see Jamie's room, his daughter,  
23 too.

24                   And then, you go straight, you'll see Noe's  
25 room.   When you walk out Noe's room, on this left,

1 you'll see the bathroom. And then when you walk  
2 straight and come out the bathroom, you go straight,  
3 it's his room. And then, the tub in the bathroom,  
4 the shower, and everything is in his room as well,  
5 too.

6 Q. So how many bedrooms were in the house total?

7 A. Three bedrooms.

8 Q. Okay. What about bathrooms, how many?

9 A. There's two.

10 Q. Okay. And who used which bathroom?

11 A. Really Jamie and Noe. His daughter used and my  
12 brother used -- my brother really didn't use the guest  
13 bathroom, but that was, like, the guest bathroom,  
14 like, if people came over. But his bathroom was also  
15 open for anybody that came over as well. But I really  
16 just used his bathroom; I never really used the other  
17 bathroom like that.

18 Q. When you say his bathroom, whose bathroom?

19 A. Jimmy's bathroom.

20 Q. Okay. I'm going to show you what's been entered  
21 into evidence as State's 1 through 11.

22 MS. SAS: Permission to approach the  
23 witness, Your Honor?

24 THE COURT: You may.

25 BY MS. SAS:

1 Q. Can you look through these photographs and tell  
2 me if you recognize them?

3 A. Yes.

4 Q. Can you tell the jury were those -- what are  
5 those photographs of?

6 A. The house.

7 Q. Okay. Which house?

8 A. Jimmy's house.

9 Q. Okay.

10 MS. SAS: Your Honor, permission at this  
11 time to publish 1 through 11, as well as 19, which have  
12 been all entered into evidence.

13 THE COURT: Any exception?

14 MR. SEATON: Without objection, Your Honor.

15 THE COURT: You may proceed.

16 MS. SAS: Can we ask for the lights to be  
17 dimmed at the front of the courtroom, Your Honor?

18 BY MS. SAS:

19 Q. **Minor** -- and you have a pointer with you  
20 as well. Just make sure to speak into the microphone.  
21 You kind of described to the jury a little bit about  
22 the layout of the house. But now that they can --  
23 do you see State's No. 19 behind you?

24 A. Yeah, I drew that.

25 Q. Okay. Can you take the jury a little bit through

1 the house and kind of repeat where everything was  
2 located?

3 A. This is -- this is the front door, but we don't  
4 use this door because it's just all grass there.  
5 This is the door, and if you walk the stairway,  
6 that's, like, the parking lot, like, the driveway,  
7 and this is the front door. This is the laundry  
8 room, this is the little dining table, the kitchen,  
9 the fridge, you know, everything that's in there.

10 It's the living room, and the living room  
11 is really big. So, like, there's a fireplace over  
12 here. This is, like, the living room. And then, when  
13 you walk back here, this is Jamie's room, and this  
14 is their closet. And then over here was Noe's room,  
15 and that's his closet. And over here when you walk,  
16 it's the other bathroom.

17 When you leave, you go into this room, and this  
18 is Jimmy's room, and this is the bedroom. And this  
19 is the first -- like, it's a door -- it's all connected,  
20 but this is the first door. That's where he kept  
21 his clothes, and then mine was in the second door  
22 where all my clothes were.

23 And then if you walk in right here, there's,  
24 like, mirrors all around the bathroom, and my drawers  
25 are right here where I kept my clothes, and this

1 was my sink. This is, like, a jacuzzi tub, and then  
2 this is his sink. And then, there's a door right here,  
3 and it's, like, a little shower and a toilet, like,  
4 a little small thing. The shower and toilet is right  
5 there. Yeah.

6 Q. **Minor** you testified and pointed to that  
7 bedroom that's the one on the left bottom of this  
8 diagram, that that's where Jamie stayed. Where did  
9 **AJ** stay, his daughter?

10 A. Well, we had, like, a -- we had, like, a little  
11 sofa right here. Sometimes, she would -- she had, like,  
12 a bed in her dad's room, like, right here on the floor.  
13 Sometimes, she would stay on the sofa right here.  
14 And then, my brother -- some nights, Noe wouldn't  
15 be there, so really him and Noe kind of shared a room  
16 and -- yeah.

17 Q. Okay. Can you tell the jury what do we see  
18 in this picture, which is State's 1?

19 A. This is the front door, basically. Well,  
20 the grass -- we don't really use that because over here  
21 is the street. But over here, it's a little walkway,  
22 and then the parking right there, but this is the door  
23 we do use. And that's the laundry room right there  
24 and the dining room and everything, and that's the door  
25 we use.

1 Q. Okay. And can you tell us what do we see in  
2 this, No. 2?

3 A. This is the front door. And then, you see right  
4 here where the car is at, that's where everybody parked,  
5 it had, like, a little driveway.

6 Q. All right. What about this picture, No. 3?

7 A. That's the side door we use.

8 Q. Okay. What do we see in this picture? I believe  
9 that's State's 4.

10 A. So when you're walking in, this is the kitchen,  
11 and this is the fridge. There's the sink and the stove.  
12 This is the cabinet. And then right here, if you look,  
13 this was Jamie's room, and this was Noe's room. And  
14 this is, like, the little front part of the living  
15 room, and then when you go back, that's where, like,  
16 the fireplace...

17 Q. Okay. What is this?

18 A. The laundry room is right here. This is where  
19 you walk in that door, the side door, and this is the  
20 laundry room, and this little thing right here, just  
21 all the cabinets and the fridge and everything.

22 Q. What about this, which I believe is State's 5?

23 A. This is where the table was, the dining room  
24 table when you walk in, and the sink and the stove.  
25 This is the kitchen.

1 Q. What about State's 7? What do you see in this  
2 photograph?

3 A. This is the fireplace. And then right here,  
4 this is Jimmy's room.

5 Q. Make sure to speak into the microphone, okay?

6 A. This is Jimmy's room.

7 Q. Okay. What we do we see in this, State's 8?

8 A. So this was my sink, and this was his sink.  
9 And this was the little bathroom -- well, this is really  
10 a bathroom, too. You've got the tub and everything  
11 right here. But this is where the shower is right  
12 there. And then, like, right in front of the shower  
13 is the toilet. So it's, like, a little -- this is my  
14 sink.

15 Q. So that's State's 9, your sink. And then,  
16 this is State's 10, what are we seeing here?

17 A. This was my part of the closet. But there's  
18 another door, and that was his part of the closet,  
19 but this was my part of the closet.

20 Q. Okay. What about on the right side of that  
21 picture, what do we see there through the second door?

22 A. This is the tub. And see right there, that's  
23 my -- that's my sink. That's the tub, and then over  
24 here was the other sink. Yeah.

25 Q. And what is this a photograph of?

1 A. Like, the guest bathroom, but really Jamie  
2 and AJ used it.

3 Q. Okay.

4 A. Yeah.

5 Q. I'm going to show you what's been already  
6 admitted into evidence as State's 22 and 23.

7 MS. SAS: Permission to approach,  
8 Your Honor?

9 THE COURT: You may.

10 BY MS. SAS:

11 Q. Minor can you look at State's 22 and 23?  
12 Can you tell me what 22 is?

13 A. A picture of me cleaning.

14 Q. Okay. Where is that picture taken?

15 A. In the kitchen.

16 Q. Okay. Kitchen of where?

17 A. Jimmy's house.

18 Q. Okay. And which house would that have been?

19 A. The one on Benjamin Drive.

20 Q. Okay. What about that CD I gave you, do you know  
21 what's on that CD, No. 23?

22 A. Yes.

23 Q. I'm sorry. That's No. 22. What is on that CD?

24 A. It's the video of me cleaning.

25 Q. Okay. So is that screenshot from that video?

1 A. Yeah.

2 Q. Okay.

3 MS. SAS: Permission to publish State's 22  
4 and 23, Your Honor?

5 THE COURT: Any exception?

6 MR. SEATON: Without objection, Your Honor.

7 THE COURT: You may proceed.

8 (Video played for the jury.)

9 MS. SAS: Can you publish State's 23?

10 BY MS. SAS:

11 Q. **Minor** do you know who took that video?

12 A. Yeah.

13 Q. Who did?

14 A. **AJ**

15 Q. Okay. And who is **AJ** remind the jury?

16 A. Jamie's daughter.

17 Q. Okay.

18 MS. SAS: You can turn the lights on.

19 BY MS. SAS:

20 Q. **Minor** can you tell the jury, how was your  
21 relationship with your mom at the time when you lived  
22 at the Benjamin Drive address?

23 A. It wasn't that good. It was more so telling me,  
24 like, my mom couldn't take care of me, so it really  
25 wasn't that good. Me and her, it was kind of hard.

1 That's why I kind of lived with him.

2 Q. Okay. Who was telling you that your mom couldn't  
3 take care of you?

4 A. Jimmy.

5 Q. Okay. How many children did your mom have  
6 at the time?

7 A. At the time, she had two babies. And then,  
8 my brother, he ended up, you know, kind of moving  
9 in with us as well with Jimmy.

10 Q. Okay.

11 A. But he had his stuff with my mom, too, sometimes.

12 Q. And how was your relationship with Defendant  
13 at the time when you lived on Benjamin Drive?

14 A. Despite, you know, what he was doing to me,  
15 we had a really good relationship. (Sobbing.) He was  
16 someone I could talk to. Yeah.

17 Q. Tell the jury how he treated you.

18 A. Everything was good. Really, it was a good  
19 time in my life. It was good; he didn't treat me bad.  
20 My dad wasn't really in my life, but he was playing  
21 that father figure role. And, you know, he always tells  
22 everybody I was his daughter. We would go on dates,  
23 do things, he would take me out, always buy me a lot  
24 of gifts. Yeah.

25 Q. When you say he took you on dates, where would

1 he take you?

2 A. One time, we went to Texas Roadhouse. But he  
3 wanted to watch a really late movie, so Texas Roadhouse  
4 first, and then we went to the movies after, then we  
5 went back to his house.

6 Q. Was that the only time that he took you on dates?

7 A. No.

8 Q. Okay. I'm going to show you what's been  
9 premarked as State's 25.

10 MS. SAS: Permission to approach the  
11 witness, Your Honor?

12 THE COURT: You may.

13 BY MS. SAS:

14 Q. Can you look at what I just handed to you?  
15 Do you -- and look through these pages. And do you  
16 recognize what's on these pages?

17 A. Yes.

18 Q. How do you recognize it?

19 A. It's me and him.

20 Q. How do you know that's you and him?

21 A. We took that picture together in a photo booth.

22 Q. Okay. So it's a picture of you and him. When  
23 is that -- when is that picture from? What time frame?  
24 You can look at the document if you want to refresh  
25 yourself.

1 A. 2018.

2 Q. And does that picture accurately depict you  
3 and him when you're in the photo booth ---

4 A. Yeah.

5 Q. --- from 2018?

6 A. Yeah.

7 Q. Okay.

8 MS. SAS: Your Honor, at this time,  
9 the State would like to move No. 25 into evidence.

10 THE COURT: Have you shown it to counsel?

11 MS. SAS: Yes.

12 MR. SEATON: Without objection, Your Honor.

13 THE COURT: Marked and admitted without  
14 objection. You may continue.

15 (State's Exhibit No. 25 was admitted into evidence.)

16 MS. SAS: Permission to publish ---

17 THE COURT: You may.

18 MS. SAS: --- State's 25? If we can zoom  
19 in a little bit.

20 BY MS. SAS:

21 Q. Is that the date you're referencing?

22 A. Yeah.

23 Q. Okay. Who is Sierra Bella?

24 A. That's my mom's Facebook.

25 Q. Okay. So when does it say that this image was

1 sent? Do you see that?

2 A. Yeah.

3 Q. When was this image sent?

4 A. August 8th, '21 -- I mean, August 21st, 2018.

5 Q. Okay. And is that the image you were describing  
6 to the jury?

7 A. Yes.

8 Q. Who's the person on the left?

9 A. That's me.

10 Q. Okay. And who's the person on the right?

11 A. (Sobbing.) That's Jimmy.

12 Q. Okay. What about this picture? Who's the person  
13 on the left?

14 A. That's me.

15 Q. And the person on the right?

16 A. That's Jimmy.

17 Q. Okay.

18 THE COURT: Is this the same exhibit?

19 MS. SAS: Yes, Your Honor.

20 BY MS. SAS:

21 Q. You mentioned that he would get you things,  
22 buy you things.

23 A. Yes.

24 Q. Okay. What kind of things?

25 A. Bracelets, name necklace, lingerie, sex toys,

1 clothes, shoes, get my nails done, different types  
2 of stuff.

3 Q. Talk to me about the name necklace. Can you  
4 describe that to the jury?

5 A. Yeah. He got me a Dorado fashion, and there's  
6 an Old English name necklace.

7 Q. Is Dorado -- what is it? Is it a name of  
8 a brand?

9 A. It's, like, a website.

10 Q. Oh, okay.

11 A. Where they sell name necklaces.

12 Q. And when you say Old English, what does that  
13 mean?

14 A. Old English letters.

15 Q. Okay. I'm going to show you what's been  
16 premarked as State's Exhibit No. 32.

17 MS. SAS: Permission to approach the  
18 witness, Your Honor?

19 THE COURT: You may.

20 BY MS. SAS:

21 Q. Can you look at the document that I just gave  
22 you? Do you recognize it?

23 A. Yes.

24 Q. What is it?

25 A. It's a picture of me -- it is a picture of me

1 and my brother.

2 Q. Okay. And when is that picture from? What time  
3 frame?

4 A. It was on Christmas of 2019.

5 Q. Okay. And what does that picture depict when  
6 you look at you?

7 A. It has the name necklace that he bought me.

8 MS. SAS: Permission -- Your Honor, the  
9 State moves to admit 32 into evidence.

10 THE COURT: Any objection?

11 MR. SEATON: No objection, Your Honor.

12 THE COURT: Without objection. You may  
13 proceed.

14 (State's Exhibit No. 32 was admitted into evidence.)

15 MS. SAS: Permission to publish 32?

16 THE COURT: You may proceed.

17 BY MS. SAS:

18 Q. I think you said Christmas 2019, correct?

19 A. Yes.

20 Q. What is the date on here on the picture sent?

21 A. 12/25/2019.

22 Q. Okay. And can you -- is this the picture that  
23 you were referencing?

24 A. Yes, ma'am.

25 Q. Is that the necklace you were referencing?

1 A. Yes, ma'am.

2 Q. Okay. And what were the words on the necklace?

3 A. **Minor**

4 Q. Okay. How did you and the Defendant communicate?

5 A. Messenger, TextNow.

6 Q. Okay. When you say Messenger, what do mean  
7 by that?

8 A. Facebook messages.

9 Q. Okay. And then you said TextNow. What is  
10 TextNow?

11 A. I really -- I was young, I didn't really  
12 have a phone, so I used my mom's, like, old phones.  
13 And the only way I would be able to communicate  
14 with him or somebody because I don't have service  
15 is through TextNow, but you could only use it with  
16 WiFi, and it's unlimited texting and calling.

17 Q. Okay. So is it like an app?

18 A. Yes, it's an app.

19 Q. Okay. And so Facebook Messenger, TextNow,  
20 and in person?

21 A. Oh, yeah, in person.

22 Q. And what was -- when you communicated with him  
23 on Facebook Messenger, what was his Messenger name?

24 A. James Boley.

25 Q. Okay. And what did you communicate with him

1 about?

2 A. Everything. He loved me, school, you know,  
3 stuff that were going on, you know, my grades sometimes,  
4 telling me how proud he was of me, type of stuff like  
5 that.

6 Q. How did he know your grades?

7 A. He had access to my school. He was the first  
8 person they would call if I got in trouble in school  
9 or anything.

10 Q. I'm going to show you what's been premarked as  
11 State's -- I'm going to show you what's been premarked  
12 as State's 29 and 27.

13 MS. SAS: Permission to approach the  
14 witness, Your Honor?

15 THE COURT: You may. You said 29 and 27?

16 MS. SAS: And 27.

17 BY MS. SAS:

18 Q. Do you recognize these two documents?

19 A. Yeah. They're our messages on Facebook.

20 Q. Okay. They're messages between who?

21 A. Me and Jimmy.

22 Q. Okay. And are they an accurate depiction  
23 of the exchanges that you and him had on these messages  
24 in 27 and 29?

25 A. Yeah.

1 MS. SAS: At this time, the State would move  
2 27 and 29 into evidence.

3 THE COURT: Any objection?

4 MR. SEATON: No objection, Your Honor.

5 THE COURT: Marked and admitted without  
6 objection, State's 27 and 29.

7 (State's Exhibit Nos. 27 and 29 were admitted into  
8 evidence.)

9 MS. SAS: Permission to publish 27,  
10 Your Honor?

11 THE COURT: You may proceed.

12 BY MS. SAS:

13 Q. What is the date on these messages, **Minor**  
14 What date do they start with?

15 A. One -- January 4, 2019.

16 Q. Okay. And so which name on Facebook Messenger  
17 did the Defendant go by?

18 A. Jimmy Boley.

19 Q. Okay. And what was your name?

20 A. **Minor**

21 Q. Okay.

22 MS. SAS: You can keep scrolling down.

23 BY MS. SAS:

24 Q. What is -- can you read this exchange to the  
25 jury?

1 A. "Love you."

2 Q. And what does he say?

3 A. "Love you, honey."

4 Q. Okay. And what is the date on these exchanges  
5 right here that I'm pointing to?

6 A. January 7, 2019.

7 Q. And what does he say to you?

8 A. "I love my little lady."

9 Q. Okay. And what do you tell him?

10 A. "I love you, too."

11 Q. What is this date right here?

12 A. 1/7/2019.

13 Q. What does he say to you?

14 A. "Thank you, baby."

15 Q. Okay. What are you talking about here?

16 A. I basically asked him where he was.

17 Q. Okay.

18 A. Yeah. Telling me he was home.

19 Q. Okay. What does he tell you here, and what's  
20 the date right here?

21 A. September 6, 2019. "Love you, my lady."

22 Q. And what about right here?

23 A. "No, I'm home, honey. I'm basically not going  
24 anywhere."

25 Q. What's the date on that message?

1 A. September 6, 2019.

2 Q. What about this message right here, what's the  
3 date on it?

4 A. January 23rd, 2020.

5 Q. What does he tell you?

6 A. "Thank you, honey. I love you more than  
7 anything, my love."

8 Q. Okay.

9 MS. SAS: Your Honor, permission to publish  
10 29 that's been admitted?

11 THE COURT: You may proceed.

12 MR. SEATON: Without objection, Your Honor.

13 MS. SAS: Can you zoom out a little bit  
14 in the middle? Oh, right there.

15 BY MS. SAS:

16 Q. Can you tell the jury what is this message about  
17 here and what was the date, and who sent it?

18 A. September 23rd, 2019. "You didn't even that  
19 you liked the bracelet or thank you." [Sic.]

20 Q. What was that exchange with him about here?

21 A. The bracelet that he bought me on Wish.

22 Q. Okay. I'm going to show you another message.

23 MS. SAS: Your Honor, this is State's 30.  
24 Permission to approach?

25 THE COURT: You may. Any exception to

1 No. 30, Mr. Seaton?

2 MR. SEATON: Without objection, Your Honor.

3 THE COURT: Marked and admitted without  
4 objection, State's 30.

5 (State's Exhibit No. 30 was admitted into evidence.)

6 BY MS. SAS:

7 Q. Do you recognize that message?

8 A. Yes.

9 Q. Who is this message between?

10 A. Me and Jimmy.

11 Q. Okay.

12 MS. SAS: Your Honor, since it's been  
13 admitted, permission to publish 30?

14 THE COURT: You may proceed.

15 MS. SAS: Can you scroll down?

16 BY MS. SAS:

17 Q. If you can refer to this message down here,  
18 what are you discussing over here and what is the date,  
19 and what does the Defendant say?

20 A. My mom was going to church, and sometimes  
21 the boys are a distraction because they didn't --  
22 at that church, they didn't have, like, a kid's room.  
23 So, I asked him if my mom goes to church, can me and  
24 the kids go over there, and he said, yeah. And I said,  
25 okay, and he said, you know what I want.

1 Q. What was that message about?

2 A. What he said to me?

3 Q. Yes.

4 A. Basically, you know, he wanted to have sex  
5 if I came over there. That was the only way I was able  
6 to go over there. That's what happened, or he would  
7 have been upset with me.

8 Q. I'm going to show you what's been premarked  
9 as State's 26.

10 MS. SAS: Permission to approach,  
11 Your Honor?

12 THE COURT: You may. Any exception to 26,  
13 Mr. Seaton?

14 MR. SEATON: No objection, Your Honor.

15 THE COURT: Marked and admitted without  
16 objection, State's 26.

17 (State's Exhibit No. 26 was admitted into evidence.)

18 MS. SAS: Thank you, Your Honor.

19 THE COURT: You're welcome.

20 BY MS. SAS:

21 Q. **Minor** do you recognize that message?

22 A. Yes.

23 Q. What is that message about?

24 A. He was upset that I was on my phone in the living  
25 room, and he told me it's time to come to bed, which

1 later I slept with him.

2 MS. SAS: Your Honor ---

3 THE WITNESS: He said ---

4 BY MS. SAS:

5 Q. No, go ahead.

6 A. He said it's time to come to bed, it's almost 11,  
7 and I said, okay, I'll be there right now.

8 MS. SAS: Permission to publish No. 26,  
9 Your Honor?

10 THE COURT: You may proceed.

11 BY MS. SAS:

12 Q. Is that the message right there that you just  
13 read and referenced?

14 A. Yes, ma'am.

15 Q. What's the date on that message?

16 A. 11/27/2018.

17 Q. Okay. I'm going to show you what's been  
18 premarked as State's 28.

19 MR. SEATON: Without objection.

20 MS. SAS: Permission to approach,  
21 Your Honor?

22 THE COURT: You may. Any exception,  
23 Mr. Seaton?

24 MR. SEATON: No exception, Your Honor.

25 THE COURT: Marked and admitted without

1 exception.

2 BY MS. SAS:

3 Q. **Minor** can you look at those documents  
4 I just handed you and the photos. Do you recognize  
5 them?

6 A. Yes.

7 Q. Who's in those photographs?

8 A. Me.

9 Q. Okay. Who were those photographs sent to?

10 A. Jimmy.

11 Q. Okay.

12 MS. SAS: Permission to publish, Your Honor,  
13 No. 28?

14 THE COURT: How many?

15 MS. SAS: I've got one more after this.

16 THE COURT: No, I mean, how many parts  
17 are there? In the future, they should all be marked  
18 individually.

19 MS. SAS: Absolutely, Your Honor.

20 THE COURT: It should not be marked as one  
21 exhibit.

22 MS. SAS: Your Honor, there are ---

23 THE COURT: Madam Court Reporter, do you  
24 need to have those marked individually?

25 MS. SAS: We can mark them as A, B, and C,

1 Your Honor, if that's okay.

2 THE COURT: Yeah, in the future, they need  
3 to have ---

4 MS. SAS: Absolutely. 28-A, B, C, D, E, F,  
5 G, H, I, J, K, L.

6 THE COURT: Is that acceptable,  
7 Madam Court Reporter?

8 THE COURT REPORTER: Yes, ma'am.

9 THE COURT: You may proceed.

10 (State's Exhibit Nos. 28-A through L were remarked for  
11 identification.)

12 (State's Exhibit Nos. 28-A through L were admitted into  
13 evidence.)

14 MS. SAS: Your Honor, since it's been  
15 admitted into evidence ---

16 THE COURT: You may proceed.

17 MS. SAS: --- we would like to publish.

18 THE COURT: You may proceed.

19 BY MS. SAS:

20 Q. Who's in this photograph?

21 A. That's me.

22 Q. Okay.

23 MS. SAS: Can you zoom in? Can you zoom in?

24 BY MS. SAS:

25 Q. Who sent this photograph?

1 A. I sent them.

2 Q. You sent it to who?

3 A. Jimmy.

4 Q. Okay. When did you send it?

5 A. 6/3/2019.

6 Q. Who's in this photograph?

7 A. Me.

8 Q. Okay. Who's this?

9 A. Me.

10 THE COURT: You need to make sure you're  
11 saying each individual number that you're referring  
12 to so that the record is clear.

13 MS. SAS: Absolutely, Your Honor.

14 THE COURT: So if it's 28-A, you need  
15 to make sure that's the reference you're making.

16 MS. SAS: Sure. I believe that's E.  
17 Can we go to the next one?

18 THE COURT: Why don't you go ahead and have  
19 the court reporter mark them so there's no confusion.

20 MS. SAS: Sure.

21 (Pause.)

22 BY MS. SAS:

23 Q. All right, **Minor** going back. We're looking  
24 at 28-E, and you said that's you.

25 A. Yes, ma'am.

1 Q. The next one, I think we're looking at 28-G right  
2 now. Who's in that photograph?

3 A. That's me.

4 Q. Go to the next one, 28-I.

5 A. That's me.

6 Q. Next one.

7 A. That's me.

8 Q. Okay. **Minor** you talked about things  
9 Defendant bought you and places he took you. I'm going  
10 to show you another piece of evidence.

11 MS. SAS: Your Honor, I'm going to approach  
12 with No. 31.

13 BY MS. SAS:

14 Q. **Minor** can you tell me what that is that  
15 you're holding?

16 A. The messages.

17 Q. Okay. Messages between whom?

18 A. Me and Boley.

19 THE COURT: Can't hear you.

20 THE WITNESS: Me and Jimmy.

21 BY MS. SAS:

22 Q. Okay. What were those messages about?

23 A. My mom couldn't pay her light bill, and I sent  
24 him a picture of it because I knew he would pay it.

25 Q. Okay. And when was that? What was the time

1 frame?

2 A. October 21st.

3 Q. Of what year?

4 A. 2019.

5 Q. Okay.

6 THE COURT: Any objection, Mr. Seaton?

7 MR. SEATON: Without objection, Your Honor.

8 THE COURT: Marked and admitted without  
9 objection.

10 MS. SAS: Permission to publish, Your Honor?

11 THE COURT: You may proceed. State's 31.

12 MS. SAS: Your Honor, I believe this one  
13 also has multiple pages. So if we can mark them --  
14 my apologies -- as 31-A, B, C and D, and E.

15 THE COURT: Give it to the court reporter  
16 so that she can mark it.

17 MS. SAS: Yes, Your Honor.

18 THE COURT: She has to ---

19 MS. SAS: I believe she's marking it right  
20 now.

21 THE COURT: Thank you.

22 (State's Exhibit Nos. 31-A through E were remarked for  
23 identification.)

24 (State's Exhibit Nos. 31-A through E were admitted into  
25 evidence.)

1 MS. SAS: Minor ---

2 THE COURT: You can't talk while she's  
3 marking them. Did you already mark them?

4 MS. SAS: Yes.

5 THE COURT REPORTER: Yes.

6 BY MS. SAS:

7 Q. Minor as we're looking through these ---

8 MS. SAS: Can you scroll to the next page?  
9 Zoom in.

10 BY MS. SAS:

11 Q. Is that the bill you're referring to?

12 A. Yes.

13 Q. Okay. Go to the next page. So that's 31-B.

14 Next page, next page. Okay. So this is E. What  
15 is this exchange about? What are you talking to the  
16 Defendant about?

17 A. I told him he could call them, and he said,  
18 "No, I told you I have \$80 on the card. Either they  
19 do it or not."

20 Q. Okay.

21 A. And I said, "Okay, call." He said, "No, I'm not  
22 calling; your mom can call."

23 Q. Okay. What are you talking about here?

24 A. Him paying the light bill.

25 Q. Okay. Minor you talked a lot about the

1 things the Defendant bought you, the things he did  
2 for your family, and you testified initially about him  
3 sexually assaulting you. Can you tell the jury how  
4 many times he sexually assaulted you at Benjamin Drive?

5 A. It happened all the time, out of, like, four  
6 times out of the week, five times out of the week.  
7 Happened all the time, even on my menstrual cycle.

8 Q. Tell me about a time at Benjamin Drive that  
9 you can remember.

10 A. There was a time we just had moved to  
11 Benjamin Drive, and he asked to buy me school clothes  
12 because he said my mom couldn't, and I told him no.  
13 But he ended up giving the money to his daughter,  
14 and his daughter took me shopping. And then, the next  
15 day, we were all walking around his house -- and we were  
16 walking around his house. I had to use the bathroom,  
17 but Jamie's bathroom was being used.

18 And then, I went to his bathroom. He was  
19 sitting on the bed eating, and I went to the bathroom,  
20 and I heard the other door close and lock, and then  
21 that's when I knew I messed up. And then, I opened  
22 the door, and he was standing up. And then, he laid  
23 me on the bed, and he took my clothes off. And at that  
24 time, I was still a virgin. And then, he rubbed his  
25 penis against my -- the inside of my vagina, and then

1 cummed on my stomach.

2 Q. **Minor** you talked about his daughter taking  
3 you clothes shopping. What was her -- his daughter's  
4 name that took you clothes shopping?

5 A. Tanya.

6 Q. Okay. And you talked about being in his bedroom  
7 and bathroom. Which house was that at?

8 A. On Benjamin Drive.

9 Q. Okay. And when you were on the bed, and he was  
10 standing in front of you, tell me about your clothes  
11 and his clothes.

12 A. He really had underwear on when he was sitting  
13 on the bed eating, so he didn't have no clothes on,  
14 and I didn't have no clothes on.

15 Q. When he wore underwear, what underwear did he  
16 wear?

17 A. Like, tight underwear, not like boxers.

18 Q. Okay. How did that make you feel, **Minor**

19 A. I told him I hate him, and he doesn't like that  
20 word. He was, like, you hate me? And I was crying,  
21 and I said, yeah. But he finished, and then I left  
22 out the room.

23 Q. When you say, he finished, what do you mean  
24 by that?

25 A. He cummed on my stomach.

1 Q. And what do you mean by that? Can you describe  
2 that to the jury?

3 A. Like, he was rubbing his penis against my --  
4 the inside of my vagina. He didn't put it in at that  
5 time because I was still a virgin. And then, when he  
6 was about to nut, he nutted on my stomach.

7 Q. What was on your stomach?

8 A. I don't know how you all ---

9 Q. How would you describe it?

10 A. His nut.

11 Q. Okay. What grade would you have been at that  
12 time?

13 A. School didn't start yet. It was August, but  
14 I was going to the seventh grade.

15 Q. Okay. Were there any other times that were  
16 different from what you just described?

17 A. Yes.

18 Q. Okay. Tell me about another time that was  
19 different.

20 A. He had a girlfriend; her name was Jackie,  
21 and he said that she couldn't get him off. And so  
22 before she would come and spend the night, there was  
23 a time we went into the bathroom, and I was on my  
24 menstrual cycle, and he put his penis inside my vagina.

25 Q. How does it come about that you go in the

1 bathroom?

2 A. He came in from work -- came in from work,  
3 and then I was already in the room, basically, my room.  
4 I was on the bed, and he closed the door, and he locked  
5 it, and he was, like, come on. And then, we went  
6 inside the bathroom because it was during the day,  
7 and everybody was walking around the house.

8 Q. And when you went to the bathroom, can you  
9 describe to the jury where you were in the bathroom  
10 and where he was?

11 A. I was sitting on the toilet, and he was standing  
12 up, like, kind of, like -- like, not bent over, but  
13 his knees were bent, and I was sitting on the toilet  
14 with my legs open.

15 Q. And can you tell the jury about your clothing  
16 and his clothing?

17 A. I had a shirt on; he still had his work clothes  
18 on. He just lifted up his shirt and had his pants down  
19 with his work boots and everything on.

20 Q. And what did he do once you were on the toilet,  
21 and he was in front of you with his pants down?

22 A. He put his penis in my vagina.

23 Q. And what happened after he put his penis in your  
24 vagina?

25 A. He finished.

1 Q. And is it the same as you described ---

2 A. Yes, he ---

3 Q. --- before?

4 A. Yes, he cummed.

5 Q. Okay. Can you describe what he did with his body  
6 and his hands?

7 A. He would -- he would put his hands down my shirt  
8 and play with my boobs. And then while he had his penis  
9 inside my vagina, he would play with my clit.

10 Q. What do you mean by that?

11 A. Inside of my vagina. He had his penis in the  
12 hole, and he was playing with my vagina while his penis  
13 was in my vagina.

14 Q. What did he use to do that?

15 A. His hands.

16 Q. Okay. Was there any time that was different  
17 from the two times that you have just described?

18 A. Yes.

19 Q. Tell the jury about a different time.

20 A. One time, I was in the bed, and he just came  
21 from being out. And at that time, I was on my period,  
22 and he wanted to try to put it in my butt and he did,  
23 and I didn't like it. It hurt really bad. So then,  
24 he took it out, and he just put it in my vagina.  
25 And then, he had the vibrator and was putting it on my

1 vagina while he had his penis in my vagina.

2 Q. Can you describe what you remember about the  
3 vibrator?

4 A. There were two different ones. One was purple  
5 and white, and that one was, like, kind of purple.  
6 And there was another one; it was like a little bullet,  
7 and that was just a vibrator.

8 Q. **Minor** earlier you testified about Defendant  
9 buying you things, buying you sex toys and lingerie.  
10 Can you describe to the jury the lingerie that he bought  
11 you?

12 A. It was black and it had a slit where my nipples  
13 were, and it had panties, too. There was a slit where  
14 my vagina was, and there was a slit where my butt was.

15 Q. **Minor** you testified that it happened in  
16 his bathroom and bedroom inside the Benjamin house.  
17 Did it happen anywhere else?

18 A. Yes, my mom's house.

19 Q. And which house would that have been?

20 A. Emma Meredith Circle at Waters at Saint James  
21 Apartments.

22 Q. Okay. And when did it happen at your mom's  
23 place?

24 A. There were times we were at his house, and he  
25 was upset. He wasn't talking to me because everybody

1 got drunk, and I told -- I told them, yo, let me know  
2 before you guys leave, so I could, you know, get out  
3 the bed. But I ended up -- nobody ended up telling  
4 me everybody left.

5           And when we were in the bed, I felt someone  
6 getting close to me, and it was him, and I jumped  
7 up. When I jumped up, he sat on the edge of the bed,  
8 and I was in between his legs, and he was, like --  
9 I was, like, why are you doing this? And he was, like,  
10 I want some. And I was, no, you're drunk, you're drunk.  
11 He was, like, oh, okay. He threw my arm. He said,  
12 get the fuck out my bed, and then I got out the bed,  
13 and then that's when -- when I got out the bed, I was  
14 in the living room.

15           And then that day, my mom's car -- her tire  
16 wasn't working, and he wouldn't fix it, and she kept  
17 asking me to ask him, and he would not fix it because  
18 she was sleeping in Noe's room because she was drunk,  
19 and she spent the night, but he wouldn't fix it.  
20 But then, she ended up asking him, and he ended up  
21 fixing it.

22           So then, it was the day the Super Bowl came up,  
23 and I didn't want to go to his house. Me and my mom  
24 were arguing. I didn't want to go, but she wanted to  
25 go, so she left with the boys, and she went. And she

1 went back and she told him, she doesn't want to come.  
2 And when she told him that, he came -- I was sleeping  
3 in my little brother's room on the bottom bunk, and  
4 he came in the house -- well, he drove from his house  
5 to my mom's.

6 He came in, and when he walked inside, he came  
7 to the room. He sees me sleeping, and he was, like,  
8 come on, baby girl, let's go. I said, okay. He said,  
9 first, let's do this real quick, and I said, okay.  
10 And at that time, he just took my pants off. That  
11 was it, and he put his penis in my vagina. And then,  
12 you know, he finished. And then, we left. We went  
13 back to his house for the Super Bowl. Yeah.

14 Q. **Minor** tell the jury -- so you said it was  
15 on a bunk bed. Was it on the top or bottom?

16 A. The bottom.

17 Q. How were his clothes?

18 A. Just his pants were off.

19 Q. Okay. You said you did not want to go to his  
20 house. Were there any other times that you didn't want  
21 to go to his house?

22 A. Yeah.

23 Q. Tell us about a time that you didn't want to go.

24 A. He used to be a part of a bowling league.

25 I asked him to go to the bowling league with him,

1 and he said, okay. And I told him I was going to spend  
2 the night with him -- spend two nights with him.

3 He said, okay, yeah, fine.

4 And, you know, going back to his house, you have  
5 to pass my mom's house. So I said, I have to stop  
6 by my mom's house to grab something. And when I went  
7 inside the house, she was there, and I didn't want  
8 to go, I didn't want to go. But she just kept saying,  
9 why you don't want to go? Why you don't want to go?  
10 She ended going outside to tell him. He got upset,  
11 got out the car, and came inside. You really don't  
12 want to come? And I just was, like, no.

13 And at the time, she had company over, so it was,  
14 like, she was more so on his side, and the other person  
15 was on my side, you know, like, if I didn't want to go,  
16 I didn't have to go. And he got upset and he left,  
17 and then he wrote me this message. Yeah.

18 Q. What did he say in the message?

19 A. I don't remember, but he was just upset that  
20 I didn't go. I would have to see, but I don't remember.

21 Q. I'm going to show you what's been premarked  
22 as State's 24-A, B, C, D, E.

23 MS. SAS: Your Honor, I'm going to have  
24 Madam Court Reporter pre-mark those.

25

1 (State's Exhibit Nos. 24-A through E were remarked  
2 for identification.)

3 THE COURT: Any objection?

4 MR. SEATON: No objection, Your Honor.

5 THE COURT: Marked and admitted without  
6 objection.

7 (State's Exhibit Nos. 24-A through E were admitted into  
8 evidence.)

9 BY MS. SAS:

10 Q. **Minor** I'm going to show you Exhibits 24-A  
11 through E that's been admitted. Do you recognize this  
12 document?

13 A. Yes.

14 Q. What is this document? Like, what is the first  
15 page?

16 A. Me and his messages on TextNow.

17 Q. Okay. And that's the app you testified about?

18 A. Yes, ma'am.

19 Q. Okay. So those messages are between whom?

20 A. Me and Jimmy.

21 Q. Okay. And ---

22 MS. SAS: Your Honor, permission to publish  
23 No. 24?

24 THE COURT: You may proceed.

25 BY MS. SAS:

1 Q. Okay. **Minor** can you look at 24-A? What  
2 is this document? What is this?

3 A. The time that it came out on Valentine's Day  
4 2020. I sent the email of the screenshot of the  
5 messages to the detective.

6 Q. Okay. Is that your email address?

7 A. Yes, ma'am.

8 Q. Okay. We can look at 24-B, okay? So what  
9 is the date on this message?

10 A. Monday, December 2nd.

11 Q. So what year would that have been?

12 A. That would have been 2019.

13 Q. Okay. And who is saying this?

14 A. Jimmy.

15 Q. Okay. And what is he saying?

16 A. "I know you got your phone. I don't know  
17 why you didn't stay last night. You say you was,  
18 and then you was tonight, and you didn't, so don't  
19 expect me to go out my way to do anything anymore."

20 Q. And what was he talking to you about here?

21 A. The night of the bowling alley when I didn't stay  
22 with him.

23 Q. Okay. What about this message? This is 24,  
24 for the record, D. Can you tell the jury when was this  
25 message sent?

1 A. Monday of the week of Valentine's Day.

2 Q. Okay.

3 A. He said, "Hey, I'm on my way to get you to go  
4 to my house. We'll have a little time before your mom  
5 gets there, okay?"

6 Q. And again, who sent that message?

7 A. Jimmy.

8 Q. Okay. What is he talking about here?

9 A. Basically, a little time to have sex before my  
10 mom got home from work and from picking up the kids.

11 Q. Did you have sex that day?

12 A. Yes.

13 Q. Do you remember the last time the Defendant  
14 sexually assaulted you?

15 A. Yeah. It was Tuesday, the next day after that  
16 day.

17 Q. Okay. What do you remember about that Monday  
18 and Tuesday?

19 A. That Monday, I wasn't on my period, so he didn't  
20 want no protection. But that Tuesday, I was on my  
21 period, and he did do it with protection.

22 Q. Okay. And that Tuesday, the last time it  
23 happened, what did he do?

24 A. Put his penis inside my vagina.

25 Q. Where did it happen?

1 A. At his house, on his bed.

2 Q. **Minor** can you tell the jury a little bit  
3 about the size the Defendant was when he was sexually  
4 assaulting you?

5 A. Medium, little -- had muscles.

6 Q. What about your size at the time?

7 A. A little bit skinnier than what I am.

8 Q. Okay.

9 MS. SAS: Your Honor, at this time, we have  
10 a matter of law that we would like to address.

11 THE COURT: Mr. Foreperson, ladies and  
12 gentlemen, we have a brief matter of law to take up.  
13 During the break, please do not discuss the case,  
14 and please leave your notepads in your seats.  
15 We appreciate your patience.

16 (The jury exited the courtroom at 3:46 p.m.)

17 THE COURT: You may be seated. Yes, ma'am.

18 MS. SAS: Your Honor, we're almost at the  
19 end of our questions, so I thought this was a good time  
20 to renew our motions.

21 THE COURT: When you said almost at the end,  
22 do you have more questions you need to ask?

23 MS. SAS: Well, they will be leading into  
24 this, so I thought this was an appropriate time to  
25 ask the Court to consider allowing us to ask the victim

1 about when this abuse started. I do think based on the  
2 case ---

3 THE COURT: What connection do you have that  
4 would tie from when she was six years old to five years  
5 later ---

6 MS. SAS: Well, Your Honor ---

7 THE COURT: --- that would show a continuum?

8 MS. SAS: Your Honor, if we're allowed to  
9 ask about Cottageville, she will be testifying about  
10 when she ---

11 THE COURT: I got that part; I heard that  
12 part. What do you have that connects between six years  
13 old to 11 or 12 years old that would prove the continuum  
14 of grooming? One time in Cottageville does not produce  
15 a continuum under Lyle.

16 MS. SAS: Your Honor, I don't believe she'll  
17 testify that it was one time. It happened multiple  
18 times. Just the first time, it started ---

19 THE COURT: So why didn't you ask all those  
20 questions when I gave you the opportunity in camera?  
21 You did not ask.

22 MS. SAS: And I'm sorry about that,  
23 Your Honor.

24 THE COURT: But it still doesn't tell me  
25 what happened between all those years.

1 MS. SAS: And I can certainly ask her those  
2 questions right now, Your Honor, for the record.

3 THE COURT: I'm listening.

4 BY MS. SAS:

5 Q. **Minor** you testified before about being about  
6 six or seven in Cottageville when it started. What did  
7 it start with?

8 A. Speak in here?

9 Q. Yes.

10 A. First, him, just -- you know, just rubbing me  
11 down there. And then, within time, he started putting  
12 his fingers inside.

13 Q. And you said you were six or seven. How often  
14 would it happen?

15 A. My mom -- we moved back and forth a lot, but  
16 we would always, like, stay with him until she got  
17 her own place. It's, like, we were always -- moved  
18 from Pennsylvania to here, and every time we were here,  
19 we would go live with him, so every time we ended up  
20 living with him.

21 Q. Okay.

22 A. And that would be, like, she moved almost every  
23 two years, every year.

24 Q. Okay. So you would -- if you were living  
25 with him, then you were at his house. And if you're

1 not living with him, then you would either live in  
2 Pennsylvania. And how long did you live in  
3 Pennsylvania, do you remember?

4 A. We would be there for, like, a year. My mom  
5 would get depressed and just pick up and leave.

6 Q. Okay. And where would you go after Pennsylvania?

7 A. Move in with him and come here.

8 Q. Okay. And were there ever times that you lived  
9 in South Carolina that -- when he lived at the  
10 Cottageville house, were there ever times that you  
11 didn't live with him, but you were still at his house?

12 A. Yeah.

13 Q. Okay.

14 A. I lived with my aunt.

15 Q. And did it happen at that time as well? Did  
16 he touch you?

17 A. When I would spend the night over there, yes.

18 Q. Okay.

19 MS. SAS: Court's indulgence. Your Honor,  
20 no further questions about Cottageville.

21 THE COURT: Any questions for the witness?

22 MR. SEATON: No, Your Honor.

23 THE COURT: Any objection to the testimony?

24 MR. SEATON: Yes, Your Honor. Her testimony  
25 said that she was out of state for multiple times,

1 sometimes even more than a year. I don't think it shows  
2 a continuum.

3 THE COURT: Any response?

4 MS. SAS: Your Honor, I do think it shows  
5 a type of continuum. It started when she was six  
6 or seven. She's saying that she moved back and forth,  
7 and every time that she was at his house, the abuse  
8 was taking place. And even when they were not living  
9 at his house and she would come over, the abuse was  
10 still taking place.

11 Your Honor, we're not even seeking to  
12 admit the testimony about the digital penetration.  
13 All we're seeking to admit is that the touching started  
14 in Cottageville and limit it to that. So it shows  
15 the process of the grooming, Your Honor. And I believe  
16 based on, again, the Kirton case from 2008, it shows  
17 a continuous illicit conduct towards the victim.

18 THE COURT: I don't think the facts are  
19 analogous to the case you're citing, are they?  
20 Kirton is a very different set of facts. There was not  
21 a lapse of six or seven years in between the conduct.  
22 It was from different counties, but it was consistent.  
23 It didn't just -- it didn't start purportedly at one  
24 time, have a lapse of five years, and then pick back  
25 up.

1 MS. SAS: And, Your Honor, I don't think  
2 there was ever a lapse of five years. But I think  
3 the minute she left ---

4 THE COURT: If she started at six or seven,  
5 and her testimony is it started back at 11, I'm not good  
6 at math, but that's more than ---

7 MS. SAS: Your Honor, I think what she  
8 testified to is between the ages of 6 and 11 when she  
9 moved to Berkeley County. She was going ---

10 THE COURT: That's not what ---

11 MS. SAS: She was going back and forth ---

12 THE COURT: That was not her testimony.  
13 I listen very intently. Her original testimony in  
14 camera was that it started at the age of six or seven  
15 in Cottageville with him touching.

16 MS. SAS: Yes.

17 THE COURT: Which amounts to a lewd act.

18 MS. SAS: Yes, Your Honor.

19 THE COURT: Then she testified on direct  
20 testimony that at the age of 11 to 12, when she was  
21 about to start the seventh grade, is when it started,  
22 and it ended at 13 or 14 when she was about to go to  
23 the eighth grade. I did not hear it in this testimony  
24 that you just elicited.

25 I heard her say back and forth from

1 Pennsylvania. There was no specified time period.  
2 It's whenever her mother got depressed, and basically  
3 abandoned them, they came back here. I have no idea  
4 when that was; I have no specified time when that was.  
5 So based on what I've heard that's uncontroverted,  
6 somewhere around six or seven this behavior went on.  
7 There were lapses in time ---

8 MS. SAS: Yes, Your Honor.

9 THE COURT: --- when she says it went  
10 on. And then, there was a consistency when they came  
11 back to South Carolina. And she basically was living  
12 at his residence for various reasons, one of which  
13 was to use his address to attend the school -- or be  
14 in the school district in which they wanted to have  
15 access to.

16 I don't think it meets the law requirements.  
17 It may well meet the elements of a lewd act in Colleton,  
18 but I think it muddies the record, and it's problematic.  
19 And the objection -- your request to have the testimony  
20 admitted pursuant to Lyle is overruled. The objection  
21 is sustained. Do you have any other questions you need  
22 to ask of the witness?

23 MS. SAS: Just in front of the jury,  
24 Your Honor, yes.

25 THE COURT: Please bring in the jury.

1 (The jury entered the courtroom at 3:54 p.m.)

2 THE COURT: You may be seated. You may  
3 proceed.

4 BY MS. SAS:

5 Q. **Minor** you testified earlier about sending  
6 that email to law enforcement on Valentine's Day in  
7 2020. Where were you when you sent that email?

8 A. At the hospital.

9 Q. And why were you at the hospital?

10 A. Because after we called the cops, they took  
11 me to the hospital.

12 Q. And what do you remember from the hospital?

13 A. I remember speaking to the detective. It was  
14 hard speaking to him.

15 Q. Why was it hard?

16 A. Difficult. I was confused. There were questions  
17 he was asking that I didn't know. Overwhelmed. I spoke  
18 to a lot of people that day.

19 Q. Okay. What happened after the hospital?

20 A. After the hospital, I went to my aunt's house.  
21 I went to my aunt's house. I was about to end up  
22 moving to Virginia. When I was at my aunt's house,  
23 his daughter came over.

24 Q. When you say his daughter, whose daughter?

25 A. Jimmy's daughter came over.

1 Q. What's her name?

2 A. Tanya.

3 THE COURT: Could you spell that, please?

4 MS. SAS: Can you spell her name?

5 THE WITNESS: T-A-N-Y-A.

6 THE COURT: So it's Tanya?

7 MS. SAS: Tanya.

8 THE WITNESS: T-A-N-Y-A, Tanya.

9 THE COURT: You may proceed.

10 BY MS. SAS:

11 Q. And when she came over, what happened?

12 A. It was really emotional, crying, and asked  
13 to speak to me outside, and then we were just crying.

14 Q. What happened after your aunt's house?

15 A. I ended up moving to Virginia.

16 Q. Okay. And at any point, were you interviewed?

17 A. Yes.

18 Q. Okay. What do you remember about being  
19 interviewed?

20 A. I don't remember -- had a forensic interview.

21 Q. Okay. And can you tell the jury why would  
22 you not tell anyone while this Defendant was sexually  
23 assaulting you that he was doing that? Why would  
24 you not tell anyone?

25 A. Scared. He was taking care of my family,

1 and I just didn't know how my life was going to go once  
2 it came out.

3 Q. Why were you scared?

4 A. He's bigger than me, has more force than me.

5 Q. How do you feel about what happened to you?

6 A. I'm definitely different now. Definitely.

7 It just -- it changed my life; it really did.

8 Q. Can you tell the jury how the Defendant sexually  
9 assaulting you impacted you?

10 A. Me and my mom, we weren't perfect, but, you know,  
11 we had, like, a little bond. But when it came out,  
12 we never were able to heal. I still -- you know,  
13 me and my dad, we still never talk about it either.  
14 I don't talk about it with my parents because all they  
15 do is cry. And, I mean, it made me, you know, like,  
16 push my mom away.

17 In the beginning, I was trying to look for  
18 my dad, but it was hard because I finally -- he never  
19 knew, you know, like, where I was coming from. A lot  
20 of stuff he would say or do, you know, would trigger  
21 me because of Jimmy always protecting me from him.  
22 It was real hard. I try, you know, to forget about  
23 it, and now here we are five years later. Yeah, it's  
24 different. You know, basically, my family as well --  
25 yeah.

1 Q. Do you talk to the Defendant's family?

2 A. No. But I have a cousin, and when I talk to  
3 her, we just -- we just have fun. A cousin on his side  
4 of the family.

5 MS. SAS: Court's indulgence. No further  
6 questions, Your Honor.

7 THE COURT: Any questions for the witness?

8 MR. SEATON: Yes, Your Honor. May we  
9 approach?

10 THE COURT: Uh-huh.

11 (Off-the-record conversation held at sidebar.)

12 (Back on the record.)

13 THE COURT: You may proceed.

14 MR. SEATON: Thank you, Judge.

15 THE COURT: You're welcome.

16 CROSS-EXAMINATION

17 BY MR. SEATON:

18 Q. Would you like me to call you by your first name  
19 or your last name?

20 A. My first name.

21 Q. Okay. And your whole first name or just the ---

22 A. You can call me **Minor**

23 Q.  Okay.

24 A. Yeah.

25 Q. All right. So let me start with a couple of

1 the background questions that you were asked, **Minor**  
2 You've known Mr. Boley and his family since you were  
3 about four or five?

4 A. No.

5 Q. How old were you?

6 A. I think I knew him since I was a baby, since  
7 I was born.

8 Q. So you've known him your entire life?

9 A. Yes.

10 Q. Okay. And is it fair to say as long as you can  
11 remember, Mr. Boley has helped you and your family?

12 A. Correct.

13 Q. In fact, throughout your life, there have been  
14 periods of time where your entire family lived with  
15 Mr. Boley?

16 A. That's correct.

17 Q. And there have been times in your life where  
18 your brother, **Brother 1** lived with Mr. Boley?

19 A. That's correct.

20 Q. There have been times in your life where you  
21 and **Brother 1** and the two of y'all lived with Mr. Boley?

22 A. Correct.

23 Q. Okay. And you said earlier that you and your  
24 brother both thought of him as a father figure-type  
25 of person?

1 A. Yeah.

2 Q. Okay. And throughout your life, he's done things  
3 for your mother as well, correct?

4 A. Correct.

5 Q. He -- we saw the ---

6 A. Paid the light bill.

7 Q. I'm sorry?

8 A. Paid the light bill.

9 Q. Paid the light bill. But he did a lot more than  
10 that, too, didn't he?

11 A. Yeah, correct.

12 Q. Besides giving her a place to live, did he charge  
13 her rent when ---

14 A. No.

15 Q. --- y'all were living there?

16 A. No.

17 Q. Did he let her drive his Camero for a long time?  
18 Remember your mama driving his car?

19 A. No, I do not remember.

20 Q. All right. You remember what other bills he paid  
21 for your mama?

22 A. Yeah, a lot of bills.

23 Q. I'm sorry?

24 A. Her light. Sometimes, he'll help her out with  
25 her rent.

1 Q. Help her out with the rent. Did he also help  
2 her pay her car insurance?

3 A. Probably did.

4 Q. How often were you involved in the discussions?  
5 Because the one I saw up there on the big spotlight  
6 was you telling him ---

7 A. About the light bill.

8 Q. Yes, ma'am. You were telling him he needed  
9 to pay your mama's light bill, correct?

10 A. No, he didn't.

11 Q. But I'm asking you, didn't it say -- when  
12 the solicitor asked you about this whole conversation  
13 that was going on, that conversation was you telling  
14 Mr. Boley that he needed to pay your mama's light bill,  
15 correct?

16 A. Yes.

17 Q. And, in fact, you even -- he said, I put money  
18 in the bank or on a card, I think is what it said.

19 A. Uh-huh.

20 Q. Do you recall that?

21 A. Uh-huh.

22 Q. And you said, you need to call them, correct?

23 A. Yeah, for him to pay the light bill.

24 Q. All right. So it wasn't good enough that  
25 Mr. Boley gave your mama the money, he needed to call

1 instead of your mama. In fact, what he said was your  
2 mama needs to call; is that correct?

3 A. Correct.

4 Q. All right. So somehow you end up in the middle  
5 of this conversation ---

6 A. Yeah.

7 Q. --- between your mom and Mr. Boley about he needs  
8 to call, and he needs to pay the light bill?

9 A. Correct.

10 Q. And did you get involved to that extent in other  
11 bills?

12 A. Yes.

13 Q. In fact, you sort of became the conduit. I think  
14 I heard you testify more than once about other times  
15 where your mama said, tell Jimmy or Boley, as she calls  
16 him ---

17 A. Yeah.

18 Q. --- on some of those things, tell Boley he needs  
19 to fix my tire.

20 A. Correct.

21 Q. And he did those things, didn't he?

22 A. Yeah.

23 Q. When you were in trouble at College Park, and you  
24 got kicked out of school, didn't he fix that problem for  
25 you?

1 A. Yes.

2 Q. And when you were in trouble at the new school  
3 that he got you into -- because the only reason you  
4 were able to go to Cane Bay was because he got you in,  
5 and they lied -- everybody lied about the address,  
6 correct?

7 A. I lived with him, too.

8 Q. Okay. You lived at his house more than you lived  
9 at your mama's house?

10 A. Yes.

11 Q. During this whole time period that he was  
12 molesting you and you had an option, I can live with  
13 my mama, who's, I think you said, three minutes down the  
14 road -- and we've got a map that shows you can almost  
15 throw a rock and hit the house -- you ever walked  
16 between the two houses?

17 A. Yes, I have.

18 Q. Okay. And so all this time that you could have  
19 walked over to your mama's house, you chose to stay  
20 with the man you said was molesting you?

21 A. Me and my mom didn't have a good relationship.

22 Q. You and your mama had such a bad relationship,  
23 it was better at the house where the man that was  
24 molesting you -- I think you said, he was molesting  
25 you for years three or four times a week?

1 A. Right.

2 Q. Or four or five times. I can't read my own  
3 writing. So your relationship with your mama was  
4 so bad, it was preferable to go stay at Mr. Boley's  
5 house than at your mama's house?

6 A. Yes, because besides what he was doing to me,  
7 I was ---

8 Q. I'm sorry?

9 A. Besides what he was doing to me, I was able  
10 to have fun with my cousin, be free, do things.  
11 At my mom's, I couldn't. I was able to go outside  
12 and have fun and do things.

13 Q. Mr. Boley complimented you, didn't he?

14 A. Yes.

15 Q. And when you did good in school -- I think I saw  
16 something up there. You did good in school, he said,  
17 way to go?

18 A. Of course.

19 Q. And he told you every day that he loved you,  
20 didn't he?

21 A. Of course.

22 Q. And him saying that I love you, did he say that  
23 to your brother? Did he tell your brother he loved  
24 him?

25 A. I don't know what they texted about.

1 Q. You don't know if he ever -- you never heard  
2 him tell your brother ---

3 A. Yeah. I love you, yeah.

4 Q. So you did know he told your brother, I love  
5 you?

6 A. Uh-huh.

7 Q. You ever hear him tell his kids, I love you?

8 A. Yeah.

9 Q. You ever hear him tell your mama, I love you?

10 A. Yeah.

11 Q. So that was a common theme for him to say, I love  
12 you. There's nothing wrong with a man who acts like  
13 your father, who does more for you than your own family,  
14 there's nothing necessarily wrong with that, is there?

15 A. No.

16 Q. And, in fact, along with that, you said he also  
17 paid -- besides my mom's bills, he helped me out with  
18 money, and he bought me clothes?

19 A. Yeah.

20 Q. Bought you school clothes, right?

21 A. Yeah.

22 Q. Bought you other clothes?

23 A. Yeah.

24 Q. Did he buy your brother, Brother 1 clothes?

25 A. I don't know.

1 Q. You never saw your brother with new clothes?

2 A. I mean, he gets clothes ---

3 Q. Your brother didn't have any ---

4 A. --- but I don't know who bought those.

5 Q. Your brother didn't work, did he?

6 A. I don't -- no, no.

7 Q. Your brother didn't have a job?

8 A. No.

9 Q. Your brother didn't have any way of making money?

10 A. No.

11 Q. So if your brother had new clothes, somebody  
12 would have bought them?

13 A. Right.

14 Q. And did you ever see your mama buy him new  
15 clothes, Brother 1

16 A. Yes. My mom was able to at least buy clothes,  
17 yeah. She would go to Ross and buy clothes for us  
18 sometimes, yes.

19 Q. How about your little brothers? When all of this  
20 was going on, these were little guys, weren't they?

21 A. Right.

22 Q. Did you ever see him buy them clothes?

23 A. Not that I remember, no.

24 Q. And when -- you tell us about the fact that he  
25 bought you presents. I think the presents you were

1 talking about was Christmas, wasn't it?

2 A. No.

3 Q. Was that not a picture of you and your brother  
4 standing ---

5 A. I was not ---

6 Q. --- in front of a Christmas tree?

7 A. I was not at his house; I was in Virginia for  
8 Christmas.

9 Q. Whose -- the picture of you and your brother,  
10 whose house was that?

11 A. Xavier Sierra, my uncle -- well, my cousin.

12 Q. Okay. And was that when -- the picture of you  
13 at Christmas, was that a Christmas present?

14 A. No. I was coming from -- I asked him to go to a  
15 basketball game, and he said, okay, I got you a present  
16 when we get to the house, and I said, okay, and I spent  
17 the night with him.

18 Q. Okay.

19 A. And he gave me the name chain.

20 Q. All right. Let's talk about how often you lived  
21 with Mr. Boley -- with Jimmy. You first lived with him  
22 when your whole family lived with him ---

23 A. Correct.

24 Q. --- in Walterboro; is that correct?

25 A. In Cottageville, yes.

1 Q. All right. Excuse me, Cottageville,  
2 Colleton County. And how long did you live there?

3 A. When?

4 Q. When you lived with him in Cottageville?

5 A. We were back and forth. Which time?

6 Q. Well, I guess, that's what I was going to ask  
7 you next. You lived with him, and then, y'all moved  
8 out of the house, correct?

9 A. Right.

10 Q. And where did y'all move to?

11 A. I don't remember.

12 Q. Would that have been Virginia?

13 A. No.

14 Q. Would that have been Pennsylvania?

15 A. Probably, yeah.

16 Q. All right. So you leave Cottageville, and you  
17 move with your mama to?

18 A. Pennsylvania.

19 Q. Pennsylvania. How long were y'all in  
20 Pennsylvania?

21 A. She was unstable, back and forth a lot.

22 Q. So your mom's living arrangements were, as you  
23 described them, unstable?

24 A. Yes.

25 Q. And you end up coming back here?

1 A. Yes.

2 Q. And moved back in with Jimmy?

3 A. When I came back down here, yes.

4 Q. All right. Did the whole family move back  
5 in with Jimmy?

6 A. Yes. And then, my mom got her apartment at  
7 Waters at Saint James.

8 Q. Okay. So your mama gets an apartment ---

9 A. Correct.

10 Q. --- and you and your brother were still going  
11 to school in Cottageville?

12 A. No.

13 Q. Where were you going to school?

14 A. I was going to school at College Park.

15 Q. All right. So when your mother moves back,  
16 she gets an apartment in Goose Creek?

17 A. Yes.

18 Q. You end up going to College Park?

19 A. Yes.

20 Q. And College Park was the school you got kicked  
21 out of?

22 A. Correct.

23 Q. All right. And I believe you got kicked out,  
24 and somehow he managed to get you back in one time;  
25 is that correct?

1 A. Like ---

2 Q. I'm sorry?

3 A. Where? At College Park?

4 Q. Yes.

5 A. No.

6 Q. You were only kicked out once, and you stayed  
7 gone?

8 A. It was never like -- they didn't kick me out.  
9 Before they were able to do that, I ended up moving  
10 with my dad to Rhode Island, and me and my dad were  
11 doing bad. And when I came back down there, I wasn't  
12 going to be able to go back to College Park because  
13 that's why I moved with my dad before they could kick  
14 me out.

15 And then, when I came back, I ended up moving  
16 in with him, and he talked to the school, yes. And they  
17 said since my record was good at Cottageville Elementary  
18 School that I could go back to school over there.  
19 They'll give me a chance.

20 Q. Okay. Let me make sure I understood what  
21 you just said. You moved in with mom in Goose Creek,  
22 you were going to College Park, you knew you were about  
23 to get kicked out ---

24 A. Yes.

25 Q. --- and so you moved to Rhode Island with your

1 dad?

2 A. I was there for, like, a week, yes.

3 Q. Okay. So you moved to Rhode Island for a week,  
4 you come back here, and where did you move to when  
5 you came back from Rhode Island?

6 A. With Jimmy?

7 Q. With Jimmy. You moved in with Jimmy?

8 A. Yes.

9 Q. All right. And at this point, was Jimmy still  
10 living in Walterboro -- excuse me, in Cottageville ---

11 A. Cottageville, yeah.

12 Q. --- or he was living ---

13 A. Cottageville.

14 Q. Okay. So he moves -- you move in to  
15 Cottageville, and what school were going to when you  
16 moved to Cottageville?

17 A. Colleton County Middle.

18 Q. Okay. And how about your brother, where was he?

19 A. With my mom.

20 Q. So he was living in Goose Creek with your mom?

21 A. Yes.

22 Q. All right. And you lived with Jimmy, and I think  
23 you testified there was other people living in the  
24 house, correct?

25 A. In Cottageville, I don't remember who all lived

1 there.

2 Q. Wasn't it the same -- Jamie?

3 A. No. Jamie lived with his mom, like, down the  
4 street.

5 Q. How about his daughter, was she living there?

6 A. No, she wasn't.

7 Q. Who -- you don't recall anyone living there?

8 A. There was somebody living there; I don't remember  
9 who.

10 Q. All right. And you finished school at  
11 Cottageville?

12 A. I finished sixth grade there, yes.

13 Q. Okay. Then, Jimmy moved to?

14 A. Benjamin Drive.

15 Q. Benjamin Drive in Moncks Corner?

16 A. Before seventh grade started, yes.

17 Q. Okay. So between the sixth grade and seventh  
18 grade is when you changed schools again, which you  
19 obviously would have anyway, right?

20 A. Yes.

21 Q. All right. And at that point, were you going  
22 to use your mother's address and go to College Park ---

23 A. No, using his address.

24 Q. --- or are you -- all right. So you then use  
25 Jimmy's address?

1 A. I was basically living there.

2 Q. To go to?

3 A. School.

4 Q. School at Cane Bay?

5 A. Yes.

6 Q. Okay. And your mother lived a couple miles down  
7 the road?

8 A. Three minutes down the road, yeah.

9 Q. All right. And at that point, your brother also  
10 was staying with Jimmy, correct?

11 A. Correct.

12 Q. All right. And was that also because of school,  
13 or was it also because of the relationships he was  
14 having with -- problems with mom?

15 A. No, it was because of school. He didn't --  
16 he found out I was going to Cane Bay, and he wanted  
17 to go to Cane Bay.

18 Q. Okay. So he said, I want to move over there ---

19 A. Yeah.

20 Q. --- as well?

21 A. Yeah, he loved him, of course.

22 Q. You described having a difficult relationship  
23 with your mother. Didn't she used to beat you up?

24 MS. SAS: Objection, Your Honor.

25 THE COURT: Basis?

1 MS. SAS: Relevance.

2 THE COURT: Mr. Foreman, ladies and  
3 gentlemen, I have a brief matter of law to take up  
4 with counsel. During the break, please, do not discuss  
5 the case, and please leave your notepads in your seats.

6 (The jury exited the courtroom at 4:17 p.m.)

7 THE COURT: You all can take your seats.  
8 What fact -- I need that door closed, please. Thank  
9 you. What fact of consequence does that question  
10 or answer make more or less probable regarding the  
11 elements of the offense?

12 MR. SEATON: Your Honor, I'm trying to show  
13 that the only person who has provided any stability  
14 in this ---

15 THE COURT: I got that part.

16 MR. SEATON: --- girl's life is Mr. Boley.  
17 And the lack of stability ---

18 THE COURT: How is the minutiae of whether  
19 she and her mother got along relevant? What fact  
20 of consequence does it make more or less probable?  
21 What difference does it make whether her mother  
22 beat her or not? She said they didn't get along,  
23 they had a rocky relationship. Why does the minutiae  
24 matter?

25 MR. SEATON: Because I'm trying to draw

1 a full picture of what she was dealing with. And  
2 then when mom approaches her and says, you better tell  
3 me the truth, I know what's going on, and she even  
4 says in one of her interviews, I was afraid to tell  
5 my mom. I wanted to say whatever I needed to say  
6 to make my mom happy.

7 And so what I'm trying to show is that  
8 the -- when this whole thing allegedly comes out,  
9 and mom says -- drags her out of bed at one o'clock  
10 in the morning and says, you better tell me the truth,  
11 I know what happened, I've already called the cops,  
12 and all of it was a lie, she was trying to protect  
13 herself.

14 THE COURT: You lost me after "it was  
15 a lie."

16 MR. SEATON: Mom had not called the police;  
17 mom did not have any proof.

18 THE COURT: I'm still -- you're still --  
19 I'm still at why does it matter that her mother beat  
20 her, if that is, in fact, what happened?

21 MR. SEATON: Because when mom gets up here  
22 to testify, then I've laid the groundwork for asking  
23 mom about what was going on at the time as well.  
24 Because mom is going to come up here and sit here  
25 and say, my poor baby had these things done to her,

1 as if she was the victim, and she's not -- and when  
2 I ask her these questions, or try to ask her these  
3 questions about her relationship, I would like to have  
4 already established ---

5 THE COURT: I don't think it's relevant  
6 if her mom -- she was a victim. I would expect you  
7 to object. The only thing mom can testify to is being  
8 an outcry witness; that's the extent of it. Or anything  
9 else she may have seen ---

10 MR. SEATON: When I say ---

11 THE COURT: --- in terms of the dynamic  
12 of this relationship between **Minor** and Mr. Boley.  
13 I'm still trying to -- other than trying to appeal to  
14 the passions and prejudices of the jury, what difference  
15 does it make if her mother beat her? The bottom line  
16 is they didn't have a good relationship. It was rocky,  
17 according to her own testimony.

18 MR. SEATON: And fleshing it out -- there's  
19 nothing wrong with fleshing it out, Judge.

20 THE COURT: Well, there's nothing wrong  
21 with fleshing it out if I say there's nothing wrong  
22 with fleshing it out.

23 MR. SEATON: You got me on that one, Judge.

24 THE COURT: Because we've got rules; we've  
25 got rules.

1 MR. SEATON: Yes, ma'am.

2 THE COURT: Justice -- you know, justice  
3 is lawful, doesn't mean you can say ---

4 MR. SEATON: Yes, ma'am.

5 THE COURT: I'm trying to figure out how  
6 it's relevant to anything. What does it make more  
7 or less probable? I don't think it's in contention  
8 that she and her mother had a bad relationship, that  
9 it was rocky.

10 Now some of the stuff Ms. Sas went into,  
11 you didn't object to. It was impact testimony; it was  
12 wholly irrelevant, but you didn't object, so I figured  
13 you had a reason. It's not my job to object.

14 MR. SEATON: Yeah.

15 THE COURT: You let it in.

16 MR. SEATON: I absolutely did.

17 THE COURT: So ---

18 MR. SEATON: I absolutely did.

19 THE COURT: But that doesn't mean it opened  
20 the door now.

21 MR. SEATON: I hear you, Judge.

22 THE COURT: So ---

23 MR. SEATON: Good for the goose ain't always  
24 good for the gander. I get it.

25 THE COURT: Yeah, I don't -- I'm at a real

1 loss as to why -- you know, why -- the only reason  
2 you would ask, did your mother beat you, really goes  
3 to appealing to the passions and prejudices of the jury  
4 and painting her mother as a bad person. And I think  
5 that's like gilding the lily because based on what  
6 this witness has already testified to, her mother was  
7 erratic, at best, was an absent mother who relegated  
8 the care of her children to somebody else. I don't  
9 think you need to go any further than that. The  
10 objection is sustained. Relevance.

11 MR. SEATON: Yes, ma'am.

12 THE COURT: Get the jury for me, please.

13 (The jury entered the courtroom at 4:22 p.m.)

14 THE COURT: You may proceed, Mr. Seaton.

15 MR. SEATON: Thank you, Your Honor.

16 THE COURT: You're welcome.

17 BY MR. SEATON:

18 Q. **Minor** I think where we left off was we were  
19 talking about you were living with Jimmy.

20 THE COURT: Ladies and gentlemen, the last  
21 question is stricken from the record. You are to  
22 disabuse your mind of it, you're not to have any  
23 discussion of it in your deliberative process. You may  
24 proceed.

25 MR. SEATON: Thank you, Your Honor.

1 THE COURT: You're welcome.

2 BY MR. SEATON:

3 Q. The -- when you move in, and you're now going  
4 to school in Cane Bay, and your brother is going  
5 to Cane Bay as well, you primarily lived with Jimmy,  
6 correct?

7 A. Correct.

8 Q. And there were still times you would go and stay  
9 at your mama's house, correct?

10 A. Correct.

11 Q. All right. And how often would you go stay with  
12 your mom?

13 A. Whenever I felt like going to go spend the night  
14 with her or stay over there.

15 Q. Were there ever times where Mr. Boley was acting  
16 like a parent and saying, you need to clean up, and  
17 you didn't feel like doing it, so you went and stayed  
18 at your mom's house?

19 A. Actually, he asked -- told me -- he wanted  
20 me to fold my clothes while the door was locked, but  
21 I didn't want to. That's why I pulled my mom outside  
22 and told my mom to tell him that I had to clean the  
23 house at her house, and everybody looked at me like  
24 I was wrong because I didn't want to spend the night  
25 with him, if that's what you're talking about.

1 Q. I'm talking about a lot of things, but the  
2 question -- the answer you just gave me was ---

3 A. And cleaning, he never let me clean ---

4 Q. Ma'am, let me ask the question, and I'll let  
5 you answer fully, but let me finish asking the question.  
6 As I understand it, you were just telling me about  
7 an incident where he wanted you to put away the clothes  
8 that were folded, correct?

9 A. Right.

10 Q. And you didn't want to do it because you knew  
11 he wasn't actually trying to get you to put away the  
12 clothes. You're saying he was trying to get you --  
13 to lure you into the bedroom. Is that what you just  
14 said? Or maybe I misunderstood what you just said.  
15 What did you just say?

16 A. I always be in the bedroom. But, yes, I would  
17 be in the living room, and he was like, **Minor** come  
18 fold your clothes, and then he would close the door  
19 and lock the door, and my brother would try to come  
20 in the room.

21 Q. Okay. In this particular incident, you had your  
22 mom say, I need -- I need her to come clean the house?

23 A. Yes.

24 Q. Okay. All the other times where he would molest  
25 you, you didn't go to your mom's?

1           A.   Correct, because I was already there from after  
2 school and the times I would spend the night, yes.

3           Q.   When you got off the bus, you could just walk  
4 to your mom's, couldn't you?

5           A.   No.   That's how my walk from my mom's house ---

6           Q.   Didn't you tell us earlier that you walked ---

7           A.   Yeah, I did.

8           Q.   --- that you could walk to the house?

9           A.   One time ---

10          Q.   And you do it, right?

11          A.   Say that again?

12          Q.   So now you don't -- now you can't?  Which one  
13 -- what are we saying here?  Didn't you tell us that  
14 you walked from his house to your mama's house?

15          A.   No, I walked from my mom's house to his house.

16          Q.   Same amount of distance from ---

17          A.   Did that one time.

18          Q.   From your mama's house to his house is the same  
19 amount of distance from his house to your mama's house,  
20 correct?

21          A.   Correct.

22          Q.   All right.  And so you have made that walk.  
23 I believe your testimony was, it was three minutes  
24 away, correct?

25          A.   In driving, yes.

1 Q. And we've got pictures -- I'm going to show  
2 you the State's -- this is what the State gave us  
3 a picture of, how close it is on a map from a bird's-eye  
4 view.

5 THE COURT: You need to make sure you're  
6 making a reference to which exhibit.

7 MR. SEATON: I will, Judge.

8 BY MR. SEATON:

9 Q. What's the number on that?

10 A. Fourteen.

11 Q. State's Exhibit No. 14. The solicitor's office  
12 provided us that picture, correct?

13 A. Correct.

14 Q. And doesn't it show both your mama's apartment  
15 and Mr. Boley's house in that same picture?

16 A. Where? Where? Where?

17 Q. If you need me to show you, I will.

18 A. Yeah. It's a map; I don't know where she lived  
19 at.

20 Q. They didn't go over this with all of the other  
21 testimony earlier today? You talked with the solicitor  
22 earlier -- you've talked to the solicitor about your  
23 testimony, haven't you?

24 A. Yes.

25 Q. Y'all sat down and y'all have gone over this

1 carefully, haven't you? Y'all talked about what you  
2 were going to sit on this stand and say, haven't you?

3 A. She asked me questions, and I answered her  
4 truthfully.

5 Q. Okay. And it was about all the same things  
6 that she asked you today, wasn't it?

7 A. Yes.

8 Q. And she never showed you this picture?  
9 I've never been to the house, so I'm guessing that ---

10 A. No.

11 Q. --- Benjamin goes down here and turns. My guess  
12 is that's his house right there. If that's Benjamin,  
13 it's got a turn in it, doesn't it?

14 A. Correct.

15 Q. And ---

16 A. And where is her apartment complex because  
17 it's not on this side?

18 Q. Isn't that it right there? Better double-check.

19 A. No, it's not; it's not.

20 Q. I'm going to show you another picture of her  
21 apartment complex.

22 A. Okay.

23 Q. This would be State's Exhibit No. 12 that  
24 I was given a copy of. Is that your mama's place?

25 A. Yes. Yeah.

1 Q. That doesn't look like it in the bigger picture?

2 A. No, it doesn't.

3 Q. All right.

4 A. Because it was not that close in walking.

5 Q. Okay.

6 A. I remember; I walked there one time.

7 Q. All right. So, nonetheless, this particular  
8 day, you decided you didn't want to fold clothes because  
9 you knew it was a trick; wasn't that your testimony?  
10 You didn't -- it wasn't about folding clothes. When  
11 he said, you need ---

12 A. He kept saying I had to fold clothes, but I ---

13 MS. SAS: Objection.

14 THE WITNESS: Oops. Repeat that one more  
15 time.

16 MR. SEATON: Sure.

17 BY MR. SEATON:

18 Q. I was talking in general, and then you picked  
19 out a specific ---

20 A. Yeah.

21 Q. --- time.

22 A. Right.

23 Q. And the time that you picked out was a time that  
24 it sounded like Jimmy said, I've washed everybody's  
25 clothes ---

1 A. Right.

2 Q. --- and I need you to put yours away?

3 A. Okay.

4 Q. Correct?

5 A. Correct.

6 Q. And it's your testimony that you didn't leave  
7 and go to your mama's house because he was trying to get  
8 you to do your chores, you left and went to your mama's  
9 house because this was the day that you knew he was  
10 going to molest you, and you didn't want to be molested?

11 A. Correct.

12 Q. Okay. And when I asked you the generalized  
13 question about him acting like a parent, he expected  
14 you to do chores, didn't he?

15 A. No. AJ did the chores.

16 Q. AJ was the roommate's daughter that lived  
17 there?

18 A. Yeah.

19 Q. And she was the only one that was expected  
20 to do chores?

21 A. Yes.

22 Q. All right.

23 A. He never made me have to do chores.

24 Q. And when the State put up Exhibit Nos. 22  
25 and, I guess, it's probably 23. Hold on. 23.

1 A. Right.

2 Q. You were actually sweeping?

3 A. Right.

4 Q. That was a joke, wasn't it?

5 A. No, it wasn't a joke. That day I decided  
6 I wanted to clean up the house. I never -- but I don't  
7 do chores there.

8 Q. Okay. So ---

9 A. That's why she said, the sky must be falling  
10 because I don't do chores at the house.

11 Q. So you chose that today was the day you were  
12 going to do chores?

13 A. Yeah, I did.

14 Q. But Mr. Boley never asked you to do any?

15 A. No, he didn't.

16 Q. Including when you told us about clothes that  
17 were folded to be put away. He didn't ask you to do  
18 that, did he?

19 A. Yeah, he would ask me that. But I knew why he  
20 would ask me to do that. But did he make me fold them?  
21 No, I never folded my clothes. They were always piled  
22 up on the dresser.

23 Q. He folded them, didn't he?

24 A. Yes, at times, he would fold them.

25 Q. And all he asked you to do was put them away?

1 A. And I never put them away.

2 Q. And that's when you decided I'm just going  
3 to go to my mom's?

4 A. No, that was one time. But every other time,  
5 I just wouldn't put it away.

6 Q. Are any of these things -- where he's asked  
7 you to do chores, where he's helped you getting back  
8 to school, where he's helped pay your mom's bills,  
9 are any of these things an indication, in your mind,  
10 that he's molesting you?

11 A. Does that give him a reason to do that to me?

12 Q. No, I'm asking you -- he was being a good parent,  
13 wasn't he?

14 A. Yeah, he was.

15 Q. And when he asked you to do your chores, and  
16 instead you went to your mom's -- I'm going to show  
17 you State's Exhibit No. 24-B. That's another one we  
18 got to see up there on the board.

19 A. Yes.

20 Q. I'm going to ask the assistant if she's kind  
21 enough, if they'll let her, if I can get to use the  
22 big board, too. State's Exhibit No. 22 -- 21 -- hang  
23 on. We've re-numbered everything, so 24. All right.  
24 You testified about this earlier, didn't you?

25 A. Correct.

1 Q. You recognize that?

2 A. Yeah.

3 Q. All right. First of all, let's start at the top.  
4 Boley heart senior?

5 A. Yes.

6 Q. Now, did you add the heart to his name?

7 A. Actually, it was my mom's old phone. And on  
8 TextNow, her contacts go on my TextNow, so actually,  
9 she had him as that.

10 Q. So the heart that's up there was because your  
11 mama put the heart?

12 A. Yeah, that's how she had him in her old phone;  
13 I never changed his name.

14 Q. And that's because your mama loves him?

15 A. Of course.

16 Q. All right. You tried to call him a couple  
17 of times?

18 A. Yeah.

19 Q. Then, he says -- now is that you that's talking,  
20 or is that him?

21 A. That's him that's texting.

22 Q. I'm sorry?

23 A. That's him that's texting.

24 Q. That's him texting you?

25 A. Yes.

1 Q. All right. It says, "I know you got your  
2 phone. I don't know why you didn't stay last night,  
3 and you said you was then and you was tonight, and  
4 you didn't. So don't expect me to go out of my way  
5 to do anything more."

6 A. Right.

7 Q. Wasn't that as a result of the exact same  
8 incident that you just told us about?

9 A. About what?

10 Q. Where he tried to get you to do your chores,  
11 and instead ---

12 A. No, that wasn't about that ---

13 Q. --- you went to your mama's?

14 A. No.

15 Q. Isn't that the same time?

16 A. No.

17 Q. It's not the same time?

18 A. No. We were at the bowling alley, and I didn't  
19 want to spend the night with him.

20 Q. Wasn't -- wasn't Mr. Boley -- wasn't Jim, the guy  
21 who acts like your dad, wasn't he tired of you just  
22 picking up, like you said -- I think you used the term  
23 that fits the best. You would bounce when you wanted  
24 to bounce. You got tired of being at his house because  
25 he wants you to do chores, you bounce to mama's.

1 You don't want to be at mama's because of y'all's  
2 relationship, you bounce back over there. Isn't that  
3 what that text is all about?

4 A. No.

5 Q. What is it about?

6 MS. SAS: Objection, Your Honor.

7 THE COURT: Basis?

8 MS. SAS: Asked and answered multiple times.

9 THE COURT: Overruled.

10 MR. SEATON: Tell us what it's about.

11 THE COURT: Do you understand the question?

12 Do you need it repeated?

13 THE WITNESS: I'm confused on what he's  
14 trying to ask me.

15 THE COURT: Repeat the question, please,  
16 so it can be clear.

17 MR. SEATON: Yes, ma'am.

18 BY MR. SEATON:

19 Q. You've already been asked, and you said that's  
20 not what it's about. What is it -- what is he telling  
21 you?

22 A. When he says don't go -- don't expect me to go  
23 out of my way no more?

24 Q. I'm sorry?

25 A. Are you asking me about the last sentence?

1 Q. I'm asking you about the whole thing. That looks  
2 like a conversation ---

3 A. He got upset that I did not want to spend  
4 the night with him. And that's when he came inside  
5 the house and threw a scene, and my mom had company  
6 over, and it was her -- and she was on his side, why  
7 you don't want to go spend the night? And I didn't  
8 want to spend the night, and that person was on my side.  
9 She doesn't want to spend -- she doesn't have to spend  
10 the night.

11 So then, that's when he got mad, and he left  
12 and went home, and he sent me that message because  
13 I didn't spend the night with him that night.

14 Q. All right. There's no more to that conversation,  
15 is there?

16 A. No.

17 Q. All the things you're telling us about, that's  
18 just your recollection?

19 A. I never answered him.

20 Q. Okay. And it wasn't about him trying to get  
21 you to do your chores?

22 A. No, it wasn't.

23 Q. Why did you remember that? I wasn't even asking  
24 you about that, and you're the one who brought it up.  
25 How did you remember that he wanted you to put away

1 those folded clothes?

2 A. I was telling you about a different time;  
3 I wasn't telling you about this time. You just came  
4 and showed me this.

5 Q. Okay. And we had a lot of great pictures  
6 of the house ---

7 A. Correct.

8 Q. --- that Mr. Boley provided you to live in.

9 A. Yeah, he did.

10 Q. And there was some discussion about your clothes  
11 being in the closet in his room?

12 A. Yeah.

13 Q. All right. Wasn't your brother's clothes in  
14 his room as well? Your brother don't keep his clothes  
15 in the closet ---

16 A. No, it was in Noe's closet.

17 Q. I'm sorry?

18 A. It was in Noe's closet.

19 Q. Okay. And how many dressers are in the closet?

20 A. There was no dressers in the closet; my dresser  
21 was outside the closet.

22 Q. All right. The dressers in the bedroom, how many  
23 are there?

24 A. He has this one big dresser where he had his  
25 TV on top of it. It was like a regular dresser. And

1 then, he had like a -- it was like a -- like a little  
2 safe. It was like a little safe kind of dresser where  
3 you locked it. And then, my dresser that was in the  
4 bathroom.

5 Q. And how about **Brother 1** stuff in the bathroom,  
6 was that in Mr. Boley's bathroom, or was it in the other  
7 bathroom?

8 A. I don't remember his stuff being in Boley's  
9 bathroom. I had my own sink where my stuff were.

10 Q. When we talked about the house, how many people  
11 lived there? I know that there's kind of ---

12 A. Two ---

13 Q. --- several that came and went?

14 A. Six, like six.

15 Q. Six people living in three bedrooms?

16 A. Yeah.

17 Q. All right. I'm assuming it's safe to say there  
18 were plenty of times where there was people sleeping  
19 on the couch?

20 A. Yeah.

21 Q. The place was full?

22 A. Yeah. Sometimes, it was full, yeah.

23 Q. All right. And I think you testified the first  
24 time that he put his penis in you, there was --  
25 everybody was there, it was party?

1 A. No.

2 Q. Make sure I wrote this down right. The first  
3 time he put ---

4 A. His penis ---

5 Q. I'm sorry?

6 A. His penis rubbing -- the first time he put his  
7 penis on my vagina?

8 Q. Yes.

9 A. Is that what you're asking?

10 Q. The time that you said that he took your clothes  
11 off ---

12 A. Jamie and AJ [REDACTED] were in the kitchen ---

13 Q. --- of you.

14 A. Right. The first time, Jamie and AJ [REDACTED] were  
15 in the kitchen, the door was locked, and I was on the  
16 bed, and he was ---

17 Q. Okay. And who was in the house?

18 A. Jamie, AJ [REDACTED] and my brother.

19 Q. All right. So there was at least three other  
20 people in the house when this happened?

21 A. Yes, correct.

22 Q. All right. And did he tell you to take your  
23 clothes off, or did he make you?

24 A. He took it off.

25 Q. All right. And then, he did what you said

1 he did, correct?

2 A. Yes, correct.

3 Q. You never said a word?

4 A. I did. I told him I hate him, and why are  
5 you doing that, and I was crying. He said, you really  
6 hate me?

7 Q. But you didn't cry loud enough for anybody else  
8 to hear?

9 A. No. Because how was I to know if Jamie -- that's  
10 his cousin; that's his family. How was I to know  
11 if he wasn't going to do something?

12 Q. So ---

13 A. It's just me and my brother.

14 Q. How about your brother? You think your brother  
15 wouldn't have done something?

16 A. My brother was young. Do you see how he looks?  
17 Do you see how Jamie looks? They're big; they're tall;  
18 they're bulk.

19 Q. You don't think your brother would protect you?

20 A. How?

21 Q. How old was your brother at the time?

22 A. Fourteen.

23 Q. All right. You don't think your brother would  
24 have said something?

25 A. What do you mean?

1 Q. I'm just trying to figure out how it is that  
2 you're saying that ---

3 A. He's a big man, how am I supposed to know ---

4 Q. --- you had the nerve -- you had enough gumption  
5 to -- that when a man takes your clothes off of you that  
6 you tell him you hate him. But you don't have enough  
7 gumption to say anything loud enough that all the other  
8 people in the house could have heard you?

9 A. Okay. And the door is locked, so what if he  
10 would have hurt me, and I would have screamed, and then  
11 I'm dead. I don't know.

12 Q. So that's what you were thinking?

13 A. Yeah, that's what I was thinking.

14 Q. Did you ever say that in any of the times you  
15 gave interviews?

16 A. I don't remember.

17 Q. How many times have you been interviewed about  
18 this case?

19 A. Like, two times, three times, two or three times.

20 Q. Would it be more like five or six times?

21 A. No. Not that I remember, no.

22 Q. Well, you were ---

23 A. Forensic interview, no.

24 Q. You were interviewed by this man over here,  
25 the detective who's going to testify ---

1 A. Right.

2 Q. --- later.

3 A. Okay, yes.

4 Q. Do you remember that?

5 A. Yes.

6 Q. You were interviewed by ---

7 A. Are you asking me how many times I interviewed

8 in a forensic interview or by different people?

9 By different people, so many people.

10 Q. After them because you didn't tell -- you didn't

11 a say word for years, right?

12 A. Right.

13 Q. But afterwards, once your mother drug you out

14 of bed at one o'clock in the morning ---

15 A. It was 12.

16 Q. I'm sorry?

17 A. It was 12.

18 Q. Twelve. You were in bed, right?

19 A. Yeah, I was.

20 Q. She made you get up?

21 A. No. She said, **Minor** come here.

22 Q. You were awake?

23 A. I was on the phone; I had fallen asleep on the

24 phone.

25 Q. Okay. So she says, come here, y'all go in the

1 bathroom, and she confronts you?

2 A. She basically says she already knew and for  
3 me to -- and when she asked me that, I already knew  
4 what she was going to ask me.

5 Q. So now you're not afraid of Mr. -- of Jimmy?

6 A. No, because we're in her house. It's late  
7 at night.

8 Q. You've been in her house thousands of times  
9 over those years, hadn't you?

10 A. Yes, but I was nervous to come to her. When  
11 she came to me, at that point, I don't know.

12 Q. What was different that night?

13 A. I don't know what was different that night.

14 Q. All right. So you testified, or you give,  
15 your version of the facts to numerous people on numerous  
16 occasions, correct?

17 A. Correct.

18 Q. After this. Before this, nobody, even people  
19 in the next room?

20 A. Yes.

21 Q. All right. What was all of these --  
22 State's Exhibit No. 28, these are pictures that you sent  
23 to Jimmy?

24 A. Correct.

25 Q. Why did you send those?

1 A. That was my birthday weekend.

2 Q. I'm sorry?

3 A. That was my birthday weekend, and my mom took  
4 us all to Stars and Strikes, and I looked at him like  
5 a father figure. So, I sent him the pictures I took  
6 on my birthday weekend.

7 Q. And how old were you that weekend?

8 A. 11 or 12 or 13. I don't know; I don't remember.

9 Q. But you remember it was your birthday, right?

10 A. Yes.

11 Q. And ---

12 A. My birthday is [REDACTED]; that was June 3rd,  
13 the weekend.

14 Q. The solicitor made a big deal about when you sent  
15 that. How about -- tell us what the date is on there.

16 A. June 3rd.

17 Q. Of what year?

18 A. 2019.

19 Q. So how old would you have been? You were born  
20 [REDACTED], correct?

21 A. 2006. Thirteen, 13.

22 Q. Okay. What made you decide when you were 13 --  
23 and at this point, he was already molesting you ---

24 A. Right.

25 Q. --- according to your testimony, correct?

1 A. Correct.

2 Q. What made you decide, it's my birthday, I'm going  
3 to send him these pictures?

4 A. I looked at him like a father figure. He knew  
5 I was going with the girls to Stars and Strikes. I sent  
6 him my pictures that I took for my birthday.

7 Q. All right. Let's look at State's Exhibit No. 30.  
8 State's Exhibit No. 30 says, "If mom goes to church,  
9 could you come get me and the kids?"

10 A. No. It says, "If mom goes to church, can me  
11 and the kids go over there?"

12 Q. Okay.

13 A. Right.

14 Q. So were you having your mom drop you and the kids  
15 off?

16 A. Yeah.

17 Q. Okay. So you asked Jimmy if it was okay for  
18 you to come over?

19 A. Correct.

20 Q. All right. If you were living there, did you  
21 need to ask him to come over?

22 A. He was mad at me ---

23 Q. Okay.

24 A. --- because I didn't give him anything ---

25 Q. Okay.

1 A. --- that week prior.

2 Q. But you still wanted to go over there, even  
3 though you knew he was mad at you because you didn't ---

4 A. My mom ---

5 Q. You didn't give him any, so he's mad at you,  
6 but this is still the same guy that you said you can't  
7 even speak up loud enough for the people in the next  
8 room to hear.

9 THE COURT: I need you to ask a question.

10 MR. SEATON: But now you're ---

11 THE COURT: No commentary.

12 BY MR. SEATON:

13 Q. Now you're saying you want to go over to the  
14 house, correct?

15 A. Yeah.

16 Q. All right. And what else does it say on there?

17 A. He says, "Yeah," and I say, "Okay." And then,  
18 he says, "You know what I want."

19 Q. And did you answer him?

20 A. I don't know.

21 Q. I mean, I'm sure if there was an answer,  
22 the solicitor would have it attached, wouldn't she?  
23 If the question of what is wanted was answered, I think  
24 it would be attached there, wouldn't it? Or you would  
25 have given it to them, or somehow we would know,

1 wouldn't we?

2 A. I guess so.

3 Q. You would agree with me this is you saying that's  
4 what it means, but that ain't what it says?

5 A. What do you mean? What doesn't it say?

6 Q. Read it. What does it say?

7 A. "You know what I want."

8 Q. All right. There's no further discussion about  
9 what it is, about whether it's you to clean up your  
10 room, or you to put away the clothes that were folded  
11 up waiting on you, or do the dishes, or any other chore  
12 that you were supposed to do ---

13 A. So why didn't he say that?

14 Q. --- as a member of a household. You don't --  
15 none of that is answered with that, you know what to do,  
16 is it?

17 A. So why didn't he say that? That's what he meant.

18 Q. Aren't we -- we're now talking about putting  
19 on your umbrella, and it's raining or something.  
20 I'm trying to remember the analogy. All right.

21 Next one. All right. State's Exhibit No. 29

22 is the one that talks about your bracelet.

23 A. Correct.

24 Q. What does it say about the bracelet?

25 A. "You didn't even [sic] that you liked the

1 bracelet or thank you."

2 Q. All right. Is that correct, you didn't say  
3 thank you?

4 A. I probably didn't.

5 Q. All right. You think it would have been --  
6 you think it's too much for a father figure when  
7 he gives you a present ---

8 A. No. Because he gave me that ---

9 Q. Ma'am, if you'll let me ask the question first,  
10 I'll let you answer as much as you want to.

11 A. Okay.

12 Q. Let me finish. You think it's too much for him  
13 to expect when you're given a gift to do the correct  
14 thing and say thank you for the gift, or acknowledge  
15 it in some way? Do you think it's unreasonable for  
16 him to text you and say, not even a thank you?

17 A. No. Because he gave me that bracelet after  
18 he did what he did.

19 Q. After he gave you what?

20 A. He gave me that bracelet after we had sex,  
21 so no, I didn't say thank you.

22 Q. Does that say that in there?

23 A. He said, you didn't even say that you liked  
24 the bracelet or thank you. I didn't say anything.

25 Q. It doesn't say anything about sex, does it?

1           A.    But that's when he gave me the bracelet.  He only  
2 gave me gifts after ---

3           Q.    Ma'am, I'm just asking you -- these text  
4 messages, you keep saying what they're saying, but  
5 that's not what they say.

6           A.    Okay.

7           Q.    I'm asking you what they say, and nowhere  
8 in there does it say he gave you the bracelet for sex,  
9 or you didn't say thank you for anything, other than  
10 the fact that he gave you a present, just like he's  
11 given every one of his other kids.

12          A.    Okay.

13          Q.    He gives you a present, and you don't even say  
14 thank you.  Is that ---

15          A.    No, I didn't.

16          Q.    Is that really such a horrible thing?  Does  
17 it prove that ---

18          A.    I didn't say thank you.

19          Q.    --- it's an exchange of sex?

20          A.    I didn't say thank you.

21          Q.    You would agree with me that this pile of text  
22 messages we got is only a small portion of all of  
23 the discussions that y'all had either through that app  
24 or other apps?

25          A.    There was just Messenger and TextNow, yeah.

1 Q. But, I mean, that's not everything, is it?

2 A. No.

3 Q. Y'all -- looks like y'all talked several times  
4 every day, didn't you?

5 A. All the time.

6 Q. Okay. And you would agree with me that this  
7 pile is just a little old pile? It's just picking  
8 and choosing, correct?

9 A. I don't know.

10 Q. As long as we're picking and choosing, let's  
11 talk about State's Exhibit No. 27. I think something  
12 was made of this one. I think we got to see that one  
13 on the big screen, too. There's something in there  
14 about how wow, you're keeping all of my clothes.

15 A. Uh-huh.

16 Q. What does it say?

17 A. "Wow, you have my stuff. So you don't want me  
18 to live with you no more. That's fine. I will leave  
19 and live with my mom."

20 Q. And was that when y'all were also fighting  
21 because he was expecting you to do the things that  
22 are expected to do of you, and you weren't doing them?

23 A. No. I don't know why we were arguing that day.  
24 I don't know.

25 Q. What is that supposed to prove, then? What

1 do you think that proves?

2 A. He's upset with me. I don't know.

3 Q. He was upset with you. Did he ever -- did  
4 y'all ever argue about the fact that he expected you  
5 to do things, and you didn't do them, other than sex?  
6 I know you're saying we argued all the time because  
7 he kept wanting to have sex, and I didn't want to.  
8 Other than sex, was there other things that y'all  
9 argued about that he was expecting you to do as a member  
10 of that household?

11 A. Not that I remember, no.

12 Q. Even the clothes incident you brought up?

13 A. Not that I remember, no.

14 Q. You were just to receive everything?

15 A. I never did chores in the house, no.

16 Q. You, your mama, everybody was to receive,  
17 but y'all weren't supposed to pay rent or help with  
18 the cleaning, none of that was expected of you?

19 A. He never acted like it was expected.

20 Q. All right. I'm running out of these. Let's  
21 see what else we've got left. All right. How about  
22 -- here we go. State's Exhibit No. 25, we also got  
23 to see that on the big screen. That was a picture  
24 of y'all at a photo booth, I believe?

25 A. Yes.

1 Q. Where was the photo booth?

2 A. I don't remember.

3 Q. Movie theater, mall? No recollection?

4 A. No, I don't remember.

5 Q. You remembered the picture; you testified about  
6 all that. Now you don't remember where it was or when  
7 it was?

8 A. Yeah, we went on a date that day. I remember  
9 taking the picture, yes.

10 Q. You remember going on a date, but you don't ---

11 A. Yes, we took the picture ---

12 Q. --- remember where you went?

13 A. No, I don't remember. No. I'm not going to just  
14 sit up here and say something that I don't remember.

15 Q. You would agree with me -- your testimony earlier  
16 was Texas Road -- y'all went to Texas Roadhouse, right?

17 A. Yeah.

18 Q. You would agree with me that there is not a photo  
19 booth at Texas Roadhouse?

20 A. No, there's not.

21 Q. All right. Then, I think you said y'all went  
22 to the movies?

23 A. Yeah, that was a different time. It was late  
24 that night.

25 Q. So y'all went on numerous dates?

1 A. Yes.

2 Q. All right. And were there other times -- was  
3 this just the two of y'all?

4 A. Yeah.

5 Q. Were there times he ever took your brother out?

6 A. Probably did, like, all the boys went out.

7 Q. Would that have been a date?

8 A. No. I don't know. I don't know what you call  
9 it. I don't know.

10 Q. All these text messages, any of these call them  
11 a date? How about on that picture or the text that's  
12 connected with it, does it call it a date?

13 A. The text?

14 Q. Yeah.

15 A. Because he says, tell **Minor** to send them through  
16 there?

17 Q. I'm asking you. Does it -- you keep using the  
18 word "date" ---

19 A. No ---

20 Q. You said he goes ---

21 A. No, I don't.

22 Q. The two of y'all went out on a date. You told  
23 us that your brother -- he might have taken your  
24 brother out, just the two of them. I'm just trying  
25 to establish. You keep calling it a date. I'm asking

1 you if there's anything that calls it ---

2 A. That's what he called it; that's what he called  
3 it.

4 Q. Okay. You ever have one of your parents take  
5 you out on a date? You ever had mom say, you know,  
6 let's just do a girl's night, let's go on a date,  
7 or your dad?

8 A. No.

9 Q. Let's go out -- you ever heard of anybody else  
10 doing that, taking their kids out on a date because  
11 it's just the two of them?

12 A. Yeah, but my parents didn't ---

13 Q. I understand. I'm just asking you in general.  
14 Have you ever heard of that concept of let me spend some  
15 quality time with somebody, with one of the kids that  
16 I care about, whether it's your own kids, or whether  
17 it's ---

18 A. Yeah, I've heard that before; I have.

19 Q. --- kids that you've raised like --- because  
20 you would agree with me, he raised you like he was --  
21 you were his own child, right?

22 A. Of course.

23 Q. And your brothers?

24 A. Yeah.

25 Q. And really even your mom?

1 A. Yeah.

2 MR. SEATON: One moment, Your Honor.

3 I think I'm about there.

4 (Pause.)

5 BY MR. SEATON:

6 Q. Even when your mom lived in her apartment two  
7 or three miles down the road, she would spend the night  
8 at Jimmy's house, too, wouldn't she?

9 A. Yeah.

10 Q. She did that quite often?

11 A. When she would get drunk sometimes, yeah, she  
12 would.

13 Q. I'm sorry?

14 A. I said when she would drink with him sometimes,  
15 yeah, she would.

16 Q. She had too much to drink. Rather than drive,  
17 she would stay there?

18 A. Yeah.

19 Q. Okay. And it's fair to say that the house was  
20 kind of a gathering place, that a lot of people would  
21 come over there?

22 A. Yeah. Really family oriented, yeah.

23 Q. And when you say family oriented, you're talking  
24 about all of the ---

25 A. Yeah.

1 Q. --- relatives and other kinds of people, right?

2 A. Yeah. Some of them didn't come, but some of them  
3 did.

4 Q. Okay. And one of the things was -- when we  
5 saw the setup of the house, we saw all those pictures,  
6 and even saw the picture that you drew ---

7 A. Yeah.

8 Q. --- which is a lot better than I could have done.

9 A. Yeah.

10 Q. He had two televisions, right?

11 A. Not in his room; just one.

12 Q. He had one in his room, and he had one in the  
13 living room?

14 A. One in the living room, yeah.

15 Q. And the one in his bedroom was bigger and nicer  
16 than the one in the living room, wasn't it?

17 A. Oh, yeah, most definitely.

18 Q. And a lot of people would gather in his bedroom  
19 to watch television, wouldn't they?

20 A. No. Sometimes, but people -- everybody would  
21 be coming to drink and do a bonfire outside and stuff  
22 like that so ---

23 Q. But when everybody is ---

24 A. --- just the kids were really in the room.

25 Q. When everybody is sitting around watching TV,

1 there's -- they would rather watch the big TV in his  
2 room than the smaller TV out in the living room,  
3 wouldn't they?

4 A. Yeah.

5 Q. In fact, people would bring chairs in because  
6 he didn't have a chair in that bedroom, did he?

7 A. Uh-uh.

8 Q. Just a bed?

9 A. That I remember, yeah.

10 Q. And if there was more people than could fit on  
11 the bed, people brought chairs in to watch -- whether  
12 it's his daughter or anybody else, they brought chairs  
13 in to be able to watch TV, right?

14 A. Probably, yeah.

15 Q. Okay. Fair to say that you sat in there and  
16 watched TV quite a bit?

17 A. On the bed?

18 Q. Yes.

19 A. Yeah.

20 Q. How about anybody else that was living in the  
21 house, they did the same thing?

22 A. No, Jamie had his own TV in his room.

23 Q. How about **AJ**

24 A.  she would be in -- she would be on her  
25 phone really than watching TV. She liked to stay to

1 herself.

2 MR. SEATON: I don't have anything further,  
3 Your Honor.

4 THE COURT: State have any redirect?

5 MS. SAS: Just a couple of things,  
6 Your Honor.

7 REDIRECT EXAMINATION

8 BY MS. SAS:

9 Q. **Minor** what happened when you didn't do what  
10 he wanted, what the Defendant wanted?

11 A. I wasn't able to go to football games; I wasn't  
12 able to go to basketball games. He would take my phone.  
13 I wasn't able to spend the night with my friends,  
14 all different types of stuff.

15 Q. And what I mean when you didn't do what  
16 he wanted, I mean, what happened when you ---

17 A. When I didn't have sex with him.

18 Q. Okay. Was your ---

19 A. Or he wouldn't help my mom.

20 THE COURT: I'm sorry. Please repeat your  
21 answer.

22 THE WITNESS: I said, or he wouldn't help  
23 my mom.

24 MS. SAS: Okay.

25 BY MS. SAS:

1 Q. Was your family of a lot of means?

2 A. What do you mean?

3 Q. Did your mom have a lot of money?

4 A. No.

5 Q. Okay. Did your mom and you benefit out of the  
6 things that he gave you?

7 A. Yeah.

8 Q. Did living with him, though, provide a stable  
9 place for you?

10 MR. SEATON: Objection, leading.

11 THE WITNESS: It kind of did.

12 THE COURT: Sustained, leading. Rephrase.

13 BY MS. SAS:

14 Q. How was living with him versus living with your  
15 mom?

16 A. He was more -- he was more stable, yeah.

17 MS. SAS: Court's indulgence.

18 BY MS. SAS:

19 Q. There were a lot of questions for you about  
20 Benjamin Drive and when you lived there, what you did  
21 or didn't do. How old were you again when you lived  
22 there?

23 A. I just finished sixth grade, just going to  
24 seventh grade, so like 11, 12.

25 Q. How many presents did he give you?

1 A. A lot.

2 Q. You said that sometimes you wouldn't respond  
3 to messages. Why?

4 A. I don't know. There wasn't really anything  
5 to say -- he would say that when I respond.

6 Q. Why was there nothing to say?

7 A. Because he would just give me, like,  
8 a straightforward answer...

9 THE COURT REPORTER: I'm sorry. I can't  
10 hear you.

11 MR. SEATON: Your Honor, I'm sorry ---

12 THE COURT: She can't hear you; we need  
13 you to repeat your answer, please.

14 THE WITNESS: Can you ask me that question  
15 one more time?

16 BY MS. SAS:

17 Q. Why was there really nothing for you to say  
18 when you were not responding to some of his messages?

19 A. Because it was statement; it wasn't a question  
20 or anything. I don't know what to say to what he's  
21 asking me, or he's telling me.

22 Q. Okay.

23 MS. SAS: No further questions, Your Honor.

24 THE COURT: Ma'am, you may step down.

25 Mr. Foreman, ladies and gentlemen, we appreciate your

1 indulgence in allowing us to go a little bit beyond  
2 five o'clock. We're going to break for the evening.  
3 We'll resume in the morning at 9:30.

4           During the break, please do not discuss  
5 the case among yourselves or with anyone else. Please  
6 do not read, watch, or listen to any media accounts  
7 about this case, if there are any. You're going to  
8 return directly to the jury room under the instructions  
9 of the bailiff. As soon as everyone arrives, we'll  
10 resume testimony. Again, that will be at 9:30. If you  
11 would leave your notepads in your seats, we'll secure  
12 them during the recess. Have a great evening. Be safe.  
13 We'll see you in the morning.

14           (The jury exited the courtroom at 5:06 p.m.)

15           THE COURT: You may be seated. Anything  
16 before we adjourn for the evening from the State?

17           MS. SAS: Just, Your Honor, your decision  
18 on whether Defendant remains in custody or is out on  
19 bond.

20           THE COURT: I already -- I thought I already  
21 addressed that.

22           MS. SAS: Oh, I'm sorry. I must have ---

23           THE COURT: I have a note from his bonding  
24 company that says they'll remain on bond. I've already  
25 advised him regarding his trial in absentia. If

1 something changes, that does not preclude me from  
2 altering my decision.

3 MR. SEATON: Thank you, Your Honor.

4 MS. SAS: Thank you, Your Honor.

5 THE COURT: You're welcome. Anything else  
6 from the State before we adjourn?

7 MS. SAS: Nothing, Your Honor. Mr. ---

8 THE COURT: I'm sorry?

9 MS. SAS: Mr. Seaton can remain to make sure  
10 that we go over all the evidence.

11 THE COURT: Yeah, I need y'all to make sure  
12 all the evidence is accounted for.

13 MR. SEATON: I apologize to everybody.  
14 I know I've made a mess.

15 THE COURT: That's all right. Anything  
16 before -- from the defense before we adjourn for the  
17 evening?

18 MR. SEATON: No, ma'am.

19 THE COURT: All right. See y'all at 9:30.

20 MR. SEATON: Yes, ma'am.

21 THE COURT: Please make sure the court  
22 reporter has all the exhibits. All right, see y'all  
23 at 9:30.

24 (End of Transcript of Record)

25 CERTIFICATE OF REPORTER

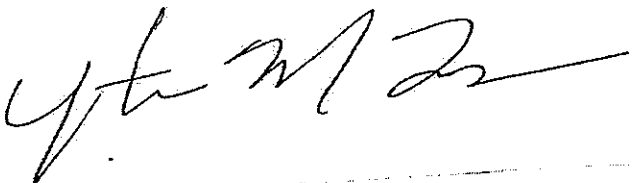
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State of South Carolina            )  
County of Berkeley                 )

I, the undersigned, Yvestre Torres, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Berkeley County, South Carolina, on the 27th of January, 2025.

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

October 3, 2025



Yvestre Torres  
Circuit Court Reporter

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF BERKELEY

2024-GS-08-04555

2024-GS-08-04552

2024-GS-08-04556

2024-GS-08-04807

State of South Carolina )

) TRANSCRIPT OF RECORD

-vs-

)

) January 28, 2025 - Day 2 of 4

James Edward Boley,

)

) Moncks Corner, South Carolina

B E F O R E:

The Honorable Deadra L. Jefferson, Judge

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

Kamila Szymczynska-Sas, Esquire  
Marie Lerch, Esquire  
Attorneys for the State

Grover Cleveland Seaton, IV, Esquire  
Attorney for the Defendant

Reported By:

Yvestre Torres, OCR  
Circuit Court Reporter for the  
Ninth Judicial Circuit

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
S-20	FB Printout		377
C-2	Juror Note	495	495

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1 THE COURT: You may be seated. Good  
2 morning.

3 MS. SAS: Good morning.

4 MR. SEATON: Good morning, Your Honor.

5 THE COURT: We've got several things  
6 we had to deal with. I apologize. Trying to work  
7 through it with the bailiffs and my security staff.  
8 All right. Now, I understand y'all have worked out  
9 the issue with the witness and security has gone back;  
10 that's correct?

11 MS. SAS: My understanding is there is no  
12 objections to it.

13 THE COURT: Okay. Now, I have a juror  
14 who, apparently, has a trip planned, was not listening  
15 during the questioning when I asked, do you have an  
16 issue so that we can protect you or transfer you?  
17 And she brought me her information on her trip.  
18 And, apparently, she booked this on January the 1st,  
19 so I'm sure it was not a surprise to her that she had  
20 this obligation. But, apparently, she didn't focus  
21 on it sufficiently to let us know when we were doing  
22 jury qualification because I could have transferred her  
23 to another term, which is what I may do in any event.

24 But it is juror -- I apologize. It is juror  
25 No. 138. And on Thursday, she is scheduled to go out

1 of town for an extended -- it looks like a vacation of  
2 some sort. She's going to Denver, Colorado, and then  
3 to a resort in some other part of Colorado. And she  
4 provided me with her itinerary, as well as her receipts,  
5 which appeared to have been prepaid, and it looks like  
6 she's traveling with someone else as well. She's  
7 scheduled to leave Thursday at 9:30 in the morning.

8 It appears again, as I've indicated, that  
9 she has already prepaid for the trip. I think our  
10 only option is to excuse her from this panel. Based  
11 on what she's given me, it looks like she will lose  
12 the cost of her travel if she were not able to go.  
13 So what's the State's preference?

14 MS. SAS: Your Honor, I mean, I would hate  
15 for this juror to lose ---

16 THE COURT: I think it would be a loss --  
17 I don't know why she wasn't paying attention.

18 MS. SAS: Yeah.

19 THE COURT: I don't think it was anything  
20 deliberate.

21 MS. SAS: And I don't think so either,  
22 Your Honor. Certainly, we have, you know, two  
23 alternates. I don't ---

24 THE COURT: That's why I'm glad I picked  
25 two.

1 MS. SAS: I don't think we have -- I think  
2 we only have one more day, maybe tomorrow morning,  
3 so ---

4 THE COURT: I thought ---

5 MS. SAS: --- I'm not as concerned if she  
6 is replaced with alternate No. 1, so we would leave it  
7 at the Court's discretion.

8 THE COURT: Yeah, I felt -- when you go  
9 through the analysis you're supposed to go through,  
10 which is was it deliberate, was it some fabrication,  
11 was it, you know, all that -- a litany of things?  
12 I don't think it was that. I think sometimes, because  
13 we do this all the time, that we pay more attention  
14 to what's going on.

15 And it's apparent to me -- I guess, she  
16 got home, and I don't know. I don't want to speculate.  
17 But for whatever reason, she didn't think to bring  
18 it to our attention until this morning. But I don't  
19 think it was some deliberate act on her part. And  
20 I don't -- I would hate to think of her losing this  
21 substantial amount of funds on this trip.

22 And she, apparently, is traveling with  
23 someone, which means, you know, that person, I guess,  
24 would then be forced to travel alone, or she would  
25 have to go on a delayed schedule. So what is the --

1 what is the defense's preference?

2 MR. SEATON: Judge, I agree with the State  
3 and with the Court. I certainly think -- I don't want  
4 a clock ticking over anybody's head worried about  
5 watching the clock ---

6 THE COURT: I don't think she would be  
7 paying attention. I think she would be so distraught  
8 and bereaved about the fact that she missed her trip,  
9 I don't think she would be paying attention.

10 MR. SEATON: And I agree with you because --  
11 it's funny, I almost stood up and said, Judge, I don't  
12 think -- this is a three-day trial, I don't think we  
13 need a second alternate.

14 THE COURT: Lately, I've been picking two  
15 alternates.

16 MR. SEATON: And for some reason, I backed  
17 off from saying that, and I'm glad I did. But I do  
18 think we've got two alternates. I don't see any reason  
19 why ---

20 THE COURT: Yeah, lately, I've been picking  
21 two alternates just because it's flu season. People  
22 think COVID is gone; it is not, and people just forget.  
23 I just think sometimes for them, you know, it's long.  
24 It's an unfamiliar surrounding, and they just -- I think  
25 they just don't always pay attention to what's being

1 said.

2                   So what we'll do, based on the consensus  
3 of counsel, is we will excuse her. I'm debating,  
4 though, whether I'm going to transfer her to another  
5 term of court, but now that I've already qualified her,  
6 I don't know that I can. But in any event -- I'm sorry.  
7 I'm just thinking out loud. We'll just excuse her from  
8 this panel, have her call in after six, and I guess,  
9 I'll have to protect her for Thursday and Friday for her  
10 trip. And then, we'll replace her, like I said, based  
11 on y'all's preference with No. 41, which is the first  
12 alternate.

13                   MR. SEATON: Your Honor, the only thing  
14 I would ask is that the jury be told why she suddenly  
15 disappears.

16                   THE COURT: I'm just going to tell them  
17 that, you know -- that alternate No. 1 is now a member  
18 of the panel. I think, you know ---

19                   MR. SEATON: Don't want to give them  
20 excuses.

21                   THE COURT: Well, no. I just don't want  
22 to get into the minutia of -- it kind of almost gives  
23 the -- I've never given a reason before.

24                   MR. SEATON: Yes, ma'am.

25                   THE COURT: We'll excuse her. She won't

1 go back in, and then she'll simply be told not to  
2 discuss it, and we will seat the alternate. State wants  
3 to chime in?

4 MS. SAS: Your Honor, the only thing --  
5 I think the Court mentioned alternate being 41, but  
6 I have it as defense striking 41 and 74 being ---

7 THE COURT: Oh, you know what, you're  
8 absolutely correct.

9 MS. SAS: I just wanted to make sure.

10 THE COURT: The first alternate is 74.

11 MR. SEATON: Yes, ma'am.

12 MS. SAS: I just wanted to make sure.

13 THE COURT: These lines are so tiny and  
14 close together ---

15 MS. SAS: Yeah. I just wanted to ---

16 THE COURT: --- and my allergies are  
17 plaguing me, so my sight isn't as good as I would  
18 like it to be. Yeah, 74 is the alternate, and she will  
19 be seated as a part of the panel. I'm going to give her  
20 back her documents. I don't think we need to make them  
21 a part of the record because it has, like, a lot of  
22 personal identifying information on it. Any exception  
23 from the State?

24 MS. SAS: No, Your Honor.

25 THE COURT: Any exception from the defense?

1 MR. SEATON: No, Your Honor.

2 THE COURT: Okay. If you could have No. 138  
3 come in for me, please, and have her bring all of her  
4 belongings with her.

5 (Juror No. 138 entered the courtroom at 10:17 a.m.)

6 THE COURT: Ma'am, we received your  
7 information regarding your pre-scheduled trip. And  
8 as a result, I'm going to have to excuse you from the  
9 panel, and you'll be protected for Thursday and Friday,  
10 but you still need to call the jury information line  
11 after six o'clock this evening for further instructions.

12 THE JUROR: Okay. Yes, ma'am.

13 THE COURT: And please don't -- well, you'll  
14 be excused so you won't have any further interaction  
15 with the jury. But I would also instruct that you have  
16 no discussion regarding this with any members of the  
17 panel.

18 THE JUROR: Yes, ma'am.

19 THE COURT: Thank you. Have a good trip.

20 THE JUROR: Thank you.

21 THE COURT: You're welcome.

22 THE JUROR: I appreciate it.

23 (Jury No. 138 exited the courtroom at 10:17 a.m.)

24 THE COURT: All right. Any exception from  
25 the State?

1 MS. SAS: None from the State, Your Honor.

2 THE COURT: Any exception from the defense?

3 MR. SEATON: No, Your Honor, but I do have  
4 a new matter to bring up.

5 THE COURT: Wait one second.

6 MR. SEATON: Yes, ma'am.

7 (Pause.)

8 THE COURT: Yes, sir.

9 MR. SEATON: Yes, ma'am. We believe there's  
10 been a violation of the sequestration rule. We believe  
11 that both Kimberly Perez, the mother of **Minor** and  
12 Marco Pichardo, the father of **Minor** were both seen,  
13 and we believe the videotape would also indicate,  
14 that they had their ear up to the door on more than  
15 one occasion during her testimony yesterday afternoon.

16 THE COURT: If they were going to collude,  
17 they had four years to do it. You can ask all those  
18 questions in cross-examination. I'm not going to  
19 exclude their testimony. That's a drastic remedy,  
20 and I don't think any case law would support it.

21 MR. SEATON: Yes, ma'am. That would be the  
22 only issue, Judge.

23 THE COURT: And unless you saw them of  
24 your own volition, it becomes really hearsay, gossip,  
25 and petty as far as I'm concerned. I think people

1 are paranoid during litigation, and like I said, they've  
2 had four years to collude a story if they were going  
3 to do it. They've had more than adequate opportunity.

4 MR. SEATON: I understand, Judge. I just  
5 thought the rule meant something, so that's ---

6 THE COURT: It does mean something,  
7 and what's good for the goose is good for the gander.  
8 I wouldn't exclude your witness either. I think  
9 the Supreme Court has precedence that would fly  
10 in the face of that. You only get to try a case once.  
11 It's a drastic remedy. And I feel certain that if I did  
12 it, I would be reversed, although, it's discrepancy,  
13 it's heavy handed, and it's not warranted.

14 MR. SEATON: I understand, Your Honor.

15 THE COURT: Noted. Overruled. All right.  
16 Now, I need y'all to approach for me because I need  
17 to discuss something with y'all right quick.

18 (Off-the-record conversation held at sidebar.)

19 (Back on the record.)

20 THE COURT: Who's your first witness,  
21 Ms. Sas?

22 MS. SAS: Mr. Chris Jones, and he's already  
23 in the courtroom, Your Honor.

24 THE COURT: Is he going to need time --  
25 I understand he may have some challenges with walking.

1 Is he going to need additional time to come up to that  
2 chair?

3 MR. SEATON: He's here in the courtroom,  
4 Your Honor.

5 THE COURT: No, I mean, they said he  
6 may need additional time to navigate to the front.  
7 Is he going to need additional time to navigate to  
8 get up to the chair? Do you want to go ahead and have  
9 him ---

10 MS. SAS: We can certainly already have  
11 him in the chair, Your Honor, if that's preferable.

12 THE COURT: Or standing next to it to be  
13 sworn, if that's easier.

14 MS. SAS: Yeah.

15 THE COURT: Do you want to go ahead and do  
16 that?

17 MS. SAS: Yeah.

18 THE COURT: Is there anything else that we  
19 need to deal with before we resume testimony from the  
20 State?

21 MS. SAS: Not at this time, Your Honor.  
22 I don't think so.

23 THE COURT: From the defense?

24 MR. SEATON: No, Your Honor.

25 THE COURT: All right. All right, you can

1 go ahead and get the jury for me, and bring in number --  
2 seat No. 74 in the panel, which will leave us with one  
3 alternate, No. 85.

4 (The jury entered the courtroom at 10:27 a.m.)

5 THE COURT: You may be seated. Good  
6 morning, ladies and gentlemen. I hope everybody  
7 had a pleasant and restful evening. And we have  
8 had to replace one of the jurors with an alternate due  
9 to unforeseen circumstances, so No. 74 is now seated  
10 as a part of the panel. The State may proceed.

11 MS. SAS: Thank you, Your Honor.

12 THE COURT: You're welcome.

13 MS. SAS: State calls Chris Jones to the  
14 stand.

15 THE COURT: If you would swear the witness.

16 THE CLERK: Please raise your right hand,  
17 place your left hand on the Bible.

18 MR. CHRISTOPHER JONES was called as a  
19 witness, being duly sworn, was examined and testified  
20 as follows:

21 THE CLERK: Thank you. You may be seated.  
22 Please state your full name and spell your last name  
23 for the record.

24 THE WITNESS: Christopher R. Jones,  
25 J-O-N-E-S.

1 THE COURT: You may proceed.

2 DIRECT EXAMINATION

3 BY MS. SAS:

4 Q. Good morning, Mr. Jones. Can you please tell  
5 the jury where do you currently reside?

6 A. Cottageville.

7 Q. Okay. And what county is that in?

8 A. Colleton.

9 Q. Okay. And do you work?

10 A. No, ma'am.

11 Q. Okay. Why do you not work?

12 A. I'm on disability.

13 Q. Okay. And how old you are?

14 A. Forty-eight.

15 Q. Okay. Are you married?

16 A. No.

17 Q. Okay. Do you have any children?

18 A. Yes.

19 Q. Okay. How many children do you have?

20 A. Four.

21 Q. Okay. And do you know Defendant, James Boley?

22 A. Yes.

23 Q. How do you -- what names do you know him by?

24 A. Little Jim, Rocket, James Boley.

25 Q. Okay. And how do you know him?

1 A. He's my family.

2 Q. Okay. Can you explain to the jury how he is your  
3 family, how you're related?

4 A. His mom is my cousin's dad's sister; I believe  
5 that's what it is.

6 Q. Okay. So you're related by marriage?

7 A. Yes, ma'am.

8 Q. Okay. And how long have you known Defendant?

9 A. All my life.

10 Q. Okay. When you knew him, did you see him?

11 A. Yeah.

12 Q. Okay. How frequently would you see him?

13 A. Every weekend. Not -- if not every weekend,  
14 every day.

15 Q. Okay. When you would see him, what would you  
16 guys do?

17 A. Have cookouts, watch football games, drink.

18 Q. Okay.

19 A. Family gatherings.

20 Q. And when you were there, who else was there  
21 during these gatherings?

22 A. Kim, <sup>Brother 1</sup> [REDACTED] little sister, me, my kids,  
23 my wife at the time.

24 Q. Okay. And we'll talk about these people  
25 in a minute that you just listed. But where did

1 the Defendant live when you knew him?

2 A. Cottageville.

3 Q. Okay. Is that the only place he lived at?

4 A. No.

5 Q. Where else did he live?

6 A. He lived in Berkeley County.

7 Q. Okay. So in Berkeley County, where did he live?

8 Do you remember that location?

9 A. I don't know the street address, no.

10 Q. Do you know what it's near?

11 A. It's near, like, a mechanic shop.

12 Q. Okay. Do you know any big roads near where  
13 he lived?

14 A. 17-A.

15 Q. Okay. Can you describe to the jury a little  
16 bit that residence where he lived in Berkeley County?

17 A. It's a double-wide on about an acre, maybe an  
18 acre and a half.

19 Q. Okay.

20 A. We always had get-togethers out there.

21 Q. Okay. And who lived in that house in  
22 Berkeley County?

23 A. Jim, my other cousin Jamie, his daughter, **AJ**

24 Q. Okay.

25 A. Noe and **Brother 1** That's all that I know that lived

1 there.

2 Q. Okay. And Jamie, what is Jamie's last name?

3 A. Johnson.

4 Q. Okay. Do you know what his full name is?

5 A. William James Johnson, II.

6 Q. Okay. And you said he's also your cousin?

7 A. Yes.

8 Q. How is he related to you?

9 A. By blood; his mother is my aunt.

10 Q. Okay. And what is Jamie's relationship to the  
11 Defendant?

12 A. They're cousins; they're blood.

13 Q. Okay. And you said Jamie's daughter, **AJ**  
14 Do you know her last name?

15 A. Johnson.

16 Q. Okay. And you mentioned someone named Noe.  
17 Who's that?

18 A. That's Jim's son -- youngest son.

19 Q. Okay. And then you mentioned **Brother 1** Who is **Brother 1**

20 A. That's Kimberly's son.

21 Q. Okay. And who's Kimberly?

22 A. **Minor** mother.

23 Q. Okay. And how did -- do you know how Kimberly  
24 knew the Defendant?

25 A. She is best friends with the Defendant's

1 daughter ---

2 Q. Okay.

3 A. --- through high school.

4 Q. And what is that daughter's name?

5 A. Tanya. I don't know her last name.

6 Q. Okay. And how do you know they're best friends?

7 A. They were always hanging out; they always said  
8 it.

9 Q. Okay. Were you there when they were hanging out  
10 together?

11 A. Yeah.

12 Q. Okay. Where would they hang out?

13 A. Just outside, inside, it didn't matter.

14 Q. Okay. Which places did they hang out?

15 A. Both.

16 Q. Okay. And when you say both, you mean ---

17 A. Colleton County and Berkeley County.

18 Q. Okay. So how long have you known Kimberly,  
19 approximately?

20 A. Probably going on maybe 15 years now.

21 Q. Okay. And how well did you know her?

22 A. Pretty well.

23 Q. Okay. Did you meet her kids?

24 A. Yes.

25 Q. Okay. Do you remember how many kids she had?

1 A. At that time, she had four.

2 Q. Okay. Do you remember what their genders were?

3 A. Three males and one daughter.

4 Q. Okay. You mentioned when you guys were at the  
5 Defendant's house you would hang out and have parties,  
6 and you listed people who were there, to include Noe,  
7 and I believe, his daughter. Was there ever a time  
8 when you were at Defendant's house in Berkeley County  
9 or Cottageville where Tanya, his daughter, was not  
10 there, but Kimberly was there?

11 A. Yes.

12 Q. Okay. Do you know why she was there?

13 A. Hanging out.

14 Q. Okay. What about Kimberly's kids?

15 A. Brother 1 lived with Jim.

16 Q. Where?

17 A. In Colleton County and in Berkeley.

18 Q. Okay. What about Minor

19 A. She didn't live there, but she was there off  
20 and on.

21 Q. Okay. When you lived -- when you say there,  
22 what are you referring to?

23 A. Either Colleton or Berkeley.

24 Q. Okay. But you saw her there on and off?

25 A. Yes.

1 Q. Okay. Can you explain what you mean by on and  
2 off for the Colleton County address?

3 A. Sometimes, she was there, sometimes she wasn't.  
4 It all depended on if she was going to come stay the  
5 weekend, or just come and hang out with her mom and us.

6 Q. Okay. During the time that you hung out with the  
7 Defendant and Kimberly and her kids, did you make any  
8 observations about whether he helped them financially?

9 A. Yes.

10 Q. Okay. Who did he help?

11 A. Kim.

12 Q. Okay. How did he help her?

13 A. He loaned her some money to help pay either  
14 her phone bill, her car bill, or her rent.

15 Q. How do you know that?

16 A. I watched him hand her the money.

17 Q. Okay.

18 A. And she asked for it.

19 Q. Okay. Do you know specifically if he's ever  
20 given anything to her kids?

21 A. Yes.

22 Q. Okay. Tell the jury about that.

23 A. He would buy clothes for them, school supplies.

24 Q. How do you know that?

25 A. Because they would come and show my kids,

1 and I was there, and they were just happy that they  
2 were getting something.

3 Q. Okay. What was Kimberly's and her kids'  
4 relationship to this Defendant, as you observed it?

5 A. They treated him like a father, and she was good  
6 friends with the Defendant.

7 Q. Okay. What observations did you make about  
8 interactions of this Defendant with **Minor**  
9 Kimberly's daughter?

10 A. He was massaging her shoulders, she would jump  
11 up on the bed in get between his legs and massage --  
12 he would massage her shoulders. I just thought that  
13 was kind of weird.

14 Q. Are these all the observations that you made?

15 A. No.

16 Q. Okay. Tell the jury about the other  
17 observations.

18 A. One day, I was there, and I couldn't find my  
19 daughter, and his room door was closed. So, I opened  
20 the door, and he's standing in front of my daughter  
21 and **Minor** shaving in just his drawers, and I told  
22 my daughter and **Minor** to get out of there.

23 Q. Okay. Why did you do that?

24 A. Because it made me uncomfortable.

25 Q. Okay. Did **Minor** and your daughter leave?

1 A. My daughter did, but **Minor** didn't.

2 Q. What did she do?

3 A. She got up and closed the door right after I left  
4 with my daughter.

5 Q. Okay. And where were you when this happened?

6 A. At Jim's house.

7 Q. Which house?

8 A. The one in Berkeley County.

9 Q. Okay. And you said that he was in his drawers.  
10 What are drawers?

11 A. White underwear, I guess, you would call them.  
12 Whitey tighties.

13 Q. Okay. Did you ever share these observations with  
14 anyone?

15 A. Yes.

16 Q. With who?

17 A. Kim.

18 Q. Okay. Chris ---

19 MS. SAS: Court's indulgence.

20 BY MS. SAS:

21 Q. Chris, how close were you to the Defendant,  
22 James Boley?

23 A. He was like a dad to me, always giving me talks  
24 and lectures that I would always ask him stuff about.

25 Q. What is your relationship with him now?

1 A. Nothing.

2 Q. Do you talk to any other family members?

3 A. No.

4 Q. Why?

5 A. Because of this situation we're in today.

6 Q. Okay. Do you want to be here today?

7 A. No.

8 Q. Did we issue a subpoena for you to be here today?

9 A. Yes.

10 MS. SAS: No further questions from this  
11 witness, Your Honor.

12 THE COURT: Any cross-examination?

13 MR. SEATON: Thank you, Your Honor.

14 THE COURT: You may proceed.

15 CROSS-EXAMINATION

16 BY MR. SEATON:

17 Q. Mr. Jones, as I understand it, you were a regular  
18 member of the family that would go to both houses,  
19 and y'all would do BBQs and cookouts and spend time  
20 together.

21 A. Yes.

22 Q. Is it fair to say the majority of those times,  
23 there were a lot of people in the house?

24 A. Yes.

25 Q. And when y'all would have these parties,

1 particularly on the weekends, a lot of people spending  
2 the night?

3 A. Sometimes.

4 Q. Did you ever spend the night?

5 A. Once.

6 Q. In which house would that have been, do you  
7 remember?

8 A. Berkeley County.

9 Q. Okay. I'm assuming that's because it's a pretty  
10 good drive to Cottageville from ---

11 A. Yes, sir.

12 Q. --- from there. Okay. And on that particular  
13 occasion, do you remember who else spent the night?

14 A. No. Just the regular people that lived there.

15 Q. All right. And you don't recall off the top of  
16 your head when you stayed that night, was your daughter  
17 with you?

18 A. Yes.

19 Q. All right. And where did you sleep, do you  
20 recall?

21 A. On the couch in the living room.

22 Q. All right. And how about your daughter?

23 A. She slept in Noe's room because Noe wasn't there.

24 Q. And you mentioned Noe, and I'm not sure if Noe  
25 has been mentioned before. Who is Noe?

1 A. Jim's youngest son.

2 Q. All right. And he had a bedroom there in the  
3 house?

4 A. Yes, sir.

5 Q. And do you know who stayed in Noe's bedroom,  
6 other than Noe?

7 A. Brother 1

8 Q. And Brother 1 was living there, I believe, was your  
9 testimony?

10 A. Yes.

11 Q. Okay. And there was a third bedroom in that  
12 house, correct?

13 A. Yes.

14 Q. And that -- I assume that's where Jamie would  
15 have been sleeping?

16 A. Yes.

17 Q. How about -- was Jamie's daughter living there  
18 as well?

19 A. Yes.

20 Q. Where would she sleep?

21 A. In the same room with Jamie.

22 Q. Okay. So dad and daughter would sleep in the  
23 same room?

24 A. Yeah.

25 Q. All right.

1 A. Two different beds.

2 Q. Did you find that peculiar?

3 A. No.

4 Q. And there was -- I think you said that one of the  
5 times that bothered you was when **Minor** had Mr. Boley  
6 or Jimmy give her a shoulder massage?

7 A. Yes.

8 Q. Did you ever give your daughter a shoulder  
9 massage?

10 A. Not the way he was touching her, no.

11 Q. And what was it about the way he was touching  
12 her shoulders that was inappropriate?

13 A. It was different from, like, you're just giving  
14 someone a massage; it was just different.

15 Q. When you say different, explain that to me,  
16 because if you're touching your shoulders, I'm not clear  
17 what you're saying.

18 A. He was, like, just rubbing on her and stuff,  
19 and it was just -- shouldn't have been touching her.  
20 Period.

21 Q. At all? Period?

22 A. Nope.

23 Q. Because that wasn't his daughter, or because  
24 of the age difference? Why should he not be touching?

25 A. All of the above.

1 Q. And you never touched your daughter?

2 A. No. Not like that, no.

3 Q. You never hugged her?

4 A. Yeah.

5 Q. You're touching her body at that point, aren't  
6 you?

7 A. But I'm not rubbing her shoulders.

8 Q. If your daughter said, dad, my shoulders hurt,  
9 would you rub them? You would say, no, it's not  
10 appropriate?

11 A. Yep, I would tell her no. I just don't do that.

12 Q. Okay. I understand. You also described one  
13 of the times that bothered you is being when the girls  
14 were in Jim's bedroom, correct?

15 A. Yep.

16 Q. All right. And there was a TV in the living  
17 room?

18 A. Yeah.

19 Q. And a TV in Jimmy's bedroom?

20 A. Yes.

21 Q. And would you agree there was a bigger, nicer  
22 TV in his bedroom than the one in the living room?

23 A. Yes.

24 Q. All right. And is it fair to say that oftentimes  
25 people were watching that TV rather than the one in the

1 living room?

2 A. Yes.

3 Q. Okay. So that -- there's nothing peculiar about  
4 the fact that people are doing what they always did,  
5 which is watch on the bigger, nicer TV. They just  
6 happened to be in his bedroom, correct?

7 A. Yeah.

8 Q. All right. And you said that he was in his  
9 whitey tighties. I've always -- you know, I wasn't  
10 expecting to be up here talking about men's underwear.  
11 But I've always understood those to be what we call  
12 briefs, almost like a little bikini, as whitey tighties.  
13 What you saw him wearing was more what we call boxer  
14 brief, which they're ---

15 A. No.

16 Q. --- longer?

17 A. No.

18 Q. You understand the difference between a boxer  
19 and a boxer brief?

20 A. These were not boxers.

21 Q. Do you understand the difference between a boxer  
22 and a boxer brief?

23 A. Yes, I do, but these were not boxers.

24 Q. Okay. And you -- I wasn't clear, were you  
25 suggesting that he was in the bedroom, or he was in the

1 bathroom when he was shaving?

2 A. In his bedroom, you have a shower over here,  
3 you walk out of the shower, and the sink is right there,  
4 so you're in the bedroom.

5 Q. So the sink is in the bedroom?

6 A. Yes.

7 Q. Okay. But he wasn't standing in the bedroom  
8 in the middle of the floor, standing in front of the  
9 sink?

10 A. There's no door. There was no doors that covered  
11 the sink at all.

12 Q. Okay. But he ---

13 A. So, yes, he was standing there.

14 Q. He was standing in front of the sink. If you  
15 were -- let me ask it this way. If you were in that  
16 particular bedroom/bathroom, and you were going to  
17 shave, is that where you would be standing?

18 A. Yeah.

19 Q. Okay.

20 A. But I wouldn't have two little girls there.

21 Q. I understand. One more question. You -- when  
22 were you first approached by law enforcement or someone  
23 else about this -- your testimony?

24 A. I can't remember the exact date.

25 Q. Would it have been after he was arrested?

1 A. I never even knew he got arrested.

2 Q. I'm sorry?

3 A. I never knew he got arrested.

4 Q. Well, he was arrested four years ago. Would  
5 it have been before or after -- would it have been  
6 after -- more than four years ago that you first gave  
7 testimony, or was it after four years?

8 A. After.

9 Q. Would it have been in the last year?

10 A. Yes.

11 Q. Would it have been in the last six months?

12 A. Yes.

13 Q. The last couple of months?

14 A. Yes.

15 Q. Okay. So you never testified about any of this  
16 to any law enforcement until a couple of months ago?

17 A. Nope.

18 Q. Thank you.

19 THE COURT: Any redirect?

20 MS. SAS: Just a couple of questions,  
21 Your Honor.

22 THE COURT: You may proceed.

23 REDIRECT EXAMINATION

24 BY MS. SAS:

25 Q. Mr. Jones, you just talked to defense attorney

1 about these parties. Was there drinking at these  
2 parties?

3 A. All the time.

4 Q. Talked about the shaving and the whitey tighties,  
5 as you called them. Could the girls see the Defendant?

6 A. Clearly as me and you are looking at each other.

7 Q. Okay. When did you, approximately, tell Kimberly  
8 about your observations?

9 A. That same night.

10 Q. Okay. How long ago would that have been in  
11 years, approximately, if you would have to guess?

12 A. Four, five years.

13 Q. Okay. Do you want to be here today?

14 A. No.

15 MS. SAS: No further questions.

16 MR. SEATON: Asked and answered.

17 THE COURT: Overruled. Sir, you're excused.

18 THE WITNESS: May I please be excused from  
19 my ---

20 THE COURT: Yes, sir, you're excused.

21 THE WITNESS: All right. Thank you.

22 THE COURT: You're welcome. I assume  
23 there's no need to recall this witness from the State?

24 MS. SAS: No, Your Honor.

25 THE COURT: From the defense?

1 MR. SEATON: Nothing from the Defendant,  
2 Your Honor.

3 THE COURT: Call your next witness.

4 MS. SAS: State calls Jamie Johnson.  
5 I'm sorry. State calls William Jamie Johnson.

6 THE COURT: Sir, if you would come forward  
7 to be sworn.

8 THE CLERK: Please raise your right hand,  
9 place your left hand on the Bible.

10 MR. WILLIAM JAMES JOHNSON was called as  
11 a witness, being duly sworn, was examined and testified  
12 as follows:

13 THE CLERK: Thank you. You may be seated.  
14 Please state your full name and spell your last name  
15 for the record.

16 THE WITNESS: William James Johnson, II,  
17 J-O-H-N-S-O-N.

18 THE COURT: You may proceed.

19 MS. SAS: Your Honor, may we, just in case,  
20 pass the other microphone to this witness?

21 THE COURT: Sure. Well, let's see first.  
22 Sir, if you would speak directly into the microphone.  
23 You can adjust it if you need to up or down, and you can  
24 bend that top part of it as well.

25 THE WITNESS: Okay.

1 THE COURT: Say your name for us again.

2 THE WITNESS: William James Johnson, II.

3 THE COURT: I think he's clear. You may  
4 proceed.

5 THE WITNESS: J-O-H-N-S-O-N.

6 MS. SAS: Thank you, Mr. Johnson.

7 DIRECT EXAMINATION

8 BY MS. SAS:

9 Q. What do you go by?

10 A. Jamie.

11 Q. Okay. And where do you currently live?

12 A. I live in Cottageville, South Carolina,

13 [REDACTED] Bailey Farm Lane.

14 Q. Okay. And do you work right now?

15 A. No.

16 Q. Okay. Why do you not work?

17 A. I just recently had a heart attack; I have stents  
18 in my heart.

19 Q. Okay. What have you done for work in the past?

20 A. Construction.

21 Q. Okay. How old are you?

22 A. Fifty-two.

23 Q. Okay. Are you married?

24 A. No.

25 Q. Okay. Are you dating?

1 A. Yes.

2 Q. Okay. Do you have any children?

3 A. Yes.

4 Q. How many?

5 A. Two biological, two not biological.

6 Q. Okay. What are your biological children's names?

7 A. **AJ** and Trey.

8 Q. Okay. Do you know Defendant, James Boley?

9 A. Yes, I do.

10 Q. Okay. What names do you know him by?

11 A. Jim, Little Jim, Rocket.

12 Q. Okay. And how do you know him?

13 A. He's my cousin, my family.

14 Q. Okay. Can you explain to the jury what kind  
15 of cousin he is, how you're related?

16 A. We were like brothers.

17 Q. Okay. How are you cousins?

18 A. Oh.

19 Q. Yes.

20 A. His mother and my father were siblings, brother  
21 and sister.

22 Q. Okay. And so how long have you known him?

23 A. All my life.

24 Q. Okay. When is the last time, approximately,  
25 that you would have talked to him?

1 A. It was at the house on Benjamin Drive.

2 Q. Okay.

3 A. I don't know the exact date.

4 Q. And do you remember what you talked about?

5 A. I told him that the cops have been there,  
6 and that's pretty much it.

7 Q. Okay. Where was the house on Benjamin Drive?  
8 Like, where is it? Do you know of, like, any main roads  
9 where it's located?

10 A. I believe that's 17-A.

11 Q. Okay. Can you describe the house to the jury?

12 A. Three bedroom, two baths, double-wide. I think  
13 it was an acre lot.

14 Q. Okay. And who lived there?

15 A. Me, Jim, my daughter, his son, Noe, **Brother 1** Mia.  
16 That was it, I believe, yes.

17 Q. And who's Mia?

18 A. That's Kim's daughter.

19 Q. Okay. Is that what you called her?

20 A. Yeah. **Minor** I'm sorry.

21 Q. Okay.

22 A. Excuse me.

23 Q. It's okay. And how long were you in that house  
24 for, approximately?

25 A. Approximately, about a year.

1 Q. Okay. You said that the last time you think  
2 you spoke to him was at the Benjamin Drive house.  
3 Can you tell the jury a little bit about that.

4 A. He came in, and then when I saw him, I told  
5 him the cops were there looking for him, and I guess,  
6 he got some clothes, and he left.

7 Q. Okay. When you say, "I guess, he got some  
8 clothes," what do you mean by that?

9 A. I didn't pay attention to what he was getting.

10 Q. Okay. Was he living at the house?

11 A. Yes, he lived there.

12 Q. Okay. When was the last time he was at that  
13 house before that time when he came to get his clothes?

14 A. The day before.

15 Q. Okay.

16 A. He was -- yeah. We just recently took my  
17 mother's car back to Cottageville to her.

18 Q. Okay. So tell me about that. Who was with you?

19 A. When we went back to Cottageville?

20 Q. Yes.

21 A. It was me, him, and my son, Chase.

22 Q. Okay. And you said you took your mother's car  
23 back?

24 A. Yes.

25 Q. So who drove?

1           A. He drove my mother's car; me and my son was in my  
2 truck.

3           Q. Okay. And was this when you guys were still --  
4 when you were still living at Benjamin Drive?

5           A. Yes.

6           Q. Okay. So how many days before he came back  
7 to get his clothes?

8           A. The next day.

9           Q. Okay.

10          A. Well, he came and got some.

11          Q. Okay. So you're going to Cottageville to drop  
12 your mom's car off and what happens?

13          A. When we were leaving, he told me to drop him off.  
14 His daughter was -- Tanya was coming to pick him up.

15          Q. Okay. Did you know why?

16          A. He told me the cops were at the house, and that  
17 was it.

18          Q. Okay. So you're -- where did you drop him off?

19          A. At the fire department.

20          Q. Where -- which fire department?

21          A. Cottageville.

22          Q. Okay. Did you ask him why the cops were at the  
23 house?

24          A. Yeah, I kind of did, but he didn't say nothing.

25          Q. Okay. What was his demeanor when he talked

1 to you?

2 A. You could tell on his face he was upset.

3 Q. Okay. And you said he came back to the house,  
4 you think maybe within a day, to get some of his stuff?

5 A. It was the following day because we didn't  
6 have no work that day. So -- I'm not exactly sure  
7 or positive, but I think it was a Saturday; I'm not  
8 sure.

9 Q. Okay. And what happened to the rest of his  
10 belongings?

11 A. Later on, his family came and got his stuff  
12 because we had to move out.

13 Q. Okay. When you say, "his family," who would that  
14 have been?

15 A. His daughter, Tanya, his son, Jimmy, Jr., I think  
16 Leland was with him. I think that he was there.

17 Q. Who's Leland?

18 A. That would be Ms. Tanya's husband.

19 Q. Okay. Was the Defendant there?

20 A. No.

21 Q. Okay. So they just came to get his stuff?

22 A. Yes.

23 Q. Okay. Did anyone tell you why he was moving out?

24 A. Well, we really didn't discuss none of that when  
25 that was taking place.

1 Q. Okay. When you lived at that house, who owned  
2 the house?

3 A. I cannot remember the gentleman's name, but it  
4 was our landlord.

5 Q. Okay. And so were you renting the place?

6 A. Yes, we were renting it.

7 Q. Okay. And did you end up staying at that place?

8 A. Well, actually, I had to move because I couldn't  
9 afford it by myself.

10 Q. Okay. So you lived with the Defendant. Did  
11 you do -- and you hung out at the house as well?

12 A. Yeah, I was there.

13 Q. Okay. Did you -- where did you work at the time?

14 A. Three Oaks Construction.

15 Q. Okay. Where did the Defendant work?

16 A. Three Oaks Construction.

17 Q. Okay. Did you stay working there after he moved  
18 out of the house?

19 A. A couple of weeks later, I was still working  
20 there, but then I was released.

21 Q. Okay. Can you talk to the jury a little bit  
22 about that?

23 A. In what way?

24 Q. How were you released?

25 A. I walked in to work, and my boss told me there

1 was no work for us -- for me right at the moment.  
2 He'll call me and let me know when I can come back  
3 to work.

4 Q. Okay. Other than you and your cousin, Defendant  
5 James Boley, who else worked there from the family?

6 A. His brother, Chuck Duvall [ph.], Jimmy, Jr.,  
7 I believe his son, Noe, was working there at the time.  
8 That's as how far as I can know of right now  
9 family-wise.

10 Q. Okay. What positions did they work in?

11 A. Jimmy, Jr was a curb machine operator, Noe was  
12 a finisher, like his father, and Chuck Duvall was the  
13 superintendent of the company.

14 Q. Okay. And again, who is Chuck Duvall to him?

15 A. His brother.

16 Q. Okay. When -- and do you know who Kimberly is?

17 A. Yes.

18 Q. Okay. And how long have you known her?

19 A. Roughly -- I can say roughly around eight,  
20 nine years now I've probably known her.

21 Q. As of now?

22 A. Yeah.

23 Q. Okay. Who was Kimberly to Defendant,  
24 James Boley?

25 A. A friend. It was actually his daughter's friend.

1 Q. Okay. And what was his daughter's name?

2 A. Tanya Boley.

3 Q. Okay.

4 A. Well, Nolan [ph] now, yeah. She is married.

5 Q. All right. You mentioned Mia, and who is --  
6 that's how you knew her?

7 A. Yeah.

8 Q. Who is Mia to Kimberly?

9 A. That's the daughter.

10 Q. Okay. And who was -- and I'm going to call  
11 her **Minor** But who was **Minor** to Defendant,  
12 James Boley?

13 A. Like a daughter, from what I -- you know, from  
14 what I've seen and was watching. It was -- they were  
15 like -- he was, like, that was his daughter.

16 Q. Okay. Did you ever have an occasion to make  
17 observations about -- or did you ever have an occasion  
18 to see Kimberly and **Minor** at the Defendant's  
19 residence on Benjamin Drive?

20 A. Say that again now.

21 Q. Did you ever have an occasion to make  
22 observations about Kimberly and **Minor** being  
23 at the Defendant's house on Benjamin Drive?

24 A. In what way? I'm not understanding.

25 Q. Did you see them at Benjamin Drive?

1 A. Yes.

2 Q. Okay. Why were they there?

3 A. Everybody came there. We hung out, and **Minor**  
4 and her son -- I mean, her brother, **Brother 1** was using the  
5 address to go to school there.

6 Q. Okay.

7 A. So, yes.

8 Q. Did the -- you mentioned the Defendant also lived  
9 somewhere else, correct, before?

10 A. Yes.

11 Q. I think you mentioned Cottageville. Okay.  
12 Did you ever see Kimberly and her daughter at that  
13 house?

14 A. Yes.

15 Q. Okay. You said that you were able to observe  
16 the relationship that **Minor** and the Defendant  
17 had. What kind of observations did you make about  
18 the Defendant's and **Minor** interactions at the  
19 Benjamin Drive house?

20 A. At the time, I thought it was like a  
21 father-daughter situation.

22 Q. But what were the observations that you made?

23 A. He would take her -- you know, buy her clothes,  
24 buy her shoes, stuff like that, you know, pretty much  
25 what a father would do for their daughter.

1 Q. Okay. Did you make any other observations?

2 A. I really can't say that, you know.

3 Q. Were you privy to any conversations between  
4 the Defendant ---

5 A. No, I've never heard ---

6 Q. --- and **Minor**

7 A. I've never heard conversations between her --  
8 him and **Minor**

9 Q. Okay. Do you remember meeting with us?  
10 Did I talk to you before?

11 A. Yes, yes.

12 Q. Okay. Do you remember telling us about a  
13 conversation ---

14 MR. SEATON: Objection, Your Honor.  
15 Leading.

16 THE COURT: Basis?

17 MR. SEATON: Before we even get to the ---

18 THE COURT: I didn't ask for ---

19 MR. SEATON: --- the first part of the  
20 sentence ---

21 THE COURT: I did not ask for a speaking  
22 objection.

23 MR. SEATON: Certainly, Your Honor.

24 THE COURT: Mr. Foreman, ladies and  
25 gentlemen, I have a brief matter of law to take up

1 with counsel. During the break, please do not discuss  
2 the case, and please leave your notepads in your seats.  
3 We appreciate your patience.

4 (The jury exited the courtroom at 11:02 a.m.)

5 THE COURT: You may be seated. What is the  
6 basis of the objection, Mr. Seaton?

7 MR. SEATON: Leading, Your Honor. It sounds  
8 -- leading, and also it sound like she is going to  
9 testify that -- she's going to question whether or not  
10 he told her something else, which makes her a witness.

11 THE COURT: Would you like to respond,  
12 Ms. Sas?

13 MS. SAS: Your Honor, I was simply going  
14 to ask this question of this witness, if we had a  
15 conversation. He denied that he was privy to any  
16 conversations, but he told us about a conversation  
17 that happened between the Defendant, the victim,  
18 and his daughter, and I was simply going to refresh ---

19 THE COURT: How did he make that statement,  
20 verbally, in writing, was it sworn?

21 MS. SAS: He made it to us verbally with  
22 my investigator being present there and my co-counsel  
23 as well.

24 THE COURT: Was it reduced to writing?  
25 Was he given the opportunity to review it?

1 MS. SAS: It was not reduced to writing,  
2 Your Honor.

3 THE COURT: So there's no way for him  
4 to refresh his memory?

5 MS. SAS: Not in writing, Your Honor.  
6 All I can refresh him is whether he met with us and  
7 had a conversation with us about a conversation that  
8 took place. I'm not going to go into details about  
9 the conversation, but whether he told us about a  
10 conversation that the victim had with the Defendant's  
11 daughter and the Defendant.

12 THE COURT: Say that one more time.

13 MS. SAS: Whether ---

14 THE COURT: Was he present for this  
15 conversation?

16 MS. SAS: Yes.

17 THE COURT: And who is this conversation  
18 between?

19 MS. SAS: Between the Defendant's daughter  
20 and the victim. We will not get into what the content  
21 of the conversation is and ---

22 THE COURT: So why do you need to ask him  
23 at all?

24 MS. SAS: Because ---

25 THE COURT: Are you calling that witness ---

1 MS. SAS: Because of the -- because  
2 of the response that the Defendant gave. So there's  
3 a conversation ---

4 THE COURT: That's not my question.

5 MS. SAS: Yeah.

6 THE COURT: My question is, you can't call  
7 the parties who were privy to this conversation so they  
8 can say ---

9 MS. SAS: He is the party. He was ---

10 THE COURT: No, no, no. He observed two  
11 other people having a conversation.

12 MS. SAS: Correct.

13 THE COURT: Isn't that what you just told  
14 me?

15 MS. SAS: Yes, ma'am.

16 THE COURT: So who are the two people  
17 in this conversation?

18 MS. SAS: The victim and the Defendant's  
19 daughter.

20 THE COURT: So why can't you call the  
21 Defendant's daughter?

22 MS. SAS: Your Honor, I honestly don't  
23 believe she would talk to me.

24 THE COURT: But you could subpoena her.

25 MS. SAS: Certainly, I could.

1 THE COURT: Okay. And what is purported  
2 to have taken place during this conversation?

3 MS. SAS: The victim and the Defendant's  
4 daughter had a conversation. Based on that  
5 conversation ---

6 THE COURT: Well, I need to know what was  
7 said.

8 MS. SAS: Yes.

9 THE COURT: Why this is ---

10 MS. SAS: They had a conversation about  
11 who had more pull with the Defendant, basically.  
12 And the Defendant answered that the victim, **Minor**  
13 had more pull with him.

14 THE COURT: So now you've added another  
15 party to this conversation. I thought you said he  
16 observed the conversation with Mr. Boley's daughter  
17 and **Minor**

18 MS. SAS: He is there ---

19 THE COURT: Now you're saying the Defendant  
20 was present for this conversation as well?

21 MS. SAS: Your Honor, this is a party.  
22 The victim is there; the Defendant's daughter is there;  
23 the Defendant, as well as Mr. Johnson and also his  
24 daughter, who is also testifying, **AJ**  
25 was there. They observed a conversation between

1 the Defendant's daughter and the victim and the victim  
2 and Defendant's daughter confronting Defendant, and  
3 Defendant responding that she had more pull with him.

4 THE COURT: So how are you -- so, I guess,  
5 we go back to the initial part of this analysis, which  
6 is how is this -- how is this question you're going  
7 to ask him relevant, that he observed a conversation  
8 that he can't testify about?

9 MS. SAS: He can -- I believe he can testify  
10 to what the Defendant responded.

11 THE COURT: But he can't say what anybody  
12 else said.

13 MS. SAS: We're not asking to say what  
14 anybody else said. We're just saying based on the --  
15 based on that conversation, did the Defendant make any  
16 statements? And he made a statement that the victim had  
17 more pull, and I believe we can get into that because  
18 that is the Defendant's statement.

19 THE COURT: Well, it is an admission against  
20 interest, to some extent. But how are you going to  
21 refresh his memory? Because to impeach him, you have to  
22 give him that option. You have to give him the ability  
23 -- you have to ask him the exact question, you have  
24 to give him the opportunity to admit or refute it,  
25 you have to give him the opportunity to review it before

1 he -- yeah.

2 MS. SAS: And, I guess, Your Honor, I just  
3 wanted to ask him the question, do you recall having ---

4 THE COURT: He's already said he didn't.  
5 He said he does not recall a conversation between these  
6 other parties.

7 MS. SAS: I was asking if he recalled  
8 a conversation that him and I had.

9 THE COURT: But, yeah, Mr. Seaton is  
10 correct; that makes you a witness. How are they going  
11 to cross-examine you? They can't. It's problematic.

12 MS. SAS: Well, I can ask if he ---

13 THE COURT: That's why you should reduce  
14 statements to writing.

15 MS. SAS: Well, I guess, we can have --  
16 my investigator was there, Your Honor, as well for  
17 the questions.

18 THE COURT: You can impeach him with another  
19 person's -- you know, if he says he doesn't recall  
20 it, you can call your investigator for the sole purpose  
21 of saying y'all had a conversation. He can't say what  
22 was said during the conversation. He can only verify  
23 that a conversation took place.

24 But what is problematic is the statement  
25 should have been reduced to writing so that he would

1 have the ability to review it. Go ahead and ask him  
2 the questions you want to ask him so I can hear it.

3 MS. SAS: The question I would ask him  
4 to refresh him ---

5 THE COURT: No, you need to ask him the  
6 question ---

7 MS. SAS: --- or just the question?

8 THE COURT: You need to ask him the  
9 questions you wanted to ask him that were objected to.

10 MS. SAS: Okay. All right.

11 BY MS. SAS:

12 Q. Mr. Johnson, were you privy to any conversations  
13 between the victim and the Defendant?

14 A. Yes. That's what I was trying to explain.  
15 You asked me about Majestic, and I thought you were  
16 still talking about Majestic.

17 Q. Okay. So where was this conversation?

18 A. This was at Benjamin.

19 Q. Okay. And what -- tell me who was there for that  
20 conversation?

21 A. Tanya, Leland, **Minor** Kim was there, Jim was  
22 there, I was there. We were all -- it was a cookout  
23 or a Super Bowl party, whatever, and **Minor** and Tanya  
24 came out the house and they ---

25 Q. Don't say what they said.

1 A. Oh. Well, how am I ---

2 Q. What did they do?

3 A. They asked the Defendant a question.

4 Q. Okay. And did he respond?

5 A. Yeah.

6 Q. And what did he say?

7 A. He said Mia had more pull.

8 THE COURT: Any exceptions to that line  
9 of questioning, Mr. Seaton?

10 MR. SEATON: No, because I don't understand  
11 it. So, I don't have a dog in the hunt anymore, Judge.  
12 They want to go down -- I don't care.

13 THE COURT: All right. Please bring in the  
14 jury.

15 (The jury entered the courtroom at 11:10 a.m.)

16 BY MS. SAS:

17 Q. Mr. Johnson, I'm going to rephrase the question  
18 again. At the Benjamin house address, were you privy  
19 to conversations between the Defendant and

20 **Minor**

21 A. Yes.

22 Q. Okay. Tell me about that conversation.

23 A. The conversation was his daughter, Tanya,  
24 and **Minor** came out the house while we were all sitting  
25 by the fire, said that ---

1 Q. Don't say what they said.

2 A. Okay. Wanting to know who had more pull, Tanya  
3 or **Minor** and Jim told them -- said **Minor** had more  
4 pull.

5 Q. Okay. You said earlier in your testimony  
6 the Defendant, at some point after you dropped him  
7 off at this fire station -- I just want to make sure  
8 I got this right -- he came back to the house and got  
9 some of his stuff?

10 A. As far as I know, he came and got some of his  
11 stuff. I didn't pay attention to what he got.

12 Q. But you were there?

13 A. Yes.

14 Q. Okay. Did you do anything with that -- at some  
15 point, did you come to know where he was staying?

16 A. No. I didn't find out until later that evening  
17 that he was actually staying with his daughter, from  
18 what I was told.

19 Q. And what did you do with that information?

20 A. I notified Berkeley County because they told  
21 me if I didn't, I could be arrested for it.

22 Q. Okay. What was your relationship with the  
23 Defendant?

24 A. Very close; we were like brothers.

25 Q. Okay. How is your relationship with him now?

1 A. Like it don't exist.

2 Q. So does it exist?

3 A. He's my cousin; he's my family, so, yeah.

4 Q. Do you talk to him?

5 A. No.

6 Q. Okay. Do you talk to any other family members?

7 A. Some.

8 Q. Okay. Do you want to be here today?

9 A. To be honest with you, no.

10 Q. Were you issued a subpoena to be here today?

11 A. Yes.

12 MS. SAS: Court's indulgence. No further  
13 questions from this witness, Your Honor.

14 THE COURT: Any questions for the witness?

15 MR. SEATON: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. SEATON:

18 Q. Mr. Johnson, you mind if I call you Jamie?

19 A. You go right ahead, sir.

20 Q. First question is -- I hadn't heard it until  
21 today, and I know you're the second person. Where did  
22 he get the name Rocket?

23 A. Because he's fast as hell on the job.

24 Q. All right. Makes sense. Y'all lived together  
25 for quite some time; we already established that.

1 Your daughter lived there with you?

2 A. Yes.

3 Q. And where did she live in the house?

4 A. Normally, we had a room together, but she usually  
5 stayed out in the living room most of the time.

6 Q. Okay. But there were times where there was a lot  
7 of people there, and she might spend the night in the  
8 same room as you?

9 A. Well, yeah.

10 Q. Okay. Nothing wrong with that, is there?

11 A. No, it was my daughter.

12 Q. Okay. And you described the relationship  
13 that Mr. Boley had with **Minor** as being like  
14 a father-daughter?

15 A. Yes, I did.

16 Q. And it was clear that he loved her?

17 A. Yes.

18 Q. It's clear that he loved her brother, **Minor** --  
19 excuse me, **Brother 1** Sorry.

20 A. Yeah.

21 Q. Sorry. It's clear that he loved their mama, Kim?

22 A. Yes.

23 Q. When mama Kim would spend the night there, she  
24 had an apartment just a couple of miles down the road,  
25 didn't she?

1 A. Yes.

2 Q. But she would still spend the night?

3 A. Yes.

4 Q. Where -- when she spent the night, where would  
5 she stay?

6 A. In the living room. Or if Noe wasn't home,  
7 she would stay in Noe's room.

8 Q. And fair to say people, sort of, slept wherever  
9 in this house?

10 A. Yeah.

11 Q. There were times were Noe would be there,  
12 **Brother 1** would be there, you would be there, **AJ** would  
13 be there, **Minor** would be there ---

14 A. Yes.

15 Q. --- Kim would be there, James would be there?

16 A. Yes.

17 Q. How about his son, or his other son?

18 A. Which son?

19 Q. Any other son, pick a son.

20 A. Jimmy, Jr.?

21 Q. Yes. It's fair to say, there was a lot of people  
22 that stayed ---

23 A. I don't think Jimmy Jr has ever stayed the night,  
24 but he's been there.

25 Q. All right. And how about his other daughter?

1 I'm sorry, I'm talking about your daughter. How about  
2 Chris, did his daughter ever stay there? Chris Jones.

3 A. The night?

4 Q. Yes.

5 A. No, never the night.

6 Q. All right. How about -- did Chris ever stay the  
7 night?

8 A. No.

9 Q. All right. And along with your testimony earlier  
10 about the -- being there at the house, y'all lived  
11 together also in Cottageville?

12 A. Yes, briefly. When I moved in with him for  
13 Cottageville, we moved from there. It wasn't maybe  
14 a month or so we were there, we had to leave.

15 Q. All right. And it's fair to say it was similar  
16 in that a lot of the same people were coming and going?

17 A. Yes, yes.

18 Q. All right.

19 A. When I was living across town, we would go there  
20 to have cookouts and bonfires and stuff like that.

21 Q. All right. And, at any point in all of those  
22 years, did you ever see Jimmy touching **Minor**  
23 inappropriately?

24 A. No, I never saw anything like that.

25 Q. Did she ever say anything to you about him

1 touching her inappropriately?

2 A. No, sir.

3 Q. All right. And in your time of living with him  
4 -- I think you talked about when he packed up his bags  
5 and went to stay at his daughter's.

6 A. That would be Benjamin after all of this has  
7 taken place.

8 Q. Okay. And do you know if he had already made  
9 arrangements through his attorney for a date to turn  
10 himself in?

11 A. No, I do not know that.

12 Q. So you don't know what arrangements had already  
13 been made?

14 A. No, sir.

15 Q. You didn't involve yourself in any of that stuff?

16 A. No, sir.

17 Q. Okay. And in all those years of living with  
18 Jimmy, do you know whether he wore briefs, boxer briefs,  
19 or boxers?

20 A. I really couldn't tell you.

21 Q. Okay.

22 A. I know he wore underwear.

23 Q. All right. Fair enough. Thank you.

24 MR. SEATON: Nothing further, Your Honor.

25 THE COURT: Any redirect of the witness?

1 MS. SAS: Just a couple of questions,  
2 Your Honor.

3 THE COURT: You may proceed.

4 REDIRECT EXAMINATION

5 BY MS. SAS:

6 Q. Mr. Johnson, what happened during these parties  
7 that were at the house?

8 A. Drinking, good eating, good time.

9 Q. How much drinking?

10 A. I cannot honestly answer that question; I could  
11 not tell you that answer.

12 Q. Why could you not answer that?

13 A. Because I was doing a lot of drinking just  
14 as well, so I couldn't tell you.

15 Q. Okay. Are you saying that it was a lot  
16 of drinking, is that what you're saying?

17 A. Yeah, I've gotten drunk a few times there.

18 Q. Okay. All these people that you mentioned,  
19 were they there all the time, every single day?

20 A. No. Not every day, no. They were not all the  
21 time. Mainly, the weekends, we would have a cookout,  
22 you know, Super Bowl party, somebody's birthday,  
23 something like that.

24 Q. Okay. And when you were at the Defendant ---  
25 when Defendant came back to the house to get his

1 clothing, okay, how far after that was it that you  
2 called law enforcement?

3 A. It was about an hour or two later.

4 Q. Okay. And what about how -- what was the time  
5 frame in between when you -- when he came to the house  
6 and when you took your mom's car to Cottageville?  
7 Was that before or after?

8 A. I took my mama's car the day before.

9 Q. Okay. So this all happened during a few-day  
10 period?

11 A. Yes.

12 Q. Okay.

13 MS. SAS: No further questions, Your Honor.

14 THE COURT: Any exception to the witness  
15 being excused from the State?

16 MR. SEATON: None from the Defendant,  
17 Your Honor.

18 THE COURT: From the State, any exception  
19 to the witness being excused?

20 MS. SAS: No, Your Honor.

21 THE COURT: From the defense, any  
22 exceptions?

23 MR. SEATON: Oh, I'm sorry, Your Honor,  
24 no, of course not.

25 THE COURT: Sir, you're excused.

1 THE WITNESS: So am I excused from my  
2 subpoena?

3 THE COURT: Yes, sir. Call your next  
4 witness.

5 MS. LERCH: State calls AJ [REDACTED]

6 THE CLERK: Please raise your right hand,  
7 place your left hand on the Bible.

8 MS. AJ [REDACTED] was called as a witness,  
9 being duly sworn, was examined and testified as follows:

10 THE CLERK: Thank you. You may be seated.  
11 Please state your full name and spell your last name  
12 for the record.

13 THE WITNESS: AJ [REDACTED] [REDACTED].

14 MS. LERCH: AJ [REDACTED] where do you ---

15 THE COURT: You may proceed.

16 MS. LERCH: Thank you, Your Honor.

17 THE COURT: You're welcome.

18 DIRECT EXAMINATION

19 BY MS. LERCH:

20 Q. Where do you currently live?

21 A. I live in Cottageville.

22 Q. What county is that in?

23 A. Colleton County.

24 Q. Do you work?

25 A. I own my own business out there.

1 Q. How old are you?

2 A. I'm 23.

3 Q. Do you know the Defendant, James Boley?

4 A. Yes.

5 Q. How do you know him?

6 A. He's my cousin.

7 Q. Have you ever lived with him?

8 A. Yes.

9 Q. Where was that?

10 A. I've lived with him on Benjamin Drive.

11 Q. What county is that in?

12 A. I believe Moncks Corner or Berkeley.

13 Q. Okay. Can you describe that house that you lived  
14 in?

15 A. It was a three-bedroom, white double-wide,  
16 big living room, big kitchen.

17 Q. How long have you known the Defendant?

18 A. My whole life.

19 Q. Do you know Kimberly Sierra -- Perez now?  
20 Kimberly Perez?

21 A. Yes.

22 Q. How do you know her?

23 A. She is a family friend.

24 Q. Okay. When did you know her? What time period?

25 A. Time period-wise?

1 Q. Absolutely.

2 A. It's been, approximately, about five years now.

3 Q. Okay. And would you spend time with her?

4 A. Back then, yeah. I haven't seen her in a while.

5 Q. Okay. Where would you spend time with her?

6 A. At the Benjamin house when she was there with

7 her kids.

8 Q. What would they do when they would come?

9 A. You know, just hang out together.

10 Q. Okay. When did you first meet her?

11 A. Years ago. It was in Cottageville. She came by

12 because she was friends with everybody, and she brought

13 **Minor** down to see her cousin.

14 Q. How well did you know her?

15 A. I didn't -- I didn't know her that well. I just

16 knew she was a family friend, and then I got to know

17 her and her kids.

18 Q. You said you knew her kids well. What would

19 you do with them?

20 A. Hang out with them, talk to them, play games

21 with them.

22 Q. Okay. Was **Minor** one of these ---

23 A. Yes.

24 Q. Did **Minor** spend time at the Benjamin house

25 with you?

1 A. Yes.

2 Q. She ever spend the night there?

3 A. Multiple times.

4 Q. Where would she stay when she spent the night?

5 A. Sometimes, it would be in the living room.

6 Sometimes, if Noe wasn't there, we would go in his room.

7 Q. Okay. Anywhere else?

8 A. Not that I know of.

9 Q. Where would she stay -- where would she be during  
10 the day if she was at the Benjamin house?

11 A. If she was at the house, she would either be in  
12 the living room or in the kitchen or in -- just, like,  
13 anywhere in the house, really.

14 Q. Okay. What was the Defendant's relationship  
15 like with **Minor**

16 A. I always thought they were, like, uncle and  
17 niece.

18 Q. Okay. Would he do anything for her?

19 A. Buy her stuff.

20 Q. Like what?

21 A. Bought her clothes, bought her shoes.

22 Q. How do you know that?

23 A. When they would come back, she would show me what  
24 they got that day.

25 Q. Okay. Did the Defendant buy things for other

1 people?

2 A. Sometimes, but it's mainly for **Minor**

3 Q. Okay. Did you make any kind of observations  
4 about the interactions between the Defendant and  
5 **Minor**

6 A. There was one time where we were all hanging  
7 out at a family gathering -- I forget what it was  
8 about. I think it might have been someone's birthday,  
9 and a question was asked, and Jim said to the question,  
10 yes, she has more pull.

11 Q. Okay. Were there any other observations you made  
12 at that house?

13 A. There was one time when I was -- I was on  
14 my phone, and I wanted to show **Minor** something.  
15 So, I went to Jim's room because that's the last place  
16 I had seen her, and the door was locked, and it took  
17 them a good minute to open the door. And when they  
18 did, Jim and **Minor** were both standing at the door,  
19 and I just brushed it off, and showed **Minor** what  
20 was on my phone.

21 Q. I'm going to show you what's been marked  
22 as -- marked and admitted as State's Exhibit No. 23.

23 MS. LERCH: Permission to publish,  
24 Your Honor?

25 THE COURT: You may proceed.

1 (Video played for the jury.)

2 BY MS. LERCH:

3 Q. AJ [REDACTED] who took that video?

4 A. I did.

5 Q. Can you explain what's happening in that video?

6 A. She was cleaning the kitchen -- Minor [REDACTED] was.

7 It was very shocking because she doesn't clean all the  
8 time. She got away with a lot of stuff, but she cleaned  
9 every once in a while, but not all the time.

10 Q. Okay. Approximately, when was the last time  
11 you talked to the Defendant?

12 A. Before everything, it was -- it had been awhile.  
13 But recently, the last time I talked to her was at  
14 school.

15 Q. The Defendant.

16 A. The Defendant? Oh. The last time I've seen  
17 him, at the Benjamin house before we moved out to  
18 Cottageville.

19 Q. Okay. And you haven't talked to him since?

20 A. No.

21 Q. Did the cops ever talk to you?

22 A. They didn't question me, no, but they asked  
23 if Jim was home, and that's it.

24 Q. Okay. Where did this happen?

25 A. At the Benjamin house.

1 Q. Was there anyone else there?

2 A. No, just me.

3 Q. And you -- when you lived at that house, did your  
4 dad live with you?

5 A. Yes.

6 Q. So he wasn't home then?

7 A. No.

8 Q. Do you know where he was?

9 A. I believe they left that morning to go do  
10 something. I'm not -- I don't remember exactly what.

11 Q. How old were you then?

12 A. Seventeen.

13 Q. Did you do anything after the cops left the  
14 house?

15 A. I called my dad.

16 Q. Do you remember what day that was?

17 A. I don't remember the exact day. I just know  
18 it was a school day because I was doing school virtually  
19 and -- I'm not sure exactly the time, though.

20 Q. It's okay. Have you seen or talked to anyone  
21 else from the family?

22 A. The last time I've seen anyone from the family  
23 was at a funeral; that was a couple of years back.

24 Q. Why do you no longer talk to the family?

25 A. Just stopped talking.

1 Q. Why haven't you talked to the Defendant?

2 A. Same reason. Just no talking, just ---

3 Q. Okay. Do you really want to be here today?

4 A. Not really.

5 Q. Why not?

6 A. I have -- I just started school, and I didn't  
7 want to miss any days.

8 Q. All right.

9 MS. LERCH: No further questions at this  
10 time. Please answer any questions the defense has.

11 THE COURT: You may proceed.

12 MR. SEATON: Thank you, Your Honor.

13 THE COURT: You're welcome.

14 CROSS-EXAMINATION

15 BY MR. SEATON:

16 Q. Ms. Johnson, just a couple of questions.  
17 You first lived with your dad and Jimmy in Cottageville  
18 at that house, didn't you?

19 A. Yes.

20 Q. Okay. And then, y'all moved to the house on  
21 Benjamin?

22 A. Yes.

23 Q. And throughout that whole period of time,  
24 **Minor** and **Brother 1** her brother, and Kim, her brother --  
25 Kim, her mother, were involved?

1 A. Yes.

2 Q. And throughout the entire time that you lived  
3 with Jimmy, they came and went?

4 A. Yeah.

5 Q. All right. And would you say that y'all became  
6 friends? When I say, "y'all," I mean **Minor** her mom,  
7 and **Brother 1**

8 A. Yeah.

9 Q. And y'all shared secrets together?

10 A. Not really, no.

11 Q. Did you have any kind of special relationship  
12 with **Minor**

13 A. We were like -- we were really close friends;  
14 we thought we were cousins.

15 Q. Did you call her your cousin?

16 A. I did.

17 Q. Okay. So y'all thought of yourselves as family?

18 A. Uh-huh.

19 Q. Would you say the same thing is true about Jim?  
20 Did you think of him as family?

21 A. He is family.

22 Q. And did you think of him and **Brother 1** and **Minor**  
23 of -- all of them being family?

24 A. Yes.

25 Q. Okay. And during the time that you lived

1 together, did you ever see him touch her  
2 inappropriately?

3 A. The only time I've seen her -- him touch her  
4 was when she sat in his lap, and he put his hand  
5 on her waist.

6 Q. Okay. And when was that?

7 A. When we lived on Benjamin, and we were out at the  
8 bonfire. I forget why we were all around, but we were  
9 out there. It was a couple of years back.

10 Q. So she came out and sat on his lap while y'all  
11 were sitting around the bonfire?

12 A. Yeah.

13 Q. Okay. And had you seen them -- had you ever seen  
14 him tell her, I love you?

15 A. Yes.

16 Q. You ever seen him say that to Brother 1 I love you?

17 A. Not personally, but I've overheard him.

18 Q. Okay. And would you say the same thing is true  
19 about their mom? Did you ever hear him tell Kim, I love  
20 you?

21 A. Yes.

22 Q. So he's told the whole family, hey, I love you.  
23 You've seen him hug all of them?

24 A. Uh-huh.

25 Q. You've seen him give presents to everybody

1 in the family?

2 A. Uh-huh.

3 Q. All right. And this testimony that you gave  
4 today, I think you said you weren't -- the police didn't  
5 talk to you about this, did they?

6 A. No.

7 Q. When did you first get approached about your  
8 testimony here today?

9 A. A month ago or a week ago. I've been hectic  
10 with starting school.

11 Q. So then you would have sat down with the  
12 solicitor's office, and y'all would have had this  
13 conversation?

14 A. Yes.

15 Q. All right. And do you know whether anybody  
16 had heard this conversation before then?

17 A. No.

18 Q. Because nobody asked. All right. And when  
19 you say, I hadn't had any relationship with Jimmy since  
20 he got arrested, do you know whether or not his attorney  
21 told him not to talk to anybody?

22 A. No.

23 Q. It's fair to say there hasn't been any  
24 conversations with you?

25 A. Uh-uh.

1 Q. And, to your knowledge, he hasn't talked with  
2 your dad, has he?

3 A. No.

4 Q. To your knowledge, he hasn't talked with anybody  
5 on your side of the family?

6 A. Nope.

7 Q. Good. Thank you.

8 THE WITNESS: May I get down?

9 THE COURT: Any redirect of the witness?

10 MS. SAS: Court's indulgence.

11 REDIRECT EXAMINATION

12 BY MS. LERCH:

13 Q. **AJ** when we talked to you, was that fairly  
14 recently?

15 A. Yes.

16 Q. And no one had talked to you years before?

17 A. No.

18 Q. Okay. And when we talked to you recently,  
19 is that because we had just found you?

20 A. Yes.

21 MS. LERCH: No further questions,  
22 Your Honor.

23 THE COURT: Any exception to the witness  
24 being excused from the State?

25 MS. SAS: None from the State, Your Honor.

1 THE COURT: From the defense?

2 MR. SEATON: No, Your Honor.

3 THE COURT: Ma'am, you're excused.

4 Mr. Foreman, ladies and gentlemen, we're going to  
5 take a brief comfort break. During the break, please  
6 do not discuss the case, and please leave your notepads  
7 in your seats. We'll be out about five to ten minutes.

8 (The jury exited the courtroom at 11:38 a.m.)

9 THE COURT: Who's the State's next witness?

10 MS. SAS: Your Honor, Sergeant Scott Bell  
11 would be our next witness, so I'm not sure when the  
12 cross would be, so we would leave it at Court's  
13 discretion. We're ready ---

14 THE COURT: I'm sorry. I didn't hear you.

15 MS. SAS: Sergeant Scott Bell, so we would  
16 leave at Your Honor's discretion if we're going now  
17 or after lunch. We're ready to go right now.

18 THE COURT: It's 11:39. We're going to  
19 proceed.

20 MS. SAS: Absolutely. We're ready.

21 THE COURT: It's still morning; it's not  
22 lunchtime yet: I took a break because -- I could sit;  
23 it doesn't bother me.

24 MS. SAS: Actually ---

25 THE COURT: The jurors need breaks,

1 and I'm trying to be more mindful of that.

2 MS. SAS: Your Honor, I'm so sorry.

3 THE COURT: It's okay.

4 MS. SAS: I completely forgot about two  
5 other witnesses we have. So, actually ---

6 THE COURT: No worries.

7 MS. SAS: --- Sergeant Scott Bell ---

8 THE COURT: No, I'm just -- like I said,  
9 I'm trying to be more mindful because once I sit,  
10 I'm here. It doesn't bother me.

11 MS. SAS: No, we ---

12 THE COURT: But I'm trying to make sure that  
13 the jurors, you know, have -- I try to be more mindful,  
14 especially, with the court reporters with the  
15 transcription and their wrists, their hands, I'm trying  
16 to be more mindful and take breaks every hour.

17 MS. SAS: And I have misspoken, I'm so  
18 sorry, Your Honor.

19 THE COURT: That's okay.

20 MS. SAS: Our next witness is -- in my  
21 head, they already testified. Our next witness is  
22 Kimberly Perez.

23 THE COURT: Okay. I would suggest y'all  
24 take advantage of this restroom break as well, and then  
25 we'll resume with Ms. Perez.

1 MS. SAS: Would you like her already in the  
2 courtroom, Your Honor?

3 THE COURT: It's up to you.

4 (Recess taken.)

5 (Back on the record.)

6 THE COURT: Please bring in the jury.  
7 You already have your witness in the courtroom, correct?

8 MS. SAS: Yes, Your Honor.

9 (The jury entered the courtroom at 11:44 a.m.)

10 THE COURT: You may be seated. Ladies  
11 and gentlemen, I hope you enjoyed your break. We'll  
12 now resume testimony. Please call your next witness.

13 MS. SAS: Thank you, Your Honor.

14 THE COURT: You're welcome.

15 MS. SAS: The State calls Kimberly Perez  
16 to the stand.

17 THE COURT: The witness would come forward  
18 to be sworn.

19 MS. SAS: Your Honor, if I may. There's  
20 no clerk's office ---

21 THE COURT: I can swear them.

22 MS. SAS: Okay. I just wasn't sure.

23 THE COURT: Yeah, I'm more than competent.

24 MS. SAS: I'm sorry, Your Honor.

25 THE COURT: Ma'am, come forward to be sworn.

1 THE CLERK: Please raise your right hand  
2 and place your left hand on the Bible.

3 MS. KIMBERLY PEREZ was called as a witness,  
4 being duly sworn, was examined and testified as follows:

5 THE CLERK: Thank you. You may be seated.  
6 Please state your full name and spell your last name  
7 for the record.

8 THE WITNESS: Kimberly Marie Perez,  
9 P-E-R-E-Z.

10 THE COURT: You may proceed.

11 DIRECT EXAMINATION

12 BY MS. SAS:

13 Q. Good morning, Ms. Perez.

14 A. Good morning.

15 Q. Where do you currently live?

16 A. In Boston, Massachusetts.

17 Q. Okay. And can you make sure to speak up to  
18 the microphone. You can maybe turn a little bit towards  
19 the jury. I know the chair is kind of -- just so they  
20 can hear you, okay? And what do you do for a living?

21 A. I work at a doctor's office.

22 Q. Okay. Have you always had a job?

23 A. Yes.

24 Q. Okay. How old are you?

25 A. Thirty-seven.

1 Q. Okay. Are you married?

2 A. Yes.

3 Q. Okay. And did you ever go by a different last  
4 name?

5 A. Yes.

6 Q. What was that last name?

7 A. Sierra.

8 Q. Okay. Do you have any children?

9 A. I do.

10 Q. How many?

11 A. Six in total.

12 Q. Okay. Can you tell the jury their names and  
13 their ages, approximately?

14 A. I have **Brother 1** my oldest, my daughter, **Minor**  
15 and then I have **Brother 2** **Brother 3** and then my **Brother 4**  
16 and **Brother 5**

17 Q. How old is **Brother 4**

18 A.  is four.

19 Q. What about **Brother 5**

20 A. Seven months.

21 Q. Okay. Do you know Defendant, James Boley?

22 A. Yes.

23 Q. And how do you know him?

24 A. Because my best -- I was best friends with his  
25 daughter.

1 Q. Okay. What's his daughter's name?

2 A. Tanya Boley.

3 THE COURT: I'm sorry. I couldn't hear you.

4 THE WITNESS: Tanya Boley.

5 BY MS. SAS:

6 Q. How did you meet his daughter?

7 A. When I first came to South Carolina, our  
8 boyfriends were brothers.

9 Q. Okay.

10 A. And they -- we have a kid with the siblings.

11 Q. Okay. So you have a child with one of the  
12 brothers, and Tanya has a child with the other brother?

13 A. Correct.

14 Q. Okay. And who is the child that you have with  
15 that brother?

16 A. **Minor**

17 Q. Okay. So how long have you known Tanya?

18 A. Since I was, like, 16.

19 Q. Okay. How long have you known the Defendant?

20 A. (Sobbing.) A long time.

21 THE COURT: Do you need some time to collect  
22 yourself, ma'am?

23 THE WITNESS: Yeah.

24 THE COURT: Mr. Foreman, ladies and  
25 gentlemen, we're going to take a brief break. During

1 the break, please do not discuss the case, and please  
2 leave your notepads in your seats. We appreciate your  
3 patience.

4 (The jury exited the courtroom at 11:48 a.m.)

5 THE WITNESS: Sorry.

6 THE COURT: Do you need some water?

7 You all can take your seats. I apologize.

8 (Pause.)

9 THE COURT: Let us know when you're ready.

10 THE WITNESS: I'm ready.

11 THE COURT: You're sure? Do you need some  
12 time to walk around and collect yourself?

13 THE WITNESS: No, I'm fine.

14 THE COURT: All right. Please bring in the  
15 jury.

16 (The jury entered the courtroom at 11:49 a.m.)

17 THE COURT: You may be seated. Ladies  
18 and gentlemen, we appreciate your patience. We'll  
19 now resume testimony. You may proceed.

20 MS. SAS: Thank you, Your Honor.

21 THE COURT: You're welcome.

22 BY MS. SAS:

23 Q. Kimberly, can you tell the jury what was your  
24 relationship like with the Defendant at that time when  
25 you met him?

1 A. He was like a father to me.

2 Q. How was he like a father to you? How did that  
3 happen?

4 A. Because we were best friends, me and Tanya,  
5 his daughter. And I would always go around her family  
6 with him, and he would be there, and I just got real  
7 close with the family. They became like my family.

8 Q. You said you would come around. Where would  
9 you come around?

10 A. Like, if we went to her family's house, any  
11 get-togethers or his get-togethers, we would go around,  
12 and we would all be there.

13 Q. And were -- what were the locations of those  
14 get-togethers?

15 A. Like the houses?

16 Q. Yes.

17 A. It could have been her mom's house; it could  
18 have been his house.

19 Q. Where was his house located?

20 A. Benjamin Drive.

21 Q. Okay.

22 A. And then the other one was on Majestic Oak.

23 Q. Okay.

24 A. Meredith Circle.

25 Q. Okay. Who lived at Meredith Circle?

1 A. I did.

2 Q. Okay. And Majestic Oak, do you know where  
3 that is located? Do you know what county or town,  
4 the Majestic Circle? If you don't, that's okay.

5 A. The county?

6 Q. Yeah.

7 A. I know the county.

8 Q. What county?

9 A. Colleton.

10 Q. Okay. And what would you do when you would  
11 go over there, specifically to Benjamin Drive?

12 A. We would drink; we would all hang out, have  
13 bonfires.

14 Q. Okay. What about the Colleton County house?  
15 What would you do there?

16 A. Same thing.

17 Q. Okay. Where did you live when he lived in the  
18 Colleton County house? Where did you live?

19 A. It depends because I would -- I was unstable,  
20 so I would come from Pennsylvania to South Carolina,  
21 and that would be where I would stay with them because  
22 they were like my family.

23 Q. Where would you stay?

24 A. In the -- Colleton and on Benjamin Drive.

25 Q. Okay. So did you -- are you saying you lived

1 there ---

2 A. Yes.

3 Q. --- for some period of time?

4 A. Yes.

5 Q. Okay. And how old was **Minor** when you were  
6 staying at the Colleton County house and hanging out  
7 there?

8 A. She was, like, six or seven.

9 Q. Okay. How old was **Minor** if you remember,  
10 when you stayed at the Benjamin Drive house and when  
11 you lived at Emma Meredith?

12 A. I believe, like, 12, 13.

13 Q. Okay. And what was Emma Meredith? What was  
14 that?

15 A. Emma Meredith Circle?

16 Q. Yeah.

17 A. That was my apartment; I lived in an apartment  
18 complex there.

19 Q. Okay. And do you remember how far away that  
20 apartment complex was from the Defendant's residence?

21 A. It wasn't far at all.

22 Q. Okay.

23 A. It was maybe -- maybe five minutes or less.

24 Q. And do you -- do you remember how long you lived  
25 there, approximately?

1 A. About two years, maybe.

2 Q. Okay. So when would you have moved out of there?

3 A. When did I move out of there?

4 Q. Yes. What year?

5 A. 2020.

6 Q. Okay. Can you describe to the jury a little  
7 bit about the Benjamin Drive residence? Like, just  
8 the description of the outside and the inside.

9 A. It was a double wide, I believe. It was like  
10 a couple of trailers and that -- I don't even know what  
11 you guys would call that. It's like a little dirt road,  
12 and then, there's houses and trailers around.

13 Q. Okay.

14 A. And then, there was a big front yard.

15 Q. Okay. Where were your kids when you would stay  
16 at the Benjamin Drive house with him or hang out?  
17 Where were your kids?

18 A. Playing with the other kids. You know, in the  
19 house with the kids.

20 Q. Okay. How much time did your kids spend at the  
21 Defendant's house on Benjamin Drive?

22 A. A bunch.

23 Q. Okay. Who was all -- why did they -- why would  
24 they spend a bunch of time there?

25 A. Because we were using the address for them

1 to go -- to be able to go to school there.

2 Q. Okay. So how would it look like when they stayed  
3 there? Can you describe that?

4 A. What do you mean?

5 Q. Did they spend the night?

6 A. Yes.

7 Q. Okay. Did they have their things there?

8 A. Yes.

9 Q. Okay. Who all was staying at the Defendant's  
10 house, if you know, at Benjamin Drive?

11 A. It was him, the Defendant. It was Jamie Johnson,  
12 his daughter, **AJ** his son, Noe.

13 Q. Okay. You said that the Defendant became like  
14 a -- he was like a father to you. So tell a little  
15 bit to the jury, kind of, what that meant. What did  
16 he do for you?

17 A. (Sobbing.) Everything.

18 Q. What is everything?

19 A. (Sobbing.) I lost my parents young, so he was  
20 like my -- he was my everything. He was like a father.  
21 I didn't have nobody really, and he would be there  
22 to support me financially if I needed help, if I needed  
23 anything. Like, to talk to him, I would talk to him.

24 Q. Take a deep breath. Did he help you with the  
25 kids?

1 A. He did.

2 Q. Can you tell the jury about that?

3 A. He helped me with my two youngest ones. Their  
4 father wasn't around, so he was -- he was that guy that  
5 everybody went to. He was...

6 Q. How did he specifically help you with your  
7 daughter?

8 A. He would help me, like, if I was working. I was  
9 a single mom, so if I'm working and the school would  
10 call, he would be on the contact list. He would help  
11 me if he had to pick her up.

12 Q. If he was on the contact list, did he have access  
13 to her grades?

14 A. Yes, he did.

15 Q. Okay. Why would he have access to her grades?

16 A. Because he was helping me like a father. Like,  
17 he was helping me, and so he would...

18 Q. So how was his relationship with your children?

19 A. They loved him.

20 Q. Was it the same with every child?

21 A. No.

22 Q. What do you mean by that?

23 A. There was -- I thought it was because she was  
24 a girl, so, and all my other ones were boys.

25 Q. Who are you referring to?

1 A. Minor my daughter.

2 Q. So are you saying that his relationship  
3 was different with Minor

4 A. (Witness nods head.)

5 Q. What observation did you make about the  
6 relationship between Minor and the Defendant?

7 A. There was really -- I don't even know how to  
8 answer that because there was -- there was no -- like,  
9 I didn't think nothing was going -- you know what  
10 I mean? So, I don't know the question; I don't know  
11 how to answer that.

12 Q. What would he do for her?

13 A. If she wanted to go somewhere and, I guess,  
14 I would be the bad parent and would say no, because,  
15 you know, you didn't do this or whatever, or you didn't  
16 -- you're not -- you know, something in school, and she  
17 would go to him, and he would be, like, oh, just let her  
18 go, you know. He was co-parenting with me, I thought,  
19 you know.

20 Q. You said that he helped you financially. Did  
21 he help the kids financially?

22 A. Yes.

23 Q. How?

24 A. I know sometimes she was receiving packages.  
25 We didn't know what was in those packages -- in all

1 of them.

2 Q. Were ---

3 A. He had a website that he would let everyone  
4 go and pick stuff.

5 Q. What was that website?

6 A. The Wish.

7 Q. Okay. What is that? Can you describe that  
8 to the jury?

9 A. It's like a website that you go on, and you can  
10 -- it's like things from all over the world, China,  
11 everything. We could just go and get things by the  
12 bulk.

13 Q. Okay. And you said you saw packages being  
14 delivered?

15 A. Yeah. And I even had a conversation with  
16 someone, too, and they said, why is she receiving ---

17 Q. Don't -- don't say what they said. Don't say  
18 what they said. When is the last time that you saw  
19 the Defendant, that you remember?

20 A. I think it was the Super Bowl.

21 Q. Okay. Where did you see him?

22 A. At his residence.

23 Q. Okay. Do you remember -- has the Defendant ever  
24 come over to your house?

25 A. Yes.

1 Q. Okay. When was the last time that he came to  
2 your house, or your apartment? Can you tell the jury  
3 about that time?

4 A. Yes. I was there; his son was there. And  
5 he came over, and I didn't know what was going on.  
6 I guess, they were texting; I wasn't sure. And he came  
7 in ---

8 Q. Who came over?

9 A. --- upset because he wanted her to go with him,  
10 and she didn't want to go.

11 Q. Who did you say came over?

12 A. His son.

13 Q. Okay. Who came over to the apartment?

14 A. James.

15 Q. Oh, okay. The Defendant?

16 A. Yeah.

17 Q. Okay. So how many years ago would it be the last  
18 time you've seen the Defendant, approximately?

19 A. Five years.

20 Q. Okay. And why was that the last time that you  
21 would have seen him?

22 A. Because I didn't have nobody else in  
23 South Carolina. What was I going to do? Turn the  
24 corner and see him. I left the state. I went home,  
25 and I packed all my stuff, and I left.

1 Q. Did your daughter, at some point, tell you that  
2 she was sexually assaulted?

3 A. Yes.

4 Q. Did she tell you when it happened?

5 A. Yes.

6 Q. When did it happen?

7 A. In Colleton County on Majestic and  
8 Benjamin Drive and Meredith Circle.

9 Q. Okay. So we're just here to talk about  
10 Berkeley County, okay? So please tell the jury the  
11 circumstances under which your daughter told you?

12 A. So they came -- Chris came to the house,  
13 and we spoke. And based on that conversation, I called  
14 my daughter into the bathroom because my other kids  
15 were sleeping and it was already late, and I wanted  
16 to talk to her, and I asked her.

17 Q. So you had a conversation with Chris. And what's  
18 Chris's last name?

19 A. Jones.

20 Q. Okay. And which -- where were you? Which house  
21 were you located in?

22 A. Emma Meredith Circle, my apartment.

23 Q. Okay. And you said you took your daughter  
24 to the bathroom. Why would you do that?

25 A. Because my other kids were sleeping.

1 Q. Okay. And what was your daughter's demeanor  
2 during that conversation?

3 A. She was crying.

4 THE COURT: I'm sorry. I couldn't hear your  
5 answer.

6 THE WITNESS: She was crying.

7 BY MS. SAS:

8 Q. Okay. Where was she in the bathroom?

9 A. On the floor.

10 Q. Okay. What did you do after you had  
11 a conversation with your daughter?

12 A. I called my aunt.

13 Q. Okay. Why did you call your aunt?

14 A. Because I didn't know what to do.

15 Q. And after you had a conversation with your aunt,  
16 what did you do?

17 A. We ended up -- my aunt advised me, you know,  
18 we have to call the cops, and we called the cops.  
19 They came over. And then, the cop advised us that  
20 we needed to go to the hospital to get her checked out.

21 Q. Okay. Did you end up going to the hospital?

22 A. I did.

23 Q. Okay. What did you do after the hospital?

24 A. After the hospital, I went back to my aunt's  
25 house. I went back to my aunt's house and Tanya Boley

1 came over, his daughter.

2 Q. Okay. And what happened when she came over?

3 A. We told her what was going on.

4 Q. Okay.

5 A. And she just started crying.

6 Q. Okay. Don't say anything she would have said,  
7 okay? What did you do after you were at your aunt's  
8 house?

9 A. I ended up leaving to Massachusetts. I went back  
10 home, I packed my stuff, and I left.

11 Q. Okay. And where did your kids go?

12 A. So my aunt was going to help me with the kids,  
13 and she's like, just leave me the two boys until you get  
14 settled over there. And my cousin, which is her son,  
15 was going to take the two big ones to Virginia until  
16 I got settled.

17 Q. And did your kids eventually join you?

18 A. They did.

19 Q. Okay. How is your relationship with your  
20 daughter now, in general?

21 A. We have a way better relationship.

22 Q. Okay. Are you in contact with her?

23 A. Yes.

24 Q. Okay. Are you in contact -- regular contact  
25 with Chris Jones?

1 A. With who?

2 Q. Chris Jones.

3 A. No.

4 Q. What about Jamie Johnson?

5 A. No.

6 Q. What about AJ

7 A. No.

8 Q. Okay. Are you in regular contact with the  
9 Defendant, or any of his other family members?

10 A. No.

11 Q. How do you feel about that?

12 A. (Sobbing.) It was life changing; my whole life  
13 changed.

14 Q. Why did your whole life change?

15 A. Because that's all we had.

16 MS. SAS: Court's indulgence. No further  
17 questions for this witness.

18 THE COURT: Any questions for the witness?

19 MR. SEATON: Thank you, Your Honor.

20 THE COURT: You're welcome.

21 CROSS-EXAMINATION

22 BY MR. SEATON:

23 Q. Ms. Perez, you've been here since the start  
24 of the trial; is that correct?

25 A. Correct.

1 Q. And you were told that all witnesses would  
2 be sequestered so that you didn't get to hear anyone's  
3 testimony before you testified; is that correct?

4 A. Correct.

5 Q. All right. And yesterday, while your daughter  
6 was testifying, did you have your ear up against that  
7 door?

8 A. I did, but I couldn't hear anything. I couldn't  
9 hear anything, and I can't see far.

10 Q. Okay.

11 A. My daughter was in here alone.

12 Q. Do you believe that would have been a violation  
13 of the court order?

14 A. No, because I said I didn't hear anything,  
15 and I didn't see anything.

16 Q. Then why are you at the door? If you can't see  
17 and you can't hear, then why are you at the door?

18 A. For my daughter.

19 Q. How is that?

20 A. Because I was there for my daughter, like I said.  
21 I couldn't hear anything, and I couldn't see anything.

22 Q. But I'm asking you, how were you there for  
23 your daughter if you're on the other side of the door,  
24 and you're told that you're not supposed to be at the  
25 door, and you've got your ear up against it, how is it

1 you're here for your daughter and not here in violation  
2 of Her Honor's order?

3 A. Like I said, I couldn't hear anything or see  
4 anything.

5 Q. So what was the point?

6 A. I wanted to make sure my daughter was okay  
7 because she was in this courtroom by herself. Her  
8 family wasn't ---

9 Q. Well, how would you know if she's okay if you  
10 can't hear or you can't see?

11 A. I couldn't.

12 Q. So how would you know?

13 A. I didn't.

14 Q. You tried, didn't you?

15 A. I did.

16 Q. You tried to violate the judge's order?

17 A. No, I didn't try to violate the judge's order.

18 Q. Was she -- maybe I'm missing something here,  
19 ma'am. You just said that you were trying to -- you  
20 were trying to help your daughter, that you were trying  
21 to listen to what she was saying. So how's that not  
22 you trying to violate the order? Okay.

23 Let's talk about how many times you've been  
24 here back and forth. First of all, right now, you live  
25 in Massachusetts, correct?

1 A. Correct.

2 Q. You've got six kids?

3 A. Correct.

4 Q. How many of them live with you?

5 A. Five of them.

6 Q. Your oldest son Brother 1 lives in Massachusetts with  
7 you?

8 A. Correct.

9 Q. And all of the other kids?

10 A. Correct.

11 Q. And how long have they all lived there with you?

12 A. In that house?

13 Q. I don't know. Which house are you living in?

14 How long have you been in the house you're in?

15 A. Since I left here in 2020.

16 Q. Okay. So since 2020, they've all lived with  
17 you in that house?

18 A. Correct.

19 Q. All right. And before that, you lived on

20 Emma Way in Goose Creek?

21 A. Emma Meredith Circle.

22 Q. I'm sorry?

23 A. Emma Meredith Circle.

24 Q. Emma Meredith Circle. Okay. And that house,

25 I think, you told us -- that apartment, you lived there

1 for approximately two years?

2 A. Correct.

3 Q. All right. And how many bedrooms did you have  
4 in that apartment?

5 A. Three.

6 Q. And how many of your kids lived with you at that  
7 time?

8 A. All my kids.

9 Q. But you didn't have -- you've got six now.  
10 You didn't have ---

11 A. No.

12 Q. --- six at that time?

13 A. No. So it would have been four.

14 Q. Okay. So -- and you have all boys, other than  
15 your one daughter?

16 A. Correct.

17 Q. Okay. And even when you were living in that  
18 apartment, there were still times you would spend  
19 the night at Jimmy's house, correct?

20 A. Correct.

21 Q. All right. And we saw some photographs or copied  
22 screenshots of your daughter's text messages with him.  
23 And in those, it had -- it said, James Boley, Sr.,  
24 and it had little hearts. Are you familiar with that?

25 A. Yes.

1 Q. And that was from your phone, correct?

2 A. Correct.

3 Q. You're the one that put those hearts in there?

4 A. Yes.

5 Q. Okay. And that was because, as you've testified,  
6 that he was very much like a father to you?

7 A. Correct.

8 Q. You loved him?

9 A. Yes.

10 Q. Okay. And were there times where he would tell  
11 you he loved you?

12 A. All the time.

13 Q. That was a common occurrence for him to tell  
14 you that he loved you. How about your kids? Have  
15 you ever heard -- ever hear him tell your children  
16 that he loved them?

17 A. All the time.

18 Q. Your sons?

19 A. Yes.

20 Q. The little guys?

21 A. Yes.

22 Q. Your daughter?

23 A. Yes.

24 Q. Told all of them?

25 A. Yes.

1 Q. And he certainly showed it by doing things like  
2 buying them school clothes?

3 A. Yes. I don't recall like -- I don't want to lie  
4 because I don't recall, like, how much he did for the  
5 other ones. But I know certainly it was for my  
6 daughter.

7 Q. You don't remember how much he did for your other  
8 kids, but you remember how much he did for your  
9 daughter?

10 A. Like shopping. Like when you just said shopping,  
11 I don't -- it was more her.

12 Q. You don't remember what he did for your other  
13 kids?

14 A. Yes. He was like a father figure to my kids.

15 Q. No. I'm asking about -- you just said you know  
16 how much he bought your daughter, but you don't know  
17 how much he bought your other kids?

18 A. He didn't buy my other kids.

19 Q. Maybe I misunderstood; I thought you said he did.

20 A. Like school clothes -- that's what you just said,  
21 school clothes, right?

22 Q. Anything.

23 A. Well, yeah, he's done -- he's done for all of us.

24 Q. Okay. And did he buy school clothes for your  
25 other kids, the ones that were school aged, like your

1 son, Brother 1 Did he ever buy shoes for your son?

2 A. Yes, he did.

3 Q. All right. And how much did he do? How much  
4 clothes did he buy for your son over the years?

5 A. Not for Brother 1 no.

6 Q. No?

7 A. No.

8 Q. I thought you just said he did?

9 A. Sneakers. You just asked me sneakers, I just  
10 told you he bought him sneakers, yeah.

11 Q. That's the only thing he ever bought for your  
12 son?

13 A. It could have been a little thing here and there.  
14 I'm not going to say no, you know, that he didn't get  
15 anything for them.

16 Q. Was there a period of time where your son lived  
17 with Jimmy and not you?

18 A. Yes.

19 Q. How long was that?

20 A. It wasn't long. They were back and forth.  
21 We lived right around the corner. Everybody was there  
22 all the time.

23 Q. You testified that they spent the night  
24 at Jimmy's house because of school.

25 A. Correct.

1 Q. All right. And you also testified that they  
2 lived five -- you lived five minutes away from him?

3 A. Like five minutes.

4 Q. Is there a reason that they didn't stay at your  
5 house, and you just took them over there in the morning  
6 to meet the school bus?

7 A. Yes.

8 Q. What is that?

9 A. Because I didn't want to leave my kids in the  
10 morning. If they would have had to go to -- I had  
11 to go to work; I worked. So if I would have left them  
12 there, they wouldn't have been able to go to the school  
13 that they were going to, and that's why I used his  
14 address.

15 Q. I understand why you lied and used his address.  
16 My question was, why you didn't have your children spend  
17 the night at your house? They stayed at Jim's house,  
18 and then you would pick them up in the afternoon?

19 A. Correct.

20 Q. And then ---

21 A. Because I had to work.

22 Q. Then, after you got off work, you would take them  
23 to your house?

24 A. Correct.

25 Q. Then, you would turn around and bring them back

1 to Jimmy's house?

2 A. Correct.

3 Q. And what time of night would you bring them back  
4 to Jimmy's?

5 A. I don't know. I was there all the time. I don't  
6 recall.

7 Q. When you say, you were there all the time,  
8 you mean at Jimmy's house or at your house?

9 A. Jimmy's house.

10 Q. So when you picked them up, you weren't really  
11 picking them up, you were just hanging out at Jimmy's?

12 A. Sometimes, yes.

13 Q. So you didn't take them back to your house;  
14 you just hung out with them at Jimmy's house, and then  
15 you went home?

16 A. No, they came back with me. Like I said, they  
17 were back and forth. They stayed at my house for some  
18 time; they would go there and stay there sometimes.

19 Q. Okay. All right. So when they would stay  
20 at your house, would you take them to the school bus  
21 in the morning?

22 A. When they would stay at my house?

23 Q. Yes.

24 A. No, because there was no school -- no. If  
25 there were times I had to drop them off in the morning,

1 yes, I would drop them off either in the beginning,  
2 or I would drop them off at the house -- at his house  
3 because that's where the bus came.

4 Q. Okay. And during all these times that you --  
5 that the kids were staying at Jimmy's, I think you also  
6 said there were times you would stay at Jimmy's?

7 A. Yes.

8 Q. Even though you had a house five minutes away,  
9 why would you stay at Jimmy's?

10 A. Because I loved being there; I did. I loved  
11 being around his family. I told you I didn't have  
12 no family; that was my family.

13 Q. Okay. And when you stayed there, where would  
14 you typically sleep?

15 A. I would sleep in his bed.

16 Q. You would sleep in Jimmy's bed?

17 A. There were times I slept in his bed, yeah.

18 Q. With Jimmy?

19 A. Yes.

20 Q. Okay. And I'm assuming you did not have any type  
21 of sexual relationship?

22 A. Never.

23 Q. You just slept in his bed?

24 A. That's correct.

25 Q. He ever try to put his hands on you?

1 A. Never. That's why I didn't -- never.

2 Q. Okay. He was like a father?

3 A. Yeah.

4 Q. And was it -- your children never asked  
5 why you were sleeping in the bedroom with Jimmy?

6 A. Nobody -- it wasn't like the door was closed,  
7 and we were sleeping in the bedroom. The door was open.  
8 We were sleeping there. Everybody would come to his bed  
9 and sleep there. Like, it wasn't something ---

10 Q. Is it fair to say that Jimmy's bedroom was really  
11 a gathering place? There was a lot of people coming  
12 and going out of his bedroom?

13 A. The whole house was like a gathering place.  
14 I wouldn't really say the bedroom. Nobody hung out  
15 like...

16 Q. You would agree that the nicer, the bigger TV  
17 was in Jimmy's room rather than the one out in the  
18 living room?

19 A. Yes.

20 Q. And if people were going to watch TV, they would  
21 typically want to see it on the bigger, nicer TV rather  
22 than the one in the living room?

23 A. Correct.

24 Q. Okay. Your -- as I understand your testimony  
25 earlier, you did not suspect anything was going on?

1 A. Not at all.

2 Q. Your daughter never said anything to you all  
3 those years?

4 A. Never. And I always would question my daughter  
5 for anybody.

6 Q. And when you asked her what had happened, is that  
7 the first time you had ever asked her?

8 A. No. I asked her about anybody, any man. I was  
9 brought up like that. My mom always...

10 Q. So when you say you asked about any man, what do  
11 you mean by that?

12 A. Because if she's around a man, you want to  
13 always -- my mom always did it. She always said, hey,  
14 make sure, you know, you stay dressed up, or nobody  
15 is touching you, right? You always ask your daughter.  
16 She's a girl so you have to, and that's what I did.  
17 I always did the same thing my mom used to do to me.  
18 I would ask.

19 Q. How often ---

20 A. Not, like, constantly all the time because  
21 I didn't think of him like that.

22 Q. Any time you saw her around a man, would you ask?

23 A. No, not all -- it wasn't an every day thing.

24 Q. Then what would trigger you to ask your daughter,  
25 did this man touch you inappropriately?

1           A. I don't know. It was just -- I don't know.

2 I was -- like I said, I was brought up like that.

3 My mom always asked. I don't know.

4           Q. To be suspicious?

5           A. I guess.

6           Q. And, obviously, if your daughter ever said yes,  
7 you would believe her?

8           A. Of course. It's my daughter.

9           Q. Okay, and when -- you told us that there were  
10 times that your kids would spend the night at your  
11 house, and there were times they would spend the night  
12 at Jimmy's house. How did y'all decide where they  
13 should be that night?

14          A. I don't know. It all depends. Like, if I had  
15 to go to work early in the morning, or if he -- it all  
16 depends.

17          Q. Was there any sort of plan, or was this something  
18 y'all decided every single day? They're going to stay  
19 with you; they're going to stay with me.

20          A. No, there was no plan.

21          Q. All right. And were there ever times where --  
22 is it fair to say if the kids said, I want to come stay  
23 with you, mom, they come stay with you?

24          A. Of course.

25          Q. And if I want to go stay with Jim, I'll go stay

1 with Jim?

2 A. Yes.

3 Q. And if your daughter was ever mad because Jimmy  
4 wanted her to do her chores, and she said, I want  
5 to come stay with you, you don't have any problem  
6 with that, do you?

7 A. Say that one more time.

8 Q. If your daughter was mad, that she didn't want  
9 to have to do her chores at Jim's house, and she said,  
10 well, I'm just going to stay with mom, you wouldn't  
11 have any problem with her going to stay at your house,  
12 would you?

13 A. No. But there was never like -- my daughter  
14 don't do chores.

15 Q. Your daughter doesn't do chores?

16 A. She's not really a chore person. I mean, she'll  
17 clean up, but she wasn't -- at that time, she was  
18 little.

19 Q. You think 12, 13, 14 is too little to ---

20 A. No, it wasn't too little.

21 Q. --- put your clothes away?

22 A. What?

23 Q. You think 11, 12, 13 is too little to put your  
24 clothes away?

25 A. He put her clothes away; he used to put her

1 clothes away.

2 Q. If he says, I want you to start putting your  
3 clothes away, is that -- is she old enough to do that?

4 A. Of course, she's old enough to do that.

5 Q. If he asked her to do that, and she says, no,  
6 I'm going to come -- I'm just going to go stay at mama's  
7 house, you wouldn't care if she came to stay at your  
8 house, would you?

9 A. No. That's my daughter.

10 Q. Okay. So if she wanted to -- I'll use a term  
11 that I heard earlier, bounce. I'm going to bounce to  
12 this house, and I'm going to bounce over to your house.  
13 You wouldn't have any problem with that, would you?

14 A. I don't understand.

15 Q. I'm just asking if she's mad, she doesn't want  
16 to be at Jim's house, she wants to -- rather than doing  
17 what she needs to do, rather than doing her homework  
18 or doing any chores, or doing the things that's required  
19 or expected of a child of that age, instead of doing  
20 that, she's just going to come to your house. You would  
21 agree you would let her come to your house, correct?

22 A. Yes.

23 Q. Okay. And did you have rules at your house?

24 A. Yes.

25 Q. What was the rules at your house?

1 A. What do you mean, like, rules? Like, that I ---

2 Q. What did you expect your daughter to do? Did  
3 she -- I think you've already told us she doesn't have  
4 any chores at your house.

5 A. She used to clean up, but it wasn't something,  
6 like, she -- like a regular kid would clean up. It's  
7 not like she had a list, like, if I had a list of chores  
8 and -- no, but she would clean up.

9 Q. Could she -- if she wanted to go outside,  
10 you would let her go?

11 A. No. Like, if it's -- if I knew exactly  
12 where she was going, if it was with a friend, yes.  
13 But to just let her go outside in that neighborhood,  
14 no. No. That's why he was helping me with her.

15 Q. Okay. So y'all did have rules and things that  
16 you expected her to do? I mean, if she said, I'm going  
17 --- if she just went outside, she would be in trouble?

18 A. No. She wouldn't get in trouble for just going  
19 outside, but I didn't want her wandering that  
20 neighborhood. It wasn't a good neighborhood where  
21 I lived.

22 Q. When she tells you that Jimmy has been molesting  
23 her for some period of time, you called your aunt?

24 A. I did.

25 Q. All right. And she tells you to call the police?

1 A. Correct.

2 Q. All right. And you called them right away?

3 A. Yes.

4 Q. All right. And when the police arrived,  
5 they tell you to take her to MUSC?

6 A. Correct.

7 Q. Did you take her that night?

8 A. I did.

9 Q. All right. And when you got home -- I guess,  
10 it probably would have been the next day when you got  
11 home?

12 A. I don't recall.

13 Q. What time of night was it that ---

14 A. It was late; it was in the afternoon when I took  
15 her.

16 Q. What time of the night was it -- when you said  
17 the kids were in bed, what time was it when she told  
18 you this had happened?

19 A. I know it was dark outside, so I don't recall  
20 the time.

21 Q. Kids were in bed, is what your testimony was?

22 A. Yes. So, I don't recall the time ---

23 Q. You didn't want to wake the kids?

24 A. Yes.

25 Q. All right. What times do the kids normally

1 go to bed?

2 A. By, like, nine, eight.

3 Q. All right. So it would have been eight or nine,  
4 at least, by the time you called your aunt?

5 A. Maybe. I don't recall.

6 Q. All right. And then when you called the police,  
7 they come to your house?

8 A. Correct.

9 Q. How long do you think they were there?

10 A. Maybe about an hour.

11 Q. All right. They tell you to go to MUSC?

12 A. Correct.

13 Q. You leave your house in Goose Creek, you go  
14 downtown to MUSC?

15 A. Correct.

16 Q. All right. And, obviously -- my experience,  
17 and probably most of everybody's experiences, when  
18 you go to the emergency room, you're going to be there  
19 a while.

20 A. Say that one more time.

21 Q. You're going to be there for a while.

22 A. At MUSC?

23 Q. Yes.

24 A. I was.

25 Q. Okay. Do you recall, was it morning time?

1 Was the sun up by the time that you went home?

2 A. I don't recall; I don't.

3 Q. At the very least, it would have been the wee  
4 hours of the night by this point?

5 A. Probably.

6 Q. Okay. And so when did you pack up and leave  
7 for ---

8 A. I believe the next day; I don't remember.

9 Q. All right. Where were you working?

10 A. Probably at a doctor's office. I just can't  
11 remember.

12 Q. You don't recall where you were working at the  
13 time?

14 A. I don't.

15 Q. You packed up everything in your apartment?

16 A. No. I -- my aunt was the one that took care  
17 of all the big stuff in the house, and I just took  
18 my clothes. What I knew best, I took my clothes  
19 and I left.

20 Q. And you took your children with you?

21 A. Correct.

22 Q. At that point, you had four kids?

23 A. Correct.

24 Q. So you and your four kids get in your car?

25 A. And my aunt because she was with me.

1 Q. Did she stay to take care of all those stuff,  
2 or what ---

3 A. No. She ended up coming back when I left.  
4 I don't know what day she did it, but when I already  
5 had left, she -- that's when she went back to the  
6 apartment to clean it out.

7 Q. Okay. So you leave your apartment ---

8 A. Yes, I did.

9 Q. --- with your aunt and four kids. You get  
10 in the car, y'all drive to Massachusetts?

11 A. My aunt's house.

12 Q. Which is where?

13 A. In Summerville.

14 Q. Summerville. Okay. And then when did you leave  
15 from Summerville to -- where did you go, Massachusetts  
16 or Pennsylvania?

17 A. Massachusetts.

18 Q. Okay. And how long were you in Summerville  
19 before you went to Massachusetts?

20 A. Maybe a day or two.

21 Q. Okay. And all of the stuff that was at your  
22 apartment, your aunt took care of that?

23 A. Yes.

24 Q. All right. And did you call and quit your job?

25 A. I probably didn't call, no. I just left

1 everything, like I said.

2 Q. You just bounced?

3 A. Yes, I did.

4 Q. Okay.

5 A. My daughter ---

6 Q. And had you done that before?

7 A. Have I done what?

8 Q. Just packed up and left where even Jim tried  
9 to call you and all of a sudden, you're gone, you're  
10 no longer around. You moved to Massachusetts or Vermont  
11 -- excuse me, Rhode Island or ---

12 A. I was very unstable.

13 Q. Okay. I think that was the term ---

14 A. I was.

15 Q. --- you used earlier?

16 A. Yes.

17 Q. And that's a fair statement?

18 A. Yes, I was.

19 Q. And when you were unstable, the kids were  
20 unstable because they had to go with you? I mean,  
21 they're your kids, you're certainly taking them with  
22 you.

23 A. You're right, yeah. I was very unstable.

24 Q. Okay.

25 A. I was.

1 Q. And the stability that they had in their house  
2 would have been Jimmy? I think your testimony was dad  
3 wasn't around.

4 A. Yes.

5 Q. All right. So the only stability was Jimmy?

6 A. Yeah.

7 Q. All right. And so you go up to Massachusetts?

8 A. Uh-huh.

9 Q. How long did your daughter live there with you?

10 A. Did my what?

11 Q. How long did **Minor** live there ---

12 MS. SAS: Objection.

13 THE COURT: Basis?

14 MS. SAS: Relevance.

15 THE COURT: Overruled. You may proceed.

16 BY MR. SEATON:

17 Q. How long did she live there with you?

18 A. With my aunt?

19 Q. Okay. Maybe I'm misunderstanding.

20 A. Yeah.

21 Q. I thought you said you and all your kids packed  
22 up and y'all went to Massachusetts?

23 A. No. I said that my aunt agreed to stay with  
24 my two youngest until I got to Massachusetts and settled  
25 in and settled down and got an apartment. Her son

1 stood with my oldest two until -- because it was going  
2 to be too much for her, so he stood with the two oldest,  
3 and my aunt stood with the two youngest.

4 Q. Okay. When you talk about your two oldest,  
5 you mean Brother 1 and ---

6 A. Minor

7 Q. Minor

8 A. Correct.

9 Q. All right. And they -- you've taken -- everybody  
10 goes to Summerville for a couple of days?

11 A. Correct.

12 Q. And from that point, everybody kind of goes  
13 in different directions?

14 A. Correct.

15 Q. All right. And where did you go from  
16 Summerville?

17 A. To Massachusetts.

18 Q. To Massachusetts. And you told us earlier  
19 you lived there with all of your kids?

20 A. Yes. They ended up coming with me after  
21 I settled in, yes.

22 Q. After you settled in?

23 A. Yes.

24 Q. And how long did it take you to settle in?

25 A. Like, two, three months.

1 Q. Okay. So during that two-or three-month period  
2 that we're talking about, you're in Massachusetts.

3 Where is <sup>Brother 1</sup> [redacted] and **Minor** [redacted]

4 A. They were with my cousin in Virginia.

5 Q. In Virginia?

6 A. Correct.

7 Q. All right. And where in Virginia were they  
8 living?

9 A. I don't know the name.

10 Q. All right. And after **Minor** [redacted] was in Virginia,  
11 how long did she live there?

12 A. Like, two or three months, they came up. They  
13 came back with me to Massachusetts.

14 Q. All right. Did she go to live with her dad  
15 in Florida?

16 A. After or -- she went with me to Massachusetts,  
17 and then she ended up going with her dad to Florida,  
18 yeah.

19 Q. How long was she in Massachusetts before she  
20 moved to Florida with her dad?

21 A. I don't recall.

22 Q. It wasn't long, was it?

23 A. I signed her up for school, so I don't remember.  
24 I don't recall.

25 Q. Do you recall her -- let me ask it this way.

1 What did the police ask you to do once you were leaving  
2 MUSC? What did the police ask you to do? Did they ask  
3 you to take her to a forensic interview?

4 A. Yes. Yeah.

5 Q. All right. And where did that happen?

6 A. I think it was -- I don't recall. I don't want  
7 to lie. I don't recall.

8 Q. That's because you weren't there, were you?

9 A. I think it was through Zoom.

10 Q. I'm sorry?

11 A. I think it was through Zoom.

12 Q. Wasn't it in Virginia? Wasn't it in Norfolk,  
13 Virginia?

14 A. Yes, you're right.

15 Q. And were you there?

16 A. No, I was not.

17 Q. Okay. And then she -- they asked her to do  
18 a second forensic interview, didn't they?

19 A. I believe so.

20 Q. And you weren't there for that one either,  
21 were you?

22 A. I don't recall; I don't remember.

23 Q. Wasn't that when she was living with her dad  
24 in Florida ---

25 A. Yes.

1 Q. --- about two months later?

2 A. You're right, yes.

3 Q. So how long was -- did she live with you?

4 A. Maybe a couple of months to a year.

5 Q. How's that possible?

6 A. I'm not -- that's why I'm saying I don't know  
7 the exact time. I don't know. I don't want to lie.  
8 I don't know.

9 Q. So it's fair to say she really didn't live with  
10 you after you discover that she -- after you are told  
11 that she was molested, she never really lived with you  
12 again, did she?

13 A. No. She came back to live with me in  
14 Massachusetts. Yes, she did.

15 Q. And when was that? After she lived with her dad  
16 in Florida?

17 A. No, I think that was before. I think it was  
18 before ---

19 Q. It couldn't have been more than a couple of weeks  
20 because she's in Virginia getting a forensic interview  
21 done. And then, a couple of weeks later, she's down  
22 in Florida getting a second interview done.

23 A. So then, yes. I don't recall, like I said.

24 Q. So when did she come live with you?

25 MS. SAS: Objection, Your Honor. Asked

1 and answered.

2 THE COURT: Basis?

3 MS. SAS: Asked and answered.

4 THE COURT: Sustained. Asked and answered.

5 She said she doesn't recall.

6 MR. SEATON: Okay.

7 BY MR. SEATON:

8 Q. You've done everything you can to protect your  
9 daughter, correct?

10 A. I thought I did.

11 Q. And, other than your daughter telling you that  
12 this happened, have you seen any other proof?

13 A. Have I seen any other proof?

14 Q. Yes.

15 A. I've seen messages.

16 Q. The messages that -- well, you probably --  
17 I don't know whether you saw them or not when you  
18 were peeping through the window, but -- or through  
19 the door ---

20 THE COURT: Please don't make any editorial  
21 comment. Ladies and gentlemen, you'll disregard  
22 counsel's last comment. It's stricken from the record.  
23 You give it absolutely no considering in your  
24 deliberations. Ask a question, Mr. Seaton.

25 MR. SEATON: Certainly, Your Honor.

1 BY MR. SEATON:

2 Q. The text messages between your daughter and your  
3 son and Boley, I'm assuming you've seen those.

4 A. No. I've seen the messages that he wrote after  
5 his daughter was at my house -- at my aunt's house  
6 when we told her what happened. He wrote a message  
7 to my son, and he sent it through ---

8 Q. That's the one I just asked you about, ma'am.

9 A. Yes.

10 Q. You've seen those?

11 A. Yes, I've seen them.

12 Q. Okay. Other than that, what else -- what other  
13 proof do you have that this happened?

14 A. I didn't have proof; I didn't know that this  
15 was going on.

16 Q. I'm just asking you, ma'am.

17 A. Yeah, I didn't know this was going on.

18 Q. You don't have any proof, other than what's  
19 been presented -- the messages that you're talking  
20 about and your daughter saying it happened. You don't  
21 have any other proof, do you? You just believe your  
22 daughter.

23 A. Yeah. And then, we had someone that came  
24 and told me what happened, so, yeah.

25 Q. Who came and told you what happened?

1           A. I spoke to Chris when Chris came to my house.  
2           And I asked my daughter, and she started crying, and she  
3           told me, so, yes.

4           Q. So the proof that you're talking is what Chris  
5           has already said about, that he was in the room shaving  
6           in his underwear?

7           A. Uh-huh.

8                         THE COURT: Ma'am, if you could say yes  
9           or no.

10                        THE WITNESS: Yes.

11           BY MR. SEATON:

12           Q. Okay. Any -- did he tell you any other thing?  
13           Did he tell you he saw any ---

14                        MS. SAS: Objection, Your Honor.

15                        THE COURT: Basis?

16                        MS. SAS: Hearsay.

17                        THE COURT: Sustained. Hearsay.

18           BY MR. SEATON:

19           Q. Any other proof, ma'am?

20           A. No.

21           Q. Thank you.

22                        MR. SEATON: Nothing further, Your Honor.

23                        THE COURT: Any redirect of the witness?

24                        MS. SAS: Just a couple of questions.

25                        THE COURT: You may proceed.

1 MS. SAS: Court's indulgence.

2 REDIRECT EXAMINATION

3 BY MS. SAS:

4 Q. Kimberly, I just want to clarify something.  
5 You testified about you putting the heart on the message  
6 -- or on the contact for James Boley on the phone.  
7 At the time when your daughter was using that phone,  
8 were you also using that phone -- I just want to be  
9 clear -- at the same time?

10 A. What phone?

11 Q. The phone that had that James Boley heart  
12 contact. Did you and your daughter use the same phone?

13 A. No, I have my own phone.

14 Q. Okay. Did you have a lot of money at that time?

15 A. No. I was working, but I had kids. I was taking  
16 them -- I don't have child support; I didn't receive  
17 child support. I was taking care of them by myself.

18 Q. How early did the kids have to go to school?  
19 Like, what time did school start?

20 A. I don't recall. I don't want to lie.

21 Q. Okay.

22 A. Maybe seven. I don't know.

23 Q. Okay. Did you always pick them up in the  
24 afternoons on the weekdays from his house -- from  
25 the Defendant's house?

1           A. Yes, sometimes. Sometimes, they would stay  
2 there.

3           Q. Okay.

4           A. They would stay back and forth.

5           Q. You testified about the Defendant's TV in his  
6 room, and I think you said when you were sleeping there,  
7 the door was open. If the door is closed, can people  
8 see that TV?

9           A. No.

10          Q. Okay. Do you know the exact dates of when your  
11 daughter was interviewed?

12          A. I don't.

13          Q. Okay. And how many years ago was that?

14          A. Five years.

15          Q. Okay.

16                   MS. SAS: No further questions from this  
17 witness.

18                   THE COURT: Any exception to the witness  
19 being excused from the State?

20                   MS. SAS: None from the State, Your Honor.

21                   THE COURT: From the defense?

22                   MR. SEATON: No, Your Honor.

23                   THE COURT: Ma'am, you're excused. Who's  
24 the State's next witness?

25                   MS. SAS: **Brother 1**

1 THE COURT: Go ahead and call him. Let's  
2 see how much we can get done before lunch.

3 MS. LERCH: State calls Brother 1 [REDACTED]  
4 [REDACTED].

5 THE CLERK: Please raise your right hand,  
6 place your left hand on the Bible.

7 MR. Brother 1 [REDACTED] was called as a  
8 witness, being duly sworn, was examined and testified  
9 as follows:

10 THE CLERK: You may be seated. Please state  
11 your full name and spell your last name for the record.

12 THE WITNESS: Brother 1 [REDACTED]

13 THE COURT: If you would spell your first  
14 name and your last name.

15 THE COURT: Brother 1 [REDACTED] [REDACTED].

16 THE COURT: You may proceed.

17 DIRECT EXAMINATION

18 BY MS. LERCH:

19 Q. What do you go by?

20 A. Brother 1 [REDACTED]

21 Q. Brother 1 [REDACTED] where do you currently live?

22 A. Boston, Massachusetts.

23 Q. Do you work?

24 A. Yes.

25 Q. What do you do?

1 A. Auto body shop.

2 Q. How old are you?

3 A. Twenty.

4 Q. Do you have siblings and what are their names?

5 A. I do. **Minor** **Brother 5** **Brother 2** **Brother 3**

6 Q. Do you know the Defendant, James Boley?

7 A. I do.

8 Q. How do you know him?

9 A. He was my uncle.

10 Q. What was your relationship like with him?

11 A. He was like a father figure to me.

12 THE COURT: If you could pull that mic down  
13 a little bit towards your mouth. Yes, sir.

14 BY MR. LERCH:

15 Q. Where did you live during the time that you knew  
16 him?

17 A. I don't remember.

18 Q. Okay. You said you knew the Defendant. Do you  
19 know where he lived?

20 A. Yes.

21 Q. Where was that?

22 A. Cottageville.

23 Q. Did he live anywhere else?

24 A. Yes.

25 Q. Where was that?

1 A. Benjamin Drive.

2 Q. Okay. Did you ever go to that Benjamin Drive  
3 house?

4 A. Yes.

5 Q. Did you spend a lot of time there?

6 A. Yes.

7 Q. Did you ever live there?

8 A. Yes.

9 Q. Approximately, how old were you when you lived  
10 there?

11 A. About 14 years old.

12 Q. Okay. Who else lived there when you lived there?

13 A. It was me, Jim, Jamie, AJ [REDACTED] Noe; that's about  
14 it, I believe.

15 Q. Anyone else? Did your sister spend time there?

16 A. Yes.

17 Q. Did she -- you said she spent time there.

18 Did she keep things there?

19 A. Yes.

20 Q. What kind of things?

21 A. Like clothes.

22 Q. Okay. She basically lived there?

23 A. Yeah.

24 Q. What was the Defendant's relationship like with  
25 your sister?

1 A. I don't know. I guess, uncle, yeah.

2 Q. Did you observe anything about that relationship?

3 A. Yeah, it was weird.

4 Q. Explain that.

5 A. Just how he treated her.

6 Q. And how was that?

7 A. I don't know. It was weird. He used to buy  
8 my sister certain things that I didn't think was  
9 appropriate for her age.

10 Q. Like what?

11 A. Like Victoria's Secret bras, underwear, stuff  
12 like that.

13 Q. Okay. How do you know that?

14 A. Because I used to see my sister coming in with  
15 bags from them shopping.

16 Q. From them shopping?

17 A. Yes.

18 Q. Would they be together?

19 A. Yes.

20 Q. Did you make any other observations about their  
21 relationship?

22 A. Yes. When I used to live there, I used  
23 to -- there were two bathrooms, but I only used one.  
24 I used his bathroom, and I used to use that bathroom  
25 in the middle of the night. And as I was walking there,

1 the door was locked, and my sister was in there.

2 I thought that was weird.

3 Q. Okay. Was there anyone else in there with your  
4 sister?

5 A. Him. Jim.

6 Q. How do you know that they were in there?

7 A. Because they just had came home, and my sister  
8 spent the night, and she was in there.

9 Q. You saw them go into the room?

10 A. Correct.

11 Q. What house was this?

12 A. Benjamin Drive.

13 Q. You said you used the bathroom ---

14 A. Yes.

15 Q. --- in his room.

16 A. Yes.

17 Q. Is there anything about that bathroom that you  
18 remember?

19 A. A tub, two sinks in the bathroom, and there's  
20 a separate door going in the other bathroom, a shower,  
21 and the toilet.

22 Q. How do you feel about being here today?

23 A. Disgusted.

24 Q. Why is that?

25 A. Because it's kind of like -- kind of broke us,

1 our family, because that was really my family. I looked  
2 up to him; I looked up to him as a father.

3 Q. What's your relationship with your sister like  
4 now?

5 A. It's kind of hard, but we're going to get through  
6 it.

7 Q. Do you talk to her regularly?

8 A. I do.

9 Q. Do you remember the last time you were at that  
10 Benjamin house?

11 A. I don't remember.

12 Q. Okay. Approximately, when was the last time  
13 you communicated with the Defendant?

14 A. I don't remember.

15 Q. Approximate year?

16 A. A year ago.

17 Q. Okay. How did -- how would you communicate with  
18 him?

19 A. Facebook Messenger.

20 Q. Okay. Was the last time you communicated with  
21 him through Messenger?

22 A. Yes.

23 Q. What was his account name?

24 A. Jimmy Boley.

25 Q. What was your account name?

1 A. Brother 1

2 Q. Do you remember the last time you communicated  
3 with him on Facebook Messenger?

4 A. I don't remember.

5 Q. Would it help you to see ---

6 A. Yes.

7 Q. --- that message? I'm going to show you what's  
8 been premarked as State's Exhibit No. 20 for  
9 identification purposes.

10 MS. LERCH: Permission to approach,  
11 Your Honor?

12 BY MS. LERCH:

13 Q. You can take a look at that. Do you recognize  
14 that?

15 A. Yes.

16 Q. What is it?

17 A. Text messages between me and James.

18 Q. How do you know that?

19 A. Because I remember. It looks familiar from  
20 our Messenger when we texted.

21 Q. Okay. Who reached out to who first?

22 A. He texted me first.

23 Q. What did he say?

24 A. He said, "hey, are y'all moving?"

25 Q. What did you -- when did you respond to his

1 initial message?

2 A. Two days later.

3 Q. How did you respond?

4 A. I said, "don't worry about that. I still don't  
5 understand why you would do this."

6 MS. LERCH: Your Honor, at this time,  
7 the State moves to place Exhibit No. 20 into evidence  
8 based on self-authentication in the testimony.

9 THE COURT: I didn't ask for anything  
10 speaking. Do you have any objection?

11 MR. SEATON: No objection, Your Honor.

12 THE COURT: Marked and admitted without  
13 objection. You may proceed.

14 (State's Exhibit No. 20 was admitted into evidence.)

15 MS. LERCH: At this time, the State moves  
16 to publish the exhibit -- Exhibit No. 20 to the jury.

17 THE COURT: You may proceed.

18 MS. LERCH: You have a pointer right there  
19 in front of you.

20 THE COURT: That's No. 20, correct?

21 MS. LERCH: Yes, Your Honor, No. 20.

22 BY MS. LERCH:

23 Q. Brother 1 is this the message exchange that you just  
24 testified to?

25 A. Yes.

1 Q. Could you just point out to the jury where that  
2 first message is from the Defendant?

3 A. (Indicating.) Right here.

4 Q. What's the date on that message?

5 A. 2020, 2/14.

6 THE COURT: Sir, if you could speak up for  
7 me.

8 THE WITNESS: 2020.

9 BY MS. LERCH:

10 Q. And what about your reply to that message?

11 A. I replied, I said, "don't worry about that."

12 Q. And what's the date on that?

13 A. 2020, 2/16.

14 Q. What did -- what was the next message that  
15 the Defendant replied to you?

16 A. He said, "I'm sorry I didn't stay strong  
17 for everyone. I do love y'all, Brother 1 I think it might  
18 be better if I wasn't in this world. Always be there  
19 for your mom and the kids, Brother 1

20 Q. Okay. What was your reply?

21 A. "That's no excuse for what you did to my sister.  
22 That is sick. I don't want nothing to do with you  
23 no more."

24 Q. Okay.

25 MS. LERCH: No further questions at this

1 time. Please answer any questions the defense has.

2 THE COURT: Any questions for the witness?

3 MR. SEATON: Thank you, Your Honor.

4 THE COURT: You're welcome.

5 CROSS-EXAMINATION

6 BY MR. SEATON:

7 Q. Brother 1 there were period of times where you lived  
8 with Jimmy, correct?

9 A. Correct.

10 Q. And were those period of times where you were  
11 living with Jimmy and your mama wasn't?

12 A. Correct.

13 Q. All right. And were there times from the -- the  
14 first time that you lived with Jimmy until the last  
15 time, was there period of times where y'all left  
16 the area? Did y'all ever move when -- you first lived  
17 with him in Cottageville, correct?

18 A. Yes.

19 Q. And I believe the testimony that I've heard in  
20 this case earlier was that y'all moved out of the area  
21 for a while and then came back?

22 A. Correct.

23 Q. Your mama testified that she was unstable.  
24 Does that sound right?

25 A. Correct.

1 Q. All right. And Jim provided what little  
2 stability that you had in your life; is that fair  
3 to say?

4 A. Correct.

5 Q. And was there ever a time where Jim told you that  
6 I'll do everything I can to fight to keep you stable  
7 in one place?

8 A. Correct.

9 Q. Okay. And when your mama would bounce and leave,  
10 it would just go dark. There wouldn't be any answer  
11 if you sent her a text?

12 A. Correct.

13 Q. So when that -- text messages we just saw,  
14 he asked you, "did y'all move?"

15 A. Yes.

16 Q. And that's because, I'm assuming, y'all went  
17 dark, nobody was answering; is that correct?

18 A. Correct.

19 Q. Then, a couple of days later is when you answered  
20 him and say, "don't worry about it?"

21 A. Correct.

22 Q. All right. And that's when he says, "I tried  
23 to stay strong for" -- I'm paraphrasing because I think  
24 they ain't going to let me use their equipment no more.  
25 But I think that it said something to the effect of,

1 I tried to stay strong for you, I guess, I'm better  
2 off not in this world, something to that effect?

3 A. Correct.

4 Q. All right. And you think that had anything  
5 to do with the fact that he let you down by not  
6 fighting to keep you -- letting y'all bounce again?  
7 Like he said, I don't want to see y'all bounce again.  
8 I'm going to fight for you, and obviously, he didn't  
9 fight for you because y'all were gone?

10 A. Correct.

11 Q. Okay. Then, you told him, "what you did to my  
12 sister was sick," or something to that effect. I guess,  
13 I need to see the -- they ain't going to let me touch  
14 their stuff -- something to that effect, correct?  
15 That's because you believed your sister?

16 A. (Witness nods head.)

17 Q. All right. And if whoever it is -- if somebody  
18 says -- your sister says somebody touched me, you're  
19 going to believe her, aren't you?

20 A. Correct.

21 Q. Okay. As your sister?

22 A. Correct.

23 Q. She says it happened, it happened, correct?

24 A. Correct.

25 Q. All right. Good. Thanks.

1 MR. SEATON: Nothing further.

2 THE COURT: Any redirect?

3 MS. LERCH: Court's indulgence. Just one  
4 question, Your Honor.

5 REDIRECT EXAMINATION

6 BY MS. LERCH:

7 Q. Brother 1 that Facebook exchange that we just talked  
8 about, did you think that exchange had something to do  
9 with what happened to your sister?

10 A. What do you mean by that?

11 Q. When it was happening, when you received it,  
12 did you think that whole exchange of him asking if  
13 you were leaving had something to do with what happened  
14 to your sister?

15 A. Yes.

16 MS. LERCH: No further questions.

17 THE COURT: Any exception to the witness  
18 being excused from the State?

19 MS. SAS: None from the State, Your Honor.

20 THE COURT: From the defense?

21 MR. SEATON: No, Your Honor.

22 THE COURT: Sir, you're excused.

23 THE WITNESS: Thank you.

24 THE COURT: You're welcome. Mr. Foreman,  
25 ladies and gentlemen, we're going to take advantage

1 of this break in testimony to take our lunch recess.  
2 We're going to break until 2:15, which gives you  
3 an hour and 15 minutes for lunch.

4           During the break, please do not discuss  
5 the case among yourselves, please don't read, watch,  
6 or listen to any media accounts, if there are any.  
7 And when you return to the courthouse, please have  
8 no contact with anyone in or about the courthouse.  
9 Again, we would hate for an innocent conversation  
10 to be observed and misinterpreted.

11           Have a good lunch, and we'll see you  
12 at 2:15. Please leave your notepads in your seats.  
13 I need the gallery to remain without any movement.  
14 Thank you.

15           (The jury exited the courtroom at 12:55 p.m.)

16           THE COURT: You may be seated. Anything  
17 before we go to lunch from the State?

18           MS. SAS: Your Honor, just one thing.  
19 I would just respectfully ask Mr. Seaton not to imply  
20 that we're withholding evidence from him that's been  
21 admitted when it's sitting right there. That's the  
22 only thing I would say.

23           THE COURT: Then, you handle that in  
24 redirect, don't you? You could rehabilitate your  
25 witness, can't you?

1 MS. SAS: I guess, I could, Your Honor.

2 THE COURT: Yeah.

3 MS. SAS: Yeah.

4 THE COURT: But I would ask that there  
5 be a compliance with the rules. There was a whole line  
6 of questioning that was impermissible, but you didn't  
7 object. A rape victim does not have to corroborate  
8 their testimony; that's a matter of law. It's well  
9 established by the Supreme Court, but you didn't  
10 object ---

11 MS. SAS: I did not, Your Honor.

12 THE COURT: --- not my job. Have a good  
13 lunch. See you at 2:15.

14 MR. SEATON: Thank you, Judge.

15 THE COURT: Make sure the court reporter  
16 has all of the exhibits.

17 (Recess taken.)

18 (Back on the record.)

19 THE COURT: You may be seated. State ready  
20 to proceed?

21 MS. SAS: We are, Your Honor. Just ---

22 THE COURT: I'm listening. I heard a but  
23 in your voice.

24 MS. SAS: Not a but, an and. I wanted  
25 to -- I pulled up that case that I wanted to share

1 with the Court.

2 THE COURT: About?

3 MS. SAS: About the statute, about the  
4 corroboration.

5 THE COURT: Is there something different  
6 than what I said?

7 MS. SAS: So there's a -- the prior ruling  
8 was about the -- not being able to charge that to the  
9 jury.

10 THE COURT: Correct. That's what I was  
11 referring to.

12 MS. SAS: And my -- the recent case from  
13 September 17 of 2024, my understanding of that ruling  
14 is that the Court held that it's not proper even  
15 for the jury to hear about that statute, whether  
16 it's from the jury instruction, or even the party's  
17 argument.

18 THE COURT: I agree.

19 MS. SAS: Okay.

20 THE COURT: But you didn't object; it came  
21 in.

22 MS. SAS: And -- because I don't plan to  
23 argue that, Your Honor.

24 THE COURT: I agree. And what I -- I merely  
25 called to y'all's attention to be careful and be mindful

1 of the statutes because I think -- I don't think from  
2 beginning to end; that's reactionary. I think from  
3 the end to the beginning. I look forward to what could  
4 come up, and I look forward to what kind of questions  
5 the jury is going ask me.

6 The beauty of being the judge is I'm  
7 objective. I don't have a side, and I've done this  
8 enough to know what kind of questions I'm going to  
9 get and the ones I cannot answer. So, I was cautioning  
10 you all to be very careful because he could question  
11 the witness's credibility.

12 But when you start getting into areas  
13 of matters that are legal, in other words, things  
14 the Court has to rule on, it becomes a problem later  
15 down the line. So, I was simply cautioning you all  
16 in that regard.

17 MS. SAS: I understand, Your Honor.

18 THE COURT: And I couldn't caution him,  
19 but I'm cautioning you because it cuts both ways.

20 MS. SAS: I understand, Your Honor.

21 THE COURT: Yeah.

22 MS. SAS: And I appreciate that.

23 THE COURT: So, I'm just saying stay in  
24 the rules. All right. Anything before we proceed  
25 from the State?

1 MS. SAS: Your Honor, just a couple  
2 of things -- and I've discussed this with Mr. Seaton  
3 ahead of time. We would like to place the authenticity  
4 certification for the Facebook records as a court's  
5 exhibit for appellate purposes.

6 THE COURT: It's up to y'all.

7 MS. SAS: As well as the full ---

8 THE COURT: Or you can mark it for your --  
9 as ID for you.

10 MS. SAS: Well, we would like ---

11 THE COURT: Because y'all never questioned  
12 -- he never questioned the authenticity of the Facebook  
13 records, so it's a nonissue as far as I understand.  
14 Or did I misunderstand you?

15 MS. SAS: I thought we were in agreement  
16 that we wanted to -- for part of the appellate purposes,  
17 to make it ---

18 THE COURT: He said he wasn't questioning  
19 the authenticity; his issues dealt with relevancy.  
20 He didn't say ---

21 MS. SAS: If that's the case, and that's  
22 on the record that he didn't, Your Honor, then we would  
23 respect ---

24 THE COURT: Am I misstating what you told  
25 me earlier, Mr. Seaton?

1 MR. SEATON: No, Your Honor.

2 THE COURT: Okay. It's a nonissue.

3 MS. SAS: Okay. Thank you, Your Honor.

4 THE COURT: You're welcome. All right.

5 Is there anything else we need to take up before we  
6 proceed from the State?

7 MS. SAS: Nothing from the State at this  
8 point, Your Honor.

9 THE COURT: Who's you're next witness?

10 MS. SAS: Dr. Ian Kane.

11 THE COURT: Is the doctor in the courtroom?

12 MS. SAS: We will bring him in, Your Honor.

13 THE COURT: I think you need to so we don't  
14 have to wait. Is there anything from the defense before  
15 we proceed?

16 MR. SEATON: No, Your Honor.

17 (Pause.)

18 THE COURT: Are we looking for the doctor?

19 MS. SAS: Oh, he's here, Your Honor.

20 I'm so sorry.

21 THE COURT: Go ahead and have him ---

22 MS. SAS: Oh, you want him on the stand?

23 THE COURT: Uh-uh.

24 MS. SAS: Sure. Absolutely.

25 THE COURT: Please bring in the jury.

1 (The jury entered the courtroom at 2:24 p.m.)

2 THE COURT: You may be seated. Ladies and  
3 gentlemen, I hope everybody had a pleasant lunch recess.  
4 We'll now resume testimony. The State may call its next  
5 witness.

6 MS. LERCH: State calls Dr. Ian Kane.

7 THE COURT: Please swear the witness.

8 THE CLERK: Please raise your right hand,  
9 and place your left hand on the Bible.

10 DR. IAN KANE was called as a witness, being  
11 duly sworn, was examined and testified as follows:

12 THE CLERK: Thank you. You may be seated.  
13 Please state your full name and spell your last name  
14 for the record.

15 THE WITNESS: Ian Donald Kane, last name  
16 Kane, K-A-N-E.

17 THE COURT: If you could pull the microphone  
18 closer. Yeah. And just -- that top part can bend,  
19 so if you would bend that towards you as well. And  
20 please restate your name for the record.

21 THE WITNESS: Ian Donald Kane, K-A-N-E.

22 THE COURT: You may proceed.

23 DIRECT EXAMINATION

24 BY MS. LERCH:

25 Q. Good afternoon, Dr. Kane. What is your current

1 occupation?

2 A. I'm a physician.

3 Q. Where do you currently work?

4 A. At Shawn Jenkins Children's Hospital.

5 Q. And how long have you been there?

6 A. I've been there since 2017.

7 Q. What is your current role there?

8 A. I'm an associate professor and a supervising  
9 attending.

10 Q. What does it mean to be an attending?

11 A. That's the highest supervisory role that works  
12 in the hospital.

13 Q. Can you give us your education background?

14 A. Sure. I went to medical school at MUSC,  
15 and then, I did a pediatrics residency and a fellowship  
16 in pediatrics emergency medicine at Vanderbilt  
17 University in Tennessee.

18 Q. Okay. And when did all of these happen?

19 A. I was in medical school from '05 to '09, and  
20 then a resident until 2012, and I graduated fellowship  
21 in 2015.

22 Q. Okay. Are you licensed?

23 A. I'm licensed to practice medicine, yes,  
24 in South Carolina.

25 Q. Where did you work before your current job?

1           A. I was an attending physician at Children's  
2 Colorado, the children's hospital in Denver, Colorado.

3           Q. Approximately, how long did you work there?

4           A. I worked there for two years.

5           Q. Do you have any kind of specialized  
6 certifications, training, licenses?

7           A. I'm board certified in pediatrics and pediatric  
8 emergency medicine.

9           Q. Have you received any kind of awards or honors?

10          A. I've received numerous teaching awards for  
11 teaching medical student residents and nursing.

12          Q. Okay. And you stated that you're board certified  
13 in pediatrics and pediatric emergency medicine; is that  
14 correct?

15          A. Yes, that's correct.

16                   MS. LERCH: Your Honor, at this time, we  
17 would move to qualify Dr. Kane as an expert in pediatric  
18 emergency medicine.

19                   THE COURT: Any objection?

20                   MR. SEATON: No objection, Your Honor.

21                   THE COURT: So admitted without objection.  
22 You may proceed.

23 BY MS. LERCH:

24           Q. Dr. Kane, where were you working in  
25 February of 2020?

1           A. I was working at Shawn Jenkins Children's  
2 Hospital.

3           Q. What was your role then?

4           A. At that time, I was an assistant professor,  
5 but I was still a supervising attending physician.

6           Q. So no difference in your role?

7           A. No difference.

8           Q. Were you working on February 14th, 2020?

9           A. Yes.

10          Q. Were you involved in the care of **Minor**  
11 on February 14th, 2020?

12          A. Yes, but I would need to refresh myself with  
13 the records.

14                   MS. LERCH: Your Honor, may I approach  
15 the witness?

16                   THE COURT: You may.

17 BY MS. LERCH:

18          Q. I'm showing you what's been marked as  
19 State's Exhibit 34 ---

20                   THE COURT: ID only.

21 BY MS. LERCH:

22          Q. For ID only. Do these records refresh you  
23 on if you were involved in her care?

24          A. Yes.

25          Q. How?

1           A. I was the supervising attending of record during  
2 her care in the emergency department.

3           Q. Okay. Why was this patient in the ER?

4           A. This patient was seen in the ER for allegations  
5 of a sexual assault.

6           Q. Was anyone with the patient in the ER?

7           A. This patient came with her mother.

8           Q. What is the patient's date of birth?

9           A. Her date of birth is [REDACTED].

10          Q. What was her weight at the time ---

11          A. 119 ---

12          Q. --- when she came in?

13          A. 119 pounds.

14          Q. How would you know you signed off on the chart  
15 for this victim?

16          A. When I work, I have to sign in electronically,  
17 and then everything that I do is time stamped in the  
18 computer, and this has my time-stamped signature on it.

19          Q. Who saw this patient?

20          A. This patient was seen by a resident.

21          Q. Okay. Anyone else who would have seen this  
22 patient?

23          A. She would have seen this patient and reported  
24 everything that was going on to me, and we would have  
25 discussed that information together.

1 Q. Okay. Is there anyone else that would have been  
2 involved in the care of the patient?

3 A. Yes. It's noted that a SANE nurse also saw this  
4 patient.

5 Q. Okay. Why would SANE have been consulted?

6 A. For patients that present with complaints  
7 of an alleged sexual assault, we consult the SANE nurse.

8 Q. Okay. And how do you contact a SANE nurse?

9 A. We call them. We put in a consult that may --  
10 if they're at home, they will come and see the patient.  
11 And, occasionally, some of our nurses are cross-trained  
12 as SANE evaluators as well. And in that case, they  
13 would already be on the premises.

14 Q. Okay. Is that a standard protocol for patients  
15 with sexual assault allegations?

16 A. Yes, that's standard. We always discuss those  
17 patients with the SANE nurse.

18 Q. How do you know SANE was actually consulted  
19 in this case?

20 A. It's noted in the resident's documentation that  
21 SANE was outside the room talking with law enforcement  
22 and speaking with the patient. That's on page 20  
23 of the record I'm looking at.

24 Q. What kind of treatment did this patient receive?

25 A. We got STD testing, as well as blood work

1     testing, and treated her for STDs pending the results  
2     of those tests. She also was done a general physical  
3     examination.

4           Q.    What would a general physical exam entail?

5           A.    It would entail a visual exam, heart and lung  
6     evaluation, but did not entail a more detailed genital  
7     exam or anything like that.

8           Q.    Okay. Based on the records on what you see  
9     there, was there a SANE kit done?

10          A.    A SANE kit was not done.

11          Q.    Who makes the decision on if a SANE kit is  
12     performed?

13          A.    The SANE nurse.

14          Q.    You testified that there were labs done.

15          A.    Yes.

16          Q.    What were the results of those labs?

17          A.    Lab testing for STDs were all negative.

18          Q.    You previously stated that there was no  
19     additional genital exam done. So were there any swabs  
20     done, vaginal swabs, anything like that?

21          A.    Our STD testing was done with urine samples,  
22     and the HIV and syphilis screen were done with blood  
23     samples.

24          Q.    Did the patient need to come back for a follow-up  
25     interview?

1 A. We ---

2 Q. I'm sorry. A follow-up.

3 A. Sure. With her -- we would have notified  
4 the patient had any of those results been positive.  
5 This patient was scheduled to follow up with a child  
6 advocacy clinic in Virginia, I believe. That's what's  
7 noted in the notes.

8 Q. Did the emergency room administer medications  
9 to her?

10 A. Yes. We gave medicines to treat STDs because  
11 it takes a while for those results to come back.  
12 We also gave medicine to prevent pregnancy, and so  
13 anti-nausea medication, as that's a side effect of some  
14 of those medicines.

15 Q. Is that a standard protocol to administer those  
16 medications?

17 A. That's all very standard, yes.

18 Q. Dr. Kane, you testified about a SANE nurse.  
19 Can you explain, clarify to the jury, what a SANE nurse  
20 is, generally?

21 A. Sure. A SANE nurse has additional and  
22 specialized qualifications that allow them to conduct  
23 interviews with patients with an alleged sexual assault.  
24 They're done in a way that avoids leading questions,  
25 avoids -- it stands up in court better. They have

1 experience dealing with these complaints and conducting  
2 a more invasive exam and obtaining swabs, if necessary.  
3 And they have the training to help us decide when that's  
4 necessary and when it is not.

5 Q. You also testified that there was no SANE kit  
6 done. Can you explain, generally, what a SANE kit is?

7 A. A SANE kit would be things like vaginal swabs  
8 or swabs from inside the mouth, or other things like  
9 that, more invasive tests looking for DNA and for  
10 evidence of STDs, sexually-transmitted diseases.

11 MS. LERCH: No further questions at this  
12 time. Please answer any questions the defense may have.

13 THE COURT: Any questions for the witness?

14 MR. SEATON: Thank you, Your Honor.

15 THE COURT: You may proceed.

16 CROSS-EXAMINATION

17 BY MR. SEATON:

18 Q. Dr. Kane, you testified that you gave her  
19 a couple of prescription pills. Those were what you  
20 would do in any case?

21 A. That's ---

22 Q. Any sexual assault -- alleged sexual assault  
23 case?

24 A. Yes.

25 Q. And those -- tell me if I'm using the word wrong.

1 Those would be prophylactic in nature. You gave them  
2 to her without knowing whether or not they were needed,  
3 but you just went ahead and gave it to her?

4 A. That's true because the tests don't become fully  
5 finalized for up to 24 to 48 hours, if not longer.  
6 So we want to make sure that we treat prophylactically  
7 in case those become positive. We would want to treat  
8 on the front end, so that's what we typically do.

9 Q. Okay. And those tests came back negative?

10 A. They came back negative.

11 Q. Okay. Let's me -- do you still have the ---

12 A. I do.

13 Q. Okay. Look on page 21 for me. Well, first  
14 of all, I was -- I received from MUSC Health, through  
15 the solicitor's office, this big packet of information.  
16 It is a total of 49 pages. Is that what you've got?

17 A. Yes.

18 Q. Okay. And if you'll look on page 21 for me,  
19 it says, "I have not examined this patient." Is that  
20 you?

21 A. That's true, yes; that's my attestation.

22 Q. Okay. So your attestation is saying that you  
23 never actually saw her?

24 A. That's correct.

25 Q. All right. You were just supervising the people

1 that saw her?

2 A. That's correct, yes.

3 Q. Okay. And -- "however, I was present and  
4 available in the ED at the time of service. I've  
5 discussed management of this patient with the house  
6 staff. I agree with the findings, assessment, and  
7 plan."

8 A. Yes.

9 Q. So, I would assume, that's fairly typical.  
10 If you are the boss, the people underneath you are the  
11 ones who actually go out and do the work, so to speak?

12 A. Depending on the acuity of the patient  
13 and what else is going on in the emergency department,  
14 yes, certain things are delegated to residents.  
15 Where I'm involved more directly or less directly,  
16 it depends.

17 Q. Okay. And in these 49 pages, if you would,  
18 show me where it shows any type of physical proof  
19 of a sexual assault?

20 A. It does not in this packet of information.

21 Q. There's absolutely -- 49 pages, there's nothing  
22 in here that shows any type of physical assault,  
23 correct?

24 A. We conducted a basic physical exam and did not  
25 document any signs, other than essentially a normal

1 exam.

2 Q. So you agree, there's nothing in here?

3 A. For the exam that we did, we did not document  
4 anything that was abnormal.

5 Q. There's nothing for an exam you didn't do either.  
6 You would agree there's nothing in here that says,  
7 here's physical proof of a sexual assault. Would you  
8 agree with that statement?

9 A. Based on the exam that we did, that's -- we don't  
10 have anything in this record to show ---

11 Q. That's a ---

12 A. --- anything abnormal.

13 Q. That's a yes?

14 A. That's a yes.

15 Q. Thank you.

16 THE COURT: Any redirect?

17 MS. LERCH: Yes, Your Honor.

18 REDIRECT EXAMINATION

19 BY MS. LERCH:

20 Q. Dr. Kane, you testified that you're a supervising  
21 attending. Does that mean that you would discuss a case  
22 or a patient with whoever has seen the patient before  
23 you sign off on those records?

24 A. Yes. Everything in these records reflects what  
25 I would typically do in cases like this, and I'm always

1 in close contact with the resident, or whoever else  
2 we're talking to, during the management of this case.

3 Q. Did this patient have a SANE exam done?

4 A. She did not.

5 Q. Who makes that decision?

6 A. The SANE nurse.

7 MR. SEATON: Asked and answered, Your Honor.

8 THE COURT: Overruled.

9 MS. LERCH: Thank you, Your Honor.

10 THE COURT: Any exception to the witness  
11 being excused from the State?

12 MS. SAS: None from the State.

13 MS. LERCH: None from the State.

14 THE COURT: From the defense?

15 MR. SEATON: No, not from the defense.

16 THE COURT: Doctor, you're excused.

17 You could just leave that right there. We'll take care  
18 of it. Thank you.

19 THE WITNESS: Thank you.

20 THE COURT: Call your next witness.

21 MS. LERCH: State calls Kathy Fabrizio.

22 THE CLERK: Please raise your right hand,  
23 place your left hand on the Bible.

24 MS. KATHERINE FABRIZIO, was called as a  
25 witness, being duly sworn, was examined and testified

1 as follows:

2 THE CLERK: Thank you. You may be seated.  
3 Please state your full name, and spell your last name  
4 for the record.

5 THE WITNESS: My name is Katherine Fabrizio,  
6 and my last name is spelled F-A-B-R-I-Z-I-O.

7 THE COURT: You may proceed. And is that  
8 Katherine with a K or a C?

9 THE WITNESS: K.

10 THE COURT: Thank you. You may proceed.

11 MS. LERCH: If you could just move the  
12 microphone down a little. There we go.

13 DIRECT EXAMINATION

14 BY MS. LERCH:

15 Q. Ms. Fabrizio, where are you currently employed?

16 A. I work at the Medical University of South  
17 Carolina in Charleston.

18 Q. What is your current position there?

19 A. I work there as a nurse practitioner.

20 Q. Do you have any additional positions there?

21 A. I work -- part of my job is to do sexual assault  
22 exams, so I work as a pediatric sexual assault nurse  
23 examiner.

24 Q. What are the responsibilities of a SANE nurse  
25 compared to a regular nurse?

1       A. Well, a SANE nurse is specially trained in how  
2 to do forensic medical exams, how to interpret  
3 anogenital findings, what labs to collect, how to treat  
4 the sexually-transmitted infections, if there are any.

5       Q. How long have you been employed in this position?

6       A. I started part time in 2008, and then I went  
7 full time, and I only worked as a P-SANE from 2008  
8 to 2010. And then in 2010, I started full time  
9 as a nurse practitioner, so doing the full child abuse  
10 pediatric ---

11      Q. Okay.

12      A. --- workups.

13      Q. And just to clarify, you were employed in the  
14 same position in February 2020?

15      A. Yes.

16      Q. Same responsibilities?

17      A. Yes.

18      Q. What is your educational background?

19      A. I got a Bachelor of Science degree at the  
20 University of North Carolina in Chapel Hill in '82.  
21 And then, I worked for a while, and then I went back  
22 to school to the University of South Carolina, MUSC  
23 School of Nursing, and got a master's in nursing,  
24 and then, I worked for a while. And then, I went back  
25 to school to Emery University School of Nursing and got

1 a postmaster's certificate as a family nurse  
2 practitioner.

3 Q. And can you explain what your professional  
4 background looks like?

5 A. So, I've been in nursing for a long time.  
6 So the first thing I did was I worked on an orthopedic  
7 floor, which is where I've done some of my practice  
8 as a -- in nursing school, and so I stayed there  
9 for a year. And then after I felt comfortable with  
10 all my skills, I transferred over to Duke University,  
11 and I worked there for five years in their surgical  
12 trauma unit.

13 And then after I was at Duke for five years,  
14 then that's when I went back to school to get my  
15 master's. And then after I got my master's, I went  
16 back to Chapel Hill, and I worked at a place called  
17 The North Carolina Spine Center, and I worked there  
18 for five years.

19 And at that point in time, I moved to Atlanta,  
20 Georgia, and I applied to their postmasters's program  
21 at that time, but it took a year to get in school,  
22 and so, I worked at Georgia Baptist for a year and --  
23 while I was waiting to enter school. And then, I went  
24 to school.

25 And then after that, I took some time off

1 to raise my children. My children -- I had two children  
2 by that time. And so, I took some time off, and then  
3 I reentered the workforce in 2006, and I worked  
4 at a Montessori school for a year, and then I worked  
5 at East Cooper Medical Center for a year.

6 And then, at that time, I started part time  
7 with the P-SANE program at MUSC. And then, that evolved  
8 into the full-time program.

9 Q. Do you have any professional certifications  
10 or specialty training?

11 A. Well, when I entered this forensic nursing  
12 in 2008, you had to have specialty training because  
13 I had not been trained in how to do forensic exams.  
14 So you went to a class -- a course, which was like  
15 a week-long course, that really taught you, you know,  
16 sort of the basics of what you needed to know.

17 And then after that, you were paired with  
18 somebody already trained at MUSC. So you would go in  
19 the hospital and see patients together. And then after  
20 you saw so many patients, and they felt comfortable  
21 with your skills and your knowledge, then you were able  
22 to see patients by yourself, and so that's how that  
23 evolved. Is this cold water?

24 Q. Yes.

25 A. Okay. I'm going to take a sip.

1 Q. So are you certified as a nurse?

2 A. Yes, I am certified as a family nurse  
3 practitioner. And, first of all, you have to be  
4 registered as a nurse with the board of nursing in  
5 South Carolina. And so -- and then, in order to work  
6 in advanced practice, you have to have an APRN, which  
7 is advanced practice registered nurse.

8 And then, in addition to that, I am specially  
9 trained as a family nurse practitioner, and that  
10 was when I went back to school at Emery. And so that's  
11 with the American Nurses Credentialing Center, that  
12 I'm certified with them.

13 And then, with the P-SANE work that I do,  
14 that is really overseen by an agency called SCCAMRS,  
15 which is the South Carolina Children's Advocacy Medical  
16 Response System, which is housed at the university --  
17 I mean, at the University of South Carolina in Columbia  
18 Medical School, and that's who monitors our skills  
19 and our practice.

20 Q. What does SCCAMRS require of you to maintain  
21 those -- that certification?

22 A. So it's an annual requirement that each year you  
23 have to teach a class that's an hour long to a certain  
24 number of people about some type of abuse. You have  
25 to attend 16 continuing education units every year.

1 They offer -- SCCAMRS itself offers peer review  
2 and meetings, which are provider-roundtable meetings  
3 where all the providers over South Carolina meet  
4 together.

5 Before COVID, we did it in person in Columbia.  
6 Since COVID, we do it virtually. And everybody  
7 gets together for, usually, about five, six hours,  
8 and we go over cases, we review the current research,  
9 and it's headed by Dr. John Melville, who is a child  
10 abuse pediatrician. And they keep us up to speed  
11 on all the current literature, all the current  
12 practices.

13 Q. Okay. You mentioned peer review in your ---

14 A. Yes.

15 Q. --- keeping up to date with SCCAMRS.

16 A. Yeah.

17 Q. What is peer review?

18 A. Peer review, mainly, we do it with SCCAMRS  
19 at those three meetings per year. We also do it every  
20 month at a division meeting with child abuse -- in our  
21 division at MUSC. And that's when you present cases,  
22 and all the experts in the room give their opinion  
23 about the cases, and you learn from that.

24 You learn, like, what Dr. Melville thinks,  
25 or what Dr. Bressler thinks, or what you think, and you

1 discuss cases. And you see what was sort of the best  
2 thing that happened, if there were any mistakes that  
3 were made, how not to make them again, stuff like that.  
4 That's a peer view.

5 Q. You mentioned SCCAMRS being an annual ---

6 A. Yes.

7 Q. --- up to date. Is that something that you're  
8 required to keep up with?

9 A. In order -- at MUSC, you have to be -- you have  
10 to be a SCCAMRS provider.

11 Q. Is that a state-recognized organization?

12 A. Yes. It was established -- it was formed  
13 in 2003 by the Medical University of South Carolina.  
14 And then, it was established legally by the General  
15 Assembly in 2014, I think it was. And since then,  
16 they funded, and they -- yeah, they established it.

17 Q. You mentioned MUSC requires you to keep up with  
18 your SCCAMRS certification. Why is that?

19 A. Because it keeps you up to date on the most  
20 current practices and procedures for treating child  
21 abuse in South Carolina. And it keeps you up to date  
22 on, like, nationally what's going on. And, yeah --  
23 and then, they fund the programs, you know, for child  
24 abuse.

25 Q. As a SANE nurse, have you performed medical exams

1 for children where there are allegations of sexual abuse  
2 or neglect?

3 A. Yes.

4 Q. Approximately, how many SANE exams have you  
5 performed while employed at MUSC?

6 A. I would say over 1,000.

7 Q. Have you ever testified in court as an expert  
8 or otherwise?

9 A. Yes.

10 Q. In what area?

11 A. In -- as a SANE nurse, I have testified as  
12 to physical abuse, just overall child maltreatment.

13 Q. Approximately, how many times have you testified  
14 in court before?

15 A. I think it's been for sure five times, maybe more  
16 than that.

17 Q. Okay. Criminal court, otherwise?

18 A. Criminal and family court. I think I testified  
19 once or twice in family court, and it's probably been  
20 more than three times in criminal court.

21 Q. Were all of these times in South Carolina?

22 A. Yes.

23 MS. LERCH: Your Honor, at this time, the  
24 State would offer Ms. Fabrizio as an expert in the area  
25 of sexual abuse nurse examinations and procedure.

1 THE COURT: Any exception to the question?

2 MR. SEATON: Yes, Your Honor. I would  
3 object to relevance.

4 THE COURT: Mr. Foreman, ladies and  
5 gentlemen, I have a brief matter of law to take up  
6 with counsel. During the break, please do not discuss  
7 the case, and please leave your notepads in your seats.

8 (The jury exited the courtroom at 2:50 p.m.)

9 THE COURT: You may be seated. Now, the  
10 objection, I need to know -- they've moved to have  
11 her admitted as an expert. I need to -- my question  
12 goes solely to that issue, not relevance. So, I need  
13 to know if you have any objections or questions  
14 regarding this witness's qualifications as a sexual  
15 assault nurse examiner.

16 MR. SEATON: For her qualifications,  
17 absolutely not. She sounds awesome.

18 THE COURT: Okay. So then she's admitted,  
19 and I'll do that in the presence of the jury without  
20 objection. Now -- and that is in the area -- tell me  
21 again, Madam Solicitor.

22 MS. LERCH: Sexual abuse nurse examinations  
23 and procedure.

24 THE COURT: And so what is your objection,  
25 Mr. Seaton?

1 MR. SEATON: My objection is we've already  
2 heard testimony, and I'm sure hers would be similar  
3 in that she never did a SANE examination. So why are  
4 we going to take ---

5 THE COURT: That doesn't make it irrelevant.

6 MR. SEATON: Why are we going to take ---

7 THE COURT: Is she the person they consulted  
8 with at the time of the ---

9 MR. SEATON: I don't have a report; I have  
10 nothing. I've got a 49-page report that doesn't  
11 even have her name on it. I am told that she may have  
12 had some discussion with **Minor** but other than that,  
13 I know nothing. But I do know that there was no SANE  
14 report or SANE examination.

15 THE COURT: Well, there's a reason they  
16 don't do SANE exams because it hadn't been immediate,  
17 the body heals very quickly, there's no semen, there's  
18 no tearing, there's no point. That's a part of their  
19 protocol. As a matter of fact, in terms of their  
20 ethics, they can't do one. So it is relevant because  
21 then the jury is left to understand and wonder why after  
22 Dr. Ian Kane testified as to why one was not done  
23 and who he talked to, the State is entitled to call  
24 the witness they say that he consulted with and explain  
25 why they didn't do one.

1           It is relevant; it is probative. Any  
2 prejudice that you could remotely claim is outweighed  
3 by the probative value of the testimony. So now tell  
4 me, what exactly is your objection to relevance?

5           MR. SEATON: My objection to relevance  
6 is that she can only add that there was no SANE  
7 protocols done and that no SANE report was created.  
8 All we're trying to do is bolster her in the eyes  
9 of the jury as having something important to say  
10 when she doesn't.

11          THE COURT: All right. State's response?

12          MS. LERCH: Yes, Your Honor. As far  
13 as relevance of Ms. Fabrizio's testimony, you know,  
14 we intend to ask her about the procedures of SANE ---

15          THE COURT: Did she examine **Minor** ?

16          MS. LERCH: We have no report that she  
17 examined her ---

18          THE COURT: Was she consulted at the time  
19 that she was brought in to be examined? Is she who  
20 they consulted with and decided that it wasn't necessary  
21 to do the SANE kit?

22          MS. LERCH: Yes, Your Honor, there was  
23 a SANE nurse consulted at the time ---

24          THE COURT: Is she the SANE nurse that  
25 was consulted at the time?

1 MS. LERCH: There is no record in the  
2 medical records that it was her. However, our detective  
3 did have a discussion with her. We intend to have him  
4 testify to that as ---

5 THE COURT: Testify as to what?

6 MS. LERCH: That he spoke with Ms. Fabrizio,  
7 that she was the SANE nurse in the hospital that night,  
8 that there was a conversation had. We believe she  
9 can testify as to the reasons why there was no SANE kit  
10 done and what those procedures are and why that would  
11 be.

12 THE COURT: All right. Any further  
13 response, Mr. Seaton, regarding your motion to exclude  
14 the testimony?

15 MR. SEATON: No, Your Honor.

16 THE COURT: The objection is overruled.  
17 The evidence is probative; it is relevant. Based  
18 on the testimony of Dr. Ian Kane as to his consultation  
19 with a SANE nurse at the time that **Minor** was  
20 brought in to be examined and as to why an exam was  
21 not done. And there can be no cogent argument that  
22 this is prejudicial. And even if it were, the probative  
23 value is outweighed by any potential prejudice to the  
24 jury.

25 Without this testimony, it would be very

1 misleading to the jury as to -- the State is entitled  
2 to present a complete picture regarding their elements  
3 of proof, and this is as to why no physical evidence  
4 or why no exam was done. It would leave a complete  
5 hole in their picture if they're not allowed to have  
6 this testimony, and it is relevant, it is probative.  
7 The objection is noted and overruled. Get the jury  
8 for me, please. Thank you.

9 (The jury entered the courtroom at 2:55 p.m.)

10 THE BAILLIFF: He has a question.

11 THE COURT: Oh, I need you to write the  
12 question out.

13 THE FOREPERSON: Yes, ma'am.

14 THE COURT: And just ahead of time, the jury  
15 can't ask actual questions.

16 THE FOREPERSON: It's not, ma'am.

17 THE COURT: Okay. Yeah, write it out for  
18 me.

19 THE FOREPERSON: Yes, ma'am.

20 THE COURT: You all can take your seats.  
21 Bear with us while he writes that question out.

22 (Pause.)

23 THE COURT: And sign and date the note  
24 for me as well.

25 THE FOREPERSON: Yes, ma'am.

1 THE COURT: We'll do that at the end.

2 THE FOREPERSON: Okay. All right.

3 Thank you.

4 THE COURT: We apologize for that.

5 THE FOREPERSON: It's okay.

6 THE COURT: All right. You may continue.

7 MS. LERCH: Thank you, Your Honor.

8 THE COURT: You're welcome.

9 MS. LERCH: I believe we left off ---

10 THE COURT: You need to move to admit  
11 your ---

12 MS. LERCH: Yes. Your Honor, at this time,  
13 the State would like to offer Ms. Fabrizio as an expert  
14 in the area of sexual abuse nurse examinations and  
15 procedure.

16 THE COURT: Admitted without objection.  
17 You may proceed.

18 MS. LERCH: Thank you, Your Honor.

19 THE COURT: You're welcome.

20 BY MS. LERCH:

21 Q. Ms. Fabrizio, you previously testified about  
22 P-SANE. Can you just explain what the difference  
23 is for P-SANE and SANE, just so the jury is clear?

24 A. Well, sexual assault nurse examiner might examine  
25 children and adults, but a P-SANE would be somebody

1 that just deals with pediatric patients, and that's  
2 what I do. I deal with zero to 17 years old.

3 Q. Okay. Did you receive a packet of records for  
4 patient **Minor** from our office to review?

5 A. Yes.

6 Q. Where are those records from?

7 A. One pack was from MUSC, and the other pack  
8 was from Florida, Broward County, I think.

9 Q. I'm going to show you what's been marked as  
10 State's Exhibit 34 and State's Exhibit 35 for ID only.

11 MS. LERCH: Your Honor, may I approach  
12 the witness?

13 THE COURT: You may.

14 BY MS. LERCH:

15 Q. Are those the records?

16 A. Yes.

17 Q. When are the MUSC records dated?

18 A. 2/14/2020.

19 Q. And when are the Broward County records dated?

20 A. 6/29 of 2020.

21 Q. Did you have a chance to review those records?

22 A. I did.

23 Q. Were you working as a SANE nurse on  
24 February 14th, 2020, at MUSC?

25 A. Yes, I was.

1 Q. How do SANE nurses usually get involved in cases?

2 A. MUSC covers for sexual assault 24 hours a day,  
3 seven days a week, and there's a very extensive call  
4 schedule. And so everybody has their days and nights  
5 on call, and so I happen to be the person that was  
6 on call that particular day.

7 And what happens is you carry a beeper, and then,  
8 if there's a concern for sexual abuse or sexual assault,  
9 then they'll page you. And then, you talk to the person  
10 who's paged you, and you sort of get minimal information  
11 trying to figure out -- like, if they fall within  
12 the time frame of needing a kit or not needing a kit,  
13 and whether what happened even rises to the level  
14 of needing a kit.

15 Q. And where does that call come from?

16 A. The call comes from different people, like,  
17 it might be the hospital calling me, it could be DSS  
18 calling me, it could be the school calling, it could  
19 be law enforcement calling. Mainly -- it could be  
20 a parent calling, but normally the parent would call  
21 through our system.

22 Q. And when you respond to those calls, do you  
23 respond physically anywhere?

24 A. If it falls within the guidelines of needing  
25 a kit, then you would go to the emergency room where

1 the children are seen at that time.

2 Q. Okay. When do SANE nurses normally document  
3 their involvement in a case?

4 A. When you do a kit, you have a report that you  
5 generate. It's called a SLED report, and you fill out  
6 that report and that goes into the chart.

7 Q. And when you do a kit, is there an exam done  
8 as well?

9 A. Yeah. You do a forensic medical exam, and then  
10 you collect evidence. You send off swabs to check for  
11 infection and -- yeah.

12 Q. Can you describe what those exams look like,  
13 what kind of exams?

14 A. Well, the first thing you do is that you look  
15 at the whole body to see if there were any injuries  
16 to the body, like scratches or bruises or something  
17 like that. And then, you do a genital exam, and you're  
18 looking for any type of injury to the genital area  
19 or the anal area of the body, and then you collect.

20 If you're doing an acute exam, you collect  
21 evidence for DNA, so you swab the mouth, you swab the  
22 vagina, you swab the anal area. If they said that there  
23 was kissing or something like that, then you'll swab  
24 that area, or sucking a part of the body, then you would  
25 swab that area with swabs to collect DNA.

1           And then, you also swab for infection that goes  
2 to the lab, and those go to SLED. Those DNA swabs  
3 go to SLED. And then you do other swabs to check  
4 for infection, like gonorrhea, chlamydia, trichomonas,  
5 HIV. You gather that information, and then you send  
6 that to MUSC lab.

7           Q. You mentioned an acute exam.

8           A. Yes.

9           Q. What kind of exam is that?

10          A. An acute exam is one that falls within the  
11 parameters of a time frame of 96 hours for a pubertal  
12 child and 36 hours for a pre-pubertal child.

13          Q. Okay. Are there exams that don't fall within  
14 those time frames?

15          A. Yeah. If they're out of the time frame -- so  
16 if it's a pubertal child, and the last contact with  
17 the offender was over 96 hours, then that child would  
18 be referred out for an outpatient exam -- forensic exam.  
19 And then, for pre-pubertal, it would be after 36 hours.

20          Q. So you mentioned a time frame.

21          A. Uh-huh.

22          Q. Is that how you determine the type of exam?

23          A. Yes.

24          Q. Can you explain what you mean by that time frame?

25          A. Well, like I said, SCCAMRS are the monitors,

1 the way we carry out our practice in South Carolina,  
2 and they have established a protocol that is based  
3 on evidence that you can collect DNA evidence up  
4 to 96 hours. But after 96 hours, it's most likely  
5 that there's no evidence.

6 So it would be not appropriate to do a forensic  
7 collection of evidence. And so -- so the 96 hours is  
8 because within that 96 hours, you're likely to collect  
9 DNA evidence. After that 96 hours, it's unlikely.  
10 So you would do an acute kit within the 96 hours,  
11 and you would do a non-acute exam at an outside facility  
12 if it's after the 96 hours.

13 Q. Okay. You've mentioned pre-pubertal and  
14 pubertal.

15 A. Yes.

16 Q. Can you explain the difference?

17 A. Pubertal is when you have started your period,  
18 and then pre-pubertal is before you start your period.  
19 But because you can't sometimes get that information  
20 at the time, we sort of have a cutoff. So children  
21 11 and under are considered pre-pubertal, and children  
22 12 and older are considered pubertal.

23 Q. What would the time frame in 2020 would have --  
24 what would that have been for a 13-year-old?

25 A. That was -- that would have been for 96 hours.

1 Q. Based on your review of the -- these medical  
2 records from MUSC, did this patient have an acute exam  
3 on February 14th of 2020?

4 A. No, she did not have an acute exam.

5 Q. In your expert opinion, why not?

6 A. She most likely fell out of the time frame.

7 Q. Is there any reason an exam would not have been  
8 done?

9 A. No.

10 Q. What do SANE nurses base their time frame on?

11 A. Usually what -- the information that they're  
12 given by the hospital if they call, or law enforcement  
13 if they call. Whoever it is that gives you that minimal  
14 facts information, you try to get a time frame from  
15 them. But, ultimately, you'll get it from the patient.

16 Q. In your experience as a SANE nurse, is it unusual  
17 for a patient to come in to the ER to get an acute exam  
18 and then to not receive that?

19 A. It's possible that that could happen. And the  
20 reason that would happen is what cause -- children are  
21 sent to the emergency room where parents bring children  
22 to the emergency room, and they think that they need  
23 a kit, you know, like if they have hurt -- you know,  
24 they found out that there's been a sexual assault,  
25 they think that a kit needs to be done. And they're

1 not aware of the time frame that after 36 hours for  
2 a pre-pubertal and after 96 hours for a pubertal child,  
3 then there's unlikely that you would collect DNA  
4 evidence so an acute kit is not done.

5 Q. Okay. Based on your review of the records,  
6 were there labs ordered for this patient?

7 A. Yes.

8 Q. Is it typical for labs to be ordered?

9 A. Yes.

10 Q. What type of labs are typically taken during  
11 these exams?

12 A. For sexually-transmitted infections, gonorrhea,  
13 chlamydia, trichomonosis, HIV, syphilis for pubertal  
14 children. We do not -- for the pubertal children,  
15 we do not draw blood for HIV and syphilis routinely.  
16 It's only if there's actual penetration and  
17 mucosal-mucosal contact that you would do that.

18 Q. Are the same types of labs performed for an acute  
19 exam and a non-acute exam?

20 A. Yes. They're the same.

21 Q. In your experience as a SANE nurse, is there  
22 anything else that would be done when there's no acute  
23 exam performed for a patient?

24 A. Well, you -- what you normally do if it's not  
25 acute, then you would -- you draw the labs. And then,

1 you would -- you sometimes give medication. So you  
2 would treat them prophylactically, and prophylactically  
3 means that in case they were exposed to the germ or  
4 to an infection, it would keep them from getting that  
5 infection. So you would treat them prophylactically  
6 for gonorrhea, chlamydia, trichomonas.

7 Q. And are those standard medications?

8 A. Yes.

9 Q. Why is -- what is the next step if a patient  
10 presents to the ER for an acute exam and one isn't done,  
11 or it falls within those guidelines that you talked  
12 about?

13 A. If they fall outside of the time frame, then you  
14 refer them to an outside facility, normally, a child  
15 advocacy center, such as Dee Norton or -- I work  
16 at Dee Norton Lowcountry Children's Center, Dorchester  
17 Children's Center, and we would refer out to one  
18 of those clinics.

19 Q. Based on your review of the records that we  
20 referenced earlier, did this patient eventually have  
21 an exam performed?

22 A. She did.

23 Q. And where was this exam?

24 A. This exam was in Broward County, which is in  
25 Florida.

1 Q. When did that exam take place?

2 A. That exam took place 6/29 of 2020.

3 Q. What other information is collected on those  
4 records?

5 A. Vital signs and the weight of the child, the age  
6 of the child, stuff like that.

7 Q. And what was her age at the time of that exam?

8 A. Fourteen years old; she had just turned 14.

9 Q. And what was her weight at the time?

10 A. And her weight -- she was 131 pounds.

11 Q. In your review of those records, what is your  
12 professional opinion as far as what the results of that  
13 exam were?

14 A. According to what this practitioner wrote,  
15 she had a normal exam.

16 Q. Okay. Based on your training and experience,  
17 is there any research on findings of sexual abuse during  
18 the acute and non-acute medical exams?

19 A. There's lots of research on that, and the  
20 overwhelming body of research says that it's normal  
21 to have a normal exam. It's rare that that area  
22 of the body injures. If it does injure, it heals very  
23 quickly, and that area of the body is designed to expand  
24 and contract without any type of injury. And so it's --  
25 the majority of time, you have a normal or nonspecific

1 exam. It's very rare that you have a positive exam.

2 Q. And would that apply to both acute and non-acute  
3 exams?

4 A. It applies to both. But if you're going to see  
5 an injury, it's most likely that it would have occurred  
6 in an acute case.

7 Q. In your training as a SANE nurse, do you get  
8 training on the anatomy of the body?

9 A. Yeah.

10 Q. On the anatomy of the vagina?

11 A. Yes.

12 Q. Can you explain where the opening of the vagina  
13 is, the anatomy of that?

14 A. Well, the way the female genital structures are,  
15 is that you have sort of a pad of tissue at the very  
16 top of the genital area, and that's called the mons  
17 pubis. And then on both sides, you have sort of pads  
18 of tissue, and that's called the labia majora.  
19 And sometimes, they call that the outer lips.

20 And then, the way you examine that, is that  
21 you sort of hold the labia majora and you retract it,  
22 which means you pull it towards you. And when you pull  
23 it towards you, it sort of opens that area of the female  
24 genitalia so that you can see the clitoris at the top.  
25 Then, underneath that is the urethra, which is where

1 the urine comes out. And then, you go down a little  
2 bit further, and then that's the opening to the vagina.

3 The opening to the vagina is surrounded with  
4 tissue called hymen, and the hymen can look many  
5 different ways. But in pubertal children, it normally  
6 looks really fluffy. And according to this report  
7 that I read, she had an estrogenized hymen, which means  
8 it was fluffy and probably folded on each other.

9 Q. Okay. Can you tell during an exam if someone  
10 was, at some point, penetrated?

11 A. The majority of the time, no. There's no such  
12 thing as a virginity check, and I get that question  
13 a lot from parents, but, no, there's not.

14 Q. Okay. Is that your opinion based on clinical  
15 experience and training and research?

16 A. Yes, yes.

17 Q. Just a few more questions.

18 A. Okay.

19 Q. I just want to clarify. The opening to the  
20 vagina is the labia majora?

21 A. The opening to the vagina is the labia majora,  
22 it's the very outer aspect. And then, when you open  
23 that up, you can see the labia minora, which are called  
24 the inner lips. And then if you go deeper into the --  
25 into the vulva of the female genitalia, then that's

1 when you see the urethra, and then the vagina -- the  
2 opening to the vagina with the hymenal tissue around  
3 it. So that's sort of at the bottom where you would  
4 called distal aspect of the female genital.

5 MS. LERCH: No further questions at this  
6 time.

7 THE WITNESS: Okay.

8 MS. LERCH: Please answer any questions  
9 the defense has.

10 THE COURT: Any questions for this witness?

11 MR. SEATON: Thank you, Your Honor.

12 THE COURT: You may proceed.

13 CROSS-EXAMINATION

14 BY MR. SEATON:

15 Q. Ms. Fabrizio, you have in front of you the  
16 49-page records from MUSC?

17 A. Yes.

18 Q. All right. And I assume you've had an  
19 opportunity to review them?

20 A. I did read through them, yes.

21 Q. All right.

22 A. There are a lot of records. And so if you have  
23 something in particular, if you would point me to ---

24 Q. Well, I'm going to ask you a couple of things.

25 A. Okay.

1 Q. Not a whole lot, but just a couple.

2 A. Okay.

3 Q. First of all, would you agree with me that your  
4 name is not in those 49 pages anywhere?

5 A. Yes.

6 Q. All right. On page, I believe, it is 52 --  
7 excuse me -- found it right there, page 45. It does,  
8 however, say "your information has been collected by  
9 our SANE nurse." You see that? It's the instructions  
10 on page 45. Says after a visit summary, and then the  
11 first paragraph says instructions ---

12 A. Yes, I do see that. Instructions.

13 Q. All right. So it says, "your information  
14 has been collected by our SANE nurse who is the --  
15 in the process of making a child advocacy center  
16 referral closer to the area that she would be living  
17 in."

18 A. Yes.

19 Q. And I'm assuming that even though we don't  
20 have your name in here anywhere, that they're talking  
21 about you since you testified that you were the one  
22 who handled this situation?

23 A. Yeah. I was on call that night, so it most  
24 likely would have been me.

25 Q. Okay. And I wasn't real clear earlier when

1 you answered the question, but were you in the hospital  
2 when this -- you got the phone call from whomever?

3 A. Yes.

4 Q. All right.

5 A. I was in the hospital when this case came in.

6 Q. All right. And did you actually go and visit  
7 with **Minor**

8 A. I don't know. I did not make a note, and  
9 therefore, I cannot say yes or no.

10 Q. Fair enough. And along those same lines, you do  
11 not have a report that you created as a result of this?

12 A. No, I do not.

13 Q. Your testimony was that you received those 49  
14 pages, and that you received the forensic report from  
15 Florida?

16 A. Yes.

17 Q. Okay. And with you having those two documents,  
18 you did not create your own document?

19 A. I did not create my own document, no.

20 Q. All right. And you have no personal knowledge  
21 of actually having met **Minor**

22 A. No, uh-uh.

23 Q. Okay. And would you agree with me that nowhere  
24 in this 49-page document is there any physical proof  
25 of a sexual assault?

1           A.   There's no -- there's no physical proof of  
2 a sexual assault, which is not -- which it's normal  
3 to be normal, so that's not surprising.

4           Q.   Okay. All right. So now we're going to get  
5 to the fun part because here's what I understand about  
6 your testimony. You're saying that there's three  
7 possibilities. Possibility number one is that  
8 a forensic physical exam of a sexual assault victim  
9 is test positive, and that that would be proof that  
10 they were sexual assaulted. Would you agree with that?

11          A.   If there are injuries that are consistent with  
12 what the history is ---

13          Q.   Yes, ma'am.

14          A.   --- yes.

15          Q.   If they're consistent, then, therefore, that  
16 is proof that there may have been a sexual assault?

17          A.   Yes.

18          Q.   You're also going to tell us that no evidence,  
19 which is what we have here, is also proof of a sexual  
20 assault. Is that what you're saying?

21          A.   It's -- according to the research, the most  
22 overwhelming evidence of a sexual assault is the actual  
23 patient's disclosure.

24          Q.   So whether they're -- okay. So what you're --  
25 let me make sure I just understood what you said because

1 that was a little different than the question I asked,  
2 but it's interesting. The most likely proof of a sexual  
3 assault is the person says it happened?

4 A. Yes.

5 Q. Okay. And so what you've told us is -- and  
6 I didn't quite get to the third, but I will.

7 A. Okay.

8 Q. So option number one is there's some physical  
9 evidence so, therefore, you believe that it happened.

10 A. Uh-huh.

11 Q. Option number two is there's no physical  
12 evidence, but the person said it happened?

13 A. Uh-huh.

14 Q. And then option number three is it didn't happen.

15 A. Uh-huh.

16 Q. I mean, you would agree that it's possible ---

17 A. There could be ---

18 Q. --- that someone has reported a sexual assault  
19 that did not happen?

20 MS. LERCH: Objection, Your Honor.

21 THE COURT: Basis?

22 MS. LERCH: Outside the scope of her  
23 expertise.

24 MR. SEATON: I ---

25 THE COURT: I didn't ask you to speak.

1 The objection is overruled. It's within what she does  
2 every day. She had her qualified as an expert; she can  
3 opine.

4 MR. SEATON: Thank you.

5 THE COURT: Do you understand the question?

6 THE WITNESS: Say that again.

7 MR. SEATON: Yes, ma'am.

8 THE COURT: Please repeat the question.

9 MR. SEATON: Be happy to.

10 BY MR. SEATON:

11 Q. Would you agree that there are false reports  
12 of sexual assault?

13 A. I'm sure there could be, yes.

14 Q. When you say, you're "sure there could be,"  
15 are you saying ---

16 A. Yeah, I'm not -- I'm not a truth teller, so  
17 I cannot tell -- I am not the truth -- I am not somebody  
18 that ---

19 Q. I certainly understand, ma'am. I'm not  
20 suggesting that you have some greater power than anyone  
21 else.

22 A. Yeah.

23 Q. I know that unless you were there, you wouldn't  
24 know.

25 A. Yeah.

1 Q. But you would agree with me that every claim  
2 of assault is not necessarily an assault? For instance,  
3 you said you were at Duke. There was a big headline  
4 recently that a woman came out and said that whole thing  
5 about being raped by the whole field hockey team wasn't  
6 true. Do you recall seeing that?

7 A. I did not see that ---

8 MS. LERCH: Objection.

9 THE COURT: Basis of the objection?

10 MS. LERCH: Relevance.

11 THE COURT: Sustained. Relevance, lack  
12 of foundation, speculation, and it was over ten years  
13 ago. Move on.

14 MR. SEATON: Well, recently, it just came  
15 out, Judge.

16 THE COURT: It was over ten years ago.  
17 Move on.

18 MR. SEATON: I'm saying, but she just  
19 admitted it about two months ago.

20 THE COURT: Do not debate with the Court.

21 MR. SEATON: Yes, ma'am.

22 THE COURT: I've ruled.

23 MR. SEATON: Yes, ma'am, yes, ma'am.

24 I understand.

25 THE COURT: End of discussion.

1 MR. SEATON: I will move on.

2 BY MR. SEATON:

3 Q. But you would agree that there are certainly  
4 false claims?

5 A. I'm sure that's possible.

6 Q. Okay. So there really is three possibilities  
7 here. That if the test shows that there's some proof,  
8 that's proof. If the test shows no proof, that's proof,  
9 or no proof is not proof. Because -- I don't quite  
10 understand. I've never seen a test where no matter  
11 how you take it, you fail it, or it's positive, I guess,  
12 is a way we would describe it.

13 Because what you're saying is if the test shows  
14 something was there, then there's proof that there  
15 was an assault. If there's nothing there, that also  
16 can be proof that there was an assault. Is that what  
17 you're telling this jury ---

18 A. Yes.

19 Q. --- that that's what this examination is telling  
20 us? This examination is telling us even though --  
21 whether you're positive or negative, it's still  
22 positive?

23 A. It's hard to understand.

24 Q. It's very hard to understand, and I'm trying  
25 my best. A negative is positive and a positive

1 is a positive. Is that a good way to describe it?

2 A. It's hard to understand. That's why there's  
3 been so much research.

4 MR. SEATON: Nothing further, Your Honor.

5 THE COURT: Any redirect of the witness?

6 MS. LERCH: Yes, Your Honor.

7 THE COURT: You may proceed.

8 REDIRECT EXAMINATION

9 BY MS. LERCH:

10 Q. Just a few more questions. When do you prepare  
11 a SANE report?

12 A. At the time you see the patient. You mean the  
13 acute exam? Yeah. As you're -- when you go in and see  
14 the patient, you get consent forms signed, then you  
15 question them about what happened, and then you start  
16 with the physical exam.

17 Q. So you prepare a report when you do an exam?

18 A. And then -- yeah. And then when you're finished  
19 with all of that, then you write up your report right  
20 then in the emergency room and submit it.

21 Q. Does the ER doctor document everything else  
22 outside of that? Would the ER doctor ---

23 A. The ER doctor would -- if that's the ER doctor  
24 for the emergency room that night, I'm sure that they  
25 would document about what's going on.

1 Q. Do you see documentation in those reports from  
2 MUSC that SANE was involved?

3 A. I -- if you could direct me to the page. I do  
4 remember reading that somebody consulted with SANE,  
5 maybe.

6 Q. It's going to be on page -- it's page 20,  
7 and 3-2-1-8 in the red.

8 A. Okay. Yes. It says, "patient was interviewed  
9 by Charleston Police Department and SANE, during visit  
10 with SANE, to refer to Virginia CAC."

11 Q. Okay. Does a normal exam mean that the assault  
12 didn't happen?

13 A. A normal exam does not mean that the assault  
14 didn't happen because most children -- the majority  
15 of children have normal exams.

16 Q. And why is that?

17 A. That's because ---

18 MR. SEATON: Asked and answered, Your Honor.  
19 Objection.

20 THE COURT: I haven't ---

21 MR. SEATON: It's the same ---

22 THE COURT: I didn't ask for a speaking  
23 objection. Overruled. You may answer the question.

24 THE WITNESS: That area of the body is  
25 designed to expand and contract. So when something

1 goes into the vagina or into the anus, it expands.  
2 And when that object comes out of the vagina, it goes  
3 back to normal size. And that -- so that's the way  
4 the body is designed to begin with.

5 And a lot of people feel like there's  
6 a covering over the opening to the vagina so that  
7 the first time something goes into the vagina,  
8 that tissue is disrupted, and there's always bleeding,  
9 and that's absolutely not the way we're designed at all.  
10 Everybody that's born normally is born with a natural  
11 opening to the vagina, and the hymen that people think  
12 is broken, it's just the tissue surrounding the opening  
13 to the vagina.

14 MS. LERCH: No further questions.  
15 Thank you.

16 THE COURT: Any objection to the witness  
17 being excused from the State?

18 MS. SAS: None from the State, Your Honor.

19 THE COURT: From the defense?

20 MR. SEATON: No, Your Honor.

21 THE COURT: Ma'am, you're excused. You can  
22 leave that there, we'll take care of it.

23 THE WITNESS: Okay. Thank you.

24 THE COURT: You're welcome. Who's the  
25 State's next witness?

1 MS. SAS: Sergeant Scott Bell.

2 THE COURT: Is he present?

3 MS. SAS: He is present in the courtroom,  
4 Your Honor, right behind me.

5 THE COURT: Let's proceed.

6 MS. SAS: State calls Sergeant Scott Bell  
7 to the stand.

8 THE CLERK: Please raise your right hand,  
9 place your left hand on the Bible.

10 SERGEANT SCOTT BELL was called as a witness,  
11 being duly sworn, was examined and testified as follows:

12 THE CLERK: Thank you. You may be seated.  
13 Please state your full name and spell your last name  
14 for the record.

15 THE WITNESS: Scott Bell, B-E-L-L.

16 THE COURT: You may proceed. You can leave  
17 that there, we'll take care of it.

18 DIRECT EXAMINATION

19 BY MS. SAS:

20 Q. Sergeant Bell, can you please tell the jury where  
21 are you currently employed?

22 A. I'm currently employed with the Berkeley County  
23 Sheriff's Office.

24 Q. And how long have you been with the sheriff's  
25 office?

1 A. Next month will be 12 years full time.

2 Q. Okay. And did you complete the police academy?

3 A. Yes, I did.

4 Q. When was that?

5 A. I completed the academy in February of 2013 --  
6 August of 2013. Excuse me.

7 Q. And did you work anywhere before you worked  
8 with the Berkeley County Sheriff's Office?

9 A. Yes, ma'am. I worked for the Berkeley County  
10 Emergency Medical Services as a paramedic from 2007  
11 to 2013. I was a paramedic crew chief. I was also  
12 a paramedic with the -- what we call in Berkeley County,  
13 the Strategic Response Team or SWAT. I was a medic  
14 for them as well.

15 Q. Okay. And what did you do before you were  
16 a paramedic?

17 A. When I was 17 years old in 1976, I signed --  
18 enlisted into the United States Navy, and I was  
19 in the Navy until -- well, 30 September of 2005.  
20 And I obtained ---

21 Q. Go ahead.

22 A. I obtained the rank of E-9 or command master  
23 chief, which is a senior enlisted. I served on various  
24 commands, different platforms, ships, shore stations.  
25 I was a senior enlisted advisor for four different

1 commands, and I had lots of schooling from them as well.

2 Q. Okay. So what kind of jobs did you hold when  
3 you were in the Navy?

4 A. My initial job in the Navy, I was an electrician.  
5 And for an electrician, it can be -- every space on  
6 the ship has electricity somewhere in it, so you have  
7 different systems. I was certified in -- I had a basic  
8 school that I went to. After my first command, I went  
9 to what's called a C school, which is an advanced  
10 school. After I completed the advanced school, I could  
11 go to any command anywhere, work on any system because  
12 that's what you're trained to do. It's a longer school.

13 Then, at one point, I managed all the maintenance  
14 on a ship. I also had worked as a master at arms for  
15 a year, a lot of variety of jobs. But the last part of  
16 my career was mainly being an advisor to the commanding  
17 officer on enlisted matters.

18 Q. Can you tell the jury now that you're with  
19 Berkeley County Sheriff's Office, what is your current  
20 position and your job responsibilities?

21 A. My current job, I work -- I'm the supervisor  
22 for the sex offender registry. I maintain the records  
23 and follow up for -- I believe, now, it's at 382  
24 convicted registered sex offenders, and I report those  
25 statistics and also the compliance with SLED and the

1 FBI.

2 Q. And what's your current rank?

3 A. I'm a sergeant with the Berkeley County Sheriff's  
4 Office.

5 Q. Okay. And were you involved with the  
6 investigation which brings us here today?

7 A. Yes, I was.

8 Q. Okay. And what was your rank back then?

9 A. At the time of this incident, I was a detective  
10 corporal.

11 Q. Okay. And what was your -- what were your job  
12 responsibilities at that time?

13 A. My job responsibilities, I worked in criminal  
14 investigations division as a detective. My primary was  
15 working child abuse and elder abuse cases, but I also  
16 worked major crimes.

17 Q. Okay. And when did you get first involved  
18 with this case?

19 A. I would need to see my report.

20 Q. Did you prepare a report for this case?

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

22 Q. Okay. I'm going to show you what's been  
23 premarked for ID only. For ID only, State's 41.

24 MS. SAS: Permission to approach the  
25 witness, Your Honor?

1 THE COURT: You may.

2 BY MS. SAS:

3 Q. Can you look through these pages and tell me if  
4 that's the Berkeley County Sheriff's reports for this  
5 case.

6 A. Yes, ma'am, this is the report.

7 Q. Okay. And so does that refresh you on what day  
8 you became involved?

9 A. Yes, ma'am. The date I became involved was  
10 February 14th of 2020.

11 Q. Okay. And why did you become involved?

12 A. The reason I became involved is that when the  
13 incident initially came out, one of the responding  
14 deputies had requested CID contact him based on the  
15 nature of the case.

16 Q. Okay. And who was that responding officer?

17 A. That was Deputy Dolly.

18 Q. Okay. And what would have been his rank or his  
19 job responsibilities?

20 A. As a deputy, his would have been as a -- what  
21 we call a road deputy, a responding officer. The first  
22 initial involvement with police most times is with  
23 a road officer responding to an incident or a location.

24 Q. So is that a part of a procedure for him to  
25 contact you?

1           A. The procedure is to contact CID. But as I was  
2 the person that normally took the calls for child abuse  
3 or elder abuse, I would have been contacted initially.

4           Q. But was that unusual?

5           A. No.

6           Q. Okay.

7           A. Not unusual.

8           Q. What did you do based on receiving that call  
9 to get involved?

10          A. Based on receiving the initial information,  
11 I responded to -- I just want to make sure I'm correct  
12 -- ■■■ Benjamin Drive, Moncks Corner, South Carolina,  
13 located in Berkeley County.

14          Q. Okay. And why did you respond there?

15          A. That's where I was advised the incident took  
16 place.

17          Q. Okay. And what happened when you went to  
18 ■■■ Benjamin Drive?

19          A. When I arrived at ■■■ Benjamin Drive, I went  
20 down the drive, and as I came in, there were people --  
21 I didn't document who they were, they were just people,  
22 and they advised me that all the police had left.  
23 So, I requested central dispatch to put me in contact  
24 with Deputy Dolly by phone.

25          Q. And just to verify, the address that you

1 responded to, can you say that address again?

2 A. [REDACTED] Benjamin Drive, Moncks Corner,  
3 South Carolina, located in Berkeley County.

4 Q. Thank you. So based on -- were you able to reach  
5 Deputy Dolly?

6 A. Yes, I was able to reach Deputy Dolly by phone.

7 Q. Based on reaching him, what did you do?

8 A. Based on the information, Deputy Dolly advised  
9 me that he was at a different address and ---

10 Q. What address was he at?

11 A. It was [REDACTED] Emma Meredith Circle, Goose Creek,  
12 South Carolina, also located in Berkeley County.

13 Q. Okay. Approximately, how far away are these two  
14 locations?

15 A. It's approximately 2.3 miles.

16 Q. Okay. And how long, approximately, does it take  
17 to drive there?

18 A. Less than five minutes, based on traffic and the  
19 light.

20 Q. Okay. Are you familiar with that area ---

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

22 Q. --- between those two locations? How are you  
23 familiar with it?

24 A. I've -- driving the roads in Berkeley County  
25 a lot, plus -- that would be the easiest way to describe

1 it.

2 Q. I'm going to show you what's been previously  
3 admitted into evidence as State's No. 17.

4 MS. SAS: Your Honor, permission to publish?

5 THE COURT: You may.

6 MS. SAS: I'm going to ask for the lights  
7 to be turned down for just a second.

8 BY MS. SAS:

9 Q. Sergeant Bell, I think there's a pointer there  
10 with you.

11 A. Pardon me. I'll turn my back to you for a  
12 second.

13 Q. Yeah. If you can just make sure to speak up.

14 A. Yes, ma'am.

15 Q. Okay. So can you describe to the jury what  
16 are we seeing here?

17 A. Okay ---

18 Q. Where's the -- can you point to them the  
19 [REDACTED] Benjamin Drive address?

20 A. Okay. (Indicating.) This is the [REDACTED] Benjamin  
21 Drive address.

22 Q. Okay. And that little side road, what is that  
23 main road that it goes out to? What is that road?

24 A. Okay. This road right here is US Highway 17-A,  
25 and it's sometimes referred to as South Live Oak Drive.

1 Q. Okay. And if you go -- so if you go from  
2 Benjamin Drive onto South -- Highway 17, when you take  
3 a right, which way does it take you?

4 A. If you take a right, you go toward Moncks Corner.

5 Q. Okay. What if you take a left?

6 A. You go toward Summerville.

7 Q. Okay. And so what can you tell the jury about  
8 that road?

9 A. It's a five-lane road, traffic varies going  
10 different times of the day. It has two lanes going  
11 north, two lanes going south, and then there's a center  
12 lane. There is a turn lane here to go to State Road,  
13 and there is a sidewalk on this side and a sidewalk  
14 on this side.

15 Q. Okay. So when you take a left from 17, what road  
16 are you taking a left on?

17 A. This is State Road 176. If you go this way,  
18 it is Saint James Avenue.

19 Q. Okay. So is it fair to say that the state road  
20 becomes Saint James?

21 A. Ma'am?

22 Q. Is it fair to say that the state road becomes  
23 Saint James?

24 A. Yes. It's actually at Carnes Crossroads.

25 Q. Okay.

1 A. They changed the name.

2 Q. And ---

3 A. It's still State Road; everybody refers to it  
4 as State Road.

5 Q. Okay. And can you show the jury where the  
6 apartment complex is that you referenced, the [REDACTED]  
7 Emma Meredith Circle?

8 A. (Indicating.) That is the complex right here.

9 Q. Okay.

10 A. And that's [REDACTED].

11 Q. And can you describe to the jury that road,  
12 Saint James Avenue? What does that road look like?

13 A. Okay. That road also is five lanes, four lanes  
14 for travel and a center turn lane. There is no  
15 pedestrian walkway on either side of the road.

16 Q. If someone wanted to walk that distance, how long  
17 would it take them?

18 A. Based on the distance and -- I would say it would  
19 take between 50 minutes to an hour.

20 Q. Okay. We can turn the lights on. You talked  
21 to Officer Dolly, and after that conversation, you  
22 responded to Emma Meredith Circle. So when you arrived  
23 there, who was there?

24 A. Deputy Dolly.

25 Q. Okay. And what did you do when you arrived

1 to Emma Meredith Circle?

2 A. I spoke to Deputy Dolly and was asking him for  
3 information on what was going on.

4 Q. Okay. And during your investigation, what did  
5 you learn from Officer Dolly?

6 A. What I learned from Officer Dolly, he initially  
7 had told me that ---

8 Q. Without saying what he told you.

9 A. Oh.

10 Q. Just what you learned through investigation.

11 A. That the victim and the victim's mother had gone  
12 to MUSC.

13 Q. Okay. So what did you do based on that?

14 A. Based on that, I went to MUSC to speak with  
15 the victim and the mother.

16 Q. Okay. And what would have been the purpose  
17 of that?

18 A. To get information as to whether it warranted  
19 an investigation or a crime had been committed.

20 Q. Okay. Did you end up arriving at MUSC?

21 A. Yes, I did.

22 Q. Okay. And did you have an opportunity to see  
23 the victim?

24 A. Yes, I did.

25 Q. Okay. Did you conduct a full interview with

1 the victim?

2 A. No, ma'am, I did not. It was just to gain  
3 information as to basics of what may or may not have  
4 occurred.

5 Q. Okay. So did she ever have a full interview?

6 A. Yes, ma'am, she did.

7 Q. Okay. And is that standard procedure?

8 A. To have the interview, yes, ma'am.

9 Q. Okay. To have the interview later, is that  
10 standard?

11 A. Yes. Yes, that is normal to have the full  
12 interview later.

13 Q. Okay. Did you speak to anyone else when you were  
14 at the hospital at MUSC?

15 A. I spoke to the SANE nurse, Kathy Fabrizio.

16 Q. Okay. Did you document that in your report?

17 A. Yes, I did.

18 Q. Okay. Did you speak to anyone else?

19 A. I spoke to the victim, **Minor** and the  
20 mother, Kimberly Sierra.

21 Q. Okay. Did you learn during the course of  
22 the investigation if the victim had a SANE exam done  
23 at MUSC?

24 A. Yes, I did.

25 Q. Okay. Did you learn that she did or did not have

1 one?

2 A. She did not have a SANE exam. I received a phone  
3 call later, the evening of the 14th of February, 2020,  
4 that a SANE exam was not performed.

5 Q. Okay. Did you do anything else after leaving  
6 the hospital?

7 A. After I left the hospital, yes, ma'am.  
8 Based on the information I had gotten from talking  
9 with the victim, I -- what's called a preservation.  
10 I did a preservation request for the Facebook account  
11 for James Boley.

12 Q. Okay. Did you ever receive those Facebook  
13 records?

14 A. Yes, ma'am. After the record was preserved,  
15 I got a search warrant. I sent it to Facebook and  
16 requested the records.

17 Q. Okay. And what were the next steps in your  
18 investigation?

19 A. The next step in my investigation is to try  
20 and schedule the interview for the victim.

21 Q. Okay. And so did you do that?

22 A. Yes, I did.

23 Q. Okay. So how did you go about doing that?

24 A. The beginning was -- for scheduling the interview  
25 is to contact the parent, based on the fact that

1 the child is a juvenile and involve them to schedule  
2 the forensic interview because you need their permission  
3 in most places that do the interview.

4 After talking with the mother, I was advised  
5 that the victim was living in Virginia with a cousin.  
6 So, I researched where a -- what is -- for lack  
7 of a better word, a child-friendly interview. There  
8 are locations located in every state. I did locate  
9 a place, and I provided the mother's information so  
10 they can make contact with the mother to schedule the  
11 interview.

12 Q. Did they need consent?

13 A. They needed consent, yes.

14 Q. Did that interview take place?

15 A. Yes, it did.

16 Q. Okay. And when did it take place?

17 A. Give me a second. The interview took place  
18 on March 20th, 2020.

19 Q. Okay. And were you privy to that interview?

20 A. Yes. That it took place, yes, ma'am.

21 Q. Okay. But were you privy to the content  
22 of the interview? Were you privy to the actual --  
23 was the interview recorded?

24 A. The interview was recorded, and I was sent  
25 a -- I was sent DVD copies of the interview.

1 Q. Okay. And when did you receive a DVD copy?

2 A. On March 30th, 2020, I received an envelope  
3 from the interview place.

4 Q. Okay. And what did you do after receiving  
5 the CD?

6 A. After I received it on the 3rd of April 2020,  
7 I played the DVD to review the actual interview.  
8 When I was playing the DVD, there was no audio attached  
9 to it. So it was just a video; it was not audio/video.  
10 And I notified the interviewer of this.

11 Q. Okay. When did you notify them of that?

12 A. Actually that day, on the 3rd of April, 2020.

13 Q. Okay. During the ---

14 MS. SAS: Court's indulgence.

15 BY MS. SAS:

16 Q. When you notified them that there was no audio,  
17 what happened next?

18 A. What happened next is that I was advised that  
19 they would try and get another copy of it with the  
20 audio on it and send that to me. They would review  
21 it and make sure that it was on the DVD prior to sending  
22 it to me.

23 Q. Okay. And do you remember when that conversation  
24 took place? Sergeant Bell ---

25 A. It ---

1 Q. --- can I ask you something?

2 A. Yes, ma'am.

3 Q. During -- I know you have a copy of your report.  
4 In addition to your report, did you have any other  
5 documents tracking what you did on a case?

6 A. Yes.

7 Q. What were those documents?

8 A. What I call detective notes.

9 Q. Okay. Would it help you to see those detective  
10 notes as well to refresh you on some of those dates?

11 A. Yeah. Because what I'm doing right now  
12 is flipping to different parts.

13 Q. Sure. I'm going to show you what's been  
14 premarked at State's 43 for ID only.

15 MS. SAS: Permission to approach,  
16 Your Honor?

17 THE COURT: You may.

18 THE WITNESS: Thank you.

19 BY MS. SAS:

20 Q. Please take a look at your notes and tell me  
21 if that refreshes you on when you had a conversation  
22 with them about the audio and next steps.

23 A. Ma'am, could you repeat the question?

24 Q. Sure. So based on -- does that refresh  
25 you on -- you talked to them, there was no audio,

1 and what was the next step? What was the conversation  
2 you had with them?

3 A. The next conversation I had with them was on the  
4 night.

5 Q. Okay.

6 A. And I was advised that they did not have audio  
7 either, and they were going to try and talk to technical  
8 to find out why.

9 Q. Okay. And as a result of that conversation,  
10 did you receive any other information?

11 A. I asked them to send me a -- what I would call  
12 a report that the interview took place.

13 Q. Okay. What is the next contact you had with  
14 them?

15 A. On the 1st of May, I left a voicemail with  
16 the center. I was unable to speak directly to them.  
17 Also on the 4th of May, the 5th of May -- all these  
18 are in 2020.

19 Q. What did you do on those two dates?

20 A. On the -- I left a voicemail requesting a call  
21 back.

22 Q. Okay. Did you get a call back?

23 A. I did on the 5th, but it was not from the person  
24 I normally talk to up there, and I was told they would  
25 try and get in touch with the person I was talking to.

1 Q. Okay. What is the next contact you had with  
2 them?

3 A. The 5th of May, 2020.

4 Q. Okay. And what did they advise you on the  
5 5th of May?

6 A. On the 5th of May, I was advised that they were  
7 sending me the report in the mail.

8 Q. Okay. And what is a report when you get the  
9 report?

10 A. A report just kind of says who was involved  
11 in the interview. It's not the actual transcript  
12 of the interview; it just tells that the interview  
13 took place and where and who.

14 Q. Okay. And did you end up receiving that report?

15 A. Yes, I did.

16 Q. When did you receive it?

17 A. The 12th of May, 2020.

18 Q. Are you sure regarding that date?

19 A. Hold on. Oh, no, that's actually a note I made  
20 that I had not received it.

21 Q. So on the 12th, you still didn't receive it.  
22 What did you do when you didn't receive it on the 12th?

23 A. I called the center again to -- and left another  
24 voicemail.

25 Q. Okay. And when did you end up getting the

1 report?

2 A. Let's see. On May 28, 2020, is when I received  
3 the written report.

4 Q. Okay. And is that the end of your communications  
5 with them?

6 A. No.

7 Q. Okay. What's the next communication?

8 A. I spoke to them again on the 5th of June and...

9 Q. What did you learn at that time?

10 A. That -- actually, on the 5th of June, I received  
11 no information. I just spoke to the center trying  
12 to get an update on whether they had a workable copy  
13 with the audio. And then, on the 8th of June, I spoke  
14 to the center, and they advised me that they were unable  
15 to recover the audio.

16 Q. So you learned there's no recoverable audio,  
17 and what do you do with that information?

18 A. With that information -- I know the importance  
19 of it, and so I did update the mother, the family,  
20 and my next step would be to try and get a second  
21 interview.

22 Q. Okay. And what's happening in the country  
23 at that point?

24 A. This is right -- like, the COVID pandemic  
25 started, I guess, in February, March, but a lot

1 of places had protocols in place -- emergency protocols.  
2 Some people worked from home; some people not working  
3 from home. So there would be times and delays in just  
4 about everything we did.

5 Q. Did the children -- did the centers that you  
6 described where they interview children, did they also  
7 have a change in protocols based on COVID?

8 A. Oh, yes, ma'am.

9 Q. Okay. So did that interview end up taking place,  
10 the second interview?

11 A. Yes, ma'am.

12 Q. Okay. When?

13 A. Hold on. The next interview took place on the --  
14 June 29th, 2020.

15 Q. Okay. And were you privy to the copy of that  
16 interview?

17 A. Yes, I was.

18 Q. Okay. Where did it come from?

19 A. That came from the -- from Florida.

20 Q. Okay. And did you receive anything else?

21 A. There was a medical report included with it,  
22 plus the paperwork, as I've said before.

23 Q. Okay. During the course of the investigation,  
24 did you receive any other information?

25 A. Yes, ma'am. Being the case agent or lead

1 detective, however you want to call it, I'm also privy  
2 to all the records that go in to the incident report  
3 no matter who puts them in there. And there was  
4 a report that was put in there by -- what's her name  
5 -- Melissa Kinard, who worked for the Berkeley County  
6 Sheriff's Office in the duty office. She had taken  
7 a phone message.

8 Q. Okay. What date did she take the phone message?

9 A. The date she took the phone message was on the  
10 16th of February, 2020.

11 Q. Okay. And who did the call come from?

12 A. William Johnson.

13 Q. Okay. And what was it regarding?

14 A. That the subject at that time, James Boley,  
15 had moved and may be at [REDACTED] Berrywood Drive, Ladson.

16 Q. Okay.

17 A. And that his car had been seen in the driveway.

18 Q. And so what did you do with that information  
19 at that time?

20 A. I did nothing at that time because I did not have  
21 any arrest warrants.

22 Q. Okay. Did you do anything else during the course  
23 of this investigation?

24 A. Yes, ma'am.

25 Q. What did you do, in general? Let me ask

1 you this. Were you in communication with any members  
2 of the victim's family?

3 A. Yes. I was constantly updating the mother,  
4 Kimberly Sierra. And at a point when I was advised  
5 that she was living with the father down in Florida  
6 -- the victim was living with the father, then I was  
7 updating him, but I also would update the mother of  
8 what was actually going on as far as for the interviews,  
9 what delays, things like that.

10 Q. And what did you do as a result of receiving  
11 all the records that you mentioned, the interview,  
12 and the reports?

13 A. Based on the information from the report and  
14 the interview with the victim, I obtained three arrest  
15 warrants for criminal sexual conduct in the second  
16 degree for James Boley.

17 Q. Okay. And is that criminal sexual conduct,  
18 or criminal sexual conduct with a minor?

19 A. Criminal sexual conduct with a minor.

20 Q. Okay. And what kind of information did you need  
21 to prepare the actual warrants?

22 A. I would call -- I needed personal information  
23 on the subject.

24 Q. Like, can you give an example of what personal  
25 information?

1           A. I would request the DMV -- department of motor  
2 vehicles records, driver's license ---

3           Q. Okay.

4           A. --- which contains most of the information that  
5 I would need to obtain ---

6           Q. So what kind of information do you need?

7           A. Name, date of birth, address, height, weight.

8           Q. Okay. And is that standard during an  
9 investigation?

10          A. Yes, ma'am.

11          Q. Okay. So what would have been the Defendant's  
12 date of birth?

13          A. Could I see the record, please?

14          Q. Sure. I'm going to show you what's been  
15 premarked as State's 42.

16                   MS. SAS: Permission to approach the  
17 witness, Your Honor?

18                   THE COURT: You may.

19 BY MS. SAS:

20          Q. Can you tell the jury what is Defendant's date  
21 of birth?

22          A. The Defendant's date of birth is [REDACTED],  
23 [REDACTED].

24          Q. Okay. What about his height?

25          A. Five foot, seven.

1 Q. What about his weight at the time?

2 A. 185.

3 Q. Okay. What other information did you gather  
4 from that report?

5 A. On his driving record, it also showed an address  
6 change of -- on July 30th, 2018.

7 Q. July 30th?

8 A. 7/30/2018; that's what it says on here.

9 MS. SAS: Permission to approach the  
10 witness, Your Honor?

11 THE COURT: You may.

12 BY MS. SAS:

13 Q. And changed from what address to what address?

14 A. The address that he changed from was [REDACTED] Majestic  
15 Oak Way, Cottageville, South Carolina in Colleton  
16 County. And he moved to [REDACTED] Benjamin Drive, Moncks  
17 Corner, South Carolina, located in Berkeley County.

18 Q. Okay. And what did you do with these warrants  
19 that you obtained?

20 A. After obtaining the warrants, I take the signed  
21 warrants, and I take them to our warrants division  
22 for entry in the National Crime Information Center,  
23 commonly referred to as NCIC, for entry and service.

24 Q. Is that standard?

25 A. Yes, ma'am.

1 Q. Okay. Were these warrants served on the  
2 Defendant?

3 A. Yes, ma'am.

4 Q. Okay. When were they served on him?

5 A. Just a second. I want to make sure.

6 Q. I believe if you reference page number 7 in that  
7 packet that you have. So if you count seven, Rule 525.

8 A. Okay. On the -- August 11th, 2020.

9 Q. Okay. And who served the warrants on him?

10 A. The warrants were served by Road Deputy Goyette.

11 Q. Okay. And how did it come about that the  
12 warrants were served?

13 A. The way it came about is that -- what I was  
14 advised is James Boley was located by the ---

15 MR. SEATON: Objection. Hearsay.

16 THE COURT: Basis?

17 MR. SEATON: Hearsay.

18 THE COURT: Sustained. Hearsay. He can't  
19 say what someone said ---

20 MS. SAS: Don't say what somebody ---

21 THE COURT: --- he can only say what he did  
22 as a result.

23 MS. SAS: Yeah.

24 THE WITNESS: I apologize.

25 BY MS. SAS:

1 Q. What -- you said Goyette served the warrants?

2 A. Yes, ma'am.

3 Q. Okay. How did Goyette come in contact -- based  
4 on your investigation and access to the case file,  
5 how did Goyette come in contact?

6 A. He was requested to meet with the -- with  
7 Sergeant Milks with -- I'm ---

8 Q. If you look at Rule 525, does it tell you who  
9 she was with?

10 MS. SAS: Permission to approach the  
11 witness, Your Honor?

12 THE COURT: You may.

13 THE WITNESS: I'm having a -- with all the  
14 different -- U.S. Marshals.

15 BY MS. SAS:

16 Q. Okay.

17 A. I've been dealing with a lot of different  
18 agencies. I apologize.

19 Q. Why -- it's okay. Why would the U.S. Marshals  
20 be involved? Can you explain that procedure to the  
21 jury?

22 A. One of the things is when the warrants are  
23 turned in to the warrants division with certain types  
24 of charges, or certain types of cases, the U.S. Marshals  
25 will assist in locating and serving -- or assist in

1 trying to serve the warrants.

2 Q. Okay. And what happens after the warrants  
3 are served with the case? Generally, what happens  
4 with the case?

5 A. Oh, the case is turned over to the solicitor. As  
6 a detective, I close my case, and I turn all documents,  
7 all paperwork, everything I have, and it is forwarded  
8 to the solicitor's office.

9 Q. Okay. Is it unusual for our office to make  
10 changes to the charges?

11 MR. SEATON: Objection, Your Honor.

12 THE COURT: Basis?

13 MR. SEATON: It's -- I'll withdraw.  
14 I'll withdraw.

15 THE COURT: Objection withdrawn. You may  
16 proceed. Sir, do you need the question repeated?

17 THE WITNESS: Could you repeat the question?

18 BY MS. SAS:

19 Q. Is it unusual for our office to make changes  
20 to the charges?

21 A. No, it's not unusual.

22 Q. Is it unusual for our office to talk to  
23 additional witnesses and obtain additional evidence?

24 A. No.

25 MS. SAS: Court's indulgence. No further

1 questions from this witness at this time, Your Honor.

2 THE COURT: Any questions for the witness?

3 MR. SEATON: Thank you, Your Honor.

4 THE COURT: You're welcome.

5 CROSS-EXAMINATION

6 BY MR. SEATON:

7 Q. Just so we're clear, Sergeant, Kim Milks that  
8 served that, that you said was with the Marshals's  
9 office, the federals, she's actually a sheriff's office  
10 deputy, and she works in the same building as you?

11 A. She is Berkeley County, and she is assigned  
12 to the U.S. Marshals and sworn in as a federal officer.

13 Q. She gets her paycheck from the same place you  
14 do, right? She works for the sheriff, she's on loan  
15 to the Marshals's office, to your knowledge?

16 A. I would not be able to say yes or no to that.  
17 I do not know; I've never been -- I ---

18 Q. In fact, she works right down the hall from  
19 you, doesn't she? She's in warrants now, isn't she?

20 A. No, she is not; she is on the road.

21 Q. She's back on the road?

22 A. Yes, sir.

23 Q. Oh, I'm a little behind.

24 A. I wasn't trying to be confusing.

25 Q. I understand. I understand.

1 A. She is back on the road.

2 Q. I just want to make sure it was clear. She's  
3 not a marshal; she works for the sheriff's office,  
4 but was loaned to the marshals's office?

5 A. Yes, sir.

6 Q. Okay. And a couple of things. First of all,  
7 you would agree with me that on the warrants you got  
8 the address wrong. You had Kim's address; is that  
9 correct?

10 A. Yes, I did.

11 Q. It was -- you got it as [REDACTED] Emma Line Way [sic]  
12 in Summerville rather than the Benjamin Road that we're  
13 talking about, correct, on all three of those warrants?

14 A. The Emma Meredith Circle address?

15 Q. Yes.

16 A. Yes, sir.

17 Q. I always get -- I pronounced it wrong, but, yes.  
18 So y'all had that wrong?

19 A. Yes, sir.

20 Q. All right. And I was given a stack of your notes  
21 and of your report. Your report is done -- the sort  
22 of official one is done as what's called an incident  
23 report; is that correct?

24 A. Correct.

25 Q. And then everything that's added to it is called

1 a supplementary incident report; is that correct?

2 A. Supplementary, yes, sir.

3 Q. All right. And did you write the original  
4 incident report?

5 A. No, I did not.

6 Q. Okay. So everything that you wrote was what  
7 we call supplements?

8 A. That would be what I put in, yes, sir.

9 Q. Okay. And mine starts with you as saying  
10 that your first contact is on 2/14/2020, "I met with  
11 Deputy Dolly at [REDACTED] Emma Meredith Circle, Goose Creek."

12 MS. SAS: Your Honor, objection. I'm sorry.

13 THE COURT: Basis?

14 MS. SAS: Improper refreshment.

15 THE COURT: You need to ask him a question.  
16 If he says he can't recall, you need to give him the  
17 opportunity to review the document silently and then  
18 re-ask the question.

19 MR. SEATON: Certainly, Your Honor.

20 THE COURT: Yeah. The objection is  
21 sustained. You may rephrase.

22 MR. SEATON: I'll be happy to.

23 BY MR. SEATON:

24 Q. Does your report show -- what is the first  
25 sentence of the first report that you did?

1           A.    "On 2/14/2020, I met with Deputy Dolly  
2 at █████ Emma Meredith ---"

3                   MS. SAS:  Objection.

4                   THE COURT:  Sir, you can't read from the  
5 report; you need to use it to refresh your memory ---

6                   MR. SEATON:  Would you ---

7                   THE COURT:  --- and then, you re-ask the  
8 question.

9 BY MR. SEATON:

10           Q.    Would you agree with me that your report  
11 starts with you saying that you met with Deputy Dolly  
12 at █████ Emma Meredith Circle?

13           A.    Yes, sir.

14           Q.    All right.  And you testified earlier that  
15 it started with you meeting with a bunch of people.  
16 You described a whole bunch people over at the house  
17 at Benjamin.  I believe that was your testimony earlier.

18           A.    I was on Benjamin Drive; I didn't say I was  
19 at the house.

20           Q.    Okay.  Wherever you were on Benjamin, you talked  
21 to people, and they said, the cops have already left.  
22 I think that was your testimony.

23           A.    Yes, sir.  As soon as I pulled onto Benjamin  
24 Drive, a very short way in, that's what I was told.

25           Q.    All right.  And you would agree that is not

1 what's in your supplement, correct?

2 A. Yes, sir.

3 Q. And you would agree that is not what's in the  
4 notes that you wrote as well, correct?

5 A. Correct.

6 Q. This is some new memory that you have four years  
7 later?

8 A. It's ---

9 Q. I mean, it's not in writing anywhere?

10 A. No, it's not in writing.

11 Q. Okay. And I'm going to ask you -- if you want  
12 to take a minute, that's fine. Is there anything else  
13 that you're going to testify about that's not in  
14 writing? Is there anything in this -- let me ask  
15 it this way. In your reports, is anything left out  
16 or wrong?

17 A. I do not know.

18 Q. Okay. That's fine. Kind of a trick question,  
19 so I'll probably ask it differently. But having  
20 left off that first part that you told us about,  
21 and then getting the warrant wrong, understandable.  
22 When you started this investigation, it's my  
23 understanding that you spoke with **Minor** and her mama?

24 A. Yes, sir.

25 Q. And at what point did you talk to her father?

1           A.    The first time was by phone.  I would have  
2 to look to see -- by phone, and I would have to look  
3 for the date.

4           Q.    Okay.  If you would, take a look and see when  
5 you came into contact with him.

6           A.    That would have been on June 10th, 2020.

7           Q.    June 10th of 2020?

8           A.    Yes, sir.

9           Q.    Okay.  This would have been when -- the incident  
10 where you first had made contact was 2/14, then in June,  
11 so about four months later, roughly?

12          A.    Yes.

13          Q.    I'm not going to hold you to the date.

14          A.    Yes, sir.

15          Q.    And I'm assuming that was because at that point  
16 **Minor** was no longer living in Virginia with her aunt  
17 and was now down in Florida with her dad?

18          A.    That was my understanding, yes, sir.

19          Q.    Okay.  And you were just -- as your notes say,  
20 you were updating to let them know what's going  
21 on and trying to find the forensic interview place  
22 as was asked by the solicitor; is that correct?

23          A.    Yes, sir.

24          Q.    All right.  And when you talked to dad, you made  
25 a notation about it in your notes that you've got as

1 well as your incident report, supplement number 14?

2 A. Yes, there is a note.

3 Q. Okay. It looks like it was actually a little  
4 earlier. It looks like that was May 26; is that  
5 correct? 5/26/20?

6 A. Yes, sir.

7 Q. And you talked to him on the telephone; is that  
8 correct?

9 A. Yes, sir.

10 Q. All right. Do you have any idea why he wanted  
11 you to talk to his attorney, Paul Doolittle, here in  
12 Mount Pleasant?

13 A. No.

14 MS. SAS: Objection, Your Honor.

15 THE COURT: Basis?

16 MS. SAS: Relevance.

17 THE COURT: Ladies and gentlemen, I have  
18 a brief matter of law to take up with counsel. During  
19 the break, please do not discuss the case, and please  
20 leave your notepads in your seats. We appreciate your  
21 patience.

22 (The jury exited the courtroom at 4:14 p.m.)

23 THE COURT: You may be seated. The  
24 objection is relevance, Mr. Seaton. What fact of  
25 consequence does this question or answer make more

1 or less probable?

2 MR. SEATON: I don't know what he's going  
3 to say, Judge.

4 THE COURT: Well, you have to have some --  
5 you have to be able to satisfy that inquiry for the  
6 Court in order for me to make a ruling.

7 MR. SEATON: Well, it depends on why the  
8 man wants him to talk to his attorney.

9 THE COURT: Which ---

10 MR. SEATON: If he wants him to talk to his  
11 attorney about ---

12 THE COURT: Which man are you referring to?

13 MR. SEATON: Meaning, the man that he  
14 was talking to, which would have been **Minor** father.  
15 He was on the phone with **Minor** father.

16 THE COURT: I got that part.

17 MR. SEATON: **Minor** father ---

18 THE COURT: I'm still trying to figure out  
19 why is that relevant?

20 MR. SEATON: Because if the father is  
21 suggesting to him that he is bringing a civil action,  
22 then I think that is relevant.

23 THE COURT: Why is that relevant?

24 MR. SEATON: It's relevant because if this  
25 is about money rather than ---

1 THE COURT: Well, he can't repeat what  
2 the young lady's father said to him; it's hearsay.

3 MR. SEATON: I'm sorry, Your Honor?

4 THE COURT: I said he can't repeat what  
5 the young woman's father said to him. He can only  
6 say what he did as a result of the conversation.  
7 It's hearsay.

8 MR. SEATON: Absolutely. Certainly, agree  
9 with that, Your Honor.

10 THE COURT: But to ask the question,  
11 I think, is problematic because they have the right  
12 to bring a cause of action, if they want to, civilly,  
13 for the recovery of any damages.

14 MR. SEATON: I certainly ---

15 THE COURT: The other problem is that the  
16 gentleman of which you're raising the inquiry is not  
17 here to be cross-examined for them to make inquiries  
18 to why he did it or didn't do it.

19 MR. SEATON: If they ---

20 THE COURT: And so ---

21 MR. SEATON: --- call him, I'll ask him,  
22 Judge.

23 THE COURT: Well, no, they don't have to.  
24 It's your witness, your -- I mean, not your witness,  
25 but it is your line of questioning. Why -- what is

1 the basis -- the full basis of the objection, Ms. Sas?

2 MS. SAS: Your Honor, I don't see how  
3 a victim's father months later calling an attorney  
4 has any relevance to this. What I think -- the defense  
5 is trying to elicit some character evidence, and I just  
6 don't see relevance in it. And again, if Mr. Pichardo  
7 testifies, which we're deciding on right now, Mr. Seaton  
8 can choose to ask him that, or he can call him as a  
9 witness if he wishes to.

10 MR. SEATON: Your Honor, could I answer?

11 THE COURT: Sure.

12 MR. SEATON: Let's suppose that the sergeant  
13 says, he's threatened me that if I don't file a warrant,  
14 that they're going to sue the sheriff's office. Because  
15 by this point, we're now four months in, or almost  
16 six months in, to this investigation, and the mother  
17 and father both seem to be suggesting that the sheriff's  
18 office isn't doing their job. And so what if he  
19 were to tell us that father is threatening him with  
20 Mr. Doolittle because he won't get off his behind  
21 and get a warrant?

22 THE COURT: I can't deal with what-ifs.  
23 You need to have some good-faith basis for the question.

24 MR. SEATON: You know, Judge, if he said ---

25 THE COURT: You need to have some idea

1 of what you believe the answer ---

2 MR. SEATON: Well, I would proffer it,  
3 and if he says, no, then I'll certainly let it go.

4 THE COURT: Well, that still doesn't answer  
5 the question of the relevance.

6 MR. SEATON: It's relevant if he's being  
7 threatened that he's going to get sued. As you hear  
8 all the time, if y'all don't file -- if y'all don't  
9 bring a warrant against this man for what he did to  
10 my daughter, then I'm going to sue you. That's putting  
11 undue pressure on the sheriff's office by threatening  
12 that you're going to bring a lawsuit.

13 THE COURT: I don't know if that's accurate  
14 because people do that all the time, and it doesn't  
15 move them off the dime. They do what they want to do.  
16 They bring things -- I don't think that -- and them  
17 suing ain't going to make a bit of difference anyway.

18 MR. SEATON: I would simply like to proffer,  
19 Your Honor.

20 THE COURT: Yeah. You could ask the  
21 question and see what the answer is, but I'm not  
22 inclined to let it in. It's confusing, it's misleading,  
23 it's not relevant ---

24 MR. SEATON: I understand.

25 THE COURT: --- to any issue. But that

1 wasn't the original question you asked.

2 MR. SEATON: Yes, ma'am.

3 THE COURT: The original question you asked  
4 was something about the father having a lawyer, and you  
5 elicited a response. You wanted him to repeat what the  
6 father said to him, which is hearsay, and I've sustained  
7 that objection.

8 MR. SEATON: Yes, ma'am.

9 THE COURT: You've now moved to a whole  
10 different line of inquiry. So, I need to know what that  
11 question is going to be, and then I can make a decision  
12 about whether that's relevant as well, or whether the  
13 State is going to object or not.

14 MR. SEATON: Assuming that he said ---

15 THE COURT: Because the question you're  
16 now stating is totally different than the one you just  
17 asked, which was the subject of the objection.

18 MR. SEATON: Assuming for a second that  
19 the foundational question of, did he threaten -- excuse  
20 me. I apologize. Let me start over. Assuming the  
21 foundational question of, did he call you and tell you  
22 to call ---

23 THE COURT: That's hearsay; all of it.  
24 It's compounded hearsay. You can ask if he had a  
25 conversation and what he did as a result, but you can't

1 ask him to repeat what somebody said, and you can't  
2 testify about facts that are not in evidence and are  
3 not subject to cross-examination.

4 MR. SEATON: Yes, ma'am.

5 THE COURT: That's a whole different  
6 question than the one you just indicated. So, I've  
7 ruled on the first question. So now we've moved  
8 on to the second question, and the State needs to hear  
9 it while we have the benefit of the jury being out to  
10 see if they object to it or not.

11 MR. SEATON: Certainly, Your Honor.

12 BY MR. SEATON:

13 Q. Did you -- Sergeant, did you receive a phone  
14 call on the date of 5/26 from **Minor** father?

15 A. Yes, sir.

16 Q. And in that phone call, was there any threats  
17 made to the sheriff's office?

18 A. I do not recall any threat being made.

19 Q. All right. And did you do anything as a result  
20 of him suggesting that you call someone?

21 A. I added the lawyer's name and phone number  
22 in the incident report.

23 Q. Was there anything else done as a result of that?

24 A. Not that I remember.

25 MR. SEATON: I wouldn't have anything

1 further anyway, Your Honor.

2 THE COURT: State have any exceptions  
3 to this line of questioning?

4 MR. SEATON: Your Honor, I could save you  
5 the trouble, I'll withdraw.

6 THE COURT: Okay. The line of questioning  
7 is withdrawn. Do y'all need to go to the restroom right  
8 quick while we've got the jury out?

9 MR. SEATON: Yes, ma'am.

10 MS. SAS: If Your Honor would like to give  
11 us a couple of minutes, we would appreciate it.

12 THE COURT: Go right ahead.

13 (Recess taken.)

14 (Back on the record.)

15 THE COURT: State ready to proceed?

16 MS. SAS: We are, Your Honor.

17 THE COURT: Defense ready to proceed?

18 MR. SEATON: We're ready, Your Honor.

19 (The jury entered the courtroom at 4:27 p.m.)

20 THE COURT: You may be seated. You may  
21 proceed with the witness.

22 MR. SEATON: Thank you, Your Honor.

23 THE COURT: You're welcome.

24 BY MR. SEATON:

25 Q. Sergeant, you tell us the second forensic

1 interview would have been May, June, something like  
2 that, I believe?

3 A. Yes.

4 Q. May or June?

5 A. June.

6 Q. All right. And you sought the warrants shortly  
7 after that?

8 A. After reviewing the interview, yes, sir.

9 Q. I believe it would have been -- August the 5th  
10 is when you got the warrants?

11 A. Yes, sir, it was August 5th.

12 Q. Okay. And during that time, approximately,  
13 would you agree with me it was about six months from  
14 February the 14th until August the 5th?

15 A. Just short of six months, yes, sir.

16 Q. Okay. And you had talked to mom, dad, and to  
17 **Minor** during that six months, correct?

18 A. Yes, sir.

19 Q. And the forensic interview people?

20 A. Yes, sir.

21 Q. All right. Did you ever reach out to Mr. Boley?

22 A. No, sir.

23 Q. Did you ever reach out to any of his family?

24 A. No, sir.

25 Q. Did you ever reach out to any of the people that

1 testified here today?

2 A. No, sir -- well, Kathy Fabrizio, yes, sir.

3 MR. SEATON: Thank you.

4 THE WITNESS: Yes, sir.

5 THE COURT: Any redirect of the witness?

6 MS. SAS: Your Honor, we have a matter

7 of law.

8 THE COURT: Mr. Foreman, ladies and  
9 gentlemen, we have a brief matter of law. During  
10 the break, please do not discuss the case, and please  
11 leave your notepads in your seats. We appreciate your  
12 patience.

13 (The jury exited the courtroom at 4:29 p.m.)

14 THE COURT: You may be seated.

15 I'm listening.

16 MS. SAS: Oh, I'm sorry, Your Honor.

17 THE COURT: That's okay.

18 MS. SAS: Your Honor, I believe that  
19 Mr. Seaton opened the door to us asking Sergeant Bell  
20 whether they asked to speak to the Defendant. He made  
21 an implication as if they never tried. They did, and  
22 he revoked his right to counsel when he was arrested.  
23 And the line of questioning implied that they never  
24 tried to talk to him.

25 THE COURT: Please read back the last

1 question for me, Madam Court Reporter, the last question  
2 Mr. Seaton asked the witness.

3 (The court reporter read back the last question.)

4 THE COURT: Would you like to respond,  
5 Mr. Seaton?

6 MR. SEATON: Yes, Your Honor. If you  
7 go back another question, what I had asked was that  
8 specific time period from between the time of February  
9 14th to the day of the -- that he got the warrant on  
10 August the 5th.

11 THE COURT: Why is it relevant at all?  
12 You have -- you've opened the door. They get to  
13 rehabilitate their witness. You don't get to ask  
14 a question and let it linger in the air. That's  
15 misleading, and that's ---

16 MR. SEATON: But it's not misleading,  
17 Your Honor. He got -- he sought the warrant, and he got  
18 a warrant without reaching out ---

19 THE COURT: He doesn't need to talk to him  
20 to get a warrant.

21 MR. SEATON: I'm sorry, Your Honor?

22 THE COURT: He doesn't have to talk to him  
23 to get a warrant.

24 MR. SEATON: Of course, they don't.

25 THE COURT: Rarely ---

1 MR. SEATON: Just asked whether or not  
2 he did.

3 THE COURT: Yeah, but that's misleading.  
4 They get to rehabilitate their witness. They're not  
5 confined to the periods you asked about. It's  
6 misleading. It gives the impression that they did  
7 not have a thorough investigation and somehow they  
8 fell short, that they were slacked. That's why I asked  
9 her to read back the last question. When did they reach  
10 out to speak to him, Ms. Sas?

11 MS. SAS: Your Honor, the notes of  
12 Sergeant Bell indicate that on August 11 ---

13 MR. SEATON: After he was arrested.

14 MS. SAS: --- the suspect was located  
15 at work by Sergeant Milks, "does not want to talk  
16 to investigators, only to his lawyer."

17 THE COURT: Which is his right to invoke.  
18 He doesn't have to talk to y'all. Why would he -- yeah.  
19 Anything he said can and will be used against him.  
20 That's why we have those admonitions. But he does draw  
21 an interesting point, which is, there's a difference  
22 between asking somebody about something while you're  
23 investigating versus once you've issued an arrest  
24 warrant.

25 Once he's issued -- once they've issued

1 a warrant, I wouldn't talk to y'all. Frankly,  
2 I wouldn't have talked to y'all before, but then  
3 I'm a lawyer. I've never known the police to have  
4 altruistic purposes when they come to talk to a suspect.  
5 They want you to incriminate yourself, which is their  
6 job; I'm not criticizing them. But, I guess, I'm trying  
7 to figure out, what duty did the police have to talk  
8 to your client before issuing a warrant?

9 MR. SEATON: I think ---

10 THE COURT: And how does that in some way  
11 cast them as falling short in how thorough they were  
12 in their investigation of what did or did not take  
13 place, and how would that have made a difference?  
14 If he said it didn't happen at all, that doesn't mean  
15 they weren't going to arrest him.

16 MR. SEATON: Well, I mean, if we're going  
17 to play the what if they had done this game, then I ---

18 THE COURT: No, this is not based on  
19 what-ifs; this is based on well-grounded experience.  
20 They've already planned to arrest him. It wouldn't have  
21 mattered. They had a victim that came to them and said  
22 that she was molested, that she was under the age of  
23 consent. They were going to arrest somebody, whomever  
24 she said molested her, which was your client. I don't  
25 know that it would have made any appreciable difference

1 whether they spoke to him or not.

2 MR. SEATON: I don't either, Judge.

3 THE COURT: And I'm trying to figure  
4 out how does that make a -- how is your argument  
5 viable that -- and I assume that's why you're asking  
6 it -- that their investigation wasn't thorough.  
7 And then the problem -- the other problem you run  
8 into when you really look at this analysis is it almost  
9 becomes burden shifting. You're now casting -- you're  
10 shifting the burden on your client to somehow have  
11 to -- to exonerate himself when talking to the police.  
12 It's just -- it's a rabbit's hole. I don't know that  
13 it's -- it's problematic.

14 They don't have to talk to him before  
15 they charge him. A complete investigation -- or their  
16 investigation is not deficient because they didn't speak  
17 to him. And at the same time, when you've raised  
18 this issue now before a jury, you give this apprehension  
19 that somehow your client has some burden or some duty  
20 to exonerate himself, which he doesn't.

21 That's the State's job to prove beyond  
22 a reasonable doubt. Your client can sit there quiet  
23 -- you don't have to make any argument. You have  
24 no burden of proof. It just creates -- I just --  
25 I guess, I'm just trying to figure out why would you

1 ask the question to begin with because now you've put  
2 yourself in a position where they do have the right  
3 to rehabilitate their witness.

4 MS. SAS: Your Honor, if I may?

5 THE COURT: But I don't know that you  
6 need to go the extra step, which is, what did he say?  
7 I think you can ask, did you make any attempts to speak  
8 with him? And then, the next question would be when.  
9 Or did you attempt to speak with him? You know, I think  
10 you can fairly rehabilitate your witness.

11 It would be up to y'all to argue about,  
12 you know, whether that was a reasonable time to contact  
13 him before he was arrested, or during the investigation,  
14 or after the warrants were secured. But you did open  
15 the door when you asked that question. They have  
16 the -- you can't give the impression that somehow  
17 this was a spurious, one-sided investigation where  
18 they made no attempts to really be thorough and them  
19 not be able to rehabilitate their witness.

20 MR. SEATON: I would agree wholeheartedly,  
21 Your Honor, if they had made that attempt at some point.  
22 But I do think that it changes the day that they make  
23 the arrest, and now you've got your constitutional  
24 Miranda rights that have been read to him ---

25 THE COURT: Well, you raised the issue;

1 you opened the door. Can't have it both ways.

2 MR. SEATON: I understand, Judge.

3 THE COURT: Once you've raised it, they  
4 get to rehabilitate their witness. Yes, ma'am --  
5 but I don't think you need to go into what he said  
6 and all that ---

7 MS. SAS: Yeah.

8 THE COURT: --- because that's burden  
9 shifting. He has the right to assert his Fifth  
10 Amendment right to self-incrimination.

11 MS. SAS: And, Your Honor, I fully  
12 understand that, and I think my concern is the  
13 implication somehow that he wanted to talk to them  
14 without him actually taking the stand and saying that.  
15 It implies that they didn't do it, and he didn't want  
16 to talk to them. So, I'm ---

17 THE COURT: I don't think I heard her --  
18 that's why I asked the court reporter to read back  
19 the question. That's not what the question was.

20 MS. SAS: I am fine with asking  
21 Sergeant Bell, and certainly, we can proffer that  
22 question for the Court.

23 THE COURT: What question is that?

24 MS. SAS: On redirect. We can proffer  
25 that if the Court would like me to and his answer

1 to make sure that we stay within the Court's guidelines.

2 THE COURT: Yeah. I think once you ask that  
3 question, and you give the impression that somehow they  
4 made no attempts to talk to your client, the timeline  
5 becomes a factual issue for argument. It's not  
6 dispositive for the Court. Once you make that assertion  
7 that somehow they were slacked in their investigation,  
8 they get to rehabilitate the witness. You all can  
9 argue about when it took place or didn't take place,  
10 but that's not for the Court's consideration.

11 Do you want to ask your question?

12 MS. SAS: Yes.

13 THE COURT: Go ahead.

14 BY MS. SAS:

15 Q. Sergeant Bell, did you make an attempt  
16 at all to talk to the Defendant, James Boley?

17 A. Yes.

18 Q. And when was that?

19 A. August 11th, 2020.

20 Q. Thank you.

21 MS. SAS: That's it.

22 MR. SEATON: Your Honor, I have a follow-up  
23 on that.

24 THE COURT: You don't get a follow-up.

25 There's ---

1 MR. SEATON: Well, then, the jury is going  
2 to go back out ---

3 THE COURT: --- direct ---

4 MR. SEATON: --- because it wasn't him ---

5 THE COURT: I've told you multiple times  
6 not to argue with the Court. And I understand people  
7 get, you know, worked up during advocacy, but I'm not  
8 worked up. I don't have a side; my own side is the  
9 rules. The rules are they get direct, you get cross,  
10 they get redirect. They get the last say because they  
11 have the burden of proof.

12 You brought it up, I've ruled on it. They  
13 get to rehabilitate their witness. There's a plethora  
14 of case law on that issue. And you know how I know?  
15 Because I got reversed one time on it, so it sticks  
16 in my mind.

17 MR. SEATON: Yes, ma'am.

18 THE COURT: Yes, ma'am.

19 MS. SAS: I'm going to rephrase my question.

20 THE COURT: Go ahead. I'm listening.

21 BY MS. SAS:

22 Q. Did Berkeley County Sheriff's Office make an  
23 attempt to talk to Defendant, James Boley, at all about  
24 this case?

25 A. Yes.

1 Q. When?

2 THE COURT: I don't know that you need  
3 the "at all." That's leading. You don't get to lead  
4 on redirect.

5 MS. SAS: Okay. So we'll just ---

6 THE COURT: You need to ask a direct  
7 question.

8 MS. SAS: We'll just ask, did Berkeley  
9 County Sheriff's Office make an attempt to talk to  
10 James Boley about this case?

11 THE WITNESS: Yes.

12 BY MS. SAS:

13 Q. When?

14 A. August the 11th, 2020.

15 THE COURT: And I'll note your exception.  
16 I think I've ruled on it.

17 MR. SEATON: Yes, ma'am.

18 THE COURT: You raised the issue; you opened  
19 the door.

20 MR. SEATON: I get it, yes.

21 THE COURT: They are allowed to rehabilitate  
22 their witness, but I'm limiting the line of inquiry  
23 because Mr. Boley has the right to assert his  
24 Fifth Amendment right against self-incrimination.  
25 He's under no obligation to speak to the police, quite

1 frankly, before or after the warrants were issued.

2 Most Defendants don't talk to the police.

3           And, frankly, when I practiced law, I told  
4 my clients not to talk to the police at all under  
5 any circumstance. We talk in court when it was our  
6 time, if that was necessary. And I don't know too  
7 many defense attorneys that would allow their clients  
8 to talk to the police.

9           And again, that's no indictment of the  
10 police; it's their job. But it's also your job to be  
11 wise and alert and protect your own rights which are  
12 granted to you by the Constitution.

13           So you've raised the issue about whether  
14 they made any attempts to talk to your client; he  
15 indicated an answer. They're allowed to rehabilitate  
16 their witness. I think the questions that they propound  
17 are appropriate and are limited in scope, and they're  
18 following the Court's instructions, and we'll move  
19 forward.

20           All right. Please bring in the jury.  
21 The objection is noted and overruled.

22           (The jury entered the courtroom at 4:41 p.m.)

23           THE COURT: You may be seated. Ladies  
24 and gentlemen, we appreciate your patience. We'll  
25 now resume the witness's testimony. You may proceed,

1 Ms. Sas.

2 MS. SAS: Yes, Your Honor. I'm sorry.

3 THE COURT: That's okay.

4 MS. SAS: Just a couple of questions  
5 for this witness. Court's indulgence.

6 THE COURT: Yes, ma'am.

7 (Pause.)

8 REDIRECT EXAMINATION

9 BY MS. SAS:

10 Q. Sergeant Bell, did the Berkeley County  
11 Sheriff's Office make an attempt to talk to Defendant,  
12 James Boley, about this case?

13 A. Yes.

14 Q. When?

15 A. It was on August 11th, 2020.

16 Q. Thank you.

17 MS. SAS: No further questions for this  
18 witness.

19 THE COURT: Sir, you may step down.

20 THE WITNESS: Thank you, Your Honor.

21 THE COURT: You're welcome.

22 THE WITNESS: Can I take my bottle of water?

23 THE COURT: Yes, sir, you may.

24 THE WITNESS: Thank you.

25 THE COURT: Mr. Foreman, ladies and

1 gentlemen, we're going to take advantage of this break  
2 in testimony to take our evening recess. During  
3 the break, please do not discuss the case in any  
4 manner whatsoever. Please do not read, watch, or listen  
5 to any media accounts, if there are any. And again,  
6 please don't have any contact with anyone in or about  
7 the courthouse as we would not want an innocent  
8 conversation to be observed or misinterpreted.

9 Now your foreperson provided the Court  
10 with a note earlier that indicated he may have had  
11 notes from another case in his notepad. What I would  
12 ask each of you to do is to look through your notepads  
13 and make sure there are no extraneous notes. And, sir,  
14 those notes that are in your notepad, if you would tear  
15 those out so that we can shred those.

16 THE FOREPERSON: Yes, ma'am.

17 THE COURT: We apologize that that happened  
18 inadvertently, and we will take extra efforts to make  
19 sure that does not happen in the future. I just need  
20 everybody to make sure. Look through your notepads,  
21 make sure there are no other notes.

22 (Pause.)

23 THE COURT: Okay. Other than -- I need  
24 to see those, please. Other than the foreperson,  
25 does anyone else have any extraneous notes in their

1 notepads? If so, if you would raise your right hand  
2 for me. The record should reflect that the response  
3 was negative. You all are excused, with the exception  
4 of the foreperson. If you could remain with us,  
5 please. Everyone leave your notepads in your seats  
6 and have a great day. See you in the morning at 9:30.

7 (The jury exited the courtroom at 4:45 p.m.)

8 THE COURT: You may be seated. Sir, these  
9 faint notes -- basically, it looks like they didn't  
10 have a very sharp pencil when they wrote this.  
11 Did you have -- did you read these notes?

12 THE FOREPERSON: No, ma'am, I did not.

13 THE COURT: Okay. So I ask, have these  
14 notes in any way affected your ability to be fair  
15 and impartial?

16 THE FOREPERSON: No, ma'am.

17 THE COURT: Can you remain fair and  
18 impartial?

19 THE FOREPERSON: Yes, ma'am.

20 THE COURT: Can you render a fair  
21 and impartial decision in this case based solely on  
22 the evidence as it will be presented and on the law  
23 as the Court will instruct?

24 THE FOREPERSON: Yes, ma'am.

25 THE COURT: Okay. Sir, if you would stand

1 out in the hallway for me, and please don't discuss  
2 anything I've discussed with you with any of your fellow  
3 jurors. I'll be right back with you in a moment.

4 THE FOREPERSON: Okay.

5 (The foreperson exited the courtroom at 4:46 p.m.)

6 THE COURT: Any exception from the State?

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

8 THE COURT: Any exception from the defense?

9 MR. SEATON: No, Your Honor.

10 THE COURT: And I'll tell y'all -- if  
11 you want to look at them, you can. I'm going to have  
12 it all marked as a court's exhibit. These notes are  
13 so faint, unless you knew -- it looks like the person  
14 was writing with a very dull pencil.

15 Unless you really knew what this was about,  
16 you would have no clue. I mean, I -- I mean, I kind  
17 of have a clue just because I do this all the time.  
18 I mean -- but I would have no way of following what  
19 happened in this case. It's just extraneous notes  
20 of whomever had that notepad before had written down,  
21 I guess, as a guideline for themselves.

22 And I don't know -- they're not necessarily  
23 in order because as they were torn out, they weren't,  
24 you know -- I'm sure y'all saw. Some were folded,  
25 some were -- so I'm going to attach his original note

1 to these notes and have it marked as a court's exhibit.

2 Any exception from the State?

3 MS. SAS: None from the State, Your Honor.

4 THE COURT: From the defense?

5 MR. SEATON: No, Your Honor.

6 THE COURT: All right, guys. If y'all  
7 want to look at it, you're welcome to after the court  
8 reporter marks it as a court's -- marks it as a court's  
9 exhibit.

10 (Court's Exhibit No. 2 was marked for identification.)

11 (Court's Exhibit No. 2 was admitted into evidence.)

12 THE COURT: All right. Anything else  
13 we need to take up before we take our evening recess  
14 from the State?

15 MS. SAS: Yes, Your Honor. We just wanted  
16 to put on the record that the State ---

17 THE COURT: Oh, Lordy, I have to let  
18 the juror go. Any exception to me letting him go  
19 for the evening? I told him -- I've got him standing  
20 out there.

21 MR. SEATON: No, Your Honor.

22 Ms. SAS: None, Your Honor.

23 THE COURT: Y'all would bring him back  
24 in for me. Thank you.

25 (The foreperson entered the courtroom at 4:48 p.m.)

1 THE COURT: Sir, have a great evening.  
2 We'll see you in the morning.

3 THE FOREPERSON: All right. See you.  
4 Thank you.

5 THE COURT: 9:30.

6 THE FOREPERSON: Yes, ma'am.

7 (The foreperson exited the courtroom at 4:48 p.m.)

8 THE COURT: All right. Ms. Sas, you wanted  
9 to tell me something?

10 MS. SAS: Yes, Your Honor. I'm sorry.

11 THE COURT: That's okay.

12 MS. SAS: Your Honor, the State does not  
13 intend to call the following witnesses, and we would  
14 ask that if any of these people wanted to be in the  
15 courtroom that they can be here, for the record,  
16 from now on. That will be Marco Pichardo,  
17 Officer Patrick Dolly, Melissa Kinard, Joseph Goyette,  
18 and Ramoan "Ortez" Howell.

19 THE COURT: Any exception, Mr. Seaton?

20 MR. SEATON: No, Your Honor.

21 MS. SAS: And then, for the record, we would  
22 only have one remaining witness, then, and that's  
23 Megan Temple, who will be present tomorrow morning.

24 THE COURT: You may take your seat.

25 Is there any record the State would be seeking to use

1 to impeach Mr. Boley's credibility?

2 MS. SAS: Court's indulgence. I don't  
3 believe he has any record. No, Your Honor.

4 THE COURT: Sir, if you would stand  
5 and raise your right hand to be sworn. Mr. Boley.

6 (Whereupon, MR. JAMES BOLEY was duly sworn.)

7 THE COURT: You could put your right hand  
8 down. State your full name for the record.

9 THE DEFENDANT: James Edward Boley.

10 THE COURT: I need you to speak up for me,  
11 please.

12 THE DEFENDANT: James Edward Boley.

13 THE COURT: Mr. Boley, I'm going to give you  
14 -- explain to you certain of your rights. We will soon  
15 reach the stage of the trial where you will have the  
16 right to present your defense, and I want you to have  
17 a meaningful opportunity -- I don't want you to feel  
18 rushed -- to have this discussion with your lawyer  
19 so that you'll have the ability to -- during the recess,  
20 have this discussion with him, as well as if you need  
21 to have any additional discussion with him -- excuse  
22 me -- after the State's last witness has testified.  
23 And that's why I asked them if they had any record  
24 they would be seeking to introduce to impeach your  
25 credibility.

1           If there's something that you do not  
2 understand as I explain your rights to you, please  
3 let me know. If there's something you need for me  
4 to explain in more detail, please let me know.  
5 Do you understand?

6           THE DEFENDANT: Yes, ma'am.

7           THE COURT: And as I've already indicated,  
8 we will soon reach the stage of the trial where  
9 you will have the right to present your defense.  
10 You have the right to claim the protections given  
11 to you by the Fifth Amendment to the Constitution.  
12 And that Amendment states, in part, that no person  
13 shall be compelled in any criminal case to be a witness  
14 against himself.

15           This means that you cannot be required  
16 to testify. You have the right to testify, however,  
17 no one can make you testify. This is a personal  
18 right and no one can waive this right, except you.  
19 If you decide to testify, you will be subject to the  
20 same rules that govern other witnesses, and you may  
21 be examined and cross-examined on any relevant issue  
22 in this case.

23           In addition, if you have any convictions  
24 involving dishonesty or false statement, you'll be  
25 subject to being cross-examined regarding those

1 convictions. But as I've already indicated by  
2 questioning the State, they said you do not have any  
3 record, and there's no record that they would be seeking  
4 to use to impeach your credibility. However, you will  
5 be subject to the same rules that govern other  
6 witnesses, and you may be examined and cross-examined  
7 on any relevant issue in this case.

8 In addition, if you have any convictions  
9 involving dishonesty or for false statement, or for  
10 crimes punishable by imprisonment for more than one  
11 year, and the Court determines that the probative value  
12 of admitting this evidence outweighs its prejudicial  
13 effect to you, the State will be able to introduce  
14 your record to attack your credibility.

15 If you decide to testify, this decision  
16 on your part must be made freely, intelligently,  
17 and voluntarily with knowledge of the protections given  
18 to you by the Fifth Amendment and the consequences  
19 of your decision to testify.

20 If you decide not to testify, I'll instruct  
21 the jury that they cannot give that fact any  
22 consideration whatsoever, that there's to be no  
23 prejudice to you because you did not testify.

24 In fact, I will instruct them that you  
25 have no duty to testify, that the burden remains on

1 the State to prove each and every element of the offense  
2 that you've been charged with beyond a reasonable doubt,  
3 that you have no burden of proof. In fact, you can  
4 remain silent regarding the entirety of the process,  
5 and it would have no bearing on whether the State  
6 has proven their case. In addition, I will instruct  
7 them that the fact that you did not testify cannot  
8 be considered or discussed in any manner whatsoever  
9 in the jury deliberation process.

10 It's up to you whether you decide to  
11 testify. You may speak with your attorney, family  
12 members, friends, or anyone else, but the final  
13 decision is yours. Sir, do you understand your rights  
14 as I've just explained them to you?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Do you have any questions about  
17 your rights as I've explained them to you?

18 THE DEFENDANT: No, ma'am.

19 THE COURT: Now we're going to recess this  
20 portion of the colloquy until we actually reach that  
21 portion of the trial, and I will resume that colloquy.  
22 And just so that you're not taken aback, I will then  
23 ask you whether you have discussed with your lawyer  
24 whether you should or should not testify, whether  
25 you need additional time with him to discuss whether