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SC Court of Appeals

VOLUME I OF II

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Jocelyn J. Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ONTARIO LAMAR STALEY,

APPELLANT

APPELLATE CASE NO. 2024-002003

RECORD ON APPEAL

KATHRINE H. HUDGINS
Senior Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

MEGAN E RAYMER
Assistant Attorney General

Office of the Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-4141

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT UNDER SEAL:
STATE’S EXHIBITS #5, #6, #7, #8, #9, #10, #11 (ADVERTISEMENTS AND PHOTOS);
and STATE’S EXHIBITS #14, #15, #16 (PHOTOS)**

State of South Carolina) Court of General Sessions
)
 County of Richland) 2022-GS-40-03149
) 2022-GS-40-03152
) 2022-GS-40-03148
 State of South Carolina,) 2022-GS-40-03157
)
 v.)
)
 Ontario L. Staley)
)
 Defendant.)

November 18-21, 2024

Columbia, South Carolina

B E F O R E:

The Honorable Jocelyn J. Newman, Judge

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

On Behalf of the State: Megan Raymer, Esquire
 Caroline Hughes, Esquire
 Assistant Attorneys General

On Behalf of the Defendant: Scott Hayes, Esquire
 Scott Hayes Attorney at Law

Brandi J. Berry,
 Judicial Circuit Court Reporter

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1 (Monday, November 18, 2024; Columbia, South Carolina
2 in an open court.)

3 THE COURT: All right. This is the State of South
4 Carolina versus Ontario Staley. Mr. Staley's present in
5 the courtroom with his counsel. We're going to start --
6 he's not dressed out right now, but we're just going to do
7 some pretrial motions. Let me hear from the State as to
8 whichever order you want to go in for those motions. Tell
9 me your name again.

10 MS. RAYMER: Good morning, Your Honor. May it please
11 the Court? Megan Raymer, with the State.

12 THE COURT: Yes, ma'am.

13 MS. RAYMER: Also with me is co-counsel?

14 MS. HUGHES: Caroline Hughes, Your Honor. Oh -- good
15 afternoon.

16 THE COURT: Good afternoon.

17 MS. RAYMER: For this case, Mr. Staley is charged with
18 two counts of trafficking of persons, with the victim being
19 under 18. First offense, which carries 30 years. Two
20 counts of sexual exploitation of a minor, first degree, and
21 two counts of sexual exploitation of a minor, second
22 degree. The State would like to start by putting on the
23 record his rejection of a plea offer that expired on Monday
24 of last week. The State offered to reduce the human
25 trafficking charges to promoting or producing a sexual

1 performance by a child. We also offered to dismiss the
2 sexual exploitation of a minor, first degree charges, and
3 allow him to plead guilty to the producing a sexual
4 exploitation -- a sexual performance of a child and the
5 sexual exploitation of a minor, second degree charges, with
6 a recommended cap of 10 years. And Mr. Staley, rejected
7 that offer. We would just put that on the record.

8 THE COURT: And when did that offer expire?

9 MS. RAYMER: On Monday of last week.

10 THE COURT: Okay. Well, all right, let's keep going
11 then.

12 MS. RAYMER: If the Defendant was inclined to take an
13 offer today, we would still recommend a cap of 10 years,
14 but have him plead to the trafficking charges as opposed to
15 producing a sexual performance. But it's my understanding
16 he would reject that offer as well.

17 THE COURT: I'm sorry. He would plea -- what offer
18 would be available right now?

19 MS. RAYMER: Trafficking in persons of a victim less
20 than 18, two counts and two counts of sexual exploitation
21 of a minor, second degree, with a recommended cap of 10
22 years.

23 THE COURT: Let's pause here.

24 Mr. Staley, would you stand and raise your right hand?

25 THE DEFENDANT: (Complies.)

1 THE COURT: Do you solemnly swear or affirm the
2 testimony you give the court be the truth, the whole truth,
3 and nothing but the truth, so help you God?

4 THE DEFENDANT: I do.

5 ONTARIO L. STALEY,
6 being first duly sworn, testified as follows:

7 THE COURT: Okay. You've heard the Assistant Attorney
8 General go over with me that there is a plea offer
9 available to you right now, where you would plead guilty to
10 two counts of trafficking in persons under 18-years-old,
11 first offense, and two counts of sexual exploitation of a
12 minor, second degree, and they would recommend that you not
13 receive any more than 10 years in prison. Is this your
14 first time hearing that offer, or have you discussed that
15 with your attorney?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Okay. And do you wish to accept or reject
18 that plea offer?

19 THE DEFENDANT: Reject.

20 THE COURT: Okay. You understand that if you go to
21 trial and are convicted, you could receive substantially
22 more than 10 years in prison?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Have you had sufficient time to talk to
25 your attorney about whether you should accept or reject the

1 plea offer?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: And you feel comfortable going forward
4 with trial and not accepting the plea offer?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Do you have any questions for me about the
7 plea offer?

8 THE DEFENDANT: No, ma'am.

9 THE COURT: Anything that -- not trying to change your
10 mind, but any more information that you need just so that I
11 can make sure that you have made a sound informed decision?

12 THE DEFENDANT: Actually, Mr. Hayes and I went over --
13 excuse me -- Mr. Hayes and I went over this quite
14 substantially. He informed me of everything, even the
15 possibilities of -- if I do trial or if I'm found guilty at
16 trial, what I could be sentenced to. He did explain
17 everything to me, and he and I went over and discussed it.
18 I feel confident in his -- in his abilities that we may
19 prove my innocence.

20 THE COURT: Okay. So you wish to reject the plea
21 offer and go forward with the jury trial; is that correct?

22 THE DEFENDANT: Yes, ma'am, I do.

23 THE COURT: Okay. You can have a seat.

24 MR. HAYES: And, Judge, just in -- in brief response
25 to what the witness said, obviously he's been promised

1 nothing by me except my best effort here and before this
2 Court. And he does understand that if -- a conviction on
3 all charges could result in 120 year sentence, so he -- he
4 understands.

5 THE COURT: Okay. Good enough. All right. Yes,
6 ma'am.

7 MS. RAYMER: Thank you, Your Honor. May it please the
8 Court? I'm going to -- may I approach and hand up the
9 filed motions in this case?

10 THE COURT: Yes, ma'am. Thank you.

11 (Documents were handed up to the Court from Counsel.)

12 Okay. Yes, ma'am.

13 MS. RAYMER: Your Honor, the first two motions before
14 you are notice to stay filed of an intent to offer
15 certified records or affidavits. The first one relating to
16 certified DMV records. The second motion regarding --
17 filing of notice and intent to offer certified records and
18 affidavits regards business records from skipthegames.eu.

19 THE COURT: Okay. Let's -- pause there. Any response
20 to any of that, Mr. Hayes?

21 MR. HAYES: Well, Judge, I -- I mean, I guess I've
22 seen -- I've seen an affidavit -- or it's not even an
23 affidavit, it's some kind of attempted certification of the
24 Skip the Games ads. I would want to understand exactly
25 what it is that's being authenticated through that process

1 before. I mean, you know, without understanding exactly
2 what it is or how they would attempt to authenticate it,
3 what -- you know, the nature of the affidavit itself. I
4 mean, I've seen one. I think I know what it is, but I
5 guess I would want that all to be proffered. I think it'd
6 probably be appropriate in determining its admissibility,
7 but obviously we wouldn't just consent to -- to that
8 certification and that admissibility.

9 THE COURT: Okay. Let me back up then. Is there any
10 objection as to the records from the Department of Motor
11 Vehicles? The --

12 MR. HAYES: Well, Judge, so when -- and -- again, I
13 mean, I'm just trying to understand what it is sitting at
14 their table that they would want. I -- I guess they would
15 want to introduce these -- these records to try to
16 demonstrate a date of birth. Right. To -- to demonstrate
17 age. I don't know. You know, I mean, obviously I -- I've
18 got to believe that they would be able to testify about
19 that. I mean, if -- if the alleged victims in this case
20 don't testify, I would've an issue with the record coming
21 in.

22 I don't know that, you know -- I don't -- it'd be a
23 way to circumvent that. But it seemed to me like the best
24 evidence of that would be you allow the alleged victim to
25 testify. We ask him what their date of birth is and ask

1 him -- I guess you could ask him about their driver's
2 license if you wanted to, but I don't know beyond that how
3 a certified record from the DMV is really relevant beyond a
4 date of birth.

5 THE COURT: Okay.

6 MR. HAYES: So, I mean, I would -- I mean, I would
7 understand why -- you know, why -- how was it relevant
8 beyond that, if there's some -- if I'm missing something,
9 then I understand, but, you know, I'm open to listening and
10 trying to understand that. But just in a vacuum trying to
11 understand why we would put this in, if -- if it's for the
12 date of birth, I think the best evidence that come from the
13 witness stand when witness takes this -- when they take the
14 stand and are able to testify about that.

15 THE COURT: Ms. Raymer.

16 MS. RAYMER: Thank you, Your Honor. May it please the
17 Court? Yes, it would be for the date of birth. As an
18 element of the charges that we have to prove for sexual
19 exploitation of a minor, being the minor is under 18, as
20 well as trafficking of persons of a victim under 18. We
21 believe that would be part of how we can demonstrate the
22 age, which is an element we have to prove. It's not
23 required that we do that through the victim, as oftentimes
24 with sexual exploitation of a minor charges there often is
25 not an identified victim. And there's more than one way to

1 establish the age of that victim in the photograph.

2 THE COURT: Will the victims testify?

3 MS. RAYMER: Your Honor, one of them will be
4 testifying. One is -- we are unsure of.

5 THE COURT: Okay.

6 MS. RAYMER: However, it's the State's position that
7 we are not required to only prove that element, that we
8 have to prove of age through that certain avenue.

9 THE COURT: Right. Okay. Mr. Hayes, any response to
10 that? Or can we go on to Skip the Games?

11 MR. HAYES: Well, I -- I mean, I would just maintain
12 my objection, Judge, and tell at an appropriate time. I
13 mean, I would -- I mean, unless the Court declares that
14 they would be admissible at this point, I would maintain an
15 objection until an appropriate foundation has been laid
16 before the jury and probably even then redo it just as
17 cumulative and that -- and that kind of thing. But, again,
18 I -- I would've concerns about them introducing a -- a
19 record -- a driving record for one of the alleged victims
20 if that victim isn't going to testify. I think it
21 violates, to some degree, Sixth Amendment Confrontation
22 Clause.

23 THE COURT: Okay. And help me to understand Ms.
24 Raymer, who -- will there be a sponsoring witness for these
25 records and who would that be?

1 MS. RAYMER: So, yes. For these DMV records, we would
2 be getting them in through the investigator, Heidi Jackson.
3 However, the affidavit of the certified records, which has
4 previously been turned over to Mr. Hayes, I believe in and
5 of itself establishes that foundation. Since we're kind of
6 taking this up somewhat now, the case -- the State is going
7 to hand up Section 195520, which is the statute codifying
8 certified business records coming in, in this manner, Rule
9 902 related of evidence, relating to self-authentication of
10 a certified record and Rule 8 of 36, the business records
11 statute -- or rule of evidence, I apologize.

12 And also, our codified 195520 is modeled after the
13 federal rule of evidence. We just put ours in a statute as
14 opposed to -- in our rules of evidence. But I also have 28
15 USC, Section 1746 as it relates to unsworn declarations
16 under penalty of perjury. And I -- it looks like I didn't
17 print off the federal rule, but it does mirror our
18 certified-on-business record statute.

19 I'm also handing up a case from the Eighth Circuit
20 Court of Appeals where they took this issue up. And *US v.*
21 *Bert Johnson*, that's a 2012 decision as it relates to the
22 admissibility of these certified business records in court,
23 based off of an affidavit. And it is the State's position
24 that under the law of our state relating to certified
25 business records, that the admissibility of the Department

1 of Vehicle DMV records and the certified records from Skip
2 the Games, which would be what was provided to our law
3 enforcement officer by skipthegames.eu, it would be the
4 cell phone numbers associated -- an email address
5 associated with creating these Skip the Games accounts, as
6 well as the underlying data and posts that those email
7 accounts in that account made. And the -- those would be
8 the two records that we would be seeking to get into. And
9 those would be coming in through our SLED agent, Logan Fey.

10 THE COURT: Okay. Anything further, Mr. Hayes?

11 MR. HAYES: I mean, Judge, this -- so on this -- and I
12 would just like to -- because I think this is -- and I'm
13 not -- I -- I would like to see -- I guess, I think I know
14 what it is, but I want to see from them because they may
15 have something -- I mean, I'm not saying it's voluminous.
16 I've been through this file, front and back many times, but
17 there are 1800, 1600 plus pages in the file at a minimum,
18 and that doesn't account it's on the hard drive.

19 MS. RAYMER: But we -- we would just be seeking to get
20 in one of the print offs of the Excel document. It's one
21 page and it shows the dates, times, IP address, and what
22 email address posted the ads for Skip the Games. And as it
23 relates to the confrontation clause as regarding if our
24 victims testify, the State would assert that the posting of
25 the ads would in some parts, along with other testimony

1 from other witnesses establishes what the trafficking was
2 of minors for sale for commercial sex.

3 MR. HAYES: Well, Judge, and if I can, this approach,
4 because this is a -- this is the one of the -- I guess the
5 certifications. Okay. And so if I may?

6 THE COURT: Yes, sir.

7 MR. HAYES: This is my only copy, Judge, so I'll
8 apologize. I'm -- I'm happy to hand it to you. But this
9 would be -- this would be the State's attempt to claim
10 certification. Candidly, Judge, this isn't a sworn
11 affidavit. It doesn't say that this is a certified
12 business record. Doesn't say anything. It says, "Per your
13 request, please find the information related. "I mean,
14 that's really -- it's not -- it's not a certified -- it's
15 not -- it doesn't say anything about certification
16 authentication. It doesn't talk about it being, you know,
17 an affidavit swearing that this is the truth. I mean, I --
18 I'm not sure that this all by itself is enough to meet the
19 requirements under the rule for it to be able to allow it
20 to come in under the particular 803, subset 6.

21 MS. RAYMER: Your Honor, if I may? The State would
22 agree that is actually one of the business records we're
23 trying to get in. We would be using the certificate of
24 business records.

25 MR. HAYES: Okay. Well that's -- that's why I was

1 asking you before. Right.

2 THE COURT: Good thing because I was concerned for
3 you. You have you seen only that document.

4 MR. HAYES: All right. All right. So, Judge, I mean,
5 if I can, I'm going to hand up this time. Right. And I
6 guess I haven't read, and I need to go rule -- read Rule
7 90211. It says that it complies with that. I'm not sure.
8 So the only -- the only place that it really talks about
9 certification here is at the top. And then one time it
10 does say certifies the record. But it's -- it's still not
11 a sworn statement. It's not any kind of affidavit that
12 someone has said, "Hey, this is what we say." It's -- and
13 again, that's the biggest fear in admitting evidence
14 without the live testimony, because if you really can't ask
15 any questions, you can't ask the documents any questions.
16 So we got to be able to trust that the documents are
17 exactly what they say they are.

18 And so, again, the Defense has concerns about that and
19 doesn't believe that, you know, the paperwork as it stands
20 from Skip the Games really complies with the terms of the
21 rule or the requirements of the rule. And we would have an
22 objection about their admissibility because of that. Thank
23 you.

24 MS. RAYMER: Your Honor, I believe that this is
25 exactly what this rule is meant to cover, the certified

1 business records. What is in the certification of business
2 records from Samuel Hancock, the Skip the Games, it is
3 asserting that it is exactly what he would be put on the
4 stand to testify to, that it is a -- a record that is kept
5 in the regular course of business and that he's certified
6 that they are the records associated with this defendant.
7 I mean, are what they claim to be.

8 I believe the intent of the statute for the
9 legislature and federally is to prevent the expense of when
10 you have witnesses such as this that are out of State or
11 out of country to spare the expense of the State to have
12 them flown in to testify exactly to that. And by providing
13 a certified document, the requirement is that it is under
14 the penalty of perjury, which is included in this document.
15 And as it relates to the federal rules of evidence, the
16 unsworn declarations under penalty of perjury, specifically
17 addresses the language that would be required to meet this
18 requirement, that it be a certified business record. And
19 it does include that language.

20 I further state that the certification is intended to
21 satisfy Rule 209(11) of the Federal Rules of Evidence. And
22 it does also state that he is attesting to this information
23 under penalty of perjury for punishment -- for false
24 statements or false attestations, and lays out everything
25 that would be needed to get it in as a business record.

1 And the State would say the same argument for the certified
2 business records with the DMV.

3 THE COURT: Yes, sir.

4 MR. HAYES: Just very briefly, Judge. And I -- I've
5 sat at their table many times and I've been before Your
6 Honor many times. So what the federal rules say -- this is
7 the State of South Carolina, we don't necessarily care what
8 the federal rules say. Right. At the end of the day, this
9 is a state court action. It's not a federal action. It
10 candidly could have been, seemingly, based on the
11 presentation of Skip the Games that would give it its
12 federal nexus as they wanted to do that.

13 But it's a state court action, Judge. This is the
14 State of South Carolina. I mean, we're talking about
15 saving expenses and this kind of thing, that misses with
16 me, Judge. Candidly, you know, they have every resource at
17 their disposal. At -- at the defense table, it's just me
18 and my client; we're over here in the bunker by ourselves.
19 They could have flown in anybody that they needed to, to
20 make this prosecution. And they've chosen not to in hopes
21 that the Court will latch onto this particular
22 certification to allow these records to come in.

23 You know, it's not at any great expense to the State
24 of South Carolina. They thought Ontario Staley was a bad
25 guy. They have him here. And so for those reasons, Judge,

1 we -- I think that the State sort of misses the mark for
2 some of the reasons why they would ask the Court to
3 consider this particular certification.

4 MS. RAYMER: Your Honor, well, this is obviously the
5 State of South Carolina. We do have this codified as a
6 statute allowing in certified business records exactly in
7 the manner that we are seeking to get it in. I point out
8 the federal statute just because I think that -- while not
9 controlling, obviously, it is somewhat unhelpful to,
10 because it does address the same language that was passed
11 federally. And we do have some guidance from the Eighth
12 Circuit Court of Appeals where they took this issue up in
13 *US v. Johnson*, and did rule that it did not violate the
14 confrontation clause and that this is exactly how these
15 records are meant to be brought in.

16 THE COURT: The Fourth Circuit, unfortunately, doesn't
17 have any bearing on what this court does. And the Fourth
18 Circuit was certainly analyzing, well, confrontation clause
19 certainly, but in the context of federal statutes. So I'm
20 going to put *US v. Johnson* to the side and 28 USC Section
21 1746 to the side and deal with South Carolina Rules.

22 And I -- I don't know that you've made it and -- let
23 me back up. Because there are two motions, one for the DMV
24 records. I haven't seen the documentation, I didn't hear
25 any specific objection at this point that I would sustain

1 as to the DMV records; that's without having seen the
2 document. So we're not getting into the particularities of
3 whatever affidavit or -- at this point.

4 With this, though, skipthegames.eu, I've seen the
5 certification and I don't know that it satisfies this
6 court, that it meets the requirements of Rules 803 and 902
7 of the South Carolina Rules of Evidence or South Carolina
8 Code Section 195520. I mean, it -- the statute does refer
9 to a certification of the custodian or other qualified
10 person, but I -- I guess the difficulty I have is that I --
11 I can't verify the authenticity of that document.

12 And I -- I promise you this is not a slide against
13 you, but -- or a suggestion in any way whatsoever -- but
14 for all I know, you scribbled a signature on that in your
15 office. You know, an affidavit where someone has notarized
16 it, where there was a witness to it or something like that
17 -- a notary verifies the -- the identity of the person
18 making the signature and then attest that they saw that
19 person sign the document, which is why it's just a better
20 practice. That piece of paper doesn't tell me that.

21 And, again, not suggesting that you've done that. You
22 could have emailed some intern at Skip the Games who forgot
23 to do their job and they scribbled something up and sent it
24 to you. I only mention that not because those are
25 necessarily what happened here, but to demonstrate the lack

1 of veracity of that unsworn document. And so I'm not going
2 to exclude that category of stuff per se at this point, but
3 based only on what I know now, where there are
4 contemporaneous objection, I would sustain that objection.

5 So maybe you can cure it or beef it up in some way,
6 but you're not there yet as far as I'm concerned. So that
7 can be revisited at the time it's presented. Let's move on
8 to the next.

9 MS. RAYMER: And just to make you aware, we also are
10 seeking to enter into evidence -- evidence from Skip the
11 Gates website that is separate from coming in through these
12 business records. Just so when that comes up, you don't
13 think we're trying to introduce things related to this.

14 THE COURT: Sure. And -- I mean, and that -- I don't,
15 you know -- depending on the date of it and whatever
16 objection there may be, that is a publicly available source
17 versus what we're talking about with respect to the
18 subscriber or posting records or whatever. Those are --
19 I'm not familiar with the website, so. I don't know what
20 terminology to use. Anyway, let's go on to the next
21 motion.

22 MS. RAYMER: The next motion -- and, Your Honor, the
23 State may or may not be calling this witness, but it's a
24 notice of motion and motion to exclude evidence of
25 witnesses' termination of employment. Brandon Rast was

1 previously employed with the Richland County Sheriff's
2 Department. He then went to go work for SLED. And he was
3 one of the individuals that originally dumped the devices
4 of the Defendant.

5 He was terminated from SLED due to masturbating in a
6 state-issued SLED vehicle. During that -- when that got
7 reported and investigated, he admitted to the conduct in
8 question. And therefore, the State would assert that it is
9 not admissible, the reasons for his termination under Rules
10 402 and 403, since it's not relevant and it didn't raise
11 any Giglio issues. It would only prejudice to the jury.

12 THE COURT: Any objection to that, or argument, Mr.
13 Hayes?

14 MR. HAYES: Judge, I've known Mr. Rast for a long
15 time. Sorry I'm disappointed that he's -- he's found
16 himself in a circumstance that he is with the conduct.
17 It's -- this is one of those things we -- you know, it'd be
18 -- you certainly wouldn't want to try to introduce it to
19 embarrass him or anything like that. I wouldn't -- that's
20 not -- but we have a sexual -- we have a defendant who's on
21 trial for sexual misconduct and, you know, if -- I mean,
22 you have a SLED agent and a SLED car, I understand he was
23 terminated. I don't think he was charged with anything.
24 You know, it seemed like he certainly maybe could have
25 been.

1 And he'd be here to testify about my client's,
2 potentially, whatever kind of sexual misconduct that the
3 State was prepared to offer. I mean, it would be hard for
4 me -- you know, I understand personally why, but as a
5 lawyer and protecting my client's interests, I think that
6 depending on what doors are opened, I would certainly maybe
7 have to have to probe that.

8 THE COURT: Okay.

9 MR. HAYES: I mean, I -- I don't know.

10 THE COURT: How does that bear the allegations or -- I
11 mean, he's admitted it.

12 MR. HAYES: Right.

13 THE COURT: How does that bear on his credibility as a
14 witness at all? If it does.

15 MR. HAYES: That's a good question, Judge. It would
16 be -- it's just -- I mean, as I'm thinking about it, right,
17 and how I would actually -- how -- how I would go about
18 that or why it would be relevant again. It would be -- it
19 would be relevant in the sense that you have the State of
20 South Carolina and SLED holding someone accountable for
21 some alleged conduct. Right. That is not where you have
22 that -- that -- the person that's offering that testimony
23 has committed their own sexual misconduct in a state car,
24 on State property. That's been documented. And they don't
25 prosecute him, but they do prosecute my client.

1 I'm not sure -- I mean, just -- I'm not -- I mean,
2 it's not about -- again, I'm talking out loud, Judge. I'm
3 trying to work myself through it and I can see Your Honor -
4 - I can see Your Honor looking at me --

5 THE COURT: I'll hold my book up.

6 MR. HAYES: You're okay, Judge. Please don't do that.
7 But they -- you know, I -- I mean just sort of like, you
8 know, here we are, you know. I mean, how is it okay a law
9 enforcement officer does something, not be charged and the
10 public be charged? And I'm not saying it's a miscarriage,
11 but it's just -- I don't know that that becomes -- I don't
12 know how relevant that becomes, but I think it -- it shows,
13 right, potentially like here we are in the State of South
14 Carolina. They get to -- they get to kind of pick and
15 choose here about how they go about this.

16 And, I mean, to some degree that in this case there's
17 a co-defendant who's going to testify against my client, or
18 at least we anticipate that she is. And so, you know,
19 again, what this -- what the State of South Carolina does
20 or decides to do and who they pursue is inherently theirs.
21 But some conduct is okay and some conduct is not okay. And
22 it just depends on how they view the world. Right.
23 Because obviously we we're trying -- we believe that Mr.
24 Stanley's been overcharged.

25 So I'm not sure that that undercuts makes any fact

1 before the jury is more or less likely to be true. What it
2 does is it shows bias on behalf of the State. That's what
3 it shows.

4 THE COURT: It shows evidence of bias against your
5 client in particular, or non-law enforcement officers.

6 MR. HAYES: Right. The system generally. Can it --
7 it -- I mean, the way that SLED -- because you're going to
8 potentially have a SLED agent to testify in this case. So
9 the way that SLED goes about it, yeah, they treat people of
10 different statuses differently.

11 THE COURT: Okay. I think that's not sufficient and
12 so I'm going to grant the motion to exclude the evidence.
13 If -- if there were some suggestion of bias or prejudice
14 against Mr. Staley in particular -- and that's why I asked
15 the question the way I did, rather than this entire class
16 of people. I mean, you -- maybe you got a great equal
17 protection argument, I don't know, in a different form.

18 MR. HAYES: Right. I mean -- and I'll say, I mean,
19 obviously what happened when Mr. Rast -- again, like I
20 said, I'm -- I know him, I like him. I'm disappointed for
21 him in the circumstances he finds himself in. You know, I
22 still like him. I think he's an idiot, but he's -- I like
23 him and he -- but certainly, what he did had -- it wasn't
24 in any way related to the case against Mr. Staley. Right.
25 It was an independent act of that. And so I do appreciate,

1 Your Honor, but I -- obviously you understand I can't just
2 give up on that.

3 THE COURT: Oh, of course. Of course. And -- and my
4 questions were specifically tailored -- having read Rules
5 402, 403, which are cited in the motion, but also 404,
6 which then leads me to 607, 608, and 609, I think the only
7 -- outside of truthfulness or untruthfulness, I think the
8 only avenue you would have would be evidence of bias or
9 prejudice. But as I said, I think if it were specifically
10 directed at your client, that'd be one thing. But
11 generally, law enforcement versus non-law enforcement is
12 frankly more of a selective prosecution equal protection.
13 But it does not bear on whether Mr. Staley did or did not
14 commit the acts alleged.

15 MR. HAYES: Yes, ma'am. Thank you.

16 THE COURT: Okay.

17 MS. RAYMER: Thank you, Your Honor. And just for the
18 record, the State would say this -- this incident occurred
19 two years after the -- what the Defendant was charged with.
20 And while it was definitely an error of bad judgment, he
21 was caught on cameras in the parking lot and I don't think
22 would have rose to a criminal offense level, for there to
23 have been any charge that could have been charged in that
24 incident.

25 THE COURT: Good enough. Next motion, Ms. Raymer.

1 MS. RAYMER: The next motion we have is a notice in
2 motion to exclude the defendant's self-serving statement.
3 We're not asking to have a -- we're not seeking to
4 introduce his statement under *Jackson V. Denno* before you.
5 His statement was only giving self-serving statement and
6 the State would seek to exclude it based off of that, and
7 believe it's inadmissible under Rule 801, 802, 804(b)(3),
8 and as well as under *State v. Terry*.

9 THE COURT: Mr. Hayes.

10 MR. HAYES: Judge, I don't expect that the Defense
11 will put up a case in -- in this case. I mean, had we --
12 if we were going to, then I would probably push harder for
13 this to come in, but at some point my client does invoke in
14 the interrogation not long in, and I feel like it's
15 probably a dangerous path to go down to say you talked for
16 a little while and then you invoke. I don't want that to
17 be ultimately what the jury hears in this case. So, you
18 know, we're not -- I guess for me to be moved or it to be
19 admissible or to -- for it to be before the Court, I
20 would've to probably do that myself as an exhibit.

21 I'm not trying to put in that at this point in time
22 anyway. So I might reserve an objection at some point, but
23 I don't -- I don't anticipate this is going to be a problem
24 for the Court.

25 THE COURT: Okay. And I -- I don't know the case, but

1 I wouldn't anticipate that the State would elicit it. It's
2 their motion. But I guess on cross-examination, they
3 wouldn't want you to ask whatever law enforcement officer,
4 well, he told you he didn't do it, or something along those
5 lines. I -- I have no idea what the statement is.

6 MR. HAYES: Yeah, it's -- oh, I'm looking at his face.
7 His name just left me. But I don't -- I'll be surprised if
8 he's a witness in the case, Judge. The investigator who
9 took a statement.

10 THE COURT: Okay.

11 MR. HAYES: Oxendine -- Glen Oxendine.

12 THE COURT: Oxendine. There are two Oxendines, right?

13 MR. HAYES: Adam's here now. You've seen him in the
14 courthouse.

15 THE COURT: Right.

16 MR. HAYES: So, yeah.

17 THE COURT: Okay. Yeah, I'd grant the motion in
18 *limine*, you know --

19 MR. HAYES: So then what -- then what I would ask in
20 response to that, Judge, is just that there'd be no
21 commentary -- I know we ran into this here recently in a
22 different case in this courthouse, but there'd be just no
23 commentary on, you know, the Defendant's -- or the
24 Defendant's invocation, whether or not he cooperated,
25 whether or not he was read his Miranda rights.

1 I mean, they can say he was arrested and booked.
2 Right. But, I mean, that would be -- I -- I -- you know,
3 that -- but that -- in my mind, I guess that's how the lead
4 would've to be made. And you would just -- this
5 conversation that lasted for 20 or 25 minutes, we would
6 just have to overlook that.

7 THE COURT: Yeah. Altogether. Yes.

8 MR. HAYES: Yes, ma'am.

9 THE COURT: Because I would imagine the -- the initial
10 part is the self-serving statement. And then when
11 questions get tough, he invokes his right -- his
12 constitutional right to remain silent, which the jury need
13 not consider anyway. So that takes care of the statement
14 in its entirety, right. So they're not offering any
15 portion of the statement. And by the same token, you --
16 you won't ask about the self-serving portion of the
17 statement.

18 MR. HAYES: I'm not going to talk about his Statement,
19 Judge, unless they open the door to it, or even then, I
20 would be treading more likely.

21 THE COURT: Understood. Okay. Next, Ms. Raymer?

22 MS. RAYMER: Thank you, Your Honor. Our last motion
23 is in the rape shield motion. Our notice of motion and
24 motion in *limine* to exclude the victim's sexual conduct.
25 You know, under South Carolina Rules of Statute

1 1632020(i)(1), it includes the Defendant from entering
2 evidence of victim's sexual history or history of
3 commercial sexual activity, including specific instances of
4 the victim's conduct; opinion evidence of the victim's
5 conduct; and reputation evidence of the victim's sexual
6 conduct as using that as a defense to the trafficking in
7 persons charge. And that would be for both victims, minors
8 with the initials "AB" and "RH".

9 THE COURT: Mr. Hayes.

10 MR. HAYES: So, Judge, just briefly on this. One of
11 the victims, RH, is found in a hotel room months after the
12 alleged conduct in this case. Okay. And I think she's
13 alleged to still be 17 years old at the time. But she's in
14 a hotel with another female who -- who's there with her,
15 and they are engaged in prostitution. And the sheriff's
16 office actually comes and bust them, basically. I mean, it
17 was like a Sheriff's Office sting. Okay. That happened.
18 She was engaged in this commercial sex or this prostitution
19 well after the time that she's alleged to have been
20 involved with my client.

21 And, really, that was one of the first dominoes that
22 started to fall and -- and ultimately wound up to -- to
23 resolve. And so if it wound up sort of law enforcement got
24 involved with that, and then it turned into more, and then
25 ultimately, you know, it led to the investigation into my

1 client. And so I don't know that I would be trying to
2 introduce any of that to, you know, say anything more than
3 she -- you know, this -- she independently is involved in
4 this kind of activity.

5 I'm not -- I mean, that'd be the only thing I would
6 try to -- to get it in because she -- you know, she's at
7 the age of consent. I mean, that's one of the things in
8 this case. Right. You have 16-year-olds that can engage
9 in consensual sexual activity. Now, I understand this
10 statute says that they got to be 18, but, you know, you
11 could have a -- and you'll hear about it as we go on,
12 Judge, about different things.

13 But, you know, if she has nothing to do with my client
14 and my client's million miles away from her, and she's
15 still being caught by the Sheriff's Office engaging in --
16 in prostitution, I mean, doesn't that show like she has an
17 independent mind for it? It's not human trafficking.

18 THE COURT: I don't think so.

19 MR. HAYES: Well, I have -- Judge, and I understand,
20 but y'all have to make -- you understand.

21 THE COURT: I do. yeah. You know, with her being
22 under 18, there are of course certain instances where --
23 where she could consent. She, he -- I don't know, the
24 victim could consent. But this isn't one of those. And
25 so, yeah, I just don't think it has any bearing. I mean, I

1 -- I think the statute is clear and I'm going to grant the
2 motion. Whether she independently commits crimes, frankly,
3 engaging in prostitution in a hotel, or consents in some
4 way -- like she can't consent here in this case, right.
5 Under these allegations. So it doesn't matter whether
6 she's having -- whether she's quote unquote, "consenting"

7 MR. HAYES: Right. She could -- she could have --
8 could be, you know, working in prostitution and have a
9 boyfriend that she's having consensual sex with. I mean,
10 I'm not saying that that would be the -- you know, I'm just
11 saying. But just to kind of parse out what the Court -- I
12 understand what the Court would be saying. She can have a
13 boyfriend and engage in consensual sexual activity with
14 him. But because of her age in this particular
15 allegations, right, she can't consent to the prostitution.

16 THE COURT: Right.

17 MR. HAYES: Even though later on her own, independent,
18 when she's 17, she enters that by -- of her own free will.

19 THE COURT: Look, she may be the sexiest, sexy sex
20 person ever, that just makes her look bad. It -- it really
21 is sort of a character attack and has no bearing on whether
22 this gentleman did or did not recruit, entice, solicit,
23 harbor, transport because she can't consent to this. And
24 so -- but as I said, I think the statute is clear so that
25 motion is granted.

1 MR. HAYES: So the only thing then, Judge, I would ask
2 is I don't know to what degree, you know, from an
3 investigative standpoint. Okay. I know that when they
4 were -- around the time that they had this happen at the
5 hotel and they caught these girls engaged in prostitution,
6 I think there was another call that got made and they put
7 these pieces of the puzzle together, sort of, in and around
8 that time. I think that's fair. Isn't, Ms. Raymer?

9 MS. RAYMER: And -- and, Your Honor, relating to this
10 being what led to the investigation, that is factually
11 inaccurate. They did locate the victim after they had
12 identified her in the photo and identified that she was
13 being trafficked. She was identified as a runaway. And
14 then after that, when they were looking for her as it
15 related to this case, is when they did find her. So this -
16 - her being found in this hotel room did not lead to the
17 investigation.

18 THE COURT: Yeah. I mean, I think it just -- it
19 doesn't have any place in -- because, really, I mean, you
20 can traffic persons over the age of 18, frankly. You can
21 traffic legal, consenting, sexually active adults, and
22 whether they have sex in their private lives has no bearing
23 on whether they are trafficked.

24 MR. HAYES: I understand.

25 THE COURT: So here -- you know, it's a little

1 touchier just because the victim's under 18 -- or was under
2 18 at the time, but ---

3 MR. HAYES: Well, understanding what Ms. Raymer just
4 said, I thought maybe that had led to some other things,
5 but it sounds to me like the -- the Government is prepared
6 to stay all the way away from that and not kick off Heidi
7 Jackson getting calls or whatever. Right. So I think
8 we're clear on -- the only thing I was going to ask is to
9 make sure that they stay away from it then. That's all.
10 And I'm sure they will.

11 THE COURT: Okay. Good enough. And that's all of the
12 State's motions? Correct?

13 MS. RAYMER: That concludes the State's motions, Your
14 Honor. Thank you.

15 THE COURT: Wonderful. So this is a great time to
16 take a lunch break. We will come back at 2:30, and select
17 a jury at that time. If either State or Defense has
18 proposed voir dire, if y'all will bring them to me, leave
19 them for me, whatever. If you have them right now, I'll
20 take them. And a witness list. And we will be at recess
21 until 2:30.

22 At that time, Mr. Staley does need to be dressed and
23 ready for trial. Okay. Good, good, good. And to the
24 extent there are any objections to the other sides proposed
25 voir dire, I'll address those at 2:30. Thank you. All

1 right. See you at 2:30.

2 (A lunch recess was taken.)

3 (Whereupon, the trial proceeds after lunch recess.)

4 THE COURT: Okay. We're back on the record.

5 MR. HAYES: So, Judge, if I may just address a
6 particular point. We've sort of been through this
7 procedure with Your Honor before, but I would just ask that
8 all the lawyers at both sides basically conduct themselves
9 in a similar manner so that the faith in the jury doesn't
10 think that one is showing more respect than the other.
11 Certainly, we're not intending to offend any juror, but we
12 don't want to give that appearance as the Government stands
13 up or does those kinds of things.

14 I worry about them -- seeing him, but I also worry
15 about them hearing the chains, potentially. And so any
16 kind of movement, you know, and then we'd be on this side
17 of the table. If we try to do it on that side, at the time
18 they would come around and actually present themselves as
19 jurors they would see them. So we pretty much have to be
20 on this side of the table and we basically have to stay in
21 a seated position for the duration of the process.

22 So we would respectfully ask that the Court ask the
23 State to do the same thing that we're going to do with
24 this. And I'm going to sit too, but I don't know any other
25 work-around without there being some kind of appearance of

1 proprietary in nature.

2 THE COURT: The State's position?

3 MS. RAYMER: Absolutely, Your Honor, and I'm assuming
4 that would be in regards to -- you know, you asked us to
5 introduce ourselves to the jury, that we just stay seated.
6 We have no objection, to that, Your Honor.

7 THE COURT: Okay. All right. Funny, the things that
8 come up in these cases, I'll tell you -- I mean, I probably
9 have more civil trials than criminal trials. And
10 inevitably, there is one stand -- one side that stands when
11 the jury enters and the other side doesn't for no reason
12 other than they, say, just choose not to, or one side
13 chooses to do it. And nobody ever asks that -- that all
14 sides be treated equally or that -- you know, and obviously
15 they have the ability to do that without any prejudice to
16 them.

17 But I just -- the comparison between the two is just
18 always interesting to me because no one cares that the jury
19 may infer something from one side standing and the other
20 not. Of course it is their choice not to, but -- which is
21 different from here, but I don't know. And then as far as
22 the movement, you know, Mr. Staley will just have to keep
23 your legs still, and try not to rattle those shackles.

24 MR. HAYES: I don't mean to be candid judge, just
25 from experience, usually those first two rows (indicating),

1 this first row especially (indicating), gets absolutely
2 seen. And where our feet are usually sometimes the taller
3 people on the second row would be able to but if we start
4 the jury on the third row usually that would be a safe
5 place where they would not -- the chains would not be
6 visible.

7 THE COURT: How many jurors do we have? Do we have
8 the sheet?

9 (Whereupon, Madam Clerk handed a document to the Court.)

10 Thank you.

11 MR. HAYES: They left us 36 from this morning, Judge.

12 THE COURT: We actually have 50. So... he's concerned
13 about the first two rows. So, we'll start the jurors on
14 the third row, that just means, just so y'all know, you'll
15 probably have to put some up at the top because there are
16 50 of them.

17 MR. HAYES: We might be able to use this (indicating)
18 second row, Judge. I'm just saying the taller -- I mean
19 some of the taller individuals.

20 THE COURT: Okay. We're gonna only skip the first
21 row. So start yours on the second row. And that requires
22 them to go on the top -- back of the court. I'm not sure.

23 THE BAILIFF: If he stays in that position, you can't
24 see it.

25 THE COURT: Okay. The Bailiff has confirmed from the

1 second row -- as long as the Defendant remains seated, I
2 guess normally as he's facing now, that the leg shackles
3 can't not be seen from the second row both sitting and
4 standing.

5 Okay. I have Defendant's proposed voir dire. I have
6 the State's proposed voir dire. Is there any objection by
7 either party to the other proposed voir dire?

8 MS. RAYMER: Your Honor, as to the -- related to the
9 Defendant, we have no objections. However, we would ask
10 that question number two perhaps be reworded and instead of
11 being two separate questions, "Have you ever supported the
12 Richland County Sheriff?" "Have you contributed money or
13 time to his political campaign?" That be reworded as,
14 "Have you ever supported the Richland County Sheriff by
15 contributing money or time to his political campaign?"

16 THE COURT: Certainly. Okay. Any objection, Mr.
17 Hayes, to the State's proposed voir dire?

18 MR. HAYES: No, ma'am. No objection.

19 THE COURT: Good. Good enough. Okay. If everyone's
20 ready, we can go ahead and bring up the jury panel. State
21 ready?

22 MS. RAYMER: Yes, Your Honor.

23 THE COURT: Defense ready?

24 MR. HAYES: Yes, ma'am.

25 THE COURT: Okay. Bring up the jury panel.

1 THE COURT: Counsel, strikes are...

2 MS. RAYMER: I believe they're five and five, Your
3 Honor.

4 THE COURT: Do you agree, Mr. Hayes?

5 MR. HAYES: Whatever Your Honor tells me. I'm always
6 trying to advocate for more strikes. Because I don't want
7 to be so against the rules. I don't. I mean, I --

8 (The Court and Counsels laugh.)

9 THE COURT: It looks like five and five.

10 MR. HAYES: I just don't know. We have a human
11 tracking and what it carries, obviously.

12 THE COURT: I can pull the statute in my cheat sheet,
13 indicating it was five and five.

14 MR. HAYES: Yes, ma'am.

15 MS. HUGHES: And Your Honor, for alternates, do you
16 want to do two?

17 THE COURT: We're gonna put two alternates and for
18 each alternate strikes are one and two.

19 MS. HUGHES : Okay.

20 (The prospective jury panel enters the courtroom.)

21 THE BAILIFF: Jury panels all present, Your Honor.

22 THE COURT: Thank you. Good afternoon, ladies and
23 gentlemen. My name is Jocelyn Newman. I'm the Circuit
24 Court Judge here in Richland County, and you are in this
25 courtroom currently for jury selection for the trial of a

1 criminal case. I'm going to ask you some questions to
2 determine your fitness to serve as jurors for the trial of
3 this particular case. They are different from the
4 questions you were asked this morning during -- during jury
5 qualifications. But before I ask you my questions, I'm
6 going to have the Clerk place you under oath.

7 (The trial voir dire oath was administered to the
8 prospective jurors by Madam Clerk.)

9 All right. Well, since I've told you this is a
10 criminal case, this case involves allegations that the
11 Defendant did commit the crime of trafficking in persons
12 with the victim under the age of 18 years; sexual
13 exploitation of a minor, first degree; and sexual
14 exploitation of a minor in the second degree. This
15 concerns incidents that allegedly occurred -- it appears
16 primarily over the internet on or about September 5th,
17 2019. The first question is -- and I'm sorry, the -- the
18 person alleged to have committed these offenses is Mr.
19 Ontario Staley.

20 My first question is, does any member of the jury
21 panel know anything about these allegations or think that
22 you know anything about them? Think that you've heard
23 about them at all? If so, please stand?

24 (No response.)

25 Does any member of the jury panel -- or was any member of

1 the jury panel a member of the grand jury which returned
2 the indictments in this case? If so, please stand.

3 (No response.)

4 Okay. Again, this is a criminal case. In many
5 states, criminal cases are prosecuted by district attorneys
6 or county attorneys or something like that. You've also
7 seen probably on TV federal prosecutors that are assistant
8 United States Attorneys. In South Carolina, we have
9 solicitors. Those are the equivalent of district
10 attorneys, but we also have a State Attorney General. That
11 Attorney General is Alan Wilson.

12 And this case is being prosecuted by the Attorney
13 General's Office to the Deputy Attorney General's --
14 Assistant Attorney General -- Assistant Attorneys General
15 Megan Raymer and Caroline Hughes. They're both sitting at
16 the table there. Is any member of the jury panel related
17 by blood, connected by marriage, and have any close
18 personal relationship with Ms. Megan Raymer or Caroline
19 Hughes? If so, please stand.

20 (No response.)

21 Does any member of the jury panel related by blood,
22 connected by marriage, or have any a close personal
23 relationship with Alan Wilson, the State Attorney General?
24 If so, please stand.

25 PROSPECTIVE JUROR: He's a cousin of my sister-in-law.

1 THE COURT: Tell me your name and jury number.

2 PROSPECTIVE JUROR: Rob McCue, 226.

3 THE COURT: Okay. And you've never met Mr. Wilson?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Okay. Would your familial relationship
6 affect your ability to give both the State and the
7 Defendant a fair and impartial trial in this case?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Okay. Thank you. You may have a seat.
10 Does any member of the jury panel or any member of your
11 immediate family either currently or formerly employed by
12 the Attorney General's Office, the South Carolina Attorney
13 General's Office? If so, please stand.

14 (No response.)

15 The Defendant in this matter is Mr. Ontario Lamar
16 Staley, who is seated all the way to your right at this
17 (indicating) table. Just turn to show your face. Any
18 member the jury panel related by blood, connected by
19 marriage, or have any close personal relationship with Mr.
20 Ontario Staley? If so, please stand.

21 (No response.)

22 Mr. Staley is represented at this matter by Attorney
23 Scott Hayes. He has a solo practice here in Columbia. Any
24 member of the jury panel related by blood, connected by
25 marriage, or have any close personal relationship with Mr.

1 Scott Hayes? Are you currently represented by him, or have
2 you been represented by him in the past? If so, please
3 stand.

4 (No response.)

5 Has any member of the jury panel ever been employed by
6 the Richland County Sheriff's Department? If so, please
7 stand?

8 (No response.)

9 I'm sorry. Any member of the jury panel or any member of
10 your immediate family ever been employed by the Richland
11 County Sheriff's Department? If so, please stand. Your
12 name and jury number.

13 PROSPECTIVE JUROR: Ashley Roche, 305.

14 THE COURT: Yes, ma'am.

15 PROSPECTIVE JUROR: My brother-in-law, so I don't know
16 if that counts.

17 THE COURT: How long --

18 PROSPECTIVE JUROR: He's no longer -- he's no longer
19 with the Richland County Sheriff's Department, but he was
20 in like three or four years. He's with Irmo Police
21 Department.

22 THE COURT: Okay. And he was a deputy?

23 PROSPECTIVE JUROR: (Nodding affirmatively.)

24 THE COURT: Yes. Okay. Would that affect your
25 ability to give both the State and the Defendant a fair and

1 impartial trial in this case?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Thank you. You may have a seat.

4 Does any member of the jury panel or any member of your
5 immediate family ever supported the Richland County
6 Sheriff, that is Leon Lott, by contributing time or money
7 to political campaigns or doing some volunteer work or
8 anything like that? If so, please stand.

9 PROSPECTIVE JUROR: (Prospective jurors stand.)

10 THE COURT: Yes, sir. Your name and jury number?

11 PROSPECTIVE JUROR: 407. James Martin.

12 THE COURT: Yes, sir.

13 PROSPECTIVE JUROR: I was a member of the Richland
14 County Sheriff's Department, Citizens Academy and Alumni
15 Association.

16 THE COURT: Okay. And how long ago did you do the
17 academy?

18 PROSPECTIVE JUROR: 2021.

19 THE COURT: Would that experience affect your ability
20 to be fair and impartial to both the State and the
21 Defendant in the trial of this case?

22 PROSPECTIVE JUROR: No, ma'am.

23 THE COURT: Thank you. You may have a seat. Your
24 name and jury number.

25 PROSPECTIVE JUROR: Ann Sinclair. 328. And I'm

1 honestly not sure if I financially contributed to this
2 campaign, but I certainly did support.

3 THE COURT: Okay. Would that affect your ability to
4 give both the State and the Defendant a fair and impartial
5 trial?

6 PROSPECTIVE JUROR: No.

7 THE COURT: Thank you. You may have a seat. Does any
8 member of the jury panel have any strong opinions about the
9 Richland County Sheriff's Department or the Richland County
10 Sheriff, whether that is favorable or unfavorable? Any
11 strong feelings either positive or negative about the
12 Richland County Sheriff's Department or the Sheriff Leon
13 Lott? If so, please stand.

14 (No response.)

15 Does any member of the jury panel have any strong
16 opinions about the South Carolina law enforcement division,
17 also known as SLED, either strong positive feelings or
18 strong negative feelings? If so, please stand.

19 (No response.)

20 Has any member of the jury panel formed an opinion
21 about the defendant, Mr. Ontario Staley, either strongly
22 positive or strongly negative? If so, please stand.

23 (No response.)

24 Does any member of the jury panel have very strong
25 feelings, either for or against law enforcement that would

1 affect your ability to be fair and impartial in deciding a
2 criminal case? If so, please stand.

3 (No response.)

4 Has any member of the jury panel or any member of your
5 immediate family ever been charged with a crime or been
6 victim of a crime? If so, please stand.

7 PROSPECTIVE JUROR: Lindsey Barham, 11. My husband is
8 currently serving a 40-year sentence.

9 THE COURT: Did that happen here or somewhere?

10 PROSPECTIVE JUROR: Richland County, 2019.

11 THE COURT: Would that affect your ability to be fair
12 and impartial in the trial of this case?

13 PROSPECTIVE JUROR: No.

14 THE COURT: No. Thank you. You may have a seat. Go
15 over here. Your name and jury number.

16 PROSPECTIVE JUROR: 267. Jason Pasko. I would like
17 to say probably because it has so do with minors.

18 THE COURT: Okay. Yes, sir. I will come right back
19 to you. Okay. You can have a seat. Your name and jury
20 number?

21 PROSPECTIVE JUROR: Justin Coffey. 67. I got charged
22 for criminal domestic violence, first degree.

23 THE COURT: Currently? Or in the past?

24 PROSPECTIVE JUROR: Past three years.

25 THE COURT: Say it again.

1 PROSPECTIVE JUROR: The past three years.

2 THE COURT: Okay. Has that case been resolved?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Okay. Will that affect your ability to be
5 fair and impartial to both the State and the Defendant in
6 the trial of this case?

7 PROSPECTIVE JUROR: No.

8 THE COURT: Thank you. You may have to seat.
9 Your name and jury number.

10 PROSPECTIVE JUROR: 97; Mary Dos Santos. My son is
11 currently being incarcerated in federal prison.

12 THE COURT: Did that incident happen here or somewhere
13 else?

14 PROSPECTIVE JUROR: In Richland County. I'm not sure.
15 I believe.

16 THE COURT: Okay. Would that affect your ability to
17 be fair and impartial to both the State and the Defendant?

18 PROSPECTIVE JUROR: No.

19 THE COURT: Thank you. You may have a seat. So the
20 more specific questions that I will now ask is whether any
21 member of the jury panel or any member of your immediate
22 family has ever been charged with or victim of a crime
23 involving sexual assault, a crime involving minors, or a
24 crime of violence. So if you did not already stand, but
25 that speak -- that question now speaks to you. Ever been

1 charged with or victim of a crime involving minors, a crime
2 regarding sexual assault, or a crime of violence. You or
3 any member of your immediate family, please stand at this
4 time. Give me your jury number please.

5 PROSPECTIVE JUROR: 14.

6 THE COURT: 14. And?

7 PROSPECTIVE JUROR: 251.

8 THE COURT: 251. Okay, y'all can have a seat, and
9 I'll talk to you more privately in a moment.

10 PROSPECTIVE JUROR: 19.

11 THE COURT: 19 as well. Okay. Okay. Does any member
12 of the jury panel have any preconceived notions about the
13 allegation of human trafficking or the crime of human
14 trafficking that would affect your ability to be fair and
15 impartial in deciding this case? If so, please stand.

16 (No response.)

17 Same question as to sexual exploitation of a minor.
18 Does any member of the jury panel have any preconceived
19 ideas of the crime or the allegation of sexual exploitation
20 that might affect your ability to be fair and impartial in
21 deciding this case? If so, please stand.

22 (No response.)

23 Has any member of the jury panel or any member of your
24 immediate family ever been prosecuted or involved in any
25 case with the South Carolina Attorney General's Office? If

1 so please stand?

2 Yes, sir. Your name and jury number.

3 PROSPECTIVE JUROR: Timothy Thomas; 343.

4 THE COURT: And you or a family member?

5 PROSPECTIVE JUROR: Family member.

6 THE COURT: Okay. And what kind of matter was it?

7 PROSPECTIVE JUROR: Securities violations.

8 THE COURT: How long ago? Do you know?

9 PROSPECTIVE JUROR: Last year.

10 THE COURT: Would anything about that affect your
11 ability to be fair and impartial in the trial of this case?

12 PROSPECTIVE JUROR: I worked for the office. I was in
13 prosecutor planning.

14 THE COURT: And what office is that? What office is
15 that?

16 PROSPECTIVE JUROR: Mann Tides Associates (ph).

17 THE COURT: Okay. And so you believe that based on
18 that you cannot be fair and impartial?

19 PROSPECTIVE JUROR: I can in this case.

20 THE COURT: You can in this case?

21 PROSPECTIVE JUROR: (Nodding head affirmatively.)

22 THE COURT: Yes. Okay. Thank you. You may have a
23 seat.

24 All right. Let me speak to -- if y'all sort of line
25 up -- jurors 267, 251, 14, and 19.

1 (Prospective jurors line up for a private
2 conversation.)

3 THE BAILIFF: Juror number 19.

4 PROSPECTIVE JUROR: My dad got locked up in Horry
5 County 10 years ago.

6 THE COURT: Okay. Do you believe that you can still
7 be fair and impartial?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: You can be fair and impartial?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Okay. Have a seat.

12 (Prospective juror sits back down.)

13 THE BAILIFF: Juror number 251. 251, 251.

14 PROSPECTIVE JUROR: My daughter, she was sexually
15 harrassed we found out through some co-workers that
16 contacted me through Facebook Messaging and stuff like
17 that.

18 THE COURT: Do you know where it happened?

19 PROSPECTIVE JUROR: It was in Columbia.

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

22 PROSPECTIVE JUROR: Probably not.

23 THE COURT: Thank you. You can have a seat.

24 (The prospective juror sits back down.)
25

1 THE BAILIFF: Juror number 267. 267,267.

2 PROSPECTIVE JUROR: Two of my sisters have a daughter
3 that went through some difficult stuff that had a severe
4 effect. I don't know all the stuff that went on.

5 THE COURT: Okay. Do you believe that you can be a
6 fair and impartial?

7 PROSPECTIVE JUROR: Yes, I believe so.

8 THE COURT: Okay. Good enough, thank you.

9 (The prospective juror sits back down.)

10 THE BAILIFF: Juror number 14. One, four. Juror
11 number 14.

12 PROSPECTIVE JUROR: I was assaulted at Richland
13 Fashion Mall (crying profusely).

14 THE COURT: Okay. We're not gonna have you sit in
15 here. You're free to go.

16 (Prospective juror number 14 was excused from the
17 trial by the Court and exits the courtroom.)

18 She can go. She's free to go. And that is juror
19 number 14, has been excused from the trial of this case.

20 Any additional voir dire from the State?

21 MS. RAYMER: Nothing further from the State.

22 THE COURT: From the Defense?

23 MR. HAYES: No, Your Honor.

24 THE COURT: Anything from the State before we select a
25 jury for the trial of this case?

1 MS. RAYMER: I don't believe so, Your Honor.

2 THE COURT: From the Defense?

3 MR. HAYES: No, Your Honor. We would just ask for a
4 few moments to be able to review the strike sheet.

5 THE COURT: Oh, I'm not going to give you a strike
6 sheet.

7 MR. HAYES: No?

8 THE COURT: No (laughing). Do it at random.

9 MR. HAYES: Well, I understand. I failed to ask you -
10 --

11 THE COURT: I understand. Okay. All right. Ladies,
12 gentlemen, we're now going to select the jury for the trial
13 of this case. That conversation I was just having, is that
14 your names and jury numbers have be placed in random order
15 and renumbered. Y'all don't have to worry about those
16 numbers and neither do the lawyers. It's just for the
17 Court and it's convenient. You're going to follow the
18 instructions of the Clerk. When she calls your name and
19 number, she's going to have you come forward. But follow
20 her instructions, and we'll select the jury in that manner.
21 Madam Clerk?

22 MADAM CLERK: Yes. Ladies and gentlemen of the jury
23 panel, If I call your number, please come to the center of
24 the courtroom, right up here (indicating), and bring all of
25 your personal belongings.

1 THE COURT: You know what? I'm sorry. Pause. I
2 forgot the witness list. We're not ready to select the
3 jury. I'm sorry. I have one additional question for the
4 jury panel. And I'm going to read to you the list of
5 potential witnesses, the people who may testify during this
6 trial. And the question is the same as to each of them,
7 that are you related by blood, connected by marriage, or
8 have any close personal relationships with any of the
9 following people -- is this RH [REDACTED] or is this a typo?
10 RH [REDACTED] [REDACTED]? Okay. RH [REDACTED] [REDACTED] [REDACTED]. AB [REDACTED]
11 [REDACTED] Naneka Perry, Investigator Heidi Jackson of the
12 Richland County Sheriff's Department, Special Agent Logan
13 Fey from SLED, Lieutenant Kevin McCullough from the Alvin
14 S. Detention Center, Major Ricky Johnson from the Richland
15 County Sheriff's Department, John McDevitt, Richland County
16 Sheriff's Department, Joshua Fabel, Richland County
17 Sheriff's Department, John Hawks, Richland County Sheriff's
18 Department, Melissa Perry, Richland County Sheriff's
19 Department, Glen Oxendine, Richland County Sheriff's
20 Department, Aubrey Raymond, Richland County Sheriff's
21 Department, Stephanie Boyd, Richland County Sheriff's
22 Department, Martha Fulton, McKeila Smith, Brandon Rast,
23 William Carlson of the Richland County Sheriff's
24 Department, and Jolena Dolph, D-O-L-P-H.
25 Any member of the jury panel know any of those

1 potential witnesses? If so, please stand. Yes. Your name
2 and jury number.

3 PROSPECTIVE JUROR: 23, Markita Black.

4 THE COURT: Okay. Sorry. There's somebody standing
5 up behind you. Anyway. Give me your juror number again.

6 PROSPECTIVE JUROR: 23.

7 THE COURT: 23. And who do you know?

8 PROSPECTIVE JUROR: McCullough.

9 THE COURT: Okay. And do you socialize with him?

10 PROSPECTIVE JUROR: I used to when I used to work
11 there.

12 THE COURT: Okay. You used to work at the -- oh,
13 Alvin S. Glenn, okay. How long ago?

14 PROSPECTIVE JUROR: 2013.

15 THE COURT: Do you currently socialize with him?

16 PROSPECTIVE JUROR: No.

17 THE COURT: Would your relationship with him affect
18 your ability to be fair and impartial to both the State and
19 Defense? No. Thank you. You may have a seat. I'm sorry.
20 At the back, your name and jury number?

21 PROSPECTIVE JUROR: 407. James Martin?

22 THE COURT: Yes, sir.

23 PROSPECTIVE JUROR: I know Josh Fabel.

24 THE COURT: Okay. Do you socialize with him?

25 PROSPECTIVE JUROR: No, ma'am.

1 THE COURT: How do you know him?

2 PROSPECTIVE JUROR: He's a distant neighbor.

3 THE COURT: Okay. Would that relationship affect your
4 ability to be fair and impartial in this trial?

5 PROSPECTIVE JUROR: No, ma'am.

6 THE COURT: Thank you. You may have a seat.

7 Okay. With that, we are now ready to select jury for
8 the trial of this case. Madam Clerk.

9 MADAM CLERK: Yes, Judge. Ladies and gentlemen of the
10 jury panel, when I call your number, please come to the
11 center of the courtroom, here (indicating), and bring all
12 your personal belongings with you. Jury number 386.

13 THE COURT: What says the State?

14 MS. RAYMER: Please, present this juror.

15 THE COURT: What says Defense?

16 MR. HAYES: Beg the Court's indulgence, briefly?

17 THE COURT: Yes, sir.

18 MR. HAYES: Please, seat the juror.

19 THE COURT: Please, have a seat in the jury box.

20 MADAM CLERK: Juror number 289.

21 THE COURT: What says the State?

22 MS. RAYMER: Please, present this juror.

23 THE COURT: What says the Defense?

24 MR. HAYES: Please, seat the juror.

25 THE COURT: Please, have a seat in the jury box.

1 MADAM CLERK: Juror number 187.

2 THE COURT: What says the State?

3 MS. RAYMER: Please, excuse this juror.

4 THE COURT: Please, have a seat at the back of the
5 courtroom.

6 MADAM CLERK: Juror number 34.

7 THE COURT: What says the State?

8 MS. RAYMER: Please, present this juror.

9 THE COURT: What says Defense?

10 MR. HAYES: Beg the Court's indulgence?

11 THE COURT: Yes, sir.

12 MR. HAYES: Please, excuse this juror.

13 THE COURT: Please, have a seat at the back of the
14 courtroom.

15 MADAM CLERK: Juror number 286.

16 THE COURT: What says the State?

17 MS. RAYMER: Please, present this juror.

18 THE COURT: What says the Defense?

19 MR. HAYES: Please, seat the juror.

20 THE COURT: Please, have a seat in the jury box.

21 MADAM CLERK: Juror number 354.

22 THE COURT: What says State?

23 MS. RAYMER: Please, present this juror.

24 THE COURT: What says the Defense?

25 MR. HAYES: Please, seat the juror.

1 THE COURT: Please, have a seat in the jury box.
2 MADAM CLERK: Juror number 97.
3 THE COURT: What says the State?
4 MS. RAYMER: Please, present this juror.
5 THE COURT: What says the Defense?
6 MR. HAYES: Please, seat the juror.
7 THE COURT: Please, have a seat in the jury box.
8 MADAM CLERK: Juror number 90.
9 THE COURT: What says the State?
10 MS. RAYMER: Please, present this juror.
11 THE COURT: What says the Defense?
12 MR. HAYES: Please, seat the juror.
13 THE COURT: Please, have a seat in the jury box.
14 MADAM CLERK: Juror number is 399.
15 THE COURT: What says the State?
16 MS. RAYMER: Please, present this juror.
17 THE COURT: What says the Defense?
18 MR. HAYES: Please, seat the juror.
19 THE COURT: Please have seat in the jury box.
20 MADAM CLERK: Juror number 172.
21 THE COURT: What says the State?
22 MS. RAYMER: I beg the Court's indulgence?
23 THE COURT: Yes, ma'am.
24 MS. RAYMER: Please, present this juror.
25 THE COURT: What says the Defense?

1 MR. HAYES: Please, seat the juror.

2 THE COURT: Please, have a seat in the jury box.

3 MADAM CLERK: Juror number 36.

4 THE COURT: What says the State?

5 MS. RAYMER: Please, present this juror.

6 THE COURT: What says the Defense?

7 MR. HAYES: Please, seat the juror.

8 THE COURT: Please, have a seat in the jury box.

9 MADAM CLERK Juror number 19.

10 THE COURT: What says the State?

11 MS. RAYMER: Please, excuse this juror.

12 THE COURT: Please, have a seat at the back of the
13 courtroom.

14 MADAM CLERK: Juror number 317.

15 THE COURT: What says the State?

16 MS. RAYMER: Please, present this juror.

17 THE COURT: What says the Defense?

18 MR. HAYES: Please seat the juror.

19 THE COURT: Please, have a seat in the jury box.

20 MADAM CLERK: Juror number 343.

21 THE COURT: What says the State?

22 MS. RAYMER: Please, excuse this juror.

23 THE COURT: Please, have a seat at the back of the
24 courtroom.

25 MADAM CLERK: Juror number 149.

1 THE COURT: What says the State?
2 MS. RAYMER: Please, present the juror.
3 THE COURT: What says the Defense?
4 MR. HAYES: Please, seat the juror.
5 THE COURT: Please, have a seat in the jury box.
6 MADAM CLERK: Juror number 152.
7 THE COURT: What says the State?
8 MS. RAYMER: Please, present this juror.
9 THE COURT: What says the Defense?
10 MR. HAYES: Please, excuse the juror.
11 THE COURT: Please, have a seat at the back of the
12 courtroom.
13 MADAM CLERK: Juror number 59.
14 THE COURT: What says the State?
15 MS. RAYMER: Please, present this juror.
16 THE COURT: What does the Defense?
17 MR. HAYES: Please, excuse the juror.
18 THE COURT: Please, have a seat at the back of the
19 courtroom.
20 MADAM CLERK: Juror number 115.
21 THE COURT: What says the State?
22 MS. RAYMER: Please, present this juror.
23 THE COURT: What says the Defense?
24 MR. HAYES: Please, seat the juror.
25 THE COURT: Please, have a seat in the jury box.

1 MADAM CLERK: Juror number 96.

2 MS. RAYMER: Your Honor, I think that might be 12.
3 Can we approach to that matter?

4 THE COURT: Sure.

5 (A sidebar discussion was held between Counsels
6 and the Court.)

7 THE COURT: All right. We'll now pull up two
8 alternates.

9 MADAM CLERK: Yes, Your Honor. Juror number 96.

10 THE COURT: What says the State?

11 MS. RAYMER: Please, present this juror.

12 THE COURT: What does the Defense?

13 MR. HAYES: Please, excuse the juror.

14 THE COURT: Please, have a seat back at the back of
15 the courtroom.

16 MADAM CLERK: Juror number 124.

17 THE COURT: What does the State?

18 MS. RAYMER: Please, present this juror.

19 THE COURT: What says the Defense?

20 MR. HAYES: Please, seat the juror.

21 THE COURT: Please, have a seat back in the jury box.

22 THE CLERK: Juror number 321.

23 THE COURT: What says the State?

24 MS. RAYMER: Please, present this juror.

25 THE COURT: What says the Defense?

1 MR. HAYES: Please, seat the juror.

2 THE COURT: Please, have a seat in the jury box.

3 MADAM CLERK: Jury is selected.

4 THE COURT: Thank you. Any objections to jury
5 selection from State?

6 MS. RAYMER: No objections from the State, Your Honor.

7 THE COURT: From the defense?

8 MR. HAYES: No, Your Honor.

9 THE COURT: All right, ladies and gentlemen, who were
10 not selected for service on this case, please go back to
11 the jury room for further instructions.

12 Will Counsel, approach.

13 (A bench conference was held between the Court and
14 Counsel.)

15 All right. Madam Clerk, we're going to go ahead and
16 swear the jury.

17 (The jury oath was administered by Madam Clerk who
18 swore them in.)

19 THE COURT: All right. Y'all can have a seat. So it
20 sounds like we're about to get started, and -- and in a
21 sense we are. But we, me and the lawyers, are going to get
22 started without you. There are certain matters of law that
23 I need to discuss with the attorneys outside of your
24 presence. This will happen from time to time during a
25 trial. And I'll explain to you further later, but the

1 basic explanation is that sometimes when I'm discussing
2 matters of law with the attorneys, if necessary for me to
3 make some comment about the facts -- I'm not supposed to
4 tell you what I think the facts are.

5 It is your job to figure out what the facts are in
6 this case, what the true facts are, and determine
7 credibility of witnesses and all of that. So that you're
8 not affected by anything that I say, I -- I, from time to
9 time, excuse you from the courtroom so I can discuss
10 matters of law with the attorneys. That's what's going to
11 happen this afternoon. I was just checking in with them to
12 see about how long they think these conversations will
13 take.

14 It's already 3:42 and I think whether it's a -- a
15 really short time or a little bit of a longer time, it's
16 probably good to break for the day or at least let y'all
17 leave for the day. So when I excuse you from the
18 courtroom, the Bailiffs are going to show you where the
19 jury room is and how to get to that jury room because
20 that's where you're going to report in the morning. I want
21 you to be in the jury room at 9:30 tomorrow morning.

22 I will tell you this now, and every time you leave the
23 courtroom, do not discuss the case amongst yourselves or
24 with anyone else. Do not do any research about the case.
25 Don't do any research about the attorneys, the parties, the

1 Court staff or anything or anyone. Don't go telling a
2 bunch of people that you were selected for a jury because
3 you're not permitted to discuss the case. And by telling
4 them that you're on a jury, the very next question's going
5 to be, what's the case about? And you can't answer that
6 question.

7 You can tell them generally what the case is about,
8 but you cannot discuss the case. So it's easier just not
9 to. Hopefully, we are done with this trial, I'd say,
10 Wednesday afternoon, Thursday morning, somewhere in there.
11 Based on what I know. Don't hold me to that. Sometimes
12 things come up and there are delays for various reasons.
13 That's just my best estimate at this point.

14 Making sure I tell you everything because I'm -- I'm
15 off of my notes now, but. Yeah. So be back in your jury
16 room tomorrow morning at 9:30. If you will follow the
17 bailiffs out, like I said, they'll show you how to get back
18 tomorrow morning. Y'all have a good afternoon.

19 (The jury exits the courtroom.)

20 THE COURT: All right. Mr. Hayes, let's talk. What
21 you got?

22 MR. HAYES: Judge, I do have some pre-trial motions
23 here (indicating), it's just a list. I have a copy for
24 Your Honor, and then I have a copy for Madam Court
25 Reporter. That's the original. Thank you, Judge. I think

1 most of them we probably have been through parts of these.
2 And so we can -- I'm just gonna go down the list, Judge.
3 There's no need for number two on the Denno hearing as I
4 surmise. And I feel like number -- number eight, the
5 sequestration is probably another layup that's on here.

6 So -- and -- and so we can start in different places,
7 Judge. Obviously, I would make a motion to quash the
8 indictment. I've read the indictment. Issued preservation
9 for my client, but these events, Judge, I opine to think
10 they say September 5th, and then there's a time period on
11 the human trafficking indictments, right. And if you would
12 -- I don't recall what exactly what it is. November and
13 December.

14 THE COURT: September, 2019 and -- between September,
15 2019 and January, 2020.

16 MR. HAYES: Okay. And so, Judge -- so the Defense
17 would move, Judge -- the specificity that's required in
18 that indictment under South Carolina Constitution, Article
19 1, Section 11 in South Carolina Code Section 171910, and
20 90. And then also we would cite the *State versus Jennings*
21 case. I know it's a numbers document, but that is a
22 significant period of time that it covers for the alleged
23 conduct in the case. We would just say, Judge, it's too
24 vague and not specific enough, and we would move to quash
25 the indictment for those reasons.

1 MS. RAYMER: Thank you, Your Honor, may it please the
2 Court? Trafficking in persons like a criminal sexual
3 conduct with a minor charge where the Court has taken this
4 issue up before, has ruled that period of time about one
5 year or even more cases is not unconstitutionally vague.
6 The State would argue this time period is for a period of
7 about four months, and gives the Defendant sufficient
8 notice and is not unconstitutionally dated. And therefore
9 the indictment does not need to be quashed.

10 THE COURT: Defendant's motion to quash the indictment
11 is respectfully denied. I find that it is not
12 unconstitutionally vague. It is a period of only about
13 four months during which a pattern of behavior for a -- a
14 series of events is alleged to have occurred. And of
15 course, that did not happen at a single moment in time.
16 But this recruitment, enticement, solicitation, et cetera,
17 is alleged to have occurred over some period of time, which
18 of course matches the charge, the nature of the charge or
19 alleged defense. So that motion is denied.

20 MR. HAYES: Thank you, Judge. All right. So, Judge,
21 and so by way of background in this case, I'm going to jump
22 to -- unless the Court wants to take them in specific --
23 I'm just trying to organize it because I feel like I have
24 an idea about. So I would look -- or ask the Court to look
25 at number six, exclude prior acts under 404(b). Okay.

1 Judge, in this case -- and I'm not entirely sure, you know,
2 what the Government's going to do. So if they stand up and
3 say we're not going to do that, then some of this becomes
4 unnecessary.

5 But essentially, okay, my client was involved in a
6 relationship with the co-defendant, Naneka Perry. They
7 have children together. Okay. And under the Government's
8 theory of the case, my client and Ms. Perry engaged in
9 prostitution and they had traveled around to do that. And
10 they had different girls that were involved in this. Okay.
11 Makeila Smith being one of them. But there were these --
12 there were these ideas that they would take these girls to
13 other station, like I think Naneka Perry would say that
14 they went to Charlotte and they went to Atlanta and they
15 went to North Charleston, and they went to places like
16 this.

17 Makeila Smith, specifically, I think that there is a
18 pending indictment out of Charleston. It's still there
19 that essentially charges with -- charges of Mr. Staley with
20 similar conduct to that which she faces in this court
21 today. So I don't know how, you know -- obviously this is
22 a Richland County case and, you know, I don't know to what
23 extent I would -- I -- I would like to limit the -- the
24 testimony from the witnesses about the things that this
25 case is about, which is the case that happened in Richland

1 County.

2 It's not about what happened in Atlanta. It's not
3 about what happened in North Charleston. It's not about
4 what happened in -- in Charlotte. Right. It's not what
5 happened with any of -- really, what -- what comes down to
6 these two girls and what the Government would try to prove
7 in this case is that these two underage girls who were 17 -
8 - 16 and 17, or 17 at the time -- 16 and 17 -- 17 maybe,
9 depending on how -- how they testify or how it comes out,
10 were involved in some acts here locally.

11 But I don't -- I don't want those other acts from
12 other places to prejudice the jury in their mind about what
13 was really going on. Because the scope of this should be
14 very limited. It should be limited to what happened in
15 Richland County. It's a Richland County case. And so I
16 want to try to make sure that there isn't evidence and
17 testimony about trips to Charleston or trips to Atlanta, or
18 trips to anywhere for that matter. It doesn't -- they
19 could have gone to Tahiti. It doesn't -- it doesn't matter
20 really -- it's really about this.

21 So, you know, I don't think that my client has, you
22 know, a -- a record that would be able to be -- come in and
23 those kind of prior bad acts, but anything that's related
24 to maybe uncharged events or other things. I mean, we
25 just -- I'm looking at -- tailor the focus of this trial to

1 the events as it relates to the alleged two victim minors
2 here in Richland County. And I'm -- I'm asking the Court
3 to try to help me narrow the scope of that to make sure
4 that we're not prejudiced by testimony that implicates my
5 client was involved in some bigger thing that was a multi-
6 state thing that, you know, this court doesn't have
7 jurisdiction on.

8 THE COURT: Understood.

9 MS. RAYMER: Thank you, Your Honor, may it please the
10 Court? The State does intend to narrow our trial down to
11 the acts that happened in Columbia, South Carolina.
12 Specifically, we'll be focusing on one posting and, you
13 know, what happened here in Columbia. However, if -- as
14 the trial progresses, I do believe that some of these
15 other, you know, acts or instances would fall under, you
16 know, the recruitment, the enticing transporting to other
17 counties. But that's not our intent at this time to enter
18 into any of those.

19 And we'll instruct our witnesses not to. However, you
20 know, transporting them to Charleston would fall under a
21 human trafficking statute. And I think there is a point
22 that the door could be opened to, you know, showing the
23 common scheme or plan with him, and identity going to him
24 with some of his other postings at other locations. But
25 the State does not intend to enter that in our case-in-

1 chief unless the door gets opened to that.

2 THE COURT: Okay. So I am at this point granting this
3 motion. And that is that the State will not elicit any
4 testimony regarding other conduct charged or uncharged in
5 other places. I guess the only caveat would be, as Ms.
6 Raymer suggested, perhaps transportation of one of the
7 minors in question from Richland County to some other
8 location, but not even the specifics of what happened when
9 they got there or anything like that. But -- but if it
10 originated in Richland County and is part of that Richland
11 County conduct, that then moves on to another county. Is
12 that clear? It feels very unclear. Is that clear?

13 MR. HAYES: I -- I think I understand what you -- what
14 you're trying to rule on, Judge. I do.

15 THE COURT: And I think I'm saying the same thing with
16 Ms. Raymer. Now, of course, the door could be opened on
17 cross-examination somehow.

18 MR. HAYES: Right. No. If I stumble all over myself.
19 But I mean, I don't anticipate that. Right. I -- I'm
20 going to try to keep it very succinct and direct and, you
21 know, unambiguous. Right. So that's not going to be my
22 intent to try to elicit anything close to that.

23 THE COURT: Okay.

24 MR. HAYES: Right. Because, I mean, part of it too
25 is, you know, the co-defendant in this case, okay, law

1 enforcement told for a long time and they told her in
2 interviews. I mean, it is -- there's a video recorded
3 where they say, "Hey, we view you as a victim here." Well,
4 she's not a charged victim in this case. Right. She's a
5 charged co-defendant who's actually pled guilty to, I
6 think, some of these charges. I don't know exactly. And I
7 -- that's one of the motions that we have here, Judge, and
8 we can move into that.

9 But, you know, so this idea that, you know, she's the
10 victim or in anything like that, right, I mean, that's --
11 that could be some kind of prior bad act. It's an
12 uncharged offense. We're not -- he's not on trial for
13 anything that is related to his co-defendant. He's on
14 trial for his conduct as it relates to these two alleged
15 minors. Right. So I just want to make sure that, you
16 know, we don't confuse the jury; the jury doesn't get
17 confused about that. And, I mean, his co-defendant, for a
18 long time, law enforcement viewed as a victim and then
19 figured out that she really wasn't a victim. Right. And
20 she's actually taken responsibility for -- for what she has
21 done. So she's plead guilty. And in that, Judge, I expect
22 that Ms. Perry is going to testify in this case. And we
23 would like to know exactly, you know, what the terms of her
24 plea have been.

25 I didn't -- it's my understanding that she was

1 represented by Ms. Zmroczek, and I don't believe that she's
2 been sentenced to this time, and they're waiting until
3 after her testimony in this case to move forward. Unless I
4 have a misunderstanding about that, I'd happy to be
5 corrected. Please do. I don't mean to misrepresent
6 anything to the Court. But I'm just basing it on the best
7 information I have available. That's kind of where it
8 stands.

9 We would like to understand exactly what that
10 negotiation with Ms. Perry looked like in anticipation of
11 her trial testimony and what she is expected to receive on
12 the back end of her testimony against my client. And,
13 Judge, just for the record, I think that that is number
14 five.

15 THE COURT: Thank you. Ms. Raymer?

16 MS. RAYMER: I'm trying to remember specifically what
17 the range was. She did plead guilty to trafficking of
18 persons. And it -- the investigation began. She was --
19 initially came in and was viewed as the victim. Once they
20 saw her involvement was a little bit more, it was a tough
21 call as far as whether or not she was a victim or if -- and
22 ultimately, they believe that she was a victim, but also
23 perpetuated some of the involvement of the minors who
24 happened to be the co-defendants half-sisters.

25 So that's why she was ultimately charged in the -- she

1 did plead guilty. She is represented by Aimee Zmroczek.
2 I'm trying to find specifically what the range cap...
3 (looking through papers). I believe the range was a cap of
4 10. So the same cap was offered to the defendant in this
5 case. And nothing regarding the guilty plea was contingent
6 upon her testimony, obviously. But sentencing was deferred
7 until after trial, given her request to anticipate her
8 trial.

9 THE COURT: Good enough, Mr. Hayes?

10 MR. HAYES: So obviously, Judge, then we would be able
11 to cross-examine her on her -- on her guilty plea in this
12 case that said she pled guilty to this. This is awaiting
13 sentencing, and it's your understanding that they -- they
14 haven't sentenced what she pled whenever time ago. And you
15 can be sentenced -- I'm guessing, it's a zero to 10; is
16 that right?

17 THE COURT: Yes.

18 MR. HAYES: It's a zero to 10. I mean, I would be
19 able to say that's zero to 10.

20 THE COURT: If that's what it is -- I mean, of course
21 you'll ask the witness.

22 MR. HAYES: Right, right. But I just want to make
23 sure, because I don't know -- I mean, I'm trying to think
24 about the double-edged sword that that does to my client,
25 right? Because now all of a sudden the jury's thinking,

1 "Oh, well maybe it's not so bad he's facing 120 years,"
2 but zero to 10 if we convict him, that's all it's going to
3 be. I mean, certainly, you know, that -- that could --
4 that -- that's playing with fire a little bit.

5 THE COURT: It is.

6 MR. HAYES: I'm considering -- maybe I'd leave off
7 the zero.

8 THE COURT: Maybe. That -- that's up to you. But I
9 do think it's fair game to ask, you know, what she pled to,
10 what she was promised. If she was promised anything, what
11 she expects to gain, et cetera, et cetera. That's all fair
12 game.

13 MS. RAYMER: Your Honor, the concern the State has is
14 he's obviously facing the same charges and where the jury
15 is not allowed to consider the potential sentencing range,
16 she is in a roundabout way, getting in front of the jury
17 what the sentence carries and insinuating, you know,
18 especially when the same offer -- I mean, obviously this
19 jury does not considered that, but I -- I just don't want
20 it to be some roundabout way that we're putting the
21 sentencing in front of the jury.

22 THE COURT: I mean, it happens. It happens when you -
23 - you know, when the co-defendant has been convicted either
24 by guilty plea or trial of these same charges. I mean,
25 that just sort of is what it is. I will -- I'm happy to

1 instruct the jury at the conclusion during jury charge
2 that, you know, they've heard evidence of the potential
3 punishment, not for them to consider, et cetera, et cetera.
4 Mr. Hayes may go there. He may not. I don't know. We'll
5 see, because like I said, it's a sort of a double-edged
6 sword.

7 Just a couple, two, three weeks ago, I think Jack
8 Swerling thought he was doing the right thing asking the
9 co-defendant about his potential 25 years sentence,
10 thinking that that would discourage the jury from
11 convicting a client and didn't work. You know, it -- it
12 cuts both ways. I mean, you don't know what they're going
13 to take from that. The choice is yours, of course. But I
14 think it's fair game because you've got to be able to
15 question the witness about any bias, prejudice.

16 Maybe she's testifying because -- she might even
17 testify she believes she's going to get probation or
18 something. I have no idea what she'll say. But -- but
19 that's fair game as to her motive in, you know, making
20 exact accusations against Mr. Staley.

21 So if -- if you request that charge at the end, if it
22 comes up and -- and if appropriate, I will charge the jury.
23 But that is not going to be considered.

24 MS. RAYMER: Thank you, Your Honor.

25 MR. HAYES: The sentencing range?

1 THE COURT: Correct, for Mr. Staley.

2 MR. HAYES: I understand. I just want to make sure I
3 understood what you're -- thank you.

4 THE COURT: Yes, sir.

5 MR. HAYES: All right. And Judge, so number seven, I
6 guess, I'm going to try to -- we're getting close, but --
7 but the sequester thing I have might be a minute. So,
8 Judge, I've never asked for a statute to be declared
9 unconstitutional in my time as a lawyer, but in this case,
10 we are asking the Court to consider that, that South
11 Carolina Code Section 1615395 and 1615405. Be
12 unconstitutionally -- implied because of the -- because of
13 the absurdity topic.

14 And this is -- and here's the genesis of that. So in
15 this state, you can be 16 years old -- age of consent. You
16 can enter into consensual sexual experience with someone.
17 You can have that experience. And that's legal. But to --
18 not to -- for the experience -- to take a picture during
19 the experience or to -- you don't even have to take a
20 picture of the -- you can finish the experience and stand
21 up and have a picture taken of someone who has consented to
22 the sexual experience that they just been a part of. And
23 the photograph itself somehow becomes the exploitation. To
24 me, that is absurd.

25 And I'm -- and that's the argument that the Defense is

1 presenting here. You can enter into a consensual sexual
2 experience, having been totally legal, but -- but any kind
3 of photograph or any kind of documented thing of the -- of
4 the experience itself would be -- under these statutes --
5 could be considered exploitation in and of itself. And so,
6 to me, that -- it's hard for me to reconcile that. And it
7 is a bit of an absurd resolve in -- you know, for record
8 preservation on the issue, Judge, we're making this motion.

9 I understand, but I've never really made the motion
10 myself. But I've never been in a situation where I -- I
11 was thinking about how can -- how can someone be able to be
12 involved in this on one -- on one side of it, but then you
13 just have something as simple as a picture, make it
14 illegal. And, to me, that is an absurd resolve. So we ask
15 the Court to respectfully consider that.

16 THE COURT: Yes, ma'am.

17 MS. RAYMER: Thank you, Your Honor. May it please the
18 Court? I'll be brief because I think that sexual
19 exploitation of a minor in person, second degree as it
20 relates to minors under 18, regardless of the age of
21 consent for sex, are completely different issues. And that
22 this is not the proper use of the absurdity doctrine as the
23 -- these statutes have been routinely upheld as
24 constitutional as it relates to minors under the age of 18
25 -- as -- as trafficking of minors, which are under the age

1 of 18.

2 And we believe that these statutes are constitutional
3 and fit with legislative intent and passing them. And if
4 they were truly absurd, I think that would be the correct
5 remedy to -- remedy them through our legislative process.

6 THE COURT: Yeah, that motion is respectfully denied.

7 MR. HAYES: Yes, ma'am. All right, Judge. And then
8 my last one's here, I guess. Three and four. So Judge,
9 there was a search warrant. So at the time of my client's
10 arrest, he was in a van that they had conducted a felony
11 traffic stop on because they knew they had these warrants
12 for him. There were some phones and some other electronics
13 that were in the -- in the van. And they were seized at
14 the time.

15 And law enforcement came and they got a search warrant
16 for these items. Okay. And correct me if I'm wrong, but I
17 don't -- I've been through the discovery, so I don't want --
18 -- you know, this -- this document exists then, so be it.
19 But I have not seen a return on the search warrant. And
20 while usually that is a like a ministerial type thing, it's
21 not that big a deal, but if the Defense can show prejudice,
22 okay, based on the lack of the return, then the search
23 warrant could be suppressed.

24 And there's some -- there's some law on that, Judge.
25 Beg the Court's indulgence? I've lost a page (looking

1 through documents).

2 THE COURT: Yes, sir.

3 MR. HAYES: All right. It says -- this is fine.
4 South Carolina bar issues. It says "Ministerial errors do
5 not require suppression of evidence unless the defendant
6 can show prejudice." And that is held in *State versus*
7 *Wise*, 272 S.C. 384, *State versus Mollison*, 319 S.C. 41, and
8 *State versus Corns*, 310 S.C. 546.

9 So in -- in doing that, Judge, so we -- I haven't seen
10 the return. Maybe it's in there somewhere among these 2000
11 pages, and I just wasn't connected to the search warrant
12 from what I have. I know that the Sheriff's Office came
13 back, you know, last week and issued another search
14 warrant, basically, for the exact same evidence in that. I
15 think they did another, they just redid it for -- for
16 whatever reason. And that one, Judge, it looks like the
17 last page of the affidavit isn't signed, but, you know, I -
18 - and I don't have a return on that one either. So we're -
19 - we'd like to see the return on the first search warrant
20 and -- and I don't know how to do it. Maybe I have to
21 proffer the testimony of Ms. Jackson, who secured the
22 search warrant.

23 MS. RAYMER: Your Honor, I'm not clear what the
24 Defendant's argument regarding the prejudice that's been
25 shown regarding this.

1 THE COURT: I think he's not there yet because he
2 hasn't seen the return.

3 MR. HAYES: I haven't seen it. We don't know -- we --
4 we'd have to -- we got to put her on the stand and find it
5 out. I mean, that's the only thing I can think to do,
6 Judge.

7 THE COURT: Is there not a copy of the return signed
8 by --

9 MS. RAYMER: Your Honor, we've been looking for the
10 search warrant returns. And I -- I believe that it is best
11 to put Lieutenant Jackson on the stand regarding them.
12 However, the State would state that the case law in the
13 State regarding there not being a search warrant return
14 does require a showing of prejudice to the Defendant that I
15 believe has not been met. I guess I can renew that
16 argument after Ms. Jackson's testimony. And I am not sure
17 what her testimony is going to show as it relates to
18 prejudice either.

19 THE COURT: I don't either. Like, you want to put her
20 on the stand to find some prejudice? Or do you have a
21 theory of prejudice?

22 MR. HAYES: Well, I mean, I have some theory, Judge.
23 But I mean, I don't know what is -- what's on the return.
24 I mean, I haven't even seen it. How do I know if I'm being
25 prejudiced by -- if it's never been entered? I mean, I

1 can't just accept the idea that I'm not being prejudiced.
2 I think that I have a duty to my client to make sure that
3 we have -- we make sure that there isn't any. But we won't
4 know any -- we won't know about it until we see it, until
5 we understand what is encapsulated in the return, and so we
6 can question her about it.

7 THE COURT: Okay.

8 MS. RAYMER: And, Your Honor, the State did get a --
9 have a new search warrant issued this week when we realized
10 that one of devices had not been dumped by Ricky Jackson.
11 The State was attempting to -- obviously, the probable
12 cause is still there for the search warrant. We were
13 trying to help to not have to call Brandon Rast to avoid
14 the masturbation issue at trial. So that was the purposes
15 of the new search warrant and having it done by that
16 individual to avoid that issue at trial. But the State
17 would, again, assert that this is somewhat of a fishing
18 expedition to find prejudice relating to there not being a
19 search warrant return when on the face the search warrant
20 is -- and I believe Defense isn't asserting that it is
21 insufficient or lacking of probable cause. I'm not quite
22 sure what the signing of the search warrant return, how
23 that would show prejudice.

24 THE COURT: Yeah. I don't know how you get to
25 questioning a witness -- that... I don't know. Help me,

1 Mr. Hayes.

2 MR. HAYES: Well, Judge, so I mean, to me, right,
3 South Carolina Code Section 1713140 requires a return
4 within 10 days.

5 THE COURT: Mm-hum (nodding affirmatively).

6 MR HAYES: I don't believe that that's been done in
7 this case.

8 THE COURT: Mm-hum (nodding affirmatively).

9 MR. HAYES: Okay. So, while normally considered a
10 ministerial mistake, if the Defense is prejudiced by that
11 in some way, if we -- without seeing the return and
12 understanding what it says and what -- what's encapsulated
13 in, how are we just supposed to accept? I mean, if this
14 was the case, then no -- if -- if we get shut down right
15 here, we lose, just to walk -- just a walk through, right,
16 from my own mind. And I'm always talking out loud about
17 thinking that's dangerous.

18 But no law enforcement officer would ever submit a
19 return again. Why would they? Why would they? Why would
20 they ever come back and -- and comply with the 10-day
21 return requirement outlined by the statute? If I don't
22 have the ability to probe the law enforcement officer for
23 the failure to comply with this -- with the -- the code
24 section? I mean, it's fairly clear on its face. 17 --
25 1713140 requires for return.

1 We don't have the return here. And if we've been
2 prejudiced by that -- but how do we know we're prejudiced
3 if we have never seen it? We don't know what it is. I
4 mean, I understand what they went to look for. Right.
5 What they -- what they thought they were going to get, but
6 what did they actually get. And what have they done with
7 it? And have they been prejudiced?

8 THE COURT: Well, right. What if they -- what have
9 they done with it is a different question. I mean, it may
10 be a question for the Defense to -- to support an argument
11 of prejudice, but the return would tell you what did they
12 get.

13 MR. HAYES: We don't know.

14 THE COURT: And so I guess that would be the
15 appropriate question. I don't know that the questioning
16 goes any farther than that though.

17 MR. HAYES: Judge, when I -- when I step across the
18 line, they'd put me back in place. I'm not trying to do
19 that. But, I mean, if you view it from your position and
20 say, Scott, this is -- I think that this is out of bounds,
21 and that -- I'll -- I mean certainly abide by the ruling of
22 this Court. But I -- I think I have to have an opportunity
23 to understand what that is. Otherwise, I'm just left to
24 accept this. Right. And what the message really would be
25 to law enforcement anywhere, there's no need to comply with

1 this. You don't need to do it because they can't show
2 prejudice.

3 And so why would a law enforcement officer in the
4 future ever require -- be required to comply with a
5 statute? Why would they do that?

6 THE COURT: Sure. That's fair. And, you know, I'm
7 just talking out loud, too. And I -- I only suggest that
8 it'd be limited to that because that's all you would've
9 gotten from the return. Any subsequent questions, what did
10 you do with this file or whatever wouldn't have been on the
11 return anyway.

12 MR. HAYES: Right. I understand.

13 THE COURT: So what you want to get at is what should
14 have been on the return, what should have --

15 MR. HAYES: What they get.

16 THE COURT: What they get, what date inventory in the
17 presence of whoever, just that information which would have
18 been on the return.

19 THE COURT: And, Your Honor, the State has provided to
20 the Defense or made available to the Defense everything
21 that was located on the cellular or electronic devices, as
22 well as the extraction reports regarding when they were
23 done by who and all of that information. As far as the
24 information, I believe, he's seeking to get out of what
25 would've been listed on a return, the State has complied

1 with Rule IV and Brady and provided that to the Defense.

2 THE COURT: Sure. I don't know that that addresses
3 the specific concern because I'm sure you complied with
4 Rule IV and Brady across the board and given them all 2000
5 pages worth of stuff. He wants to know specifically what
6 should have been listed on that return. Yeah. So let's do
7 that.

8 MR. HAYES: Yeah.

9 THE COURT: Okay. Call.

10 MR. HAYES: Call Captain Jackson.

11 CAPTAIN HEIDI JACKSON,

12 Having been first called as a witness was duly sworn and
13 testified as follows:

14 THE COURT: State your full name for the record.

15 THE WITNESS: Okay. My name is Heidi Jackson Derijke.

16 THE COURT: What's your last name?

17 THE WITNESS: Derijke.

18 THE COURT: Spell it.

19 THE WITNESS: D-E-R-I-J-K-E. That's my maiden name.

20 THE COURT: Okay.

21 DIRECT EXAMINATION

22 BY MR. HAYES:

23 Q. Captain, you still generally go by Jackson or?

24 A. I do.

25 Q. Okay. Well, I appreciate you being here this

1 afternoon. All right. Captain, you did a search warrant
2 back in July of 2020 in this case; is that right?

3 A. Yes.

4 Q. All right. And you have a copy of that with you up
5 there?

6 A. No, I have a copy of the second one that I did, but it
7 -- it was the same verbiage devices.

8 Q. On the -- so if I represent it to you that -- and I'm
9 not trying to trick you at all, so please understand. All
10 right. It looks like you did the search warrant back in
11 2020, it was July 2nd of 2020. If I give you a copy of
12 this, would it help refresh your recollection?

13 A. Yes. Yes.

14 MR. HAYES: Judge, if I may?

15 THE COURT: Yes, sir.

16 BY MR. HAYES:

17 Q. All right, Ms. Jackson (handing a document). So does
18 that -- does that appear to be a copy of the search warrant
19 that you executed back in July of 2020?

20 A. Yes.

21 Q. All right. And in the search warrant, what items were
22 you to -- what items were to be searched in that particular
23 search warrant?

24 A. So do you want me to read all those? All the devices?

25 Q. I mean, you can or you can tell me generally what --

1 what it was.

2 A. Okay. An Alcatel phone, Alcatel tablet, micro SD
3 card, 64 gigabyte SIM card, pink and black tablet, and it -
4 - the model number Alcatel smartphone, Coolpad smartphone,
5 Coolpad smartphone, another one, SanDisk, plus 128 gigabyte
6 micro SD card, 64 gigabyte cruzeR glide SanDisk, thumb
7 drive. Yeah.

8 Q. All right. So it seems like maybe seven or eight
9 particular devices; is that fair?

10 A. I think it's more like 10.

11 Q. 10 -- 10 items. Okay. Ms. Jackson, after you -- then
12 you served the search warrant? You did the search warrant?

13 A. Yes. I got the search warrant. Yes.

14 Q. Okay. And did y'all conduct the search on these
15 particular items?

16 A. Yes. Our forensics did, except for a laptop, which is
17 not on here, so we're good.

18 Q. The laptop that was -- the -- there's another search
19 warrant on that one, SLED did that, right?

20 A. Yes.

21 Q. All right. And that one like a -- like a gray or
22 silver HP, maybe?

23 A. I don't know.

24 Q. Okay. All right. So these 10 items, once you secured
25 the search warrant, how long after that search warrant did

1 these items actually become searched?

2 A. Oh, it takes a while to search 10 items and -- because
3 they have to put one phone on at a time. At that point in
4 2020, we only had one person in there doing it. And so
5 every time whatever case came in, they kind of rated what
6 needed to be done first.

7 Q. Okay. So you -- you get the search warrant in July
8 2nd of 2020. You would say then that these -- not all of
9 these items were searched by July 12th, 2020; is that fair?

10 A. So I got it on July -- so 10 days later, is that what
11 you're saying?

12 Q. Right.

13 A. Yeah. They wouldn't have all been done yet --
14 completed.

15 Q. Is there any record about when each of them would've
16 been downloaded?

17 A. I'm sure the forensic digital lab does that, but I am
18 not aware of it.

19 Q. You don't have a record of that?

20 A. I do not.

21 Q. All right. So you really can't say when any of this
22 was actually developed as evidence in the case?

23 A. That's correct.

24 Q. All right. Was there a -- did you execute a return of
25 the search warrant?

1 A. I honestly don't remember. It was during Covid, so we
2 had to do everything from our vehicles. And so I know that
3 Judge Edmond's office had the original search warrant
4 there, which I would've had to take back. But I do not --
5 I couldn't tell you for sure if I did a return or not.

6 Q. All right. Tell me, typically, like what is the --
7 what's encapsulated in your returns if -- if you were to
8 have got one, like what would that look like?

9 A. It would just be very general. It would say
10 information and -- that was on -- from these devices that
11 were taken. It would be so general because there's no way
12 every single thing from all those devices could be listed
13 on a return.

14 Q. So is there any kind of like Cellebrite overview
15 report that gets attached to the return?

16 A. Yeah, we -- no, I'm sorry. No, it's not attached to
17 the return. We do have reports that come in, but they're
18 not attached to the return.

19 Q. So your -- your report would've been like, we
20 downloaded the phone and that we -- I mean, I'm not trying
21 to put words in your mouth. I'm just trying to understand
22 like what would it actually --

23 A. Yeah, that --

24 Q. When you say general terms, like what would that
25 actually be?

1 A. General terms would've been really the information
2 that I requested. It would've said text messages. It
3 would've said take photographs. It would've said --
4 whatever that was I asked for, I would've put on the return
5 that those are the things that we got back because out of
6 10 devices, we certainly got those things back.

7 Q. So on the device then, when you're looking for
8 specific things in the -- in the search warrant, right,
9 related to whatever alleged conduct you believe my client
10 would've been involved in, you're really -- you're
11 downloading the entire phone. You're not looking
12 specifically for those criteria. Basically, you download
13 the whole phone; is that right?

14 A. Well, yes. We have to download the phone to look for
15 what we're actually looking for. Like, I don't care what
16 he did, whatever time period that was outside of the scope
17 of what we were doing. Only a certain time period we're
18 looking at.

19 Q. But there's no way to limit that internally at the
20 Sheriff's Office. Could you say, "I want to look at this?"
21 You know, in this case you'd agree with me that the
22 allegations are from like September to -- and I don't mean
23 to misrepresent, but whatever's in the indictment,
24 September to December or January or whatever it was, right?

25 A. Uh-huh.

1 Q. But you would agree with me that on the phone there's
2 information that's available from there? Predates it and
3 would've been generated after the fact?

4 A. Yeah, I'm -- I'm sure that there is. I don't know how
5 we would be able to -- I -- I'm not in forensic lab. I
6 don't do that stuff. So I don't know how we would limit
7 only to that scope of that, but we didn't care about the
8 other stuff.

9 Q. So in the return then, it wouldn't be where you would
10 say we found, you know, text messages that support the
11 underlying allegation as part of the search warrant?

12 A. No. It would just be the return of the actual, we
13 found text messages, we found pictures, we found -- that's
14 how we do our returns. It's very general.

15 MR. HAYES: Beg the Court's indulgence?

16 THE COURT: Yes, sir.

17 MR. HAYES: Judge, I don't think I have any further
18 questions.

19 THE COURT: Ms. Raymer?

20 MS. RAYMER: The State doesn't have questions for this
21 witness.

22 THE COURT: Okay. You may step down.

23 THE WITNESS: (Complies.)

24 THE COURT: Mr. Hayes.

25 MR. HAYES: I mean, Judge, it doesn't -- and I

1 understand Covid was a trying time for everyone, but if
2 there's not a return, it's a violation of the South
3 Carolina Code Section -- Judge, search warrant -- I mean,
4 obviously, you know, I just maybe bring to the Court's
5 attention now for when evidence and try to deal with it
6 later. But when you have a time period that you're looking
7 for electronically stored information, and that's a six
8 month period and, you know, if you're looking for this --
9 you know, this, you're looking for the elephant, right, and
10 you go into the house.

11 I mean, you can't go through the jewelry draw to find
12 the elephant. I mean, to me, to be able to just download
13 every piece of information off of these things and say, oh,
14 well -- you know, to me, it exceeds the scope of what
15 they're actually looking for. And I think it violates my
16 client's privacy interest to some degree. I don't -- if
17 they have a search warrant that says we're going to go in
18 and we're going to look from, you know, the time period
19 that we believe that these activities occurred and we want
20 that information, then maybe they'd be entitled to that.

21 But the scope here is so much greater than that, and
22 they just download these things carte blanche and they're
23 able to just sift through and decide what's relevant and
24 what's not. Right. When, at the end of the day, the
25 search warrant really predicated on things that would've

1 happened in these limited time periods. And I don't think
2 that they can just have access to everything. I mean, at
3 some point in time there's going to be law somewhere and
4 we're -- we're closing in on the day. Right.

5 I mean, we got to because people with their phones and
6 the privacy interest that we have, there are so many
7 people, you know, they can't do anything without their
8 phone anymore. I mean, you know, the whole thing was, you
9 know, was - the Fourth Amendment sought to -- sought to
10 limit the Government's ability to intrude in that area.
11 But, I mean, if there's more private information on our
12 phones any more than probably in our homes, and to get a
13 search warrant to say, "Well, we think he's involved in
14 this stuff for six months, so we want to grab these things
15 and download them and be able to look at everything." I
16 just think it exceeds the scope of what the search warrant
17 should have been.

18 It should have been allowed. It wasn't particular
19 enough. There was no return. It didn't -- it didn't
20 comply with the statute. We don't know exactly what they
21 got other than to say, you know, "Here's the big cell dump
22 -- Cellebrite cell dump that we got and here it is." I
23 mean, I will -- I'm not making any kind of Brady or
24 discovery violation. I -- you know, it's not anything
25 about that. It's just about, you know, well, what did you

1 get? What is it that's prevalent to this case that the
2 Court should have been aware of and they're not made aware
3 of anything.

4 And I think that to some degree we put, you know,
5 outside of having to -- I mean, the prejudice, you know,
6 when you wind up at a table like Mr. Staley is at with a
7 solo practitioner like me, okay, if we don't have all the
8 power and all the paralegals and all the help that the
9 Government has to be able to go through all these things.
10 Now, I did my absolute best to do all those things for my
11 client.

12 So I don't want to sit here and say that, but for us
13 to be able to go and find the needle in the -- in the -- in
14 the haystack in these big voluminous, you know, Cellebrite
15 dumbs, right, when -- and on a return they could have said,
16 "Hey, we got these text messages from this date or
17 whatever." Right. We are prejudiced by having to go roam
18 around and try to pull it out. Right. We don't know
19 exactly what it is that they're relying on or what they
20 think that they got other than say they got the whole phone
21 and here it is.

22 And again, to me, if that's the case, then the search
23 warrant really exceeded probably the scope of the authority
24 that it should have had, it didn't lack particularity for
25 what it is that they were actually looking for. And so we

1 would ask that the Court consider suppressing the search
2 warrants for those reasons.

3 THE COURT: Your motion is respectfully denied. And
4 I'm not a techy person by any means, but -- but I accept
5 Captain Jackson's testimony for what it is as -- as you do
6 too, clearly, Mr. Hayes. And that is that the return for
7 this particular search warrant would have listed general
8 categories of things that got a text file or, you know, a
9 file contain the number of text messages -- text messages
10 or something more general. You know, I say I'm not a techy
11 person, but I've never seen it done any other way.

12 MR. HAYES: I understand.

13 THE COURT: Because I -- I just don't know enough.
14 And until I hear from a -- a person that does cell phone
15 extractions, that those extractions can be narrowed --
16 narrowly tailored, then I don't know what other method
17 there is. But I -- I think it sort of cuts both ways. If
18 they were to narrow and list only the 12 text messages that
19 they're talking about in a particular case without having
20 the entire file for you to go through, then there would be
21 some allegation of cherry picking or failure to disclose
22 potentially exculpatory evidence. I mean, it is all there.
23 They've given you the time period.

24 I -- I don't know of any other way so much so that,
25 frankly, when SLED does these, a lot of times they have

1 almost like a pre-tight return because they know I'm going
2 to get a -- I don't know -- a text file or an instant
3 method file or a photo file or whatever those general
4 categories are. I think to grant your motion would be to
5 invalidate any search warrant of any electronic device.
6 And I'm not prepared to do that.

7 And I don't know that anyone is necessarily -- I -- I
8 respect your argument. I hear it. I just don't know any
9 other way that it's done. And I -- I can't find that it's
10 improper or it necessitates, invalidating, or voiding the -
11 - the search warrant itself. So the original issue was the
12 lack of a return, but again, that's a ministerial function
13 and -- and even the lack of a return in itself is not
14 sufficient to show prejudice. And I think you had a -- a
15 pretty steep, uphill battle here, especially when that
16 return would not have been so specific.

17 Actually, it'd be different if there were objects,
18 tangible objects, taken and the return lists a red bicycle
19 instead of a purple scooter or something like that. But
20 what you would've gotten here is text messages and
21 photographs and that general sort of thing. I know that
22 that then sprung a different sort of take on the argument,
23 but I think in all respect, I deny your motion.

24 MR. HAYES: Just for -- just for the record, too,
25 Judge, on preservation and I -- I trust -- but, you know, I

1 also -- and I understand, but it -- the search warrant that
2 the -- the code section would require that the search be
3 conducted within 10 days. Now, I understand it's a
4 cellular device or mobile devices, sitting, and probably
5 nothing's happening to it while it's in this custody, but
6 based on the testimony, Judge, I would -- and I would, you
7 know, preserve the objection for trial and for appeal
8 whatever issues that would be down the road. But I didn't
9 -- I didn't understand her.

10 I heard testimony to say we don't-- I'm not sure when
11 we did this. It could have been well outside of the 10-day
12 window. Right. And again, I think that the search is
13 conducted after the 10 days, right, it's outside the scope
14 of what statute would require and we would make -- we would
15 sort of supplement our motion to suppress in that respect
16 as well. It's just another problem for something to be
17 considered at a later time.

18 THE COURT: Yes, sir. And -- and perhaps the
19 Appellate Court will bite onto that and do something. But
20 again, from my perspective, that would invalidate every
21 search warrant of every electronic device just because of
22 the resources available and the timeline. And -- and I
23 know part of this is in my head, this is my experience
24 dealing with law enforcement and search warrants, but it'd
25 be my understanding that the failure to extract the data

1 within 10 days is actually pretty commonplace. So maybe
2 you got a great argument to invalidate every search warrant
3 of every device.

4 MR. HAYES: We can only help, Judge.

5 THE COURT: I don't know. We'll talk to the Court of
6 Appeals or Supreme Court about that, but I'm not prepared
7 to make that ruling.

8 MR. HAYES: Well, I appreciate your consideration.

9 THE COURT: Yeah. Particularly, here where it's a
10 device that I -- I would assume was powered off or
11 otherwise inaccessible to anyone else. It is secured until
12 that extraction can be done. So there would be no concern
13 of alteration, transformation of the evidence that is going
14 to be extracted. The delay doesn't cause, you know, a DNA
15 sample to degrade or something like that.

16 MR. HAYES: It's not stated. Right. I mean, but I'm
17 not trying to concede that point, but --

18 THE COURT: Right.

19 MR. HAYES: I'm -- for clarity and the reason I point
20 that out to the Court is because I do -- I do recognize
21 that.

22 THE COURT: Yeah. Thank you. Thank you because
23 I wasn't expressing it very well.

24 MR. HAYES: No, you did great.

25 THE COURT: Thank you.

1 MR. HAYES: All right, Judge. So one -- the last
2 thing that I have on my list here, I think I've been
3 through it all, is now number nine. And Mr. Staley and I,
4 we have a pretty good understanding at this point in time.
5 I've been representing him for about a year now. But prior
6 to my representation, Deion O'Neal was representing Mr.
7 Staley, then Justin Kata was representing Mr. Staley.

8 And then while I was representing Mr. Staley, in the
9 court file, I think that Mr. Staley is -- and I'm not
10 trying to mischaracterize, but I understand Mr. Staley is
11 basically a Sovereign Citizen. Okay. That doesn't fully
12 appreciate the -- the State of South Carolina having any
13 authority over him or in the form of this matter. Okay.
14 And so he has filed a number of motions with the Court,
15 handwritten motions that he sent and copied Ms. Raymer on,
16 copied me on, copied Judge Hood on. I think the Court file
17 is probably full of them, these motions to dismiss.

18 I've advised Mr. Staley that I'm technically
19 prohibited from arguing some of them before Your Honor
20 because I don't believe that they have legal merit, and I
21 just -- be candid to the Court and my responsibility to
22 you, Judge. I just don't -- I don't -- you know, this is
23 something I can't -- I can't basically forward some of the
24 legal principles that he believes in. Right. But I don't
25 know to what extent the Court would be willing to have some

1 kind of colloquy with the Defendant on that. I'm going to
2 say that because I'm trying to make sure that I do right by
3 Mr. Staley here, but I know that he had a motion to dismiss
4 of his own.

5 And I can't argue with, Judge. I'm not saying it's
6 appropriate for him to argue necessarily either because he
7 is represented, but I just want the Court to be aware of
8 it. And I don't know if there's any -- any kind of -- I
9 don't even know -- inquiry that needs to be made as a
10 result of that. I'm just not sure.

11 THE COURT: At any point was Mr. Staley pro se?

12 MR. HAYES: He -- he may have been pro se for some
13 period of time. I know that in the Charleston case he is
14 pro se. My feeling about it is that there was probably
15 some period of time that elapsed between the time that
16 Justin Kata was relieved and I represented him.

17 THE COURT: As best I can tell from the Court records,
18 that looks like a period of seven days, from November 9,
19 2023, to November 16, 2023.

20 MR. HAYES: So almost a year to the date then, Judge.

21 THE COURT: Right. So for that seven-day period, it
22 appears there was no representation by counsel. What did
23 that say? November 9 to November 16.

24 MS. RAYMER: And, Your Honor, if I may? We were at
25 trial on November 9th when Mr. -- an altercation occurred

1 and Mr. Kata requested be removed -- relieved as counsel.
2 Judge Hood was the trial judge. We were prepared to
3 proceed with trial at that time. Judge Hood did a colloquy
4 with the Defendant and asked if he wanted an attorney pre-
5 appointed to him or if he wanted to proceed pro se with
6 trial at that day. And he elected to have an attorney
7 appointed.

8 I believe that one-week period was just finding
9 someone since the Public Defender's Office is conflicted
10 off the case, and there were several other attorneys was
11 binding Mr. Hayes to get appointed on that rather than him
12 being truly precise. And I don't know if any motions were
13 actually filed during that period.

14 THE COURT: And that's what I was looking for. That's
15 why I asked, because we don't recognize the sort of dual
16 representation where you have counsel appointed, but you're
17 also trying to represent yourself. Your -- your counsel is
18 your representative.

19 MR. HAYES: Well, so there was a period of time,
20 Judge, where Mr. Staley and I -- Mr. Staley did not want me
21 to proceed as counsel. Okay. And he had written the Chief
22 Justice of South Carolina Supreme Court and others about
23 this motion to dismiss. Again, I think all that's been
24 reconciled, and I think you can hear that Mr. Staley has
25 expressed that he wants me to proceed as his counsel in

1 this case. I don't have any question about that. If I
2 did, I would've brought it to the Court's attention the
3 first thing this morning.

4 But I just -- to, you know, protect Mr. Staley's
5 interest and mine -- bring to the Court's attention, not
6 trying to make it a big thing, but I just want make sure
7 that the Court's aware.

8 THE COURT: Understood. Yeah. The only motions that
9 I see -- and I'm just looking under -- this is indictment
10 2022-GS-40-03149. Because of course each of the indictment
11 is listed separately. So just taking this as an example, I
12 do see a number of motions filed. The only motion filed
13 during the period in between attorneys, Mr. Kata and Mr.
14 Hayes, is a motion for discovery and disclosure of evidence
15 that was filed on November 15th, 2023. And then there are
16 several motions that were filed in April, 2024.

17 MR. HAYES: We were getting ready for trial. We were
18 number two on the trial list that weekend. Ms. Kavanaugh
19 from the Solicitor's Office had a murder, it did jump to
20 the top of that docket and -- and bumped us off the list.

21 THE COURT: And then there is something filed
22 September 25, 2024.

23 MR. HAYES: That was probably another motion to have
24 to me relieved.

25 THE COURT: Then October, November, and the first date

1 of November. So, but all of that occurred during the
2 period of Mr. Hayes' representation. And so, you know, Mr.
3 Hayes having been attorney on the record, having reviewed
4 those and electing not to argue any of those motions, I
5 believe is an appropriate decision. I -- I don't -- I
6 mean, for PCR purposes -- what additional inquiry would you
7 like?

8 MR. HAYES: Well, yeah, that's one -- that's one
9 acronym. Okay. There's another one.

10 THE COURT: Okay.

11 MR. HAYES: And that -- that's the reason I bring to
12 the Court's attention.

13 THE COURT: For -- even for ODC purposes. I -- I will
14 -- let's see.

15 MR. HAYES: Thank you, Judge. I'm sorry to belabor
16 point.

17 THE COURT: No, it's okay. So I'm sending the Clerk
18 to get the Clerk's full file so that I can see the motions.
19 I will, before we begin tomorrow, review those motions. If
20 you have any specific concerns that you think of overnight
21 that you, you know, want me to cover, I'm happy to do that
22 in the morning. Otherwise, I will look at what's there and
23 address it as best I can in the morning.

24 MR. HAYES: Thank you, Judge.

25 THE COURT: Okay. Okay. Anything else?

1 MS. RAYMER: Nothing from the State, Your Honor.

2 MR. HAYES: Nothing from the Defense, Your Honor.

3 THE COURT: Fantastic. I'll see y'all at 9:30
4 tomorrow morning.

5 (The trial will resume the next morning at 9:30 a.m.)

6 November 19, 2024

7 THE BAILIFF: Court come to order. All rise. You may
8 be seated.

9 THE COURT: Good morning.

10 ALL JURORS: (In unison) Good morning, Your Honor.

11 MS. RAYMER: I think we just have a few matters before
12 we get started this morning.

13 THE COURT: Yes, ma'am.

14 MS. RAYMER: First, we wanted to see -- make sure the
15 technology worked before the jury came in.

16 THE COURT: That's...

17 MS. RAYMER: And then --

18 THE COURT: A question mark. Does it? Did we figure
19 that out (laughing)?

20 MADAM CLERK: It should, Judge. Yes.

21 THE COURT: Okay. Wonderful.

22 MS. RAYMER: Our first witness is going to be
23 Lieutenant -- Captain Heidi Jackson. And we're getting
24 some sensitive photos in through -- of course, we thought
25 it was probably best to address those now before bringing

1 in the jury and sending them out. There are 16 ads from
2 Skip the Games that we have printed off with various photos
3 and child pornography in them. The State has pre-marked
4 those ads -- Your Honor, one second while I figure out
5 where.

6 Your Honor, these have been marked as Court's Exhibit
7 Number 1. There are 16 total Skip the Games' ads. The
8 State is only seeking to enter one of these ads into
9 evidence. State would like to make this court's exhibit
10 for the record to show that we're only entering into
11 evidence what is necessary to prove the case and are
12 limiting any prejudice, any sensitive material that we're
13 putting in front of the jury.

14 THE COURT: And what is the one that you want to
15 introduce?

16 MS. RAYMER: So the State is only seeking to enter one
17 ad that was posted on September 5th, 2019, with the title
18 of "Storm is here."

19 THE COURT: Mr. Hayes?

20 MR. HAYES: Your Honor, may it please the Court? This
21 was the basis of the Defense motion yesterday. I -- I
22 believe that I don't -- I'm not sure how they go about
23 getting this particular ad in. I understood the Court to
24 say that it wasn't -- it wasn't going to accept the
25 certification from the Skip the Games authority. And I'm

1 not sure how they authenticated otherwise. I'm not -- I'm
2 not --

3 MS. RAYMER: Your Honor, the subject of yesterday's
4 hearing was records that came from Skip the Games, Samuel
5 Hancock. It was the underlying IP address, ads posted,
6 where -- the IP address they were posted from, the phone
7 number and email address associated from the postings. The
8 first witness, Captain Heidi Jackson, will testify this
9 morning that these are website ads she found by simply
10 going on the worldwide web, and printed off. That would
11 lay the authentication for these ads. We are not seeking
12 through this witness to get any underlying posting data
13 that came from Skip the Games company.

14 MR. HAYES: So it's my understanding Ms. Jackson's
15 going to testify that she went on Skip the Games and
16 searched pursuant to her investigation for this particular
17 ad. Right. And all -- I guess, Judge, my -- my concern
18 would be, all she could really say is that she found the
19 ad. I don't know -- I mean, I'd have to look at the ad
20 again, but beyond outside of the four quarter of the ad, I
21 don't know what she would be able to testify about it.

22 THE COURT: We'll see. Do you have issue with the
23 exhibit itself, the printout from the website? I mean,
24 obviously they're explicit photos, but -- because that's a
25 separate issue, laying the foundation for it and -- and any

1 testimony about it. But as to the document itself, is
2 there any objection?

3 MR. HAYES: Well, at this point it would be, Judge, I
4 mean, it hasn't been on -- obviously we're not -- we don't,
5 you know, consent or whatever the word is -- stipulate to
6 the exhibit itself. I mean, we're going to have to get
7 there. They going to have lay the foundation. It's gonna
8 have to be authenticated on some level. Right. But I -- I
9 still -- I mean, until they do that, we'll continue to have
10 an objection to the entry of the -- of the exhibit.

11 THE COURT: Absolutely. Absolutely. I just --
12 because of the --

13 MR. HAYES: I'm trying to respond to the Court's
14 question. I'm not exactly sure, do I have an -- do I have
15 an issue with it? Certainly, that's not a piece of
16 evidence I want before the jury.

17 THE COURT: Absolutely. And I -- and I think I
18 understand your legal objections as to foundation,
19 authentication, all those things. I guess my question at
20 this point -- because I don't know what the witness is
21 going to say or how they'll introduce it. You know, I can
22 rule on that at that time. Because of the explicit nature
23 of the photos, you know, the same way we get objections to
24 autopsy photos if they're cumulative, or gory, or crime
25 scene photos, or things like that. That's what I'm asking.

1 The substance of this document, because of the explicit
2 nature of it, is there any objection to this being entered,
3 assuming that they can lay the proper foundation,
4 authenticate, et cetera?

5 MR. HAYES: Well, certainly, Judge, I mean, it -- we
6 believe that it's prejudicial, but also given the
7 background of what we're facing, right, in this case, I
8 don't -- I mean, if I were -- Your Honor, I try to
9 appreciate your perspective about it. But, you know, it's
10 not -- the -- the Government believes that it has a number
11 of things it's not offering. It's offering this one piece
12 of evidence. So from that perspective, I mean, if it got
13 the point where they were trying to put in a lot more
14 photos beyond this, right, then I would have an objection
15 to cumulative nature and -- and that kind of thing.

16 But I'm -- I hate -- I hate to say it as a Defense
17 Lawyer in the case, but if I were them or if I were you, I
18 would understand why this would probably be close to a
19 necessary piece of evidence for them to be able to
20 establish. Right. But I still don't -- I don't think that
21 they're there to get it in yet, and they're going to have
22 to clear those obstacles.

23 THE COURT: Absolutely. I agree with everything you
24 said.

25 MS. RAYMER: Absolutely. The State just trying to

1 flush out, essentially, a 403(b) argument outside of the
2 presence of the jury, and to show that we are not trying to
3 put in an unduly cumulative or unduly prejudicial photos.
4 We are limiting the scope of what we are entering in. So
5 we have the one ad that we are seeking to introduce. The
6 underlying photos associated with that ad, as well, will be
7 exhibits that we're entering in. And additionally, so one
8 of those pictures is of extreme (looking through photos)...

9 The first photo is of -- and these are the photos that
10 are associated with the ad. I would say the first one is
11 graphic... And as there are four SCM charges, we are only
12 seeking to enter in four graphic or photos to prove the
13 necessary elements of the case. So those are the ones
14 associated with the ad. And then we have three additional
15 photos the State is seeking to introduce. There were over
16 860 photos that would qualify as child pornography located
17 on the Defendant's device. And we are limiting it to these
18 photographs as far as what we are seeking to enter.

19 MR. HAYES: And again, Judge, I mean, we would object
20 at this time to the entry of the photographs. I mean, we
21 are a long way from any kind of chain of custody,
22 foundation, authentication type of issues that are going
23 have to be met along the way here.

24 MR. RAYMER: Absolutely. We are not asking the
25 Defense to stipulate to the authenticity or the foundation.

1 We are just making the record clear that we are limiting
2 the number of photos we are seeking to introduce and
3 flushing this out outside presence of the jury.

4 THE COURT: Absolutely. Given the number of photos as
5 alleged by the State, I think that that smaller number is
6 appropriately limited. I've not seen, of course, all of
7 the photos or the -- all of the ads. I have flipped
8 through Court's Exhibit 1, which is all of the ads from
9 Skip the Games.

10 MR. HAYES: Well, that's just -- I want -- I mean, I
11 want to make sure I understand, Judge, not to interrupt,
12 Your Honor. Sorry.

13 THE COURT: Go ahead. Go ahead. Go ahead.

14 MR. HAYES: But it's my understanding that is one ad.

15 MS. RAYMER: So the Court's Exhibit --

16 THE COURT: Court's Exhibit.

17 MS. RAYMER: -- 16 ads, and then the State's Exhibit
18 that we're seeking to enter is one ad.

19 MR. HAYES: So the ad I just reviewed here
20 (indicating) at the Defense table, that is one ad.

21 MS. RAYMER: Yes.

22 MR. HAYES: I know it -- it encompasses more than one
23 photo, which is why I want make sure that I understand and
24 clarify ---

25 THE COURT: It does, but it's -- it appears to be a

1 single posting versus Court's Exhibit 1, which I believe
2 you've just been handed a copy of, which is different posts
3 on different dates. A single post, it appears, has -- can
4 have a number of photographs associated with it or
5 contained within it, but there are several posts. So
6 they've chosen one of those -- Court's Exhibit 1 is all of
7 them. State's Exhibit 5, is just one of those. And -- and
8 so that's why I say they've appropriately limited it.
9 They're not seeking to introduce Court's Exhibit 1 or what
10 you have in your hand right now, Mr. Hayes.

11 They've only selected one of those postings, which
12 does have several photographs in it. And then they've
13 enhanced the photographs or -- or -- I don't want to say
14 enhanced because I -- that sounds like a technical term
15 that I may not be using appropriately, but they have
16 printed out the photographs from that ad --

17 MR. HAYES: Yes, ma'am.

18 THE COURT: As separate exhibits.

19 MR. HAYES: I'm trying to flip through to find it in
20 one of the 16 that's in this -- Can I just see the one --
21 the one you intend to enter for my client's benefit so we
22 can see the particular exhibit?

23 (Brief pause while the Counselor looks at the exhibit
24 to be introduced at the appropriate time.)

25 Thank you, Judge. I appreciate the Court's

1 indulgence.

2 MS. RAYMER: And I think the last matter we have is, I
3 believe the Defense made a motion for sequestration of
4 witnesses. The State would request that the victim, RH
5 [REDACTED] or AB [REDACTED] if they choose to be present,
6 they have the right to be as victims. And also, this case
7 started with investigate -- with Captain Heidi Jackson. It
8 also went to SLED Special agent Logan Fey and they are both
9 on the witness list. They were both somewhat lead
10 investigators. So the State would request that they both
11 be allowed to be present.

12 MR. HAYES: I mean, Judge, traditionally -- I'm not
13 trying to give the Government a hard time, but
14 traditionally, they're allowed one law enforcement witness
15 at the table and we would ask that they select.

16 MS. RAYMER: And -- and, Your Honor, to be honest,
17 Captain Jackson issued the arrest warrants for the sexual
18 exploitation of a minor charges and Special Agent Fey
19 issued the arrest warrants for the human trafficking
20 charges. So it's kind of hard to differentiate when they
21 both were lead investigators in this case.

22 THE COURT: Right. So, yeah, it sounds like they were
23 both lead investigators, so they can both remain. In
24 addition, I think -- I mean, to be frank, they could play
25 it easy -- even if this weren't my ruling -- they could

1 name Agent Fey as lead investigator, keep him in here, but
2 if Captain Jackson's going to testify first, then she can
3 remain in after her testimony anyway.

4 I think with her being the first witness, it -- it's
5 not going to make that big a difference. But -- but if
6 they were both investigating officers, both issued arrest
7 warrants -- or not issued, but applied for arrest warrants
8 or -- or are the affiant on the arrest warrants, then it
9 would be appropriate for them both to stay, I believe.

10 MR. HAYES: Yes, ma'am.

11 THE COURT: But it -- I mean, like I said, it's cured
12 by Captain Jackson being the first witness, anyway, and
13 then being able to stay in after her testimony. So... I
14 think we're good.

15 MS. RAYMER: And, Your Honor, again, we're not asking
16 the Defense to stipulate to the DMV records, which we plan
17 to enter into our first witness as well. Just for the
18 Court's knowledge, we are going to be seeking to enter in
19 the affidavit of authenticity of this business records as a
20 court's exhibit and enter the underlying records at the
21 appropriate time.

22 THE COURT: Okay. Anything further on that, Mr.
23 Hayes?

24 MR. HAYES: I don't --

25 THE COURT: That's just the DMV records.

1 MR. HAYES: The DMV records, was there -- was there
2 actual certification? Did we get to that yesterday?

3 MS. RAYMER: And Your Honor, I don't know if we talked
4 about the records yesterday --

5 THE COURT: Mm-mm (indicating no).

6 MS. RAYMER: We just went over the other one. So
7 that's been previously marked Court's Exhibit Number 2.
8 That is the affidavit of authenticity from the Department
9 of Motor Vehicles, along with the underlying DMV records
10 for our two victims.

11 And, Your Honor, at this time, I think it would be
12 appropriate to redact the addresses of our victims to
13 comply with confidentiality.

14 THE COURT: Absolutely. Anything further on this
15 issue, Mr. Hayes?

16 MR. HAYES: No, ma'am. I -- I will make a
17 contemporaneous objection probably at the time, but I trust
18 that they'll be admitted.

19 THE COURT: Okay.

20 Anything further from the State?

21 MS. RAYMER: Nothing further from the State.

22 THE COURT: Mr. Hayes?

23 MR. HAYES: Judge, briefly, yesterday we had talked
24 about these motions that have been filed by Mr. Staley, and
25 I know the Court had requested the Court's file in the

1 matter to review what may or may not have been there. I
2 trust you found what I was referencing. I did take just a
3 few minutes and tried to understand a little bit about --
4 my representation about my client's ability to be able to
5 argue these.

6 South Carolina does, potentially, anyway, allow for
7 this. And then I can -- I can cite some law on this. This
8 is a South Carolina Law Review article, Judge, but at the
9 end of the day, it's really -- it's up to the trial court.
10 It's within your discretion about whether or not you allow
11 it. And so that's -- and I'm happy to just hand the
12 article up rather than read through it if it would help
13 assist Your Honor in any way. I'm happy to do that.

14 THE COURT: Sure.

15 MR. HAYES: And not to -- and I haven't highlighted
16 (handing article up) or touched it, Judge, so I just kind
17 of leave it at your discretion. I did flip it to page 7.
18 You can see the top of the cover though here's what I
19 represent to the Court that it is.

20 THE COURT: So I guess what I was referring to is the
21 fact that there is no constitutional right to hybrid
22 representation. And that is under the United States
23 Constitution or the -- and the South Carolina Constitution.
24 There's no constitutional right to that. And the Court is
25 not required to permit hybrid representation. I did come

1 in today prepared to address the motions that were filed,
2 and -- and that is with the understanding that Mr. Hayes is
3 not arguing these motions, but I've read the motions and
4 the first of those is -- the first in my pile is a motion -
5 - it's titled a "Motion for Empanelment Documents" that was
6 filed September 25th, 2024.

7 But it seeks recordings and transcripts, records, et
8 cetera, related to the grand jury process to which the
9 Defendant claims entitlement. There is in fact no
10 entitlement to those grand jury records, recordings, or
11 anything else. So that motion would be denied in any
12 event.

13 There are also motions to relieve counsel filed as
14 recently as September 25th, 2024. So I did want to address
15 that just to ensure that Mr. Staley -- Mr. Staley is
16 prepared to go forward with Mr. Hayes representing him.
17 Are you comfortable -- Yes, sir. Go ahead.

18 MR. HAYES: Just by way of brief background on that,
19 Judge, just to paint a clearer picture about it, Mr. Staley
20 filed a motion to have me relieved. It was heard by Judge
21 Hood. I think it was heard on September 19th, maybe the
22 17th. And Judge Hood denied the Defendant's motion to have
23 me relieved at that time. And a couple days after that,
24 Mr. Staley filed a second motion to have me relieved and it
25 was scheduled and heard -- probably it was at the end of

1 October. I can't say exactly what day now, but I feel like
2 it was around the 23rd, 30th. I'm not sure.

3 We went in front of Judge Coble on that particular
4 occasion. And there was an offer that was extended at that
5 time for the -- the cap of 10 years. He -- we had time to
6 talk about it. So we actually had that motion up on like a
7 Tuesday. Judge Coble told us to come back on maybe
8 Thursday and tell him if we were going to be accepting the
9 offer or not, and where we stood with the representation.

10 At the second hearing that week, in front of Judge
11 Coble, Mr. Staley withdrew the motion to have me relieved
12 as counsel, expressed some confidence in my ability to try
13 to defend him in his case. And Mr. Staley and I have been
14 working to try to, you know, get on the same page. And I
15 feel like we have, Judge. I feel like Mr. Staley and I
16 have had good communications through the Court since that
17 time, to be able to try to understand what the Defense
18 strategy here is. But I would -- I would also appreciate
19 the Court just ensuring that what Mr. Staley -- I trust --
20 say he's confident, but I appreciate the Court's inquiry.

21 THE COURT: Absolutely. There -- and -- and I -- I
22 appreciate that because the -- there are no written orders
23 in the file that indicate that those motions were heard, so
24 I thought that they had not been addressed. Apparently,
25 they have. The only other thing -- there's a motion to

1 compel from August 12th, 2024. I'll ask you first, Mr.
2 Hayes, do you believe that there is some discovery that
3 you've not received and have you discussed with your client
4 what he's seeking in this motion to compel? It's from --
5 did I say August 12th, 2024? That's the filing date. It
6 looks like he wrote it on August 4th, 2024, but received by
7 the court on August 12th.

8 MR. HAYES: So what I can say about that, Judge, is
9 that Mr. Staley has been represented by a number of -- of
10 clients before me, and he had been provided with some of
11 the discovery in the case. He -- he tells me now that he
12 was looking for a search warrant return in that filing, and
13 he and I hadn't had a conversation about that. I will --
14 when I went to see him a week or so ago at the jail, I took
15 every piece of -- every piece of discovery we had and that
16 we believe exists.

17 I mean, if there's discovery I don't have, I really
18 don't know it. Okay. I mean, it's -- and I'm not trying
19 to slow the trial down or jump up and down about grave
20 violation. It's probably curable, anyway, because the meat
21 and potatoes of the case is -- I mean, they've limited the
22 scope of this and what they're going to introduce. So I
23 don't think that there's some grand discovery violation
24 that would somehow prejudice us at this point in time. You
25 know, I've been through the case. I believe that I've seen

1 everything there is to see.

2 THE COURT: Okay.

3 MR. HAYES: There's all -- there could always be
4 something. I understand that. And -- but we won't know
5 until we cross the bridge and when we do, we'll deal with
6 it. But I don't expect it to be -- have a real bearing on
7 the outcome.

8 THE COURT: Good enough. Thank you. And it -- it's
9 unclear from the motion specifically what was being sought
10 just because the motion then -- although it's titled a
11 motion to compel and talks about that briefly, it then goes
12 on to make other allegations against the Attorney General's
13 Office that have nothing to do with discovery. So I -- it
14 was just unclear to me. So I think that addresses
15 everything.

16 MR. HAYES: Thank you, Judge.

17 THE COURT: All right.

18 MR. HAYES: If you don't mind, can I have that article
19 back just --

20 THE COURT: Sure. Absolutely. All righty. State
21 ready to begin?

22 MS. HUGHES: State's ready to proceed, Your Honor.

23 THE COURT: Is the Defense ready?

24 MR. HAYES: Yes, ma'am.

25 THE COURT: All right. Bring the jury please.

1 (The jurors entered the courtroom.)

2 THE BAILIFF: Juries seated, Your Honor.

3 THE COURT: Thank you. Good morning, ladies and
4 gentlemen. Thank you for your patience. I do my best to
5 estimate what time you need to be here, but sometimes my
6 estimate is a little off. I apologize for that. But I
7 appreciate your patience. We're now ready to begin the
8 trial of the case of the State of South Carolina versus
9 Ontario Lamar Staley.

10 Before you hear from the lawyers and from the
11 witnesses, I will give you some preliminary remarks about
12 how the trial will proceed. Before we begin the trial, I
13 want to tell you that this trial will probably be different
14 from what you might expect. Many people do not have the
15 chance to attend actual court sessions as you're doing now,
16 and may think from watching television or movies or reading
17 books, that trials are always full of high drama, intense
18 action, and riveting circumstances. And while all of these
19 things may be true at times, this trial is not for
20 entertainment.

21 It is a fundamental part of our democracy. An effort
22 to make sure that justice is done between the parties
23 before the Court, making sure that justice is done is often
24 slow, deliberate, and repetitive. The opposite of what you
25 may have seen on television or in movies or read in books.

1 This courtroom is a place of honor, dedicated to the
2 protection and preservation of citizens' rights through
3 what many have called the greatest justice system ever
4 created. The attorneys appearing before you are advocates
5 for the parties they represent. But first and foremost,
6 they are officers of the Court, sworn to uphold the
7 integrity and fairness of our judicial system, and to help
8 you in understanding the evidence.

9 You should expect them to be professional, competent,
10 and ethical in the representation of their client's
11 interests. You have taken an oath to try this case and
12 reach a fair and just verdict. So you are also expected to
13 be professional, reasonable, and ethical. Thank you for
14 accepting this important responsibility of jury service and
15 for your contribution today to our justice system.

16 What I'll now say is intended to serve as an
17 introduction to the trial of this case. These remarks are
18 not a charge on the law. I'll instruct you on the law
19 which applies to this case at the end of the trial before
20 you retire to consider your verdict. This is merely an
21 explanation of the procedure that we will follow so that
22 you can better understand what is happening. You are not
23 permitted to take notes during the trial of this case.

24 The Defendant is charged in several indictments with
25 the crimes of trafficking in persons with a victim under 18

1 years of age. There are two counts of that. Sexual
2 exploitation of a minor in the second degree. Two counts
3 of that charge. And an additional two counts of sexual
4 exploitation of a minor in the first degree. I'll explain
5 the elements of those crimes to you later.

6 The indictments are simply the charges by which the
7 case is brought into court. They are not in any sense
8 evidence of the allegations that they contain. The
9 Defendant has pled not guilty to each of these indictments.
10 The State, therefore, has the burden of proving each of the
11 elements of the indictments beyond a reasonable doubt. It
12 will be your duty, ladies and gentlemen, to decide whether
13 the State has met that burden.

14 You have been selected as fair and impartial jurors
15 whose purpose is to determine the facts. You are the sole
16 judges of the facts. If at any time I make any comment
17 regarding the facts, you must disregard it. You are to
18 determine the facts from the testimony you hear and any
19 other evidence that is introduced in court. It is up to
20 you to determine the inferences which you feel may properly
21 be drawn from the evidence.

22 It is especially important that you perform your duty
23 of determining facts diligently and conscientiously
24 because, ordinarily, there is no way to correct an
25 erroneous determination of the facts by a jury. On the

1 other hand, and with equal emphasis, the same law that
2 makes you the judges of the facts makes me the judge of the
3 law. The law as given by the Court, is the only law you
4 may consider. You must accept it and follow it even though
5 you may disagree with it.

6 I cannot tell you what the facts are, and you cannot
7 disagree with me about what the law is or what the law
8 should be. Your job is to take the law as I give it to
9 you, and apply it to the facts as you find them from the
10 testimony of the witnesses and any other evidence that is
11 introduced. After doing that, you will render your verdict
12 under the solemn oath that you have taken as jurors.

13 Until I advise you to begin your deliberations, you
14 must not discuss the case with anyone, including your
15 fellow jurors, friends, family members, and anyone involved
16 in the case. This includes discussions face-to-face and
17 those by telephone, email, text, social media, or any other
18 method of communication. You may not use a computer, cell
19 phone, or other electronic device with communication
20 capabilities at any time while in the courtroom or during
21 deliberations. During your breaks for meals or overnight,
22 of course, you may use your devices.

23 However, you may not, at any time, use those devices
24 to get or send information about the case. This includes
25 information about a party, a witness, an attorney, or a

1 court officer, news accounts about the case, research on
2 any topics raised, any topics you think would be helpful in
3 deciding the case, or any testimony presented by any
4 witness.

5 During the trial, do not read, listen to or watch any
6 news reports about the case. This includes anything that
7 may be in the newspapers or on the internet, radio, or
8 television. Information on television, radio, the
9 internet, or from other sources might be wrong or
10 incomplete. In our judicial system, it is important that
11 you are not influenced by anything or anyone outside of
12 this courtroom. You must not consider anything you may
13 have read or heard about the case outside the courtroom
14 whether before or during the trial. If you become aware of
15 another juror's violation of these instructions, please
16 inform me immediately.

17 After the case is submitted to you, you must discuss
18 it only in the jury room with your fellow jurors. The
19 attorneys and parties in this case have been advised that
20 they're not to talk to you at all. So if you see anyone
21 involved in the case and they don't even say hello to you,
22 they're not being unfriendly. They're simply following my
23 instructions. It is important that you keep an open mind
24 and not decide any issue in the case until all the evidence
25 has been presented, the parties have made their closing

1 arguments, and I have instructed you on the law in this
2 case.

3 It is your solemn responsibility to determine the
4 guilt or innocence of the Defendant. And your verdict must
5 be based solely on the evidence as it is presented to you
6 in this trial, and on the law as I instruct you during and
7 at the close of the trial. Now, in just a moment, the
8 Assistant Attorney General will make what is called an
9 opening statement, in which they will explain to you what
10 the issues are in this case, or at least what they think
11 the issues are in this case. The attorney for the
12 Defendant may also make an opening statement, although he's
13 not required to do so.

14 What the attorneys tell you during their opening
15 statements is not evidence in this case. It is only their
16 contention as to what the issues are. The evidence in this
17 case will be presented to you by the testimony of sworn
18 witnesses from this witness stand and by exhibits that may
19 be introduced into evidence.

20 Now, from time to time during the trial, you may hear
21 one of the lawyers say something like, "Your Honor, I
22 believe we have a question of law or a matter of law to
23 discuss with you," or "May we approach the bench," or
24 sometimes I myself might find it necessary to excuse you
25 from the courtroom for a short while so that the attorneys

1 and I can discuss matters of law. The reason for this is
2 because you are the judges of the facts in this case. And
3 sometimes when I'm discussing matters of law with the
4 attorneys, it may be necessary for me to make some comment
5 as to the facts in connection with ruling whether or not a
6 particular law applies or does not apply.

7 I'm not supposed to tell you what I think the facts
8 are. So I'll excuse you from the courtroom for a short
9 while, while these discussions take place so that you will
10 not in any way be influenced by anything that I might say
11 or do in connection with the facts. In determining what
12 the facts are in this case, you must decide whether or not
13 the testimony of the witnesses is believable. It will be
14 my responsibility to rule as a matter of law as to whether
15 certain testimony is admissible or not.

16 But once the testimony is admitted, whether or not you
17 believe it, is solely for you to determine. In deciding
18 whether to believe a witness, you have a right to consider
19 the interest of any witness, the bias of any witness, the
20 prejudice of any witness, the opportunity for the witness
21 to have seen the matters and things about which the witness
22 may testify, and the way the witness acts on the witness
23 stand.

24 You have a right to consider anything that is in the
25 record that will help you evaluate the testimony of the

1 witnesses. That means that it is your duty to pay close
2 attention to the witnesses, to observe them, to listen to
3 them, and pay close attention to the attorneys and to the
4 Court. Do not let your thoughts wander, but give strict
5 attention to the testimony in this case so that at the end
6 of all of the testimony, after the arguments of counsel and
7 my charge to you on the law, you'll be in a position to
8 determine what the facts are, to apply the law to those
9 facts and thus render your verdict.

10 It'll be the added duty of the foreperson to preside
11 in the jury room and be the jury spokesperson here in
12 court. But we will discuss that in greater detail later.
13 Now, before we begin, before you hear from the attorneys,
14 I'll give the attorneys an opportunity to object to
15 anything that I've just said to you. Any objection from
16 the State?

17 MR. RAYMER: No objection from the State, Your Honor.

18 THE COURT: From the Defense?

19 MR. HAYES: No objection, Judge.

20 THE COURT: All right. We will now begin the trial
21 and I'll call on the Attorney General's Office for their
22 opening statement.

23 MS. HUGHES: Thank you, Your Honor. May it please the
24 Court?

25 THE COURT: Yes, ma'am.

1 MS. HUGHES: Good morning, everyone. During the
2 course of this trial, we're going to take you back to the
3 end of 2019. We'll start around August or September of
4 2019 when you'll hear about RH and AB
5 They, during that time, moved in with Naneka
6 Perry and her boyfriend, the Defendant Ontario Staley.
7 Naneka was half-sisters with RH and AB and they had
8 all reconnected at their father's funeral several years
9 before.

10 RH and AB who were only 17 and 16 at the time,
11 likely thought that they were going to be moving there and
12 living with family a member in order to sort of reconnect.
13 But the Defendant had other plans once they got there.
14 You'll hear that the Defendant, along with Naneka, wanted
15 to make some money off of RH and AB while they were
16 living there. Naneka was already engaging in sex for money
17 and the Defendant and Naneka decided they could make even
18 more money on that venture by advertising RH and AB
19 for sex.

20 So the Defendant had Naneka pose with the girls, RH
21 and AB for some photos. You'll hear that in the
22 bedroom of the Defendant's house at Avenue in
23 Columbia, the Defendant took photographs of RH AB
24 and Naneka all through together in sexually explicit poses.
25 Some of the photos even appear to show actual sex acts

1 between the three of them.

2 The Defendant then used those photos to create ads on
3 adult entertainment websites, which showed the two minor
4 girls, Ryan and AB in those sexually explicit poses,
5 and indicated to potential customers that they could
6 purchase sex from the girls. After the ads were posted,
7 Naneka and the Defendant communicated with potential
8 customers to set up meetings between RH AB and
9 interested men who had seen the ads.

10 Once those meetings were set up, the Defendant would
11 transport RH and AB to the men's houses or perhaps
12 hotels in the area so that they could engage in sex with
13 those men for money. And each time this happened, the
14 Defendant was involved in some way. You'll hear that the
15 Defendant drove the girls to and from these meetings where
16 they would engage in sex for money. And each time RH and
17 AB handed over the money that they made to the
18 Defendant.

19 Now, because of the Defendant's actions, as you heard,
20 he's been charged with two counts of trafficking in persons
21 under the age 18, two counts of sexual exploitation of a
22 minor in the first degree, and two counts of sexual
23 exploitation of a minor in the second degree. There's one
24 count of each charge for both RH and AB Now, to
25 prove human trafficking of a person under 18, we must prove

1 to you that the Defendant recruited, enticed, solicited,
2 isolated, harbored, transported, provided, or obtained a
3 person for the purpose of sex trafficking in exchange for
4 something of value.

5 Now, sex trafficking, when you're talking about
6 someone who's under the age of 18, which we are here, means
7 recruiting, harboring, transporting, providing, or
8 obtaining someone for the purpose of engaging in sexual
9 activity. Now, that's a lot of words. It's a bit
10 confusing, the definition, admittedly, and as you heard,
11 the Judge will instruct you on the full definition of what
12 that statute means at the end of the trial. But I'm
13 previewing this for you now because what I want you to know
14 as you're listening to the testimony during this trial is
15 that to commit trafficking a persons under 18 means to
16 participate in some way in commercial sex or sex in
17 exchange for something of value when there's a minor
18 involved.

19 So I want you to listen closely for testimony. You
20 will hear about the Defendant posting ads, about the
21 Defendant transporting the girls to and from these
22 meetings, and about the Defendant being the lead. Now to
23 prove sexual exploitation of in first degree, we must prove
24 to you that the Defendant used, employed, induced, coerced,
25 engaged, or facilitated someone under the age of 18 to

1 engage in sexual activity or appear in a state of sexually
2 explicit nudity for the purpose of producing a visual
3 representation of that activity.

4 So what I want you to listen for as it relates to
5 those charges are evidence that the Defendant used,
6 induced, or coerced both **RH** and **AB** to pose for the
7 sexually explicit photographs. And finally, to prove
8 sexual exploitation of a minor in second degree, we must
9 prove to you that the Defendant recorded, photographed,
10 filmed, developed, or created digital electronic file
11 material that contained the visual representation of a
12 minor in sexual explicit nudity or depicted sexual
13 activity.

14 So what I want you to listen for is a list of those
15 charges are evidence of the Defendant actually created
16 those photographic images of **RH** and **AB**. As the
17 State, we must -- we must prove each element of all of the
18 crimes charged to you beyond a reasonable doubt. That is
19 the highest burden in our legal system. But it doesn't
20 mean that we have to prove each element to you beyond any
21 and all possible doubt that you can come up with.

22 Instead, what it means is that we must leave you
23 firmly convinced of the Defendant's guilt. To leave you
24 firmly convinced that the Defendant's guilt, we will be
25 calling witnesses to the stand, who will tell you about

1 what happened to **RH** and **AB** at the hands of the
2 Defendant. You'll hear from investigators who worked on
3 this case to gather the evidence that you're going to be
4 seeing today, evidence of the Defendant's phone activity,
5 including the photos he took of **RH** and **AB** and
6 evidence of the advertisements that the Defendants posted
7 of the two girls.

8 You'll hear from Naneka Perry, the Defendant's
9 girlfriend, who was involved in the operation that the
10 Defendant led. And we expect that you'll also hear from
11 **RH** who will give you a firsthand account what the
12 Defendant did. Once you hear all the testimony and see all
13 the evidence that we have to present to you throughout this
14 trial, you will be firmly convinced of the Defendant's
15 guilt. And my co-counsel, Megan Raymer, will stand back up
16 here before you and ask that you find the Defendant guilty
17 on all charges. Thank you.

18 THE COURT: Mr. Hayes.

19 MR. HAYES: Yes, ma'am. May it please the court?

20 THE COURT: Yes, sir.

21 MR. HAYES: Good morning, ladies and gentlemen. My
22 name is Scott Hayes. I'm a lawyer here in Columbia. I've
23 been practicing for a little while. I have an office down
24 on Bull Street -- 1419 Bull Street, kind of an older
25 building in town. It's right there across from the Segre

1 building next to the YMCF. I have an office there for
2 about nine, 10 years now. Have one lady that works for me.
3 She may or may not come in and sit at the table, but
4 otherwise, at the Defense table, the only other person
5 you're going to see is Ontario Staley. And I want you to
6 know as we sit here and right now, in this moment, Ontario
7 Staley is presumed to be innocent, and that presumption is
8 going to last through the duration of the trial. It's
9 going to last all the way to the point that you start
10 deliberating in this case. Ontario Staley is presumed to
11 be innocent. It's important.

12 You've taken an oath this morning or yesterday that
13 you're going to decide this case based on the facts that
14 are presented, and that you're not going to -- you're going
15 to follow the Court's instructions about these things,
16 about when we can start deliberating, and when we can start
17 talking about the case. And we can't go out and do our own
18 investigating. All the evidence that you're going to hear
19 about is going to come from this (indicating) courtroom.
20 Everything you're going to know about this case is going to
21 happen right here.

22 But until you have received it all, you need to
23 maintain an open mind about the evidence itself. And my
24 client should enjoy that presumption of innocence
25 throughout the duration of the trial. You know,

1 oftentimes, we all are -- we're human. We -- we have -- we
2 have tendencies to do things or maybe believe things. But
3 I know for me sometimes -- I'm at home, I have some small
4 children at home or my wife is there, and the news comes
5 on, and there'll be some event in Columbia, okay. In
6 Richland County, Leon Lott will go on TV and he'll say
7 something like, "Hey, we had this bad thing and we've
8 arrested these five guys that were accused of this,"
9 whatever this bad thing is. And they'll flip their faces
10 on the TV.

11 And human nature might tell you say, "Wow, you know,
12 those guys must be really bad." I'm really glad the Sheriff
13 got those guys off the street. And you might, in your
14 mind, based on the limited information that you have in
15 that moment, say, "Wow, I'm glad that they rounded those
16 guys up," and you've already convicted them in your mind.
17 You've already given the law enforcement people credibility
18 on whatever issue it is.

19 Well, if you do that at any time in this case, prior
20 to the judge allowing you to go back and deliberate, you
21 have violated the oath that you have just taken, because
22 you vowed to keep an open mind throughout the course of
23 this case. So my client and I are going to sit at the
24 Defense table and we're going to have a presumption of
25 innocence throughout, and we're asking you to keep an open

1 mind.

2 It's just me and my client. Look at the State's
3 table. They got investigators, they got the Attorney
4 General's Office here. This is the full gamut of South
5 Carolina's Bar. This is all the power in South Carolina.
6 Right here. Sitting right (indicating) here. They have
7 the burden of proof in this case. They have to prove this
8 case beyond a reasonable doubt. And they're going to do
9 that through witnesses, some of which the credibility...
10 definitely questionable.

11 There's different kind of evidence in -- in trials.
12 You have direct evidence and circumstantial evidence.
13 Direct evidence is if you were to go outside and it was
14 raining, you could see the rain. Maybe before you saw the
15 rain, it fell on your head and you knew that it was
16 raining. Right. Or you were -- you could see it, you
17 stepped in a -- you know, you could hear it sometimes in
18 the trees. Right. That might be direct evidence if you
19 recognize those things to say that is what's happening.

20 While we're in the courtroom here, we leave today and
21 we go out on the sidewalk and go back to our vehicles to go
22 home to our families or wherever we're coming from, and the
23 ground is wet. Right. Maybe it rained, maybe the
24 sprinklers came on. Could be lots of different things that
25 would've happened. Maybe something happened and they had

1 to spray some area off. There could be lots of
2 explanations for the water. Right. So there's direct --
3 there's direct evidence that would say, "I saw it. Heard
4 it. Did it." Other people will say, "Well, I came out and
5 I saw the water on the ground, so we might have figured
6 that it rained." Well, maybe, maybe not. Right.

7 If there's a question about how that happened and you
8 have a question in your mind that causes you a hesitation
9 to act, that's a reasonable doubt. If you can't say with
10 certainty -- with -- with -- in a way that causes you
11 hesitation to act, if you hesitate to act, that's a
12 reasonable doubt. So the Government has to prove this case
13 beyond a reasonable doubt, which would mean that you really
14 have no hesitation about it. That's the burden that they
15 enjoy, and they've got everybody here to try to do that.

16 Now, what they haven't told you is that Ms. Perry is
17 going to testify in this case that when her two sisters
18 came to live with them, and they -- they want to -- they --
19 they're going to try to put it on the client, but Ms.
20 Perry, okay, they didn't tell you this, but she pled guilty
21 to charges, like the ones that my client faces. And her
22 testimony is going to be brought with bias and prejudice
23 and different things. Her credibility is certainly going
24 to be something that's going to be an issue in this case.

25 What's really going on here? What's really motivating

1 the testimony? What's really happening? And you need to
2 have an open mind about that. They have the burden to
3 prove. We don't have to prove a single thing. We don't
4 have to prove our innocence. My client doesn't have to
5 testify. If he weren't to testify, you can't hold that
6 against him. The judge is going to instruct you about
7 that. If he doesn't testify in this case, you can't go
8 back to the jury room and say, "Hey, he didn't testify. He
9 must be --" No, you have a right -- he has a right not to
10 testify. If he doesn't testify, you can't hold it against
11 him.

12 So as you're receiving the evidence, again, we're
13 having an open mind about it. We're -- I -- I'm asking you
14 to do that. It's very important because we have a
15 presumption of innocence that you should absolutely enjoy
16 until the close of evidence and the case has been returned
17 to you for deliberation. We don't have to prove
18 everything, anything. They have to prove this case. And
19 at the end of the case, I think, we expect that the
20 evidence is going to fall flat. It's not going to be what
21 they say it is. You're going to have hesitations about
22 whether or not they carry their burden, which is going to
23 lead to reasonable doubt. And there's going to be one
24 verdict that speaks the truth, and that's not guilty. And
25 that's the verdict that we're asking you to return in this

1 case, Mr. Staley is not guilty. Okay.

2 THE COURT: The State can call its first witness.

3 MS. HUGHES: Thank you, your Honor. The State calls
4 Captain Heidi Jackson.

5 CAPTAIN HEIDI JACKSON,

6 Having been first called as a witness was duly sworn and
7 testified as follows:

8 MADAM CLERK: Please take a seat on the witness stand
9 and state your full name for the record.

10 THE WITNESS: My name is Heidi Derijke, and it's
11 formerly Heidi Jackson. And I still go by Heidi Jackson.

12 DIRECT EXAMINATION

13 BY MS. RAYMER:

14 Q. Captain Jackson. Where are you employed?

15 A. I'm employed at the Richland County Sheriff's
16 Department.

17 Q. Okay. What is your role there?

18 A. Right now, I'm over the school resource officer
19 program.

20 Q. How long have you been in that role?

21 A. I've been in this role for about nine months now.

22 Q. Okay. And how long have you been with the Sheriff's
23 Office total?

24 A. I've been with the Sheriff's Department 26 years.

25 Q. Okay. And so before you were over the School Resource

1 Officers, what was your role?

2 A. I was a captain in Victim Services, so I had the
3 Special Victims Unit, Victim Advocates, Runaways, Missing
4 Persons.

5 Q. In March of 2020, what would your role have been?

6 A. The same exact role over those units.

7 Q. And during that time, did you get involved in the case
8 that were here for today?

9 A. Yes, I did. I was the lead investigator in this case.

10 Q. Okay. So how did you first get involved?

11 A. I first got involved because I got a phone call from
12 Martha Fulton on March 10th of 2020.

13 Q. Okay. As a result of that phone call, what happened
14 next?

15 A. She brought Naneka in and they wanted to talk to me.

16 Q. And, Naneka who?

17 A. Naneka Perry.

18 Q. Okay. And so she wanted to talk to you, did --
19 without getting into the content, did you interview Naneka
20 Perry as a result of that phone call?

21 A. No. That first day that I -- she didn't want to talk.

22 Q. Okay. So then what happened after that?

23 A. After that, I received a call by Deputy Hawks about a
24 situation that was happening at [REDACTED] Avenue.

25 Q. Okay. So as a result of that call, what did you do

1 next?

2 A. The next thing is, I received a call -- another call
3 from Ms. Fulton, and she said Naneka -- that Naneka did
4 want to talk to me. And so I spoke with Naneka.

5 Q. Okay. And what happened after that?

6 A. I interviewed Naneka -- I'm sorry. Before I
7 interviewed her, based on the information from the
8 investigation, I learned that there might be juveniles
9 involved. So I did some research work before talking to
10 Naneka Perry.

11 Q. Okay. And just to back up for a minute, when did all
12 this occur?

13 A. This all occurred in March of 2020.

14 Q. Okay. And going back a little bit again, you said you
15 learned from the investigation that there might be
16 juveniles involved?

17 A. Yes.

18 Q. How did you learn about of that?

19 A. From a -- a phone call that I received from Deputy
20 Hawks who was out at the scene. DSS had asked law
21 enforcement to do a welfare check on some children.

22 Q. Okay. Where was the scene?

23 A. [REDACTED] Avenue, and that's in Richland County.

24 Q. Okay. And who were the kids involved?

25 A. Naneka Perry has five children, and then there was one

1 other teenager there.

2 Q. Who was the teenager that was there?

3 A. AB [REDACTED]

4 Q. Okay. So you learned about DSS getting involved at
5 [REDACTED] Avenue. And then after that you said you
6 interviewed Naneka Perry?

7 A. Yes, I did some research first, though, on Spotlight.

8 Q. Okay. What is Spotlight?

9 A. Spotlight is a program that's for law enforcement.
10 It's a tool that we can use to find out information about
11 human trafficking cases. What they do is they take
12 different ad providers like Skip the Games, ListCrawler,
13 different places, and they put all that information in one
14 spot for law enforcement to use as a tool.

15 Q. What are Skip-the-Games and ListCrawler?

16 A. Those are different places where they're advertising
17 people for sex and also human trafficking.

18 Q. So you said you did some research in this case before
19 talking to Naneka and your research was accessing
20 Spotlight?

21 A. Yes.

22 Q. Why did you determine that you needed to access
23 Spotlight to do some research in this case?

24 A. Because there was a teenager on scene at [REDACTED]
25 and the deputy believed that she was a victim of sex

1 trafficking.

2 Q. Okay. And so just knowing that there was this
3 allegation is what led you to determine that you needed to
4 check Spotlight?

5 A. Yes, but also, I recognized when he said the name,
6 Naneka Perry. I recognized that name because I had
7 recently spoken to Ms. Fulton about Naneka. So that's what
8 made me really look into it a little bit more.

9 Q. Okay. So you were using Spotlight to sort of aid in
10 your investigation. What -- what did you search for in
11 Spotlight?

12 A. You could search for phone numbers, you can put
13 pictures, like if I have a picture of someone, I can put it
14 in Spotlight and it'll bring up similar things. And then
15 what you do is you start looking at all the different
16 things come together to make a determination if that's the
17 person that you're talking about.

18 Q. Okay. So in this particular case, what would you have
19 search for?

20 A. Phone number.

21 Q. Okay. What phone number?

22 A. Let's see here... (scrolls through a document) (803)
23 915-4769.

24 Q. Where did you get this phone number from?

25 A. That one is -- is Ontario Staley's phone number, and

1 that phone number became known to me because of Naneka's
2 relationship with Ontario.

3 Q. Okay. So based off your investigation, you determined
4 before you spoke to Naneka you needed to search Spotlight.

5 Was there an allegation that this AB [REDACTED] was
6 involved? Okay. How old was AB [REDACTED] to your knowledge?

7 A. Sixteen years old.

8 Q. Okay. And so you got the Defendant -- or you got
9 Ontario Staley's phone number from Naneka Perry?

10 A. Yes.

11 Q. What was their relationship?

12 A. They have a child -- they have two children in common,
13 a set of twins, and they were living together and Naneka
14 had done a police report already and Ontario's phone number
15 was on that police report.

16 Q. Okay. So you used that phone number to search in
17 Spotlight?

18 A. Yes, and I searched Naneka's phone number as well.

19 Q. Okay. Did you end up finding anything?

20 A. Yes. I found ads on there that appeared to be Naneka
21 Perry and there were two other people in the ads that
22 appeared to be juveniles.

23 Q. And did you -- sort of, during your investigation,
24 were you able to save any of the ads that you found on
25 Spotlight?

1 A. Yes, I used Spotlight to go on directly to those
2 websites and I printed them out the ads because I was
3 afraid that they might be pulled down or lost because it's
4 on the web, so.

5 MS. HUGHES: Your Honor, may I approach witness?

6 THE COURT: Yes, ma'am.

7 BY MS. HUGHES:

8 Q. I'm going to show you what's been marked as State's
9 Exhibit 5 for identification. Can you tell me what that
10 is?

11 A. Yes, this is the printout that I made. It's Skip the
12 Games printout.

13 Q. Okay. And can you just kind of flip through it and
14 tell me is -- is this the ad that you saw during your
15 search in Spotlight?

16 A. Yes, it's the ad.

17 Q. Okay. Is this the copy that you made of the ad that
18 you found using Spotlight?

19 A. Yes, it is.

20 Q. Okay. And what website was the ad posted on?

21 A. Skipthegames.com.

22 Q. Okay. And this printout, is that a fair and accurate
23 representation of what you accessed on Skip the Games using
24 Spotlight during your investigation?

25 A. Yes, it is.

1 MS. HUGHES: Okay. At this time, your Honor, the
2 State would seek to move State's Exhibit 5 into evidence.

3 THE COURT: Any additional objection?

4 MR. HAYES: Just on the previous objection, judge.

5 THE COURT: State's 5 will be admitted over the
6 Defendant's objection.

7 (State's Exhibit 5 admitted into evidence.)

8 MS. HUGHES: Thank you, Your Honor. Permission to
9 publish to the jury, Your Honor?

10 THE COURT: Yes, ma'am.

11 MR. HAYES: Judge, if I may just very briefly -- not
12 related to the exhibit at all, but if I can approach the
13 bench?

14 THE COURT: Sure.

15 (A sidebar discussion was held between the Counsel and
16 Court.)

17 THE COURT: Apparently, someone in the courtroom needs
18 a little comfort break. So we're going to take a pause at
19 this time. Please return to your jury room, don't discuss
20 the case, we'll bring you back shortly.

21 (The jury exits the courtroom.)

22 THE COURT: We are going to take a 10 minute recess
23 and, Captain Jackson, if you need to step down, you may.
24 You may not discuss your testimony with anyone. You
25 understand?

1 THE WITNESS: Yes, ma'am.

2 (The witness steps down.)

3 THE COURT: Okay. 10 minute recess.

4 MR. HAYES: Thanks for the accommodation, Judge.

5 THE COURT: Yes.

6 (A brief break was taken.)

7 THE COURT: You can bring the jury please.

8 MS. RAYMER: Your Honor, a brief matter --

9 THE COURT: Oh, wait. Pause.

10 MS. RAYMER: -- scheduling that we should maybe take
11 out before bringing in the jury. After Captain Jackson,
12 our next witness who we plan to call is the co-defendant,
13 Naneka Perry. I would anticipate the direct and cross on
14 that to be perhaps the longest witness we have. We would
15 leave it in your discretion whether you want to take up
16 that witness. The State would prefer not to break up her
17 testimony if possible. We would prefer an earlier lunch,
18 but we would leave that in our sole discretion just as a
19 matter of scheduling.

20 THE COURT: Okay. Yeah, it looks like it's 11:12 now.
21 We'll probably just break for lunch before she testifies
22 because I think Captain Jackson will get us to a -- a
23 reasonable lunchtime. It won't be super early between
24 finishing direct and the cross-examination, so.

25 MS. RAYMER: And I believe her attorney, Aimee

1 Zymroczek, might be next door, but she might pop in. And
2 I'll let her know about that. That -- that's like really
3 what we're going to do.

4 THE COURT: Okay. Thank you. Thank you. Now you can
5 bring the jury. Thank you.

6 (The jury enters the courtroom.)

7 THE BAILIFF: Juries seated, Your Honor.

8 THE COURT: Thank you. Welcome back, folks. We're
9 still in the direct examination of Captain Jackson. She's
10 still under oath. You may resume, Ms. Hughes.

11 MS. HUGHES: Thank you, Your Honor.

12 BY MS. HUGHES:

13 Q. All right. Captain Jackson, just to pick up where we
14 left off, I'm going to show you on the screen over here
15 State's Exhibit 5. And what is this first page that we're
16 looking at?

17 A. That's the skip -- skipthegames.com. That's the ad
18 that was placed on the internet.

19 Q. Okay. And this is the ad that you found after your
20 search of Defendant's phone number on Spotlight?

21 A. Yes.

22 Q. Okay. And on this first page, what are -- the second
23 page rather of Exhibit 5, what are we looking at?

24 A. Yeah, we're looking at the victims of this and so on
25 the bottom is Naneka and then --

- 1 Q. The bottom, that's right here (indicating)?
- 2 A. Yeah. That's Naneka Perry.
- 3 Q. Okay.
- 4 A. And then **RH** is the one that's looking at the camera.
- 5 Q. Right here (indicating)?
- 6 A. Yeah.
- 7 Q. Okay.
- 8 A. And then **AB** the one under. In the back.
- 9 Q. Right here(indicating)?
- 10 A. Yes.
- 11 Q. Okay. And are you able from where you are to see what
- 12 date is associated with? This photo?
- 13 A. Yes. That 9/5 of 2019.
- 14 Q. Okay. So that's when the ad would've been posted?
- 15 A. Yes.
- 16 Q. Okay. Page 3 of State's 5. What are we looking at
- 17 here?
- 18 A. Those are three different pictures of **RH**
- 19 Q. Okay. And these were -- these all appeared on the ad
- 20 that you found?
- 21 A. Yes.
- 22 Q. Okay. And then -- fourth page of State's 5?
- 23 A. Yes. And that's also Naneka Perry on the bottom. And
- 24 then that's **RH**
- 25 Q. Naneka Perry on the bottom. Right here(indicating)?

1 A. Yes.

2 Q. And then **RH** here (indicating)?

3 A. **RH** Yeah. And they're in the bedroom.

4 Q. Okay. The bedroom where?

5 A. At Avenue.

6 Q. Okay. And then I believe this is page 5 of State's 5.

7 Was this part of the ad as well?

8 A. Yes.

9 Q. Okay. Can you just read what's on this ad?

10 A. Read the -- okay.

11 Q. Yeah.

12 A. "Hi, fellas. I'm Storm, a young," is that where you
13 want me to start?

14 Q. Yes.

15 A. In the middle.

16 "A young hottie looking to bring some excitement in
17 your life. I'm a rare mix of exotic, erotic and
18 satisfaction. Needs something wild and exciting, or calm
19 and peaceful. No matter what you need, give me the chance
20 to please you. My body is your playground and my kitty
21 needs some attention. Please know I do limited texting, no
22 card dates, nothing unprotected. You ask, conversation,
23 will be ended. No law enforcement and most of all no young
24 guys under 30. If you're okay with all that, call me at
25 (803) 393-3730. I'll be waiting, daddy."

1 Q. Okay. And then what's listed under that?

2 A. Okay. Activities this service provider may enjoy.

3 "Breast relief, Russian-face sitting intercourse, oral
4 massage, sensual deep throat, fantasy outfits on request,
5 intercourse vaginal, massage therapeutic."

6 Q. Okay. And through your investigation, were you able
7 to determine who Storm is?

8 A. Yes. Storm is RH

9 MS. HUGHES: Now, I am going to show you what's been
10 previously marked for identification as State's Exhibits 6
11 through 11. Show a copy of these to Defense counsel first.
12 Can I approach the witness, Your Honor?

13 THE COURT: Yes, ma'am.

14 BY MS. HUGHES:

15 Q. And again, I'm showing you State's 6 through 11. Can
16 you just flip through those and tell me what we're looking
17 at?

18 A. These are the pictures that were in the ad, and yes.

19 Q. Okay. So all of those photos, 6 through 11 -- State's
20 6 through 11, those are the photos that were depicted in
21 the ad in State's 5 that we just looked at?

22 A. Yes.

23 Q. Okay. Have they been altered in any way from the ones
24 you witnessed in the ad that you saw on the internet?

25 A. No, those are the pictures.

- 1 Q. Okay. So just to clarify, you said this was Naneka
2 Perry?
- 3 A. Yes.
- 4 Q. Who was this right here (indicating)?
- 5 A. That's RH [REDACTED]
- 6 Q. Okay. And then down here?
- 7 A. And that's AB [REDACTED]
- 8 Q. Okay. State's 7. Who is this?
- 9 A. That's RH [REDACTED]
- 10 Q. State's Exhibit 8?
- 11 A. That's RH [REDACTED]
- 12 Q. State's Exhibit 9?
- 13 A. That's RH [REDACTED]
- 14 Q. State's 10?
- 15 A. Naneka Perry and RH [REDACTED]
- 16 Q. Okay. And which one's which? just to clarify.
- 17 A. Naneka Perry's on the bottom. Yeah.
- 18 Q. Okay. So Naneka is the one that's like sitting on the
19 bed?
- 20 A. Yes.
- 21 Q. And then this is?
- 22 A. RH [REDACTED]
- 23 Q. Okay. And then lastly, State's 11. Was this photo
24 also in the ad?
- 25 A. Yeah, that photo was in the ad.

1 Q. Okay. Now, in these photos, State's 6 through 10,
2 specifically, do you recognize the location?

3 A. Yes, I recognize the location as [REDACTED] Avenue.

4 Q. Okay. Did you ever, during your investigation, go to
5 [REDACTED] Avenue?

6 A. Yes, I went there on -- on March 26th. I went to
7 Noble Avenue and I met Ms. Fulton and I met Naneka Perry
8 there.

9 Q. Okay. And then what did you do when you got there?

10 A. We went into the house and Naneka showed me the
11 bedroom where the pictures were taken, and then I took
12 pictures of that bedroom as well.

13 Q. Okay. So you say Naneka showed you the bedroom where
14 the pictures were taken. Are you referring to those
15 pictures that we just saw on State's 6?

16 A. Yes.

17 Q. 10?

18 A. Yes.

19 Q. Okay. And then you said you took photographs as well?

20 A. I did.

21 Q. Okay. I'm going to show you what's been marked for
22 identification as State's Exhibits 1 through 4.

23 MS. HUGHES: May I approach the witness, Your Honor?

24 THE COURT: Yes, ma'am.

25 BY MS. HUGHES:

1 Q. Okay. Now, I'm showing you what's been marked for
2 identification as State's 1 through 4. Can you tell me
3 what we're looking at?

4 A. Yeah. I'm looking at the first pictures of the house.

5 [REDACTED]

6 Q. Okay.

7 A. Of the outside of the house.

8 Q. That's State's 1.

9 A. And then -- yeah, then State's 2 is the bedroom -- the
10 same bedroom that was in the ad where the pictures were
11 taken. And it's the picture that I took. And then Exhibit
12 3 is also a different angle in that bedroom. And Exhibit 4
13 is a little different as well.

14 Q. Okay. So you said you took all of these photographs,
15 correct?

16 A. I took all those pictures.

17 Q. Have they been altered in any way?

18 A. No.

19 Q. Okay. Are these photos fair and accurate
20 representations of what you witnessed when you were at [REDACTED]
21 [REDACTED] Avenue?

22 A. Yes.

23 MS. HUGHES: Your Honor, at this time, the State would
24 seek to move State's Exhibits 1, 2, 3, and 4 into evidence.

25 THE COURT: Any objection?

1 MR. HAYES: No objection.

2 THE COURT: State's 1, 2, 3, and 4 are admitted
3 without objection.

4 (State's Exhibit 1, 2, 3, and 4 were admitted into
5 evidence.)

6 MS. HUGHES: Permission to publish?

7 THE COURT: Yes, ma'am.

8 BY MS. HUGHES:

9 Q. Okay. Captain Jackson, I'm showing you State's 1.
10 Can you just briefly describe this again?

11 A. Yeah. That's the outside of [REDACTED] Avenue.

12 Q. And showing you State's 2.

13 A. Yeah. That's the bedroom in which the pictures were
14 taken.

15 Q. Okay. And you took this photograph, right?

16 A. I took that photograph.

17 Q. Okay. And that's the bedroom in [REDACTED] Avenue?

18 A. Yes. That's the bedroom in 1504.

19 Q. State's 3?

20 A. Yes. That's the same bedroom, just a different angle.

21 Q. Okay. And State's 4?

22 A. Yes. That's the same bedroom, different angle.

23 Q. So at this point, you've had multiple conversations
24 with Martha Fulton and Naneka Perry. You have learned some
25 information that led you to believe that there were some

1 juveniles involved in a trafficking incident. So then you
2 searched in Spotlight, found the ads that we've shown you,
3 and then took photos of [REDACTED] correct?

4 A. Yes. That's correct.

5 MR. HAYES: Judge, I would have an objection. I would
6 ask that the Madam Prosecutor ask a question, not reiterate
7 the testimony of the witness.

8 THE COURT: Sustained.

9 BY MS. HUGHES:

10 Q. So what -- what else did you do in this case?

11 A. I also -- after that I made a referral to Met CAC so
12 the girls could be interviewed, the -- the victims, the
13 children.

14 Q. Okay. Which children are you referring to?

15 A. AB [REDACTED] and RH [REDACTED]

16 Q. Okay. Anything else?

17 A. I contacted also Agent Fey -- Fey. I said it wrong.
18 Agent Fey.

19 Q. Who's Agent Fey?

20 A. Right there (indicating) in the courtroom at the end
21 on the Plaintiff table.

22 Q. Okay. And what's his role? Why did you contact him?

23 A. I contacted him because I knew that some of the --
24 well, I believed that some of the trafficking had happened
25 outside my county, outside Richland County where I don't

1 have jurisdiction. So I contacted SLED to see. I also
2 contacted the Attorney General's Office to make sure that
3 that was the right thing to do.

4 Q. Okay. Did you ever look for any of the locations
5 where you believed that any of these incidents occurred?

6 A. Yes. I -- I was trying to find out, investigating as
7 much information as I could. I did find one address
8 specifically in Chapin and -- and then others were hotels
9 in different places.

10 Q. Did you ever look for any evidence that the Defendant
11 or any of the other names you had involved in this case had
12 like checked into any of these hotels?

13 A. Yes, I -- I asked our region -- the area where kind of
14 where the hotels were that I believed that the pictures
15 were taken. I'm sorry. That I believe that other acts had
16 taken place and they went to the hotels and they didn't
17 find anything on registers.

18 MS. HUGHES: Okay. Beg the Court's indulgence.

19 All right. I am going to show you after showing
20 Defense counsel what's been marked as State's 12 and
21 State's 13 for identification. Beg the Court's indulgence
22 for another moment, please. Okay. So I -- Your Honor, may
23 I approach the witness?

24 THE COURT: Yes, ma'am.

25 BY MS. HUGHES:

1 Q. I'm going to show you State's 12 and 13. Now, in your
2 role as an investigator, do you have access to DMV records?

3 A. Yes, I do.

4 Q. Okay. And you're familiar with what those records
5 look like?

6 A. Yes.

7 Q. Okay. And so what -- can you tell me what State's 12
8 is?

9 A. Yes. Exhibit 12 is the -- the driver's record from
10 DMV for AB

11 Q. Okay. And can you tell me what State's 13 is?

12 A. And it's the DMV driver record for RH

13 MS. HUGHES: Your Honor, at this time, State would
14 seek to introduce State's 12 and 13 as evidence.

15 THE COURT: Mr. Hayes?

16 MR. HAYES: Your Honor, I feel like there's just a
17 missing part of the foundation that's necessary for that to
18 be admitted, so I would object at this time.

19 THE COURT: State's 12 and 13 are admitted over the
20 Defendant's objection.

21 (State's Exhibit 12 and 13 admitted into evidence.)

22 BY MS. HUGHES:

23 Q. And -- okay. State's 12, again, who was that DMV
24 record for?

25 A. AB

1 Q. Okay. And what -- does it have her date of birth on
2 there?

3 A. Yes, it does.

4 Q. Okay. And what is that?

5 A. [REDACTED].

6 Q. [REDACTED]. Okay. And what's State's 13? What is that
7 again?

8 A. That's the DMV record for RH [REDACTED]

9 Q. Okay. And what does -- does that have her birthday
10 listed on it?

11 A. Yes.

12 Q. Okay. And what is that?

13 A. [REDACTED]

14 Q. Okay. And I'm just going to show you State's 6 one
15 more time. And again, did you -- RH [REDACTED] is in this
16 photo?

17 A. Yes. RH [REDACTED] is on top.

18 Q. This one (indicating), and then AB [REDACTED]

19 A. Yes.

20 Q. Where is she?

21 A. She's down under the leg of --

22 Q. Right here (indicating). So as a result of your
23 investigation, did you ultimately seek any arrest warrants
24 in this case?

25 A. I did.

1 Q. Okay. What did you seek arrest warrants for?

2 A. I -- I sought arrest warrants for the actual pictures;
3 and that would've been exploitation of a minor -- sexual
4 exploitation of a minor.

5 Q. Okay. Did you get multiple warrants?

6 A. I did. I got warrants for Ontario Staley and they
7 were two counts for each of the girls.

8 Q. Okay. And for --

9 A. And -- yes. And I got warrants also on Naneka Perry.

10 Q. For the same charges?

11 A. Yes.

12 Q. Okay. And --

13 A. I think -- I think that she didn't take the pictures,
14 so it was a little different. Just one charge maybe.

15 Q. Okay. But you did seek warrants for Naneka Perry as
16 well for her --

17 A. Yes, I did.

18 Q. Involvement in the photographs?

19 A. Yes, I did.

20 MS. HUGHES: Okay. Captain Jackson, that's all the
21 questions I have for you at this time. Please answer any
22 questions that the Defense has for you.

23 THE WITNESS: Okay.

24 THE COURT: Mr. Hayes?

25 MR. HAYES: Beg the Court's indulge briefly, Judge.

1 I'd like to consult with my client?

2 THE COURT: Yes, sir.

3 MR. HAYES: Thank you, Your Honor. May it please the
4 Court?

5 THE COURT: Yes, sir.

6 CROSS-EXAMINATION

7 BY MR. HAYES:

8 Q. All right. Ms. Jackson -- Captain, is that fair?

9 A. Yes.

10 A. Thank you.

11 Q. Captain, so I understand your investigation here
12 started when a phone call was made from a Martha Fulton?

13 A. Yeah.

14 Q. And she said that Naneka Perry wanted to talk to you?

15 A. Yes, she said -- she said that they had gone up to our
16 headquarters and made a police report and that -- that
17 Naneka Perry needed to talk to me.

18 Q. All right. And later, when you attempted to do that,
19 did you understand that she didn't actually want to talk to
20 you?

21 A. Yes, I could tell by her demeanor when we were having
22 a conversation. She was talking through Ms. Fulton to me.
23 She -- and Ms. Fulton's just like, "I guess she doesn't
24 want to talk now."

25 Q. All right. And Captain, you've been doing this for

1 how long?

2 A. I was in Victim Services for 23 years.

3 Q. Okay. And so, when she came in, obviously, based on
4 your testimony, Ms. Fulton was there?

5 A. Yes.

6 Q. All right. Did -- I mean you -- you have experience,
7 obviously, interacting with people coming in to make
8 reports?

9 A. Yes.

10 Q. Right. And Ms. Perry was hesitant about that?

11 A. Yeah, Ms. Perry didn't seem like she wanted to move
12 forward with anything. And it seemed like Ms. Fulton was
13 trying to encourage her to do so.

14 Q. All right. So did it appear like Ms. Perry really
15 wasn't there on her own accord? She didn't want to be
16 there?

17 A. Right. I -- I -- they were in the same car together
18 and it became clear. So I focused more on, are you safe
19 where you're at? If you decide you want to report, I'm
20 here for you. You know, you can come in and we can talk.
21 Because there's a couple of different elements in sex
22 trafficking for adults that you have to prove. And without
23 her talking to me, I wouldn't have probably been able to
24 prove that.

25 Q. So she really wasn't there on her own free will?

1 That's the question.

2 A. No. I -- I she was there on her own free will. She
3 wasn't forced to come, but she clearly didn't want to talk
4 to me.

5 Q. Was she the driver of the vehicle that day?

6 A. I don't remember.

7 Q. Where was the meeting?

8 A. The meeting was in Victim Services. So they drove
9 over from headquarters to Victim Services, which is -- I'm
10 sorry -- 1931 Pine View Road. So all the way from Two
11 Notch Road to Pine View Road, it's about a 15 minute drive.

12 Q. All right. And I think that I understood your -- your
13 testimony, did -- prior -- based on what happened at
14 headquarters and the information she provided, I think your
15 testimony was that she had provided some kind of statement?

16 A. Yeah. She did an incident report and she wrote a
17 statement.

18 Q. Okay. And based on that, she provided you some
19 information?

20 A. Yes.

21 Q. All right. And part of that information was the phone
22 number of Ontario Staley?

23 A. It was on the police report, yes.

24 Q. Right. And I think your testimony was that phone
25 number was (803) 915-4769. Is that right?

1 A. (803) 915-4769. Yeah, that's one of the numbers, yes.

2 Q. All right. And it's my understanding that -- or is it
3 -- I don't want -- what -- so when Ms. Perry and Ms. Fulton
4 left, right, your testimony is the next time that you
5 became involved in this case it was when?

6 A. So I received a call from Deputy Hawks. That was the
7 next thing that happened. And that was on the March 12th.
8 So a few days later -- a couple days later.

9 Q. And he was calling you from [REDACTED] Avenue?

10 A. Yes.

11 Q. He was at the house?

12 A. Yes.

13 Q. Right. And he was there because they had -- there was
14 five children living in the home?

15 A. No. DSS had asked him to do a welfare check. That's
16 why he was there. So he was checking on five children and
17 the teenager. So six children that were -- I -- I don't
18 know if there were more children in the home, but he was
19 going there to check on the five children and found that
20 there was a teenager living there also.

21 Q. All right. And based on the presence of the teenager,
22 he called you?

23 A. He called me because I had worked a lot with sex
24 trafficking, so yes, because he believed the topic sex
25 trafficking came up, he wanted to talk to me.

1 Q. And at the time that you received this call, you were
2 actually at a sex trafficking awareness seminar?

3 A. I was. Yes.

4 Q. Right. And your presence at this seminar actually
5 delayed your response to Noble Avenue?

6 A. Yes. I probably would've gone out there on that day,
7 but instead I talked to him on the phone.

8 Q. All right. Where was your seminar?

9 A. It was in Columbia.

10 Q. All right. What -- how long was it?

11 A. It was -- I was speaking at the seminar, so it was --
12 I -- my portion was only like needing to be there a couple
13 hours. They asked me to stay after to -- if -- answer
14 questions and things like that from the participants. It
15 was at Columbia -- Columbia -- the one that's down there
16 downtown near Main Street and -- I can't remember the --
17 the name of it. Columbia College. It's the -- yeah,
18 that's what -- it's Columbia College. I was mixing CIU up,
19 but it's Columbia College, is where I was.

20 Q. All right. Do you remember the time of day that this
21 phone call was made?

22 A. It was in the afternoon, but I don't remember the
23 time.

24 Q. I mean, was it after 5:00?

25 A. No, it was not.

1 Q. Okay. So Spotlight, I want to ask you about
2 Spotlight. Spotlight is a law enforcement tool?

3 A. Yes.

4 Q. Is it available to civilians?

5 A. I don't know if it's available to civilians that work
6 in a law enforcement capacity, perhaps, but it's not
7 available to everyone.

8 Q. All right. So is this some kind of like AI generated
9 system, I mean?

10 A. No, it's -- I -- I don't know enough about computer
11 systems to tell you how it's generated.

12 Q. Okay. But you enter information and it provides -- it
13 -- it seeks these websites?

14 A. Yes.

15 Q. And it will produce a result?

16 A. Yes.

17 Q. And your testimony is based on the information
18 inputted, you received what's been marked as State's
19 Exhibit 5?

20 A. Yes. I put different information into Spotlight.
21 Like you can put addresses, phone numbers, pictures, things
22 like that, and it'll bring up ads.

23 Q. And at the time that you ran this search, though, the
24 only thing that you really had was the limited information
25 from the Ms. Perry's initial report?

1 A. No. I also have an access to our computer systems
2 and, like for instance, old phone numbers would come up,
3 new phone numbers of -- and I knew Ontario's Staley was
4 perhaps a party as well. So I looked up his stuff -- I
5 looked up Naneka's stuff. I looked up as much stuff as I
6 could and then I would put -- I would sit there and put
7 different things into Spotlight to see if it correlated a
8 match.

9 Q. But you did -- you ran the Spotlight -- I think your
10 testimony was that you ran the Spotlight search prior to
11 actually meeting with Naneka and talking with her?

12 A. No. I spoke -- Naneka spoke briefly to me the first
13 time, but she didn't say anything that, you know, was
14 important. That's why I didn't go into much detail. And
15 then Deputy Hawks called and told me about it. So then I
16 knew Naneka wanted to come back in and see me. But because
17 Deputy Hawks said that there was a teenager in the
18 residence and he was concerned about sex trafficking,
19 that's why I went and ran more information because I wanted
20 to find out as much as I could before I spoke to Naneka.

21 Q. So you ran the Spotlight before you spoke to her?

22 A. The second time. Yes.

23 Q. The second.

24 A. Yes. Yes.

25 Q. I mean, beyond -- beyond when Ms. Fulton came, right?

1 A. Yes.

2 Q. And that conversation really didn't materialize
3 anything. It was --

4 A. Correct.

5 Q. It was going to substantiate your investigation?

6 A. Correct.

7 MR. HAYES: Beg the Court's indulgence?

8 THE COURT: Yes, sir.

9 BY MR. HAYES:

10 Q. Captain, the -- so as a result of your investigation,
11 there were -- there were two individuals that were
12 arrested?

13 A. Yes.

14 Q. But you were able to identify an address in Chapin
15 that you believe something -- or something may have
16 occurred?

17 A. Yes.

18 Q. No one associated with that address was arrested for
19 anything?

20 A. No.

21 Q. Yeah. I think -- Captain, you -- you initially made
22 the referral to -- to Met CAC.

23 A. Yes.

24 Q. Can you tell us what that is?

25 A. It's a -- it's a Metropolitan and Children's Advocacy

1 Center and they do forensic interviews for anyone, usually,
2 that's under 18.

3 Q. Okay. And so do you know how many times in the course
4 of this investigation either AB [REDACTED] or RH [REDACTED]
5 was interviewed by law enforcement?

6 A. I interviewed AB [REDACTED] briefly -- enough to get enough
7 information that I knew she needed to have a thorough
8 interview. And so that's on her. And then I did the same
9 thing with RH [REDACTED]

10 Q. And then in the course of your interview did -- with
11 them, did you reduce that to writing?

12 A. Yes, I did.

13 Q. Okay. And they were interviewed by Met CAC, the folks
14 there?

15 A. Yes, they were.

16 Q. Okay. Were they ever interviewed another time?

17 A. I don't know.

18 Q. So the only two interviews that you're aware of are
19 the one that you took and the one that you referred out?

20 A. That -- those are the only ones I can say a hundred
21 percent. I'm assuming that Agent Fey also may have spoken
22 to them because he was working a different aspect of this
23 case.

24 MR. HAYES: Beg the Court's indulgence, again. I'm
25 sorry, Judge.

1 THE COURT: Yes, sir.

2 MR. HAYES: I don't have anything further at this
3 time, Judge.

4 MS. HUGHES: No redirect from the State, Your Honor.

5 THE COURT: Okay. Captain Jackson, you may step down.

6 MS. JACKSON: Okay, thank you.

7 (The witness steps down from the stand.)

8 THE COURT: Ladies and gentlemen, I'm told that the
9 next witness will be a little lengthier and we're getting
10 close to lunchtime, so we're just going to go ahead and
11 break for lunch. 11:45. Be back in your jury room at
12 1:30. Don't discuss the case amongst yourselves or anyone
13 else. Don't do any research about the case. Enjoy your
14 lunch and we'll see you at 1:30. Thank you.

15 (The jury exits the courtroom.)

16 THE COURT: Anything we need to discuss before we
17 break?

18 MS. RAYMER: Your Honor, we have a brief matter to
19 take up. We realized that we did not fully redact State's
20 Exhibits 12 and 13, that there was another section that has
21 their addresses on it. That's why we didn't publish it to
22 the jury. The State would just request that we be allowed
23 to redact the victim's addresses from this DMV records
24 fully.

25 THE COURT: No objection to that?

1 MR. HAYES: No objection.

2 THE COURT: All right. Yes, ma'am. So they've
3 already been marked?

4 MS. RAYMER: Yes.

5 THE COURT: So I think you'll need to swap them out,
6 like, you know, redact the information and probably
7 photocopy it again, just so that it's a proper redaction.
8 And we'll swap those out. Okay.

9 MS. RAYMER: Wonderful. Thank you, Your Honor.

10 THE COURT: Anything else? Anything from you, Mr.
11 Hayes?

12 MR. HAYES: No, ma'am.

13 THE COURT: Okay. I'll see y'all at 1:30.

14 MS. RAYMER: Thank you so much, Your Honor.

15 THE COURT: Thank you.

16 (A lunch recess was taken.)

17 MS. RAYMER: Just one small brief matter. Your Honor,
18 our evidence custodian in the case has arrived. I know
19 that all the witnesses are sequestered. He's a witness we
20 plan to call. Generally, I've had evidence custodians stay
21 in the courtroom during trial. So I just want to put that
22 before Your Honor as far as whether he should be
23 sequestered or as the evidence custodian if you should be
24 in the courtroom.

25 THE COURT: Mr. Hayes.

1 MR. HAYES: Ma'am -- Judge, excuse me, with all due
2 respect, we've asked that the witnesses be sequestered in
3 this case, and we would maintain that throughout the course
4 of the trial as long as it's appropriate to have the
5 witness be sequestered.

6 THE COURT: All right. The witness needs to step
7 outside.

8 MS. RAYMER: Your Honor, can we -- I think he is
9 outside. If you would give us a moment to just let know
10 the Court's ruling. And also for the record before the
11 jury comes in, we have redacted the two addresses on
12 State's Exhibit 12 and 13 to redact out the victim's
13 addresses and have put those back into evidence.

14 THE COURT: Okay. So the original 11 and 12 have been
15 destroyed or removed.

16 MADAM COURT REPORTER: She just redid it over the
17 stickers.

18 THE COURT: Okay.

19 MS. HUGHES: Yeah.

20 THE COURT: Okay. Good enough.

21 MS. RAYMER: Yeah. And the originals were ripped up.

22 THE COURT: Perfect. Just want to make sure there's
23 no confusion. Anything else from the State?

24 MS. RAYMER: I don't believe. That is all.

25 THE COURT: Okay. Anything from the Defense before we

1 bring the jury?

2 MR. HAYES: Nothing from the Defense, Your Honor.

3 THE COURT: Wonderful. Bring the jury please.

4 THE BAILIFF: Juries seated, Your Honor.

5 (The jury enters the courtroom)

6 THE COURT: All right. Thank you. Welcome back,
7 folks. I hope you enjoyed your lunch. We're ready to
8 proceed with trial. The State's going to call their next
9 witness.

10 MS. RAYMER: May it please the Court?

11 THE COURT: Yes, ma'am.

12 MS. RAYMER: The State calls Naneka Perry.

13 NANEKA PERRY,

14 Having been first called as a witness was duly sworn and
15 testified as follows:

16 MADAM CLERK: Please have a seat on the witness stand
17 and state your full name for the record.

18 THE WITNESS: Naneka Olivia LaRay Perry, N-A-N-E-K-A.

19 DIRECT EXAMINATION

20 BY MS. RAYMER:

21 Q. Good afternoon, Ms. Perry. Where do you currently
22 live?

23 A. 212 Lakeside Avenue, Columbia, South Carolina, 29203.

24 Q. Previously did you live -- where did you live
25 previously to that?

1 A. Noble Avenue.

2 Q. And what is the address of Noble Avenue?

3 A. [REDACTED] Columbia, South -- [REDACTED] Avenue,
4 Columbia, South Carolina 29203.

5 Q. Is that in Richland County?

6 A. Yes.

7 Q. When did you reside at that address?

8 A. You mean like when did I first move there?

9 Q. Mm-hum (affirmatively).

10 A. I very first moved there when I was about four years
11 old, and that's when my grandmother, Martha Fulton, gained
12 permanent custody of me.

13 Q. And is -- who is Martha Fulton?

14 A. She's my grandmother.

15 Q. Is she your biological grandma?

16 A. No.

17 Q. Kind of like an adopted grandmother?

18 A. Yeah, she's -- she started off as my godmother, but
19 then when my mom lost custody, she did a legal adoption.
20 So she's like grandma and mother also.

21 Q. And at what point -- where -- where were you residing
22 when you met the defendant in this case, Ontario Staley?

23 A. I was staying at the Landings in Forest Acres. To be
24 more specific, I stayed in apartment B3.

25 Q. And you were residing there when you met the

1 Defendant?

2 A. Yes.

3 Q. And how did you meet the defendant, Ontario Staley?

4 A. I met him -- at that time I was a DFA, which is a
5 dining facility assistant. I was also their supervisor out
6 at Fort Jackson. And around that time when I met the
7 defendant, Mr. Staley, I had just got my W2 in the mail.
8 And then, I had called my grandmother, Ms. Martha Fulton,
9 and asked her could she take me to file my taxes. And she
10 said that -- you know, she heard that Liberty Taxes was a
11 good place to file your taxes. And so she said the closest
12 location was the one on -- that was on Broad River Road.
13 They're closed now. And so she took me there. And when I
14 got there, I walked in and that's when I met Staley.

15 Q. And do you see Ontario Staley in the courtroom today?

16 A. Yes.

17 Q. Can you point him out and identify him by item of
18 clothing that he's wearing?

19 A. Long sleeve polo, strip shirt, burgundy.

20 MS. RAYMER: Let the record reflect that the witness
21 has identified Ontario Staley as the Defendant.

22 THE COURT: Yes, ma'am.

23 BY MS. RAYMER:

24 Q. Did you know Ontario Staley by any other name other
25 than Ontario?

1 A. Cash.

2 Q. Is that what you frequently referred to him as?

3 A. When I met him, like when I got to Liberty Texas, you
4 know, he was the general manager there. So, of course, you
5 know, he was like, my name's Ontario Staley. I'll be a tax
6 preparer. But once we, you know, started talking on the
7 phone and stuff like that, he was like, just call him Cash.

8 Q. And did Mr. Staley prepare your taxes for you?

9 A. Yes.

10 Q. And while he was preparing your taxes, did your
11 relationship progress beyond --

12 A. It moved fairly quickly.

13 Q. So -- so can you walk us through kind of what happened
14 after you went to go get your taxes filed?

15 A. I had to go up there several times, you know, because
16 it was -- you know, he had to, you know, make several phone
17 calls and get some things straight before the refund was,
18 you know, sent to me. But, you know, while I was there,
19 you know, we got to talk and laugh and he -- he -- he was
20 like, oh, well, you are -- you know, you are a beautiful
21 girl, da da da da. Can I get your number? Didn't think
22 anything of it. So I was like, okay. You know, I gave him
23 my number and after that we started talking on the phone.
24 Then he came to my house and we looked like that.

25 Q. And when was this that you met Ontario Staley?

- 1 A. When my oldest daughter was, I think, about 15 months.
- 2 Q. So about how long ago would that be?
- 3 A. Maybe -- if I'm not mistaken, maybe five, six years
- 4 ago. Because the twins will be six.
- 5 Q. How old are you now?
- 6 A. 33.
- 7 Q. So you would've been in your late twenties when you
- 8 met him?
- 9 A. Yes.
- 10 Q. And at some point, did you move from the address that
- 11 you were living when you met him?
- 12 A. Yes.
- 13 Q. And where did you move to from there?
- 14 A. Noble -- [REDACTED] Avenue.
- 15 Q. And did Mr. Staley move with you?
- 16 A. Yes.
- 17 Q. Do you have any children with Mr. Staley?
- 18 A. I do.
- 19 Q. Did you have -- what -- what children do you have with
- 20 him?
- 21 A. Keshawn and Keshawn Staley.
- 22 Q. Are they twins?
- 23 A. Yes.
- 24 Q. How old are they now?
- 25 A. They're five.

1 Q. And were the twins born when you moved to the Noble
2 Address?

3 A. No. They were born while I was still at the apartment
4 of Forest Acres.

5 Q. So it was probably about five years ago that you
6 moved?

7 A. Yeah.

8 Q. At some point, did anyone else move -- well, actually,
9 can you walk me through how you came to live at the Noble
10 street address?

11 A. Okay. They had -- I -- I was at the Landings
12 apartment in Forest Acres, and they had went up on the rent
13 and I was -- called my mom. Was like, you know, should I
14 try to maintain it? And she was like, no, because it is,
15 you know, somewhat little out of your budget. You know,
16 I'm needing to move out of my house into something, you
17 know, smaller, preferably a, you know, apartment for a
18 senior. And I was like, okay. And she was like, how
19 about, you know, you guys just move. You just had the
20 twins, you know, you need more space. So she said, let's
21 just go ahead and, you know, get you moved over there, so.

22 Q. So did you live with Martha Fulton --

23 A. Yes.

24 Q. And Ontario and your children at one point?

25 A. Yes. My grandmother, she -- before she pretty much

1 moved in her senior apartment, she stayed with us, I think
2 for maybe a month or so, then she moved. But after she
3 moved, it was just me, Staley, and my children along with
4 the twins.

5 Q. And in talking to you, you said grandma and mom?

6 A. Yeah, I said --

7 Q. Were you referring to Martha Fulton -- the same --

8 A. -- but it's the same. Ms. Fulton is -- when I say
9 grandma and mom, that's Ms. Fulton.

10 Q. And how old is Ms. Fulton?

11 A. She's 72.

12 Q. Okay. And at some point after Martha Fulton moved out
13 of the Noble Street address, did anyone else move in with
14 y'all?

15 A. Couple months down the line, yes.

16 Q. And who moved in with you?

17 A. AB

18 Q. And how do you know AB

19 A. She's a half-sister.

20 Q. And how old was she at the time?

21 A. If I'm not mistaken, I think she was maybe 16.

22 Q. And at some point, did anyone else move in with you?

23 A. A little later, yes.

24 Q. And who was that?

25 A. RH

1 Q. And does she go by anything else?

2 A. RH

3 Q. And when did RH come?

4 A. Maybe a month or so down the line.

5 Q. After AB

6 A. Yes. But RH she came over, started, you know,
7 hanging out and spending the night. And then she -- she
8 asked could she stay.

9 Q. So she had stayed the night a couple times before
10 officially moving --

11 A. Yeah, because when -- you know, before -- you know, I
12 didn't meet RH until, you know, I found out she was my
13 half-sister. And so I was like, okay, we'll start hanging
14 out, getting to know each other. She spent the night and
15 then, you know, she was like, can I move? And at that time
16 her mom was already having problems with her and along with
17 AB mom, they asked me, you know, can you see if I --
18 I can help with her, get their behavior intact? So I was
19 like, okay, I give it a try.

20 Q. And about how old was RH at this time?

21 A. I'd say about same age, 16, 17 because if I'm not
22 mistaken, both girls, I think they're like maybe nine, 10
23 months apart.

24 Q. And they're both your half-sisters?

25 A. Yes.

1 Q. So they're half-sisters with each other as well?

2 A. Yes.

3 Q. And do you remember about how old the twins were or
4 when this was that they moved in with you and Ontario
5 Staley?

6 A. Staley, when I moved to Noble Avenue, he moved right
7 along with me. I think the twins were maybe a month old --
8 a couple weeks or something like that.

9 Q. So this was about five years ago?

10 A. Yeah.

11 Q. I am showing you what's previously been entered into
12 evidence of State's Exhibit Number 1. Is this a Noble
13 Avenue house?

14 A. Yes. That's how it was five years ago, but the
15 residence is -- has been painted blue since then.

16 Q. Okay. And can you tell me the location of --

17 A. The master bedroom.

18 Q. And same with State's Exhibit -- that was State's
19 Exhibit 2, and same with State's Exhibit 3.

20 A. Master bedroom.

21 Q. And State's Exhibit 4.

22 A. Master bedroom.

23 Q. And at some point after **RH** and **AB** moved in --
24 well, before -- at some point, were you going on calls for
25 -- for --

- 1 A. Yes. Yes.
- 2 Q. And -- and can you tell me how that came about?
- 3 A. Like how it all started?
- 4 Q. Yes.
- 5 A. Well, Staley, he -- I think he start -- he made the
6 first one on his phone, the ad. Because he had the -- he
7 did it right beside me. He made an account, Skip the
8 Games, and he signed up with his email. And once the
9 account was created, he -- I don't know where he got, you
10 know, a lot of the pictures from, because they -- some of
11 the pictures were of myself directly. Some of them, as
12 Staley told me, they were pictures of females that -- that
13 he thought resembled me. And that's some of the pictures
14 -- the girls that he said, you know, he thought resembled
15 me a lot. He used those as well as actual pictures of
16 myself.
- 17 Q. And on the Skip the Games, was there a name that he
18 would advertise you under? Are you aware of?
- 19 A. Cashmir (ph). And that's because he wanted me to have
20 cash in my name.
- 21 Q. And at some point, did this progress from phone to
22 going on calls?
- 23 A. Yes.
- 24 Q. Can you tell me what you mean by going on calls?
- 25 A. There would be like -- it was like out calls is when

1 like he would take me to the customer or the -- the John or
2 whoever. On then in calls would -- like when he would go
3 purchase the hotel room and he would give them the address
4 and the room number and they would come to me.

5 Q. And after -- and what would happen during these calls?

6 A. He would -- he said first that to put the textile on
7 my phone. And -- but he did pretty much the talking. Once
8 he -- the TextNow is pretty much like a free calling phone
9 app. And he would -- TextNow, as he showed me, you can
10 sign up, you get a number, a free number, and that's the
11 number that he would post on the ads under "my ad" that he
12 made. And then once the phone start ringing, he'll talk to
13 them and be like, what do you want? Okay, that'll be a
14 quick visit. That'll be such and such amount of roses.

15 And then, you know, he'll ask them, what kind of
16 vehicle are you in? Things like that. And then he'll tell
17 me how much, and he'll always tell me to bring the money
18 back to him. Either hand it in -- put it in his hand or
19 put -- if we were -- if he had a hotel room, he would say,
20 put it on the dresser by the TV.

21 Q. So you -- after these calls, you would give the money
22 to the Defendant?

23 A. Yes.

24 Q. I'm going to go back to some of the things you said.
25 You said a QV?

1 A. Quick visit.

2 Q. And what does that mean?

3 A. It's maybe like 15, 20 minutes.

4 Q. And you said roses, what does that mean?

5 A. In other words, dollars.

6 Q. So that was kind of common code --

7 A. That's what he said to you so that the police won't
8 really know what that meant.

9 Q. And you said that the Defendant would be having some
10 of these conversations with the men that he was setting up
11 these calls with?

12 A. And sometimes he made me talk to them, but majority of
13 the time he's the one that set everything up.

14 Q. And -- and on these calls, were you performing a sex
15 act that would already be kind of negotiated?

16 A. Yes, he would -- you know, he would already know what
17 they're coming for. And like if he -- if we were in the
18 hotel room, he would always get to -- he'll -- you know,
19 get the room right beside where I was and -- you know, so
20 he'll be watching out the room to make sure they come in,
21 come out and -- you know, he'll give me a key word to yell
22 if something happened or they tried to hit me or something
23 like that.

24 Q. So how would you know kind of what had been negotiated
25 and arranged?

1 A. Because he'll tell me. As soon as he gets off the
2 phone, he'll tell me what, you know, signed up. Like for
3 instance, if he -- if they called and said they wanted to
4 set up a Q visit, you know, he was like, okay, what do you
5 want? Then -- then they could possibly say, you know, oral
6 -- you know, that's oral sex. And they'll be like -- then
7 he'll tell me how long. And then he'd be like, okay, you
8 need to charge them such as -- you know, maybe I say 45
9 roses. Once again, that means dollars.

10 Q. So you could have phone calls on the TextNow app?

11 A. Yes.

12 Q. Could you also have text conversations?

13 A. Yes.

14 Q. Would he ever text the --

15 A. Yes.

16 Q. And -- and would he show you those conversations
17 before?

18 A. Yes.

19 Q. So you would know going into it what had been
20 arranged?

21 A. Yes. And then things changed and then, you know,
22 things switched to where, you know, Staley, you know, he'll
23 tell me like they -- when they would come, you know, he'll,
24 okay, they want this. And if it'll change then, you know,
25 I have to stop the whole situation and come talk to him and

1 make sure it was okay. Because if they wanted something
2 more, he would have to up the price.

3 Q. And before getting involved with this, before you met
4 Ontario Staley, were you involved in prostitution or
5 commercial sex?

6 A. No. Never.

7 Q. So at some point your half-sisters moved in with you?

8 A. Yes.

9 Q. And at some point did you get -- did they get become
10 involved in a similar scheme?

11 A. Yes.

12 Q. Can you tell me how that came about?

13 A. First, **AB** came to me. She was like -- because at
14 first I was in my room. If I'm -- I don't want to lie, but
15 if I'm mistaken -- if I'm not mistaken, I think Staley was
16 maybe outside in the car or something because she said, can
17 I come talk to her in the living room? And she was like,
18 well, Cash -- because that's what he said for us to call
19 him -- and she was like, well, Cash said that he had some
20 ways to make -- for me to make a lot of money. And I was
21 like, **AB** what did he say? And he was like, well, I'm
22 going to have to meet some new people. And, you know, they
23 may want some things but it's not nothing too hard. He'll
24 always be there to protect.

25 Q. And at some point, **RH** moved in?

1 A. Yes.

2 Q. And did she also get involved --

3 A. Yes.

4 Q. -- through Cash with this? And whose idea was it to
5 involve **RH** and **AB**

6 A. They said he approached them.

7 Q. And at some point were photographs taken?

8 A. Yes.

9 Q. And what was the purpose of those photographs?

10 A. He said because that us taking pictures together, that
11 would make -- bring more money in.

12 Q. And so, to your understanding, what was going to be
13 done with these photographs?

14 A. He -- Ontario said that -- well, Staley said that, you
15 know, once the pictures were taken, that he would either
16 make another ad or post them to an ad, you know, replace
17 the old pictures with these, because a lot of people, the
18 Johns, would, you know, reply quicker to -- the more girl
19 -- he would say, the more girls, the more merrier, meaning
20 the more money.

21 Q. And I'm going to show you what has previously -- and
22 I'm going to show some graphic photos and it's not to
23 embarrass you. I have to show them. So I apologize in
24 advance. I'm going to show you what's previously been
25 entered into evidence in State's Exhibit 5. He said that

1 he would post these photos on something -- are you familiar
2 with what website he would use?

3 A. Yes. Skip the Games.

4 Q. That's the one he would primarily use?

5 A. Yes. That's the one I've known him to use all the
6 time.

7 Q. Did you see any of the ads that were posted at any
8 point of yourself or --

9 A. I mean, he just -- I just saw the pictures. I didn't
10 really get to see like, you know.

11 Q. And so this -- this ad that was posted on September
12 5th, 2019, that says "Storm is here." Who -- who is Storm?

13 A. RH

14 Q. Randy?

15 A. Yes. And that's the nickname, Staley.

16 Q. And can you identify in this photo -- who is in this
17 photo -- and I have a zoomed in version of State's Exhibit
18 6 to help identify. Can you tell me who is in this
19 photograph?

20 A. Myself, RH and AB

21 Q. And which one is --

22 A. RH is the one with the black ball.

23 Q. The one we can see the face --

24 A. Yes.

25 Q. And then AB is --

- 1 A. The one whose face you can't see.
- 2 Q. And can you identify who is in these photographs?
- 3 A. RH [REDACTED] or Storm, as he would call her.
- 4 Q. And are these the same photographs as you see in
5 State's Exhibit 7?
- 6 A. Yes.
- 7 Q. 8?
- 8 A. Yes.
- 9 Q. And 9?
- 10 A. Yes.
- 11 Q. And this is Storm as she was referred to --
- 12 A. Yes.
- 13 Q. -- in the ads, but that's also RH [REDACTED] or RH [REDACTED]
- 14 A. Yes.
- 15 Q. Can you tell who's in State's Exhibit 10?
- 16 A. Myself and RH [REDACTED] or Storm.
- 17 Q. And the last photo -- photo, it State's Exhibit 11.
18 Can you tell who that is?
- 19 A. Honestly, I have no clue. That's probably one of the
20 pictures that he would get off in the internet.
- 21 Q. Thank you. And can you tell where these photographs
22 are taken? The ones -- not the last photo, but the other
23 photos.
- 24 A. You said not the last one?
- 25 Q. Yeah.

1 A. Those are in the master bedroom.

2 Q. In Richland County in the Noble address?

3 A. Yes.

4 MS. RAYMER: I'm showing the Defense what's been
5 previously marked as Exhibits 14, 15, and 16. May I
6 approach?

7 THE COURT: May I see them? Are you about to object?

8 MR. HAYES: Yes, ma'am.

9 THE COURT: Y'all approach?

10 (A sidebar discussion was held.)

11 BY MS. RAYMER:

12 Q. I am handing you what's been previously marked State's
13 Exhibits 14, 15, and 16. Can you tell where these
14 photographs are taken?

15 A. Master bedroom at [REDACTED] in Richland County.

16 Q. And this one is along with the previous photo that I
17 -- along with State's Exhibit 6, where were these
18 photographs -- I mean, who took these photographs?

19 A. Staley.

20 Q. So the Defendant took these photographs?

21 A. Yes.

22 Q. Whose idea was it to take the photographs?

23 A. His.

24 Q. And who -- so there's -- RH [REDACTED] appears clothed in some
25 of the photographs. Who told you what to wear in this

1 photograph?

2 A. Staley. He told us what all to wear. He went out and
3 purchased all the outfits. He even had it so where RH

4 RH Storm was the one doing our hair.

5 Q. And who told you how to pose in those photographs?

6 A. Staley.

7 Q. So who was essentially directing --

8 A. Staley.

9 Q. -- what was happening in the photographs? And you
10 recognized his photographs as ones that the Defendant took?

11 A. Yes.

12 MS. RAYMER: Your Honor, at this time, the State would
13 seek to enter into evidence State's Exhibits 14, 15, and
14 16.

15 MR. HAYES: Your Honor, we'd object on the
16 accumulation pursuant to South Carolina rule of evidence
17 403.

18 THE COURT: State's 14, 15, and 16 will be admitted
19 over the Defendant's objection.

20 MS. RAYMER: Thank you, Your Honor.

21 BY MS. RAYMER:

22 Q. The State is going to very briefly publish these to
23 limit the exposure to the jury. We're going to start with
24 State's Exhibit 16. And who is in this photograph?

25 A. Myself, AB and RH

1 Q. And who is in State's Exhibit 15?

2 A. Myself, RH [REDACTED] and AB [REDACTED]

3 Q. And for State's Exhibit 14, who am I pointing at in
4 this photograph here on top?

5 A. Myself. Myself.

6 Q. And this girl that's very on top, who is in this
7 photograph?

8 A. RH [REDACTED]

9 Q. And she also goes by RH [REDACTED]

10 A. [REDACTED] Storm.

11 Q. And who is in this photograph?

12 A. AB [REDACTED]

13 Q. So at some point, these photographs were taken?

14 A. Yes.

15 Q. And then to your knowledge, what happened next?

16 A. He would then set -- he -- after those photos were
17 taken, if I remember correctly, if he hadn't already
18 started to make the ad, the ad was already made and he
19 would just upload the pictures to the ad and that's when he
20 would make the nicknames. You know, like for instance, he
21 showed me when he made the ad, he said "Storm is here."
22 And he would go back on TextNow -- like every -- he told me
23 that every ad he would make, he would get a different
24 number.

25 So whatever number he got from TextNow, he would post

1 it to the ad. And that's what ad the people would -- or
2 the Johns would call to set up, you know, a date or a quick
3 visit, you know.

4 Q. So TextNow generates a number -- it generate multiple
5 new numbers --

6 A. Oh, yes, you can -- you can -- I mean, you -- you can
7 -- like for instance, what -- what he told me he did, he
8 would -- he would make one ad, get one number, make another
9 ad, do another number or -- you know, so you can get
10 different numbers if you choose.

11 Q. And the ad that we just showed was of Storm, are you
12 aware if there was any ads posted of **AB**

13 A. Yes.

14 Q. Do you remember if she had a name that he --

15 A. I -- she had one, but I don't remember what nickname
16 he gave her.

17 Q. And would he -- so he would -- would he have them go
18 on calls as you described them as well?

19 A. Yes.

20 Q. And who would drive them to these calls?

21 A. He would.

22 Q. Would you ever be with them when he drove them to
23 these calls?

24 A. He would let me go sometimes and a lot of the times he
25 would not.

1 Q. So sometimes you'd be with him as you drove him to
2 these calls?

3 A. Yes.

4 Q. And sometimes you wouldn't?

5 A. But he would never let me go inside with them.

6 Q. Would -- once you would get -- he'd get to these out
7 calls, which is what you call when -- what's the difference
8 between an in call and an out call?

9 A. Okay. In call would mean like, for instance, he would
10 get -- go to a hotel, get a room, but he would get two
11 rooms. One room he would be in, and he would always get
12 two rooms that are side beside each other. But those are
13 -- those were the in calls because pretty much he would say
14 his girls would already be there and they would come to
15 you. That's an in call. An out call is when you go to the
16 Johns' house, the place of residence, whether it's their
17 business, their car, or -- you know. But when you go out,
18 that means you are leaving where you're at.

19 Q. So you would go on some of the out calls with **AB**
20 and with **RH** when the Defendant was driving?

21 A. Yes. He would drive, but he would never let me go
22 inside with them.

23 Q. So after whatever sex act had been arranged would
24 occur with **RH** **AB** in the hotel room, what would
25 happen next?

1 A. We -- we would go back to Noble Avenue or he would
2 take them -- like one time he told me he was going -- had
3 to go pick up AB from her mom's house. And at that
4 time, I knew her mom to stay -- I forget the exact address
5 -- but she, her mom, had a house over there by what is now
6 W.A. Perry Middle School.

7 Q. And -- but when AB or RH -- when you were in the
8 car with him -- would get back in the car, what would
9 happen with the money?

10 A. They would hand it to him.

11 Q. Did that happen every time that you were on an out
12 call with them --

13 A. Yes.

14 Q. -- in the car? So would every time would the money go
15 to Ontario Staley?

16 A. Yes, because that's how he instructed it from the
17 junk. He would be like, you know, all money comes to me.

18 Q. And would he ever buy y'all anything?

19 A. Yes.

20 Q. What would he buy y'all?

21 A. The clothes, like the lingerie, whatever outfits he
22 felt was necessary or he felt that he liked, he would go
23 out and buy them. And then the only time he would let us
24 go is when he would take drive -- when he would drive us to
25 the hair store. And as I stated before, RH Storm or

1 **RH** she would, of course, have to be there because that
2 was a stylist that was a beautician. So she would go in
3 there. Okay. And he would tell her, listen, I want this
4 type of hairstyle, whether it was a short, curly or
5 whatever that's -- you know, he would pick out everything.

6 Q. So during this period of time, how -- if you had to
7 guess, how long did this go on for?

8 A. Maybe some months. I don't want to --

9 Q. Two months?

10 A. Yeah.

11 Q. So you had previously said that your half-sisters who
12 were 16, 17 at the time, came to live with you to help you
13 kind of turn them around. And what ended up happening was
14 they ended up --

15 MR. HAYES: Judge, again, I object. I -- I mean --

16 THE COURT: Sustained. Ask a question.

17 BY MS. RAYMER:

18 Q. At some point, did you have a role in involving your
19 minor siblings in this scheme?

20 A. I never like, you know, do you want to do that? Do
21 you want to, you know, go out and make any money? Because
22 at that time when they were involved, they had already --
23 they had come to me, you know, asking me, you know, what
24 was, you know, pretty much his intentions because how they
25 went to how he --

- 1 Q. After the Defendant approached --
- 2 A. Yeah.
- 3 Q. But at some point, you were in the vehicle with the
- 4 Defendant going to out calls?
- 5 A. Yes. Because he asked me to ride, yes.
- 6 Q. And at some point were you charged?
- 7 A. Like criminally --
- 8 Q. Like criminal offense. Were you arrested?
- 9 A. Yes.
- 10 Q. Do you remember what you were arrested for?
- 11 A. If I'm not mistaken, it was like human trafficking,
- 12 several counts of sexual exploitation of a minor,
- 13 trafficking something.
- 14 Q. So you eventually were arrested --
- 15 A. Yes.
- 16 Q. -- for your involvement in trafficking **RH** and **AB**
- 17 and for sexual exploitation of a minor regarding the
- 18 photographs that you appeared in? And did you -- what
- 19 happened with those charges?
- 20 A. You mean like, was I arrested? Yes.
- 21 Q. Did you ever plead guilty or go to trial on that?
- 22 A. No.
- 23 Q. Did you enter a guilty plea at some point?
- 24 A. Yes.
- 25 Q. Was sentencing deferred?

1 A. Yes.

2 Q. And do you remember what you pled guilty to?

3 A. I was told, but I forget.

4 Q. Do you remember?

5 THE COURT: Hold on. I -- I didn't even hear what you
6 said. What was the objection?

7 MR. HAYES: She started to say, "I was told."

8 MS. RAYMER: Your Honor --

9 BY MS. RAYMER:

10 Q. Do you remember what charges you pled guilty to?

11 A. No.

12 Q. If I -- do you remember signing what is commonly
13 referred to as a sentencing sheet?

14 A. Yes.

15 Q. Before you pled guilty?

16 MS. RAYMER: Your Honor, if I may approach the
17 Defense? I believe these documents might help refresh her
18 recollection as to what she pled guilty to.

19 BY MS. RAYMER:

20 Q. There's a lot of information on these sentencing sheet
21 -- these sentencing sheets, but the charge that you -- is
22 this your signature?

23 A. Yeah.

24 Q. And the charge you pled guilty to is going to be
25 listed -- I'm on that two line.

1 A. Okay.

2 Q. Can you tell me what -- and there should be eight
3 documents up there. And it's going to be on the second
4 page of each document. Can you read what you plead as to
5 each charges?

6 A. Right here?

7 Q. Uh-huh.

8 A. Sexual -- sexual exploitation of a minor to the third
9 degree. No more than 10 years.

10 MS. RAYMER: And the -- Your Honor, we'd request that
11 it'd struck from the record.

12 THE COURT: Ladies and gentlemen, disregard that last
13 comment by the witness.

14 MR. HAYES: Your Honor, if we may we approach?

15 THE COURT: Sure.

16 MR. HAYES: Thank you.

17 (A sidebar discussion was held.)

18 BY MS. RAYMER:

19 Q. On the second charge, did you also plead guilty to
20 sexual exploitation of the minor -- with a minor in the
21 third degree?

22 A. Yes.

23 Q. And the third charge is up there.

24 A. Trafficking in persons.

25 Q. With a victim --

1 A. Under 18.

2 Q. And is the fourth charge the same charge as that third
3 one?

4 A. Yes.

5 Q. . And so you pled guilty to those charges. Do you
6 remember if there was any type of negotiation as far as a
7 sentencing range as it related to these guilty pleas?

8 A. Can you explain like.

9 Q. Yes. And it -- it's going to be on the second page of
10 those sentencing sheets. Was there anything -- you haven't
11 been sentenced yet; is that correct, for these charges?

12 A. That's correct.

13 Q. But you've entered a guilty plea?

14 A. . Yes.

15 Q. And you're testifying here today?

16 A. Yes.

17 Q. When you pled guilty, was there anything promised to
18 you related to sentencing other than perhaps negotiated
19 range?

20 A. No, nobody forced me. Nobody said if -- you know, if
21 I lie or anything or do -- you know, take it -- they'll do
22 this. No.

23 Q. And on that second page, it has to negotiated range if
24 you need to refresh your recollection as far as what the
25 range was that you pled guilty to.

1 A. What did you ask me?

2 Q. Did you plead guilty to a negotiated range of 10 -- 10
3 years?

4 A. Yes.

5 Q. Up to 10 years? And did the State or anyone else
6 promise you anything in relation to your guilty plea?

7 A. Huh-uh (affirmatively).

8 Q. Testifying here today, do you hope that anything will
9 happen as it relates to sentencing?

10 A. I mean, like on my behalf, like --

11 Q. Uh-huh (affirmatively).

12 A. Yes.

13 Q. Other than a hope that this will go help you with
14 sentencing is anything else offered to you or promised to
15 you in regards to entering guilty, please?

16 A. No.

17 MS. RAYMER: I beg the Court's indulgence.

18 BY MS. RAYMER:

19 Q. And previously, on that Skip the Games ad, as far as
20 the time range that this happened, we know that it happened
21 over a course of several months. When was -- can you tell
22 on this ad -- when this ad was posted.

23 A. Like when he -- 9/5/19 at 8:44 in the morning.

24 THE COURT: Can you --

25 Q. So can you say that date again?

1 A. Oh, say it louder?

2 THE COURT: Louder, yes.

3 A. September the 5th, 2019 at 8:44 a.m.

4 BY MS. RAYMER:

5 Q. So that's when the ad was posted?

6 A. Yes. That's when it posted.

7 Q. Is that around the time you recollect this happening?

8 A. What do you -- what do you mean like recollect?

9 Remember it?

10 Q. Yeah. Sorry.

11 A. Yes.

12 Q. So you remember this happening kind of starting in
13 September of --

14 A. Yes..

15 Q. -- 2019, and you previously testified that it went on
16 for several months?

17 A. Yes.

18 MS. RAYMER: Okay. No further questions from the
19 State at this time. Please answer anything that the
20 Defense has for you.

21 THE COURT: Mr. Hayes.

22 MR. HAYES: Thank you, Your Honor. May I beg the
23 Court's indulgence again just to speak to Mr. Staley
24 briefly about -- may it please the Court?

25 THE COURT: Yes, sir.

CROSS-EXAMINATION

1
2 BY MR. HAYES:

3 Q. Good afternoon, Ms. Perry. All right. I want to talk
4 a little bit about how this investigation started. I think
5 -- were you -- the afternoon that you made the initial
6 report in the Sheriff's Office, you were with Ms. Fulton?

7 A. I was with Ms. Fulton and my mother.

8 Q. Okay. And what's -- what's your mother's name?

9 A. Vivian Perry.

10 Q. All right. So, originally, you'd agree with me that I
11 think you were on your way -- Ms. -- Ms. Fulton actually
12 had a doctor's appointment that day, right?

13 A. No. Ms. Perry did.

14 Q. Ms. Perry had the doctor's appointment. You -- but
15 you were with Ms. Fulton first, or Ms. Perry first?

16 A. Ms. Fulton first.

17 Q. All right. And then she was going to take Ms. Perry
18 to the doctor's appointment?

19 A. Yes.

20 Q. And you had sort of were trying to come to terms with
21 your responsibility in this, right?

22 A. What do you mean?

23 Q. Well, I mean, on the day that you were making the
24 initial report to the Sheriff's Office, right, is -- is it
25 fair to say that you were having sort of a breakdown?

1 A. I mean, I broke down because I was hurt. That's
2 basically it.

3 Q. Okay. And so you went to the Sheriff's Office and
4 made an initial report, right?

5 A. We went to my mom's appointment first and then we
6 proceeded to the Sheriff's department.

7 Q. Okay. So your mom didn't blow off the appointment
8 that day because she thought that this was more important?

9 A. No.

10 Q. She still went to the appointment?

11 A. She still went to the appointment.

12 Q. All right. Ms. Perry, how many -- how many statements
13 do you think you provided in this case?

14 A. I don't recall.

15 Q. You agree with me it is more than two at least, right?

16 A. Yes.

17 Q. Three?

18 A. Maybe.

19 Q. Four?

20 A. But I don't recall the amount.

21 Q. Right. Well, you made the initial -- you made the
22 initial statement. You -- you went to the Sheriff's Office
23 and hand wrote a two page report, right?

24 A. Yes.

25 Q. And your -- you -- was it your handwriting? You hand

1 wrote it?

2 A. Yes.

3 Q. All right. And they provided that to you where? This
4 right here at 5623, the Sheriff's Office headquarters here
5 in Richland County?

6 A. Yes.

7 Q. Okay. And you would've spoken to a desk sergeant on
8 that afternoon?

9 A. Pruitt.

10 Q. Pruitt?

11 A. Uh-huh.

12 Q. Okay. And then at some point in time later, I think
13 an investigator contacted you, correct?

14 A. Yes.

15 Q. Okay. Do you recall who that investigator was?

16 A. It might have been Jackson. It might have been
17 somebody else. I don't recall who -- because sometimes
18 they talk to my grandmother and Ms. Fulton, sometimes they
19 talk to me, but I don't recall who spoke to me first.

20 Q. All right. So you would agree with me that for some
21 period of time information was being transmitted through a
22 third party?

23 A. Yes.

24 Q. All right. You had sort of an intermediary involved
25 in this?

1 A. What do you mean like an intermediary?

2 Q. Well, just someone a go between -- between you and law
3 enforcement.

4 A. I mean, if that's what you call a support person, then
5 yes.

6 Q. Okay. So after making the initial report, you had an
7 opportunity to -- to speak with an investigator, right?

8 A. Yes.

9 Q. And you went up to -- to maybe Pine View. Do you
10 recall that?

11 A. Pine View.

12 Q. Pine View, I think that's the location of the
13 Sheriff's sort of Annex office.

14 A. I don't remember where -- the only thing -- like place
15 I remember going to was when I first met Jackson and it was
16 down -- I think somewhere down Garners Ferry. I don't
17 remember going nowhere else.

18 Q. Okay. So down Garners Ferry, down there, there's a --
19 I think there's a grocery store. I'm not sure that -- what
20 it is now, but there's a Wendy's across the street.

21 A. I don't remember all that. I just -- I just know when
22 I -- my grandma told me we had to go meet with Jackson, we
23 pulled up and it said Richland County Sheriff's Department.
24 And that was a special victims unit. That's all -- I don't
25 remember what restaurants or none of that were around.

- 1 Q. All right. When you pulled up that day, who was
2 driving?
- 3 A. I'm pretty sure it was my grandmother, but I'm not
4 sure.
- 5 Q. Your grandmother was driving you?
- 6 A. Yes.
- 7 Q. Okay. And she had taken you up there to have this
8 conversation?
- 9 A. Yes.
- 10 Q. Right. And it wasn't a conversation that you really
11 wanted to have, was it?
- 12 A. No.
- 13 Q. Right. Your grandmother made you go, didn't she?
- 14 A. No, she did not.
- 15 Q. Well, your grandmother, she works for DSS?
- 16 A. No, she's not. No, she does not. She's retired,
17 fully.
- 18 Q. Did she -- she used to work for DSA?
- 19 A. She did.
- 20 Q. What did she do for them?
- 21 A. She was the accountability and data research
22 coordinator.
- 23 Q. Okay. How long did she work there?
- 24 A. 16, 17 years.
- 25 Q. Okay. And the place that you were living on -- on

1 Noble Avenue, that home was actually owned by your
2 grandmother, right?

3 A. It still is owned by her.

4 Q. Okay. And so she was residing in -- in that location
5 and had agreed to allow you to move you and your children
6 into that location?

7 A. Yes. She knew Staley was coming. It wasn't no
8 surprise.

9 Q. But prior to you living in the -- in that -- in that
10 residence, she was living there?

11 A. Yes.

12 Q. How long did she live there?

13 A. I mean, be more specific. You mean like how -- from
14 the time she bought it until then or until she moved?

15 Q. Well, so -- I guess that begs the question, what --
16 when was the first time that you knew about [REDACTED]
17 Avenue?

18 A. I was with her when she bought it because she --
19 that's my -- that's my grandma and that's my adopted mom.
20 So I was with her when she bought it -- when she purchased
21 the home when I was four and a half years old.

22 Q. Okay. And when you say you were with her, you were
23 staying with her or you were actually at --

24 A. She adopted me. So she had full custody.

25 Q. Right. But, I mean, I'm just trying to understand

1 when you say you were with her, you were staying with her
2 or you were at the closing of lawyer's office for the
3 purchase?

4 A. I was with her where -- wherever she was at. I mean,
5 she bought it from a friend who was her real estate agent.
6 So I -- she said I was with her.

7 Q. Okay. And is that then the house that you were
8 primarily raised in?

9 A. Yes.

10 Q. Okay. And from the time that you were four and a half
11 years old until the time that you moved in with Mr.
12 Staley's, she was the resident of that home?

13 A. Yes.

14 Q. Okay. All right. So you were living in the Landings
15 in Forest Acres. You had five kids with on your hands?

16 A. Once the twins were born, yes. But before I gave
17 birth or got pregnant with the twins, I had three.

18 Q. Okay. At the time that the -- the twins were born,
19 how old were your other three?

20 A. James, three and four. And Zader was maybe 15 -- 15
21 months.

22 Q. So you had a 15-month-old, a 3-year-old, and a
23 4-year-old?

24 A. Uh-huh.

25 Q. And -- and a set of twins. All right. So your

1 grandmother allowed you to come to Noble Avenue to give you
2 more room?

3 A. Yes.

4 Q. And she moved -- she stayed with you and Mr. Staley
5 for about a month?

6 A. A month or so, until her apartment was ready.

7 Q. Okay. Where did she move to?

8 A. After she left the residence of [REDACTED] Avenue, she
9 then moved into her own apartment, which was 2100 Blossom
10 Street, Apartment 412, and that's Finlay House Senior High
11 Rising.

12 Q. Okay. So you resided -- prior to the alleged acts in
13 this particular case -- which according to that may be
14 sometime in early September, 2019. -- how long have you been
15 at [REDACTED] before that?

16 A. I've been there off and on. I mean, I've had other
17 places of my own and then, you know, I've come back there
18 while she was staying there because she, you know, for
19 different reasons. She could've like needed help with
20 things or help with, you know, getting things repaired. So
21 I was, you know, in and out wherever she, you know.

22 Q. But I'm saying how long have you been there with the
23 -- with all five of the children and Mr. Staley?

24 A. Maybe two years that we were there.

25 Q. Okay. So about two years. Okay. All right. And

1 when you met Mr. Staley, he was the general manager for
2 Liberty Tax?

3 A. The one on Bradley Road, yes.

4 Q. Right. And that's a basically seasonal employment,
5 right?

6 A. Yes.

7 Q. Okay. So when tax season's over, you got to find
8 something else to do?

9 A. I guess. I'm not sure how that worked because I'm not
10 the one who worked there.

11 Q. Right. Well, in the time you -- you knew Mr. Staley,
12 he had other jobs as well, right? He worked at the
13 Wingstop?

14 A. No. He didn't start working at Wing Basket until he
15 moved to Noble Avenue with me. And when he moved to Noble
16 Avenue, he did not work at Liberty Taxes anymore because he
17 was fired.

18 Q. Well, he -- what I'm -- the point I'm asking is you
19 knew him to have other jobs, so he -- he wasn't -- he
20 didn't just have the job --

21 A. No, when I first met him, he was just working at
22 Liberty Taxes. When we moved in to Noble, he then stopped
23 Liberty Taxes. He was only working at Wing Basket. That
24 was his only job that he -- that I knew of.

25 Q. Right. Well, you knew him to have other kind of like

1 odd hustle jobs that people do sometimes when they're
2 trying to find gainful full-time employment, right?

3 A. No.

4 Q. You don't know him to go out and try to help folks
5 either clean stuff up, do yard work, do other jobs around
6 the house?

7 A. No.

8 Q. You dispute all of that?

9 A. No. Like I -- I did not know him to do any of like
10 that, cleaning up yard work. No, that's -- no.

11 Q. So your testimony today is basically that Mr. Staley
12 didn't do anything to try to support you and the five
13 children at the house?

14 A. I took the -- he only somewhat helped take care of the
15 -- took care of the twins that he fathered. The other
16 three, I took care of them or if I needed help, my mom or
17 my grandma helped, or their godparents.

18 Q. So you dispute any kind of notion that Mr. Staley took
19 time with the other three children and tried to sort of
20 play stepfather with them?

21 A. My mom and grandma like they -- Staley was not really
22 allowed like do anything or like have my kids by their
23 self. Because my mom, she's that type of grandma. She --
24 if I needed to go to work or something, she always came and
25 got her grandchildren.

1 Q. So your testimony here this afternoon is that Mr.
2 Staley wasn't allowed to be alone with your three old
3 children, even though you, he, and the five children,
4 yourselves for some period of time lived at [REDACTED]
5 Avenue? That's your testimony?

6 A. I mean, I didn't -- we didn't allow him. I mean,
7 because, like I said, when -- if I had to go to work or I
8 had an appointment, my mom came and got her grandkids.
9 That's just the type of grandma she is. She just very
10 picky of who she lets with her grandkids. She -- if she
11 was here, she would say the same thing.

12 Q. Where was Ms. Perry working at the time?

13 A. She's disabled.

14 Q. All right. So at some point in time, I understood
15 your testimony to be that AB [REDACTED] and RH [REDACTED] they are your
16 half-sisters; is that right?

17 A. Yes.

18 Q. Okay. And y'all share a father in common?

19 A. Honestly, their father used to date my mom and he knew
20 me ever since I was little. He's always called me his
21 daughter, but biologically, their dad is not my dad.

22 Q. All right. So they're not biological sisters and they
23 are kind of like --

24 A. My mom actually helped raise AB [REDACTED] I didn't meet
25 RH [REDACTED] or Storm or RH [REDACTED] until AB [REDACTED] introduced us.

1 Q. I understand. But I just -- I guess the point of --
2 the point of the question is they're not your biological
3 sisters?

4 A. No.

5 Q. But you consider them to be sisters? .

6 A. Yeah.

7 Q. Is that right?

8 A. Yeah. I took -- I mean, I took **RH** under my wing
9 and, you know, she, okay, sis, da, da da. But I knew
10 **AB** since she was in diapers.

11 Q. Right. So you took **RH** under your wing. How old was
12 **RH** when you met her?

13 A. About 16.

14 Q. Okay. Well, isn't that -- wasn't your testimony that
15 when she came to the house she was 16 or 17?

16 A. Yes, that's when I met her.

17 Q. Okay. So you met her and she basically immediately
18 moved into the home?

19 A. No. It was like a month or so later.

20 Q. Okay. So you met her and she moved in about a month
21 later. **AB** was living there at the time when -- when
22 **RH** did, right?

23 A. **AB** was off --

24 Q. Okay. And if I understood your testimony, I believe
25 that the reason that -- that -- I understood your testimony

1 to be that the reason that these two girls had come to live
2 with you is that their mothers had asked you to allow that?

3 A. What was said -- the conversation between me, Ms.

4 **RH** and **AB**, Ms. Robin Brimfield, was they
5 came to me and explained that the girls were out of hand,
6 you know, not doing good in school and not -- and they were
7 misbehaving. And they asked me could -- I try to get them
8 in line.

9 Q. And they thought you were capable of that?

10 A. I mean, I am capable.

11 Q. So I know you testified that you had known Ms.

12 **AB** since she was in diapers, but there was a long
13 period of time where you didn't really have any interaction
14 with **AB** at all. Isn't that right?

15 A. Yes.

16 Q. Y'all were sort of estranged for a long time.

17 A. I mean, we -- our parents lost contact.

18 Q. So you were estranged for a long time?

19 A. Yeah. If that's what you want to call it. Yes.

20 Q. Okay. And so by the time you catch up with Ms.

21 **AB** she's already sort of in this troubled
22 circumstance, right?

23 A. Yes. From what her mom stated to me.

24 Q. Okay. And **RH** is in the same boat, right?

25 Isn't it -- isn't it that when these girls first moved in,

1 they -- they kind of helped with the kids when you and Mr.
2 Staley wouldn't be around; is that right?

3 A. They only watched my three younger ones one time, and
4 that's when Staley planned the trip to go to Charleston.
5 Other than that, they never watched my children.

6 Q. Okay. And wasn't it -- wasn't it the case that, you
7 know, **AB** just didn't want to be there by herself with
8 the kids at that time so she asked if **RH** could come and
9 -- and stay?

10 A. No. **RH** wanted her sister. She wanted all of us
11 together. And at that time, that's when their father, Mr.
12 Williams, was pretty much on his deathbed. And that's his
13 wish, that all of his girls, even though I'm not his
14 biological, that all of his girls would meet, which he has
15 way more children. But those us three were the ones that
16 were the closest, so.

17 Q. How many other -- how many other children does Mr.
18 Williams have?

19 A. From my understanding, Mr. Williams has 19.

20 Q. Okay. How many of those do you believe would be in
21 the Columbia area?

22 A. The only ones I know of are **AB** and **RH**

23 Q. Okay. All right. So they -- they're in the house.
24 All right. How many -- do you -- do you know how many
25 square feet?

1 A. 1300.

2 Q. Okay. How many bedrooms were there at [REDACTED]

3 A. Three.

4 Q. Okay. So you had four adults and five children there
5 living for some time, right?

6 A. How many adults?

7 Q. Four?

8 A. Sixteen is not considered an adult. Those are minors.
9 That's two adults, which were me and Staley. The girls
10 weren't even there when Ms. Fulton was there. So
11 technically that's two adults.

12 Q. Okay. Where were the girls staying? Where were they
13 sleeping?

14 A. They had -- they were in the room with my daughter and
15 my boys were -- but my two of boys had their own room.

16 Q. All right. So this -- this text line, this phone app
17 with these -- these three numbers you described on whatever
18 advertising was alleged to have being transpiring, I mean,
19 you -- you agree you -- you engaged in prostitution?

20 A. Yes.

21 Q. Okay. Then you would do it through these text lines
22 and these phone apps, right?

23 A. Yes.

24 Q. Right. And you would communicate with the customers
25 yourselves at times, right?

- 1 A. Sometimes, yes.
- 2 Q. Right. You would post the ads sometimes, right?
- 3 A. Absolutely not.
- 4 Q. You never posted an ad?
- 5 A. No, I did not. Staley took the pictures. Staley made
6 the accounts. Staley posted the ads, and that's who did
7 the Skip the Games. He -- he -- all those ads and accounts
8 are linked to his email. One of them is even linked to his
9 email that he used that -- that was given to him at Liberty
10 Taxes.
- 11 Q. Okay. Will you agree -- I think your testimony was
12 that sometimes the -- the advertisements had pictures of
13 women that had no relation to you or anyone for that
14 matter. They were just --
- 15 A. I mean, I don't know where he got those from. He just
16 -- when he picked those -- when he got -- wherever he got
17 those from, when he said he was going to go pick them out,
18 he said he was going to get -- find pictures of other girls
19 that were our size that were going to be close -- a close
20 resemblance of us. His exact words.
- 21 Q. So what I'm asking you is just a very simple question.
22 The advertisements didn't always have pictures of you?
- 23 A. No.
- 24 Q. Oftentimes, they didn't -- they didn't have any
25 pictures of you?

1 A. No.

2 Q. And when you testified about this text line and the
3 phone app, I sort of got the impression that you understood
4 how to do all those things. You'd agree with me that you
5 know how to do all of those things, don't you?

6 A. He did it right beside me.

7 Q. Well, you've done it before, haven't you?

8 A. No.

9 Q. You've never set up the number?

10 A. No.

11 Q. You never did anything with these phone apps?

12 A. I mean, I've talked to customers and Staley is the one
13 who told me to download TextNow on my phone because that's
14 the app -- the calling app that he -- he has his girls use,
15 so --

16 Q. So you do know how to use it. You did do it?

17 A. I mean, talking to customers, that's it. But as far
18 as setting up accounts, no, I did not.

19 Q. Well, didn't you just testify that you downloaded it
20 to your phone?

21 A. But that's what he asked me to do and that's what I
22 admitted to doing. But --

23 Q. So your testimony --

24 A. -- you also asked me to sit there and did I set up the
25 accounts. No, I did not.

- 1 Q. But you knew how to do that, right?
- 2 A. Did I know how to do what?
- 3 Q. Set up the account?
- 4 A. No. I didn't know.
- 5 Q. You had no idea how to do that?
- 6 A. No.
- 7 Q. So then I understood that your -- after -- after the
8 account would be set up, it had to be placed, the phone
9 would ring, right? That -- I think that was your
10 testimony; is that fair?
- 11 A. Yes.
- 12 Q. Okay. And would it ring, would it ding, would it be a
13 text call? Would it be --
- 14 A. The normal TextNow ringtone.
- 15 Q. Ma'am?
- 16 A. The normal TextNow ringtone.
- 17 Q. A normal text ring tone.
- 18 A. The -- the normal TextNow ringtone. TextNow, you
19 don't get -- like nowadays, you don't get to make -- you
20 know, pick a song and who, you know, whatever. TextNow has
21 only one ringtone And that's what -- what your phone --
22 when somebody calls through the TextNow app, that's how
23 your phone is going to ring, that ringtone, no music or
24 anything.
- 25 Q. And you -- it's your testimony you don't -- you don't

1 know how to set that up the text line. You don't know how
2 to do that, right?

3 A. Do -- do what?

4 Q. The text line, whatever this app is.

5 A. I just said when Staley told me to download TextNow on
6 my phone, I did that.

7 Q. Did you carry your phone today?

8 A. No.

9 Q. It's not in your pocket?

10 A. No.

11 Q. It's not in your purse?

12 A. I don't carry purses.

13 Q. Handbag?

14 A. I don't carry purses, handbags, none of that.

15 Q. Have five children?

16 A. Your point?

17 Q. You don't carry bags?

18 A. My kids are not in diaper bags. They're in school.

19 Q. Backpacks?

20 MS. RAYMER: Objection; Your Honor. Relevance at this
21 point.

22 THE COURT: Right. Sustained.

23 BY MS. RAYMER:

24 Q. So the phone rings or dings when it -- when it rings.

25 Do you ever talk to a live person on the other side of the

1 line?

2 A. Sometimes.

3 Q. Okay.

4 A. Most of the times your client did.

5 Q. And there, you would set it up so that there would be
6 whatever the customer would want, right? You would -- you
7 would have communication about that?

8 A. Dates, yes.

9 Q. And you would set a price?

10 A. No. Staley had all the prices written down.

11 Q. Okay.

12 A. And he would ask what they wanted, whether they wanted
13 a QV or whatever and exactly what they wanted. And then he
14 would look at his note -- notebook paper and then he would
15 give me the price, depending on what I told him that the --
16 the John wanted.

17 Q. Will you agree with me that in some cases, right,
18 depending on how big or small the event was to be, you
19 would be entitled to make those decisions, right?

20 A. What do you mean?

21 Q. Mr. Staley didn't always set the price for everything.
22 There were --

23 A. He was the one in charge. Of course he set the price.

24 Q. Again, ma'am, how many -- how many statements do you
25 -- do you recall giving to law enforcement?

1 A. Maybe two.

2 Q. So you had the one written statement, the one out on
3 Bluff Road, right?

4 A. I was never out on Bluff Road. I said Garners Ferry.

5 Q. Garners Ferry. Excuse me. I just knew it was on the
6 both side. All right. At Pine View. Okay. The Sheriff's
7 Office Special Victims Unit. And then didn't you have
8 another statement that you provided that SLED?

9 A. Oh, yeah.

10 Q. Right? Is it your testimony here today you deny ever
11 saying something like you could you -- on smaller tricks,
12 for lack of a better term, on smaller things that -- that
13 weren't worth as much money you could make the
14 determinations about those things?

15 A. Say that -- explain that again.

16 Q. So if it was a smaller customer, if it wasn't, you
17 know, an all-night or an hour or one of these -- whatever
18 some of the things you talked about earlier, right? If it
19 was going to be something quick and fairly fast and fairly
20 straightforward, that you would be allowed to interact with
21 that customer and set the price for yourself?

22 A. No. Everything had to be ran through Staley.

23 Q. So you deny making that statement?

24 All right. So then -- let me ask you, based on your
25 testimony then, I think you had said that everything would

1 be arranged, but sometimes it would change, right?

2 A. If they -- once they set up, whether it was a quick
3 visit, out call, in call, whatever, if they wanted to add
4 on something, of course Staley said that the price would
5 change because it's going to cost more. That's his words.

6 Q. Right. But you're the one that communicated that with
7 the customer, right? You're the one in the room.

8 A. I mean, sometimes. I mean.

9 Q. Right. So that --

10 A. If it changed, I had to -- he told me to stop
11 everything and come and talk to him, and then he would go
12 over there and talk to him and he would leave back out.

13 Q. But sometimes he wouldn't -- he wouldn't have to do
14 that. You would handle it yourself, wouldn't you?

15 A. No.

16 Q. That you never handled that by yourself?

17 A. I mean, if they were upfront, if they told me, okay,
18 they want this, this, and this, then I would tell Staley,
19 if he had me talking to them, I would tell them what they
20 said and he would give me a price. But if they started
21 wanting more, then I would have to talk to him.

22 Q. All right. In these alleged conversations that you --
23 that you testified about when **AB** [REDACTED] and **RH** [REDACTED]
24 approached you, right? They came to you, correct?

25 A. Yes.

1 Q. Right. You don't have any firsthand account of any of
2 this, my client went to talk to them? You didn't hear any
3 of those conversations? That's your testimony?

4 A. What do you mean? Like, did I see him talk to them?

5 Q. Right.

6 A. What do -- what do you mean?

7 Q. The first time that you had -- the first time they
8 came to you, right, and they said -- I guess they -- there
9 was some kind of -- under your testimony, anyway. Okay.
10 Your testimony is -- is that they came to you and had had a
11 conversation with Mr. Staley outside of your presence; is
12 that right?

13 A. Correct.

14 Q. And that's how this got started?

15 A. Because their words were Staley said that he had some
16 ways that they could make a lot of money. That's exactly
17 what both girls told me.

18 Q. But you have no firsthand knowledge about any of those
19 conversations?

20 A. No. Because he never told me he was going to try to
21 get them involved in anything.

22 Q. When did these girls move into the house?

23 A. I don't remember an exact date, but I mean, they
24 started -- AB had been coming around and she was
25 spending the night, and then her mom said she was having

1 trouble. And so I was like, I -- I can see if I can, you
2 know, straighten her out. At that time I was GM at
3 McDonald's and I told her mom that I was -- I would get her
4 a job up there. And that's when AB -- me and AB
5 went somewhere. I think it was -- yeah, to get our nails
6 done. And she was like, well, RH our sister wants to
7 meet you. She's never met your big sister.

8 So I went over there and I got her, and we went to the
9 park and talked and had lunch. And she was like, can she
10 spend the night? And I just started letting her spend the
11 night and she eventually moved in.

12 Q. When was that?

13 A. I don't remember an exact date. So I'm not going to
14 put a date on it and then lie.

15 Q. Give me a general timeframe, please.

16 A. I think maybe AB was already there, maybe a month
17 or so. An exact date, I do not have.

18 Q. I mean, your answer is a month -- kind of in
19 theoretical terms. A month when? A summer month, the
20 spring month? What month?

21 A. I mean it might -- I don't remember. It might've been
22 in the summer. I don't remember because I know -- I don't
23 think none of my older kids -- older three kids worked
24 school at that time.

25 Q. So you really don't know, I guess is your testimony?

1 A. I don't remember. It's not that I don't know. I
2 don't remember.

3 Q. I am having trouble reconciling some of your
4 testimony, Ms. Perry. So you -- you -- you live in a house
5 with Mr. Staley and five children. You don't want the five
6 children -- the older children to be left alone with Mr.
7 Staley, but you'll take in two 16-year-old girls.

8 A. Is that what I said? Or did I tell you My mom is that
9 much of her grandma she would -- she doesn't want her
10 grandkids left with anyone or left with Mr. Staley that she
11 will come and get them. And being more specific, her
12 grandchildren and take them with her.

13 Q. Well, I understood your testimony to be that you
14 didn't want the kids around them.

15 A. That's not what I said. I said my mom -- that's just
16 what anybody -- that's what anybody now. My mama does not
17 play just anybody watching her grandkids. And like I said,
18 if she was here, Ms. Vivian Perry was here, she would tell
19 you that. She's always been that type.

20 Q. So she would take the other three -- the three older
21 ones?

22 A. She would take all of them if I needed to, if I had
23 appointments, if I had to work, if I needed her to come or
24 she just wanted to get her grandkids to spend time, she was
25 coming.

1 Q. So if Ms. Perry is so available to watch the children,
2 why do you need AB and RH to watch the kids?

3 A. Those are -- first of all, those are her nieces --
4 they're nieces and nephews. They offered to watch them.
5 And when my mom found out they were at the house with them,
6 like I just said, she called me, she said, I'm on the way
7 to get my grandkids. It's not what I need them to do.
8 It's what they offered to do.

9 Q. All right. So on your direct exam, Ms. Perry, the
10 Government displayed some of these photographs. I'm going
11 to keep us from that. But the reality is, you'd agree that
12 you're the one -- you're the driving force behind these
13 photographs, aren't you?

14 A. I'm the what?

15 Q. You're the driving force. You're the reason that
16 these pictures happened?

17 A. No. I didn't want to take them.

18 Q. You're the one that told RH and -- and AB how to
19 pose in these pictures, aren't you?

20 A. No.

21 Q. You're the one that picked the outfits, aren't you?

22 A. Your client did it, just like he went out and bought
23 them when the money was handed to him.

24 Q. You'd agree with me that without you those photographs
25 would never happened, do they?

1 A. Staley would've still did it.

2 Q. Now, whatever alleged acts you attribute to Ms.

3 **AB** and **RH**, the truth about that is when they
4 came out with money, they handed it to you, didn't they?

5 A. They handed it to Staley because that's what we were
6 instructed to do.

7 Q. They handed it to you?

8 A. You didn't hear what I just said. They handed it to
9 your client, Ontario Staley.

10 Q. Well, I heard your testimony is that they handed it to
11 him every time. The reality is they handed it to you every
12 time.

13 A. No.

14 Q. On -- on direct, you were asked how long this went on
15 for and there was a long pause from the witness stand.

16 Isn't it true that **AB** left the home for a while?

17 A. Like a couple weeks?

18 Q. She left for a couple weeks?

19 A. Because she -- her statement -- well, she told me she
20 wanted to go see her mom. Okay. I'm not going to keep her
21 from seeing her mom. I'm her sister. She want to go see
22 her mom, go see her mom.

23 Q. I mean, how long did **AB** really stay over on
24 Noble Avenue?

25 A. Maybe a couple months.

1 Q. You'd agree with me that probably given it's -- it's
2 probably closer to weeks or maybe a month than a couple
3 months?

4 A. No. She was there for a couple months.

5 Q. What about RH [REDACTED] How long was she there for?

6 A. I know for a fact she was there longer than AB [REDACTED]
7 because RH [REDACTED] -- well, RH [REDACTED] never -- never really
8 left.

9 Q. She never really left?

10 A. No. Not until later.

11 Q. Well, when would later be?

12 A. Maybe a month down the line. Maybe.

13 Q. So if these alleged acts began in September of 2019,
14 she'd been there until sometime early 2020? Is that your
15 testimony?

16 A. That sounds right.

17 Q. Did you look after these girls like their mother's
18 asked you to?

19 A. I did.

20 Q. You did?

21 A. It wasn't my plan for this to happen to them. So
22 you're not going to be able to sit here and make me feel
23 that type.

24 Q. Because you did what you did, you did enter a guilty
25 plea of human trafficking, right?

1 A. Your point?

2 Q. And you also pled guilty to a sexual exploitation of a
3 minor, correct?

4 A. Your point?

5 Q. And for your testimony here today, do you agree with
6 me that part of the negotiation that you made with the
7 State is that they would not ask for more than 10 years
8 sentence, right?

9 A. What's your point? What you trying to get at?

10 Q. Your exposure was more than 10 years, right?

11 A. What does that have to do with you?

12 Q. You pled guilty to these charges, correct?

13 A. Your point?

14 Q. I'm asking you a straightforward question, ma'am.

15 A. What's your point?

16 MR. HAYES: Judge, I'd like the answer.

17 THE COURT: Answer yes or no to the question, ma'am.

18 A. Yeah, I pled guilty.

19 BY MR. HAYES:

20 Q. Okay. And no one forced you to do that?

21 A. No.

22 Q. You pled guilty because you were guilty?

23 A. Yeah.

24 Q. And you're hoping that your testimony today here will
25 help with sentencing, right?

1 A. Yeah.

2 Q. Well, you haven't been promised anything,
3 understanding that the more you testify against my client,
4 maybe the better the sentencing range would become for you,
5 right?

6 A. No. I'm just being honest.

7 Q. Is that a yes?

8 A. Yes, I'm being honest.

9 Q. Yes, your testimony, you hope will lend yourself to a
10 sentence of less than 10 years?

11 A. Yes. But no, I wasn't forced to do anything.

12 Q. All right. And you consented, I think at some point
13 in time, to having your phone searched in this case; is
14 that right?

15 A. I didn't consent to do anything. Corporal Hawks asked
16 for my phone and I gave it to him.

17 Q. Okay. Well, didn't you -- when you met with Ms.
18 Jackson at the Sheriff's Office, didn't you --

19 A. Captain Jackson?

20 Q. Captain Jackson -- Ms. Jackson -- Captain Jackson.
21 Didn't -- she asked for consent to search your phone and
22 you provided that to her, right?

23 A. I vaguely remember that whole interview, but I know
24 for a fact when Corporal Hawks asked me for my phone, I
25 gave it to him.

1 Q. Okay. All right. And then you consented to the
2 search of that phone, right?

3 A. I mean, I didn't sign anything. He -- he asked for
4 it.

5 Q. Okay. Well, it was your testimony earlier that you --
6 you had never really engaged in prostitution prior to
7 meeting Mr. Staley, right?

8 A. I didn't.

9 Q. Okay. Do you ever recall a -- a communication with
10 someone that you declared yourself to be a vet in a gang?

11 A. A what?

12 Q. A vet?

13 A. No, because a veteran means you have years in it.
14 I've never done it until I met Mr. Staley.

15 MR. HAYES: Okay. Beg the Court's indulgence?

16 THE COURT: Yes, sir.

17 MR. HAYES: Thank you.

18 BY MR. HAYES:

19 Q. All right. Did you ever have a -- an account, Ms.
20 Perry, that was Neka, N-E-K-A, 61990CashLady? Do you
21 recall that moniker?

22 A. The what?

23 Q. Just the moniker or the -- the -- that would be the
24 what it would go by, Neka61990CashLady. Did you go by
25 CashLady?

1 A. That's what he would call me.

2 Q. Okay.

3 A. But I don't know to account? No.

4 MR. HAYES: All right. Well, Judge, what I'd like to
5 do is try to refresh the recollection of this witness based
6 on the Cellebrite dump from her phone. It's text message
7 862. May I approach?

8 THE COURT: Yes, sir.

9 MR. HAYES: I would not normally do this, but I just
10 want to show that this is what it --

11 THE COURT: Yes, sir.

12 MR. HAYES: So I'm going to just hand her the one
13 paper.

14 THE COURT: Yes, sir.

15 BY MR. HAYES:

16 Q. And ask her -- ma'am, does this reflect your
17 recollection, if you've ever communicated to someone that
18 you're a vet in this game? Please read entries 862.

19 A. Okay. Now, what are you -- what are you asking?

20 Q. All right. Well, doesn't it appear in this message,
21 right -- does this reflect your recollection about whether
22 or not you ever communicated to be a vet in the game?

23 A. For one, I'm looking at the messages, that's not even
24 how I talk. That's not even how I text.

25 Q. So you dispute this?

1 A. Yes.

2 Q. But you're CashLady, right?

3 A. That's the nickname he gave me, but I didn't write
4 that. That's not me conversating with -- I don't know who
5 -- who that is. But like I stated before, a lot of the
6 times is Staley conversating between the Johns. Take that
7 up with your client.

8 Q. So you deny it? You deny ever being --

9 A. I just said yes.

10 Q. Okay. How many -- how many phones do you think that
11 you had, Ms. Perry?

12 A. When?

13 Q. At any time. What's the most phone -- what's the most
14 number of phones you've carried at one time?

15 A. One.

16 Q. One?

17 A. Mm-hum (affirmatively).

18 Q. You've never had more than one phone?

19 A. No.

20 MR. HAYES: Okay. If I can approach the witness,
21 Judge, take --

22 THE COURT: Yes, sir.

23 BY MR. HAYES:

24 Q. Ms. Perry, did you ever try to put a love spell on Mr.
25 Staley?

1 A. A what?

2 Q. A love spell.

3 A. What is that?

4 MS. RAYMER: Objection, Your Honor, relevance.

5 A. What is that?

6 THE COURT: Sustained.

7 BY MR. HAYES:

8 Q. Ms. Perry, at the time that Ms. Fulton brought you up
9 to the Sheriff's Office, isn't it true that Mr. Staley was
10 preparing to leave you?

11 A. He was going what?

12 Q. He was going to leave you.

13 A. You mean me leaving him?

14 Q. Well, you know who Jolena Dolph is?

15 A. Who?

16 Q. Jolena Dolph.

17 A. Who is that?

18 Q. You agree with me that you had made statements about
19 the only way that Mr. Staley was going to get out of this
20 situation is either in a body bag or a jail?

21 A. Who said that?

22 Q. You deny that?

23 A. Who -- who said that?

24 Q. Do you deny saying that?

25 A. I didn't say it, so yeah, I deny it. Who -- who --

1 who is whoever you just said.

2 MR. HAYES: Beg the Court's indulgence?

3 THE COURT: Yes, sir.

4 MR. HAYES: Just a few -- few moments, Judge.

5 THE COURT: Yes, sir.

6 MR. HAYES: No further questions, Judge.

7 THE COURT: Any redirect?

8 MS. RAYMER: Briefly, Your Honor.

9 REDIRECT EXAMINATION

10 BY MS. RAYMER:

11 Q. You testified that Ontario Staley would use an email
12 address to set up the Skip the Games account that was
13 associated with Liberty Tax. Do you recall what that email
14 address was?

15 A. I think his last name came first or the -- it was the
16 --

17 MR. HAYES: I object, Judge.

18 A. It was like the Ontario --

19 THE COURT: Overruled.

20 A. -- staleystaley, Ontario lived at Liberty, something
21 like that.

22 Q. So something with Staley and Liberty?

23 A. Yeah.

24 Q. And -- and you recognized it --

25 A. I would recognize it if I see it.

1 Q. Where did you -- did you say that that was the email
2 address he was using at Liberty Tax?

3 A. Yes, that was one of them.

4 Q. And he kept using that for the Skip the Game ads?

5 A. Yes. That was one of the emails that he used. Yes.

6 MS. RAYMER: No further questions for this witness.

7 If she can please be -- oh, I apologize.

8 THE COURT: Anything further, Mr. Hayes?

9 MR. HAYES: Nothing further.

10 THE COURT: Okay. Thank you. You may step down. Any
11 objection to her being excused?

12 MR. HAYES: No.

13 THE COURT: Okay. You're free to go.

14 THE WITNESS: Thank, Your Honor.

15 THE COURT: Thank you. All right, folks, I think now
16 is a good time to take a break. Please return to your jury
17 room for about 10, 15 minutes. Don't discuss the case
18 amongst yourselves. We'll bring you back shortly.

19 (The jury exits the courtroom.)

20 All right. Let's take a 10 minute break.

21 (A brief recess was taken.)

22 MS. RAYMER: The State is ready. This next witness
23 will be one of our victims. The State would like to
24 proffer some testimony from Special Agent Logan Fey perhaps
25 later today or early tomorrow morning just putting --

1 regarding the Skip the Game records at some point. But
2 that's kind of our scheduling for the -- how we see the
3 rest of today progressing.

4 THE COURT: Okay. Yeah, let's go ahead and hear from
5 the -- I mean, it does -- does it need to be done before
6 the witness or --

7 MS. RAYMER: No, no. No, no, no. I just wanted to
8 let you know kind of what the State has planned for the
9 rest of the day --

10 THE COURT: Okay.

11 MS. RAYMER: -- for schedule purposes.

12 THE COURT: Good enough. Defense ready for the jury?

13 MR. HAYES: Yes, ma'am.

14 THE COURT: All right. Bring the jury, please.

15 MS. RAYMER: Your Honor, if I may cover the sensitive
16 nature of these photos with posted notes before she comes
17 in.

18 THE COURT: Mm-hum (affirmatively).

19 (The jury enters the courtroom.)

20 THE BAILIFF: Juries seated, Your Honor.

21 THE COURT: Okay. All right. State's going to call
22 their next witness.

23 MS. RAYMER: Thank you, Your Honor. May it please the
24 Court? The State would call RH RH

25 RH

1 Having been first called as a witness was duly sworn and
2 testified as follows:

3 MADAM CLERK: Thank you. Please have a seat on the
4 witness stand. State your full name for the record.

5 RH [REDACTED]: My name is RH [REDACTED], and it's spelled
6 RH [REDACTED], last name RH [REDACTED].

7 DIRECT EXAMINATION

8 BY MS. RAYMER:

9 Q. Good afternoon. Do you also -- sometimes, do some
10 people call you RH [REDACTED]

11 A. Yes, ma'am.

12 Q. But you prefer to go by RH [REDACTED]

13 A. Yes, ma'am, I do.

14 Q. And how old are you?

15 A. 22-years-old.

16 Q. And when is your birthday?

17 A. [REDACTED].

18 Q. So May?

19 A. Yes.

20 Q. And do you currently live in Columbia?

21 A. Yes, ma'am.

22 Q. And what do you do?

23 A. I'm a cosmetologist and I do CNA work sometimes also.

24 Q. And how do you know Naneka Perry?

25 A. Okay. A couple years back, she contacted my other

1 sister, her name's AB [REDACTED] She contacted her to
2 watch her children and I came along to, you know, meet her
3 because she's -- she's supposed to be our oldest sister.

4 Q. And you said a couple years ago, do you remember about
5 how many years ago that would've been?

6 A. Maybe four or five. 2019 is the year.

7 Q. And so how old would you have been in 2019?

8 A. Seventeen years of age.

9 Q. And so you knew AB [REDACTED] how?

10 A. We grew up together because we're sisters, so we had a
11 close relationship.

12 Q. And AB [REDACTED] knew Naneka Perry?

13 A. Not well, but she had known -- they met prior to me
14 meeting her. They already had like a -- they already spoke
15 to each other before.

16 Q. And how old was AB [REDACTED] at this time?

17 A. Seventeen also.

18 Q. And did you know Naneka Perry?

19 A. No, not at all.

20 Q. And so, do you remember what time in 2019
21 approximately it was when you were asked to babysit? When
22 was it that AB [REDACTED] asked to babysit the kids?

23 A. I'll give it around maybe September. It was a little
24 chilly out. So I know it was around cold season.

25 Q. And do you remember how far before the -- was that

1 your first time ever meeting Naneka Perry?

2 A. Yeah, it was my first time.

3 Q. And how are you related to Naneka?

4 A. We -- we were supposed to have the same dad. My dad
5 passed away when I was 15. So we was trying to like build
6 a relationship off that, because she was supposed to be my
7 older sister, so I was very excited to like meet her, you
8 know, because she was an adult. So I didn't never meet her
9 before.

10 Q. Was she at your dad's funeral?

11 A. Yes.

12 Q. So you would've met her when?

13 A. I would -- I would've, but I wasn't there. My dad had
14 a wake and at the time I wasn't there, so. She was though.

15 Q. Where did you watch the children in September of 2019?

16 A. At their home on Noble Ave.

17 Q. And do you know where that's located?

18 A. Off Monticello. I don't know the exact area or
19 anything. I just remember it being Monticello.

20 Q. Is it in Richland County?

21 A. Yes, ma'am.

22 Q. And was anyone else there on that occasion when you
23 watched the kids?

24 A. Yes, ma'am. It was another girl there and it was
25 Ontario and her children and Naneka.

1 Q. And did they leave?

2 A. Yes, ma'am. Naneka, Ontario and the other lady, they
3 left and me and AB stayed with the children.

4 Q. And what happened next?

5 A. Okay. We stayed the night with the children. It was
6 just us. A day later, they came back, but the girl wasn't
7 with them. It was just them two. But they -- they came
8 back the next day, so.

9 Q. And then what happened?

10 A. They gave us some information about something they
11 were doing, like some -- like a -- a sex thing or something
12 they wanted me and my sister to be a part of. Basically,
13 they wanted to know we were old enough. Naneka looked to
14 Ontario. She was like, "You think they old enough?" And
15 he's like, yeah, of course, I think they old enough or
16 whatever. So basically, they really like prompted us to,
17 you know, be prepared for the plan or whatever. So we were
18 going along with it when it first -- oh, sorry.

19 Q. And at this point, so this is the day they came back
20 from --

21 A. Yeah, it was -- it was the exact date --

22 Q. Have there any discussion about you moving in at this
23 point?

24 A. No. No. We didn't even get -- get a chance to get
25 into any of that. It really just started like -- like I

1 said, the girl wasn't there anymore. It was just us -- it
2 was just us four in the children's room. We were having a
3 conversation about why they came back so fast or whatever,
4 and they like, oh, things didn't go right up there, blah,
5 blah.

6 And like I said, they looked to each other, they
7 wanted to see if we were old enough for what they wanted to
8 do or whatever. So when it was brought to us, and it was
9 explained to us, basically we'll be talking to men and if
10 we talk good enough, we can get money from them. Just that
11 day that was all was that it was explained, so.

12 Q. And so when you say talking to men, they first -- when
13 you were first approached about this, what did talking --
14 what did you think that entailed?

15 A. At the time --

16 Q. Did you think it entailed sex, or?

17 A. At the time, I did not think that, because I felt like
18 if that was the case, you would've -- they would've brought
19 that to our attention. But of course to, you know, make us
20 feel comfortable, I'm quite sure they wouldn't mention
21 that. But later on we ended up figuring out that it was
22 for sex; it was a sex thing.

23 Q. And at that point, AB was 16 or 17 and you were
24 17. And so they were saying, are they old enough? Did
25 they know that that was your age?

1 A. Yeah, they were aware. They were -- they were aware
2 of our age. Because they asked us beforehand, how old were
3 we? And I said, 17. And AB [REDACTED] said 17. So they knew.

4 Q. Okay. So they talked to you about a plan about
5 talking to men for money, then what happened?

6 A. Me and my sister, we went along with it because it --
7 it sounded kind of convincing. Sounded like something we
8 would be interested in, you know. So we like, okay, cool
9 or whatever. But they brought -- then they ended up
10 letting us know that we'd be taking pictures and be
11 prepared for the pictures or whatever. And I'm like, okay,
12 cool or whatever. And maybe a week later, I would say --
13 because it didn't take no time -- maybe a week later we --
14 Ontario gave me dress to put on.

15 Q. And I'm going to stop you there. A week later, so had
16 you moved in at this point?

17 A. Yeah. We ended up staying there.

18 Q. Both you and AB [REDACTED]

19 A. Yes. Yes, ma'am.

20 Q. At the Noble Avenue address?

21 A. Yes, ma'am.

22 Q. And you said it was something that you would be
23 interested in. Is this something you had engaged in
24 before?

25 A. No, ma'am. It was just -- they like talk, like,

1 confidently -- like I said, make you feel comfortable. So
2 I -- I thought that it would be a good idea. Like I -- I
3 thought it would be a good idea.

4 Q. And so before the photos, were you aware that what
5 they were talking about involved sex?

6 A. No. Before the photos, no, I wasn't.

7 Q. So whose idea was that to take these photos?

8 A. Ontario. He prompted -- like I said, he provided a
9 dress for the photos. I had a dress on, I remember. And I
10 didn't have like clothes that was fit for the pictures, so
11 they provided that. So I'll be able to take a picture

12 Q. And I'm going to show you what's previously been
13 entered into evidence as 7, 8, 9, and 10. Is this address
14 you're referring to in State's Exhibit 8?

15 A. Yes, ma'am. It is.

16 Q. And State's Exhibit 9?

17 A. Yes.

18 Q. And so who gave you these clothes to wear?

19 A. Ontario.

20 Q. And State's Exhibit 10?

21 A. Yes.

22 Q. So Ontario gave you the clothes to wear, and did he
23 tell you how to pose?

24 A. Yes, he instructed the pictures because, like I said,
25 I never took those kind of pictures before. I didn't know

1 exactly what they were for, but like I said, for the thing,
2 what they was telling us, I thought this would be a part of
3 it, so. He just constructed on how to pose and what to do
4 during -- in the pictures. And I was doing it -- well, we
5 were doing it.

6 Q. And it was you -- who was in those photographs I just
7 showed you?

8 A. Me, Naneka, and my sister, AB [REDACTED]

9 Q. And I'm showing you what has previously been entered
10 into evidence State's Exhibit number 14. And I covered up
11 the sensitive areas of this exhibit. But can you tell me
12 who is the person (indicating) at the top of this
13 photograph right here?

14 A. That's me.

15 Q. And who is the person down on the left hand bottom of
16 the photograph?

17 A. That's Naneka.

18 Q. And who is right here on the bottom right-hand side of
19 the photograph?

20 A. My sister, AB [REDACTED]

21 Q. So were more than one photo taken on this night?

22 A. Yes, ma'am. I know it was because we were, like I
23 said, posed in different ways. So we were just -- we was
24 taking pictures for a while.

25 Q. And who would tell you how to pose?

1 A. Ontario.

2 Q. And where were these photographs taken?

3 A. In their bedroom.

4 Q. And this was at the Noble Avenue address in Richland
5 County?

6 A. Yes, ma'am.

7 Q. And are there different angles of the photographs that
8 you remember being taken?

9 A. Yes, ma'am. He was moving around in the room to get
10 different angles of the -- of us, so he can get the
11 pictures correct.

12 Q. And after these photographs were taken this night, did
13 you know what was going to be happening with them?

14 A. No, I didn't -- we didn't get a chance to get into all
15 of it. We just took the pictures and laid down, honestly.
16 I don't know where they went after that or what was going
17 to happen to them. I really wasn't worried about that at
18 the time.

19 Q. And at some point, did you find out that these photos
20 were used in some way?

21 A. Yes, ma'am, I did. When -- like I said, when it
22 really got down to it, I ended up having the -- the -- we
23 ended up knowing the pictures were for the app -- to put on
24 the app, so.

25 Q. And when you say app, what do you mean by that?

1 A. Because it's not app, I don't think. It's a website.

2 Q. Do you remember what it was called?

3 A. Skip the Games.

4 Q. And how did you know that it was being used on this
5 website, Skip the Games?

6 A. Because every time one of the guys or whatever would
7 text or whatever, they'd let me know and how much they have
8 or whatever the case is. So I -- I ended up --

9 Q. So before talking to any -- anything related to what
10 happened on it, how did you know that the photos were put
11 on the Skip the Games?

12 A. He ended informing us that they were -- they were
13 going to be posted. But like I said, we still didn't get
14 him to -- it was for sex or anything. He just said we
15 needed pictures, y'all can talk to him, you know, stuff
16 like that.

17 Q. And you said "he informed you," who is he?

18 A. Ontario.

19 Q. And who took the photographs?

20 A. Ontario.

21 Q. Do you see Ontario in the courtroom today?

22 A. Yes, ma'am.

23 Q. Can you please point him out and identify him by a
24 piece of clothing he's wearing?

25 A. He has the -- I think that's striped. I can't see

1 from here. It's not far, but it's striped red.

2 MS. RAYMER: Let the record reflect the witness has
3 identified the Defendant Ontario Staley in the Court.

4 THE COURT: Yes, ma'am.

5 BY MS. RAYMER:

6 Q. So he informed you of the photos were going to be used
7 on Skip the Game. Did you ever see any of the ads that
8 were posted?

9 A. No, ma'am.

10 Q. Okay. And at some point, what happened next?

11 A. My sister, she ended up figuring out before I did
12 because I didn't do anything yet. Like we were riding in
13 their car and they took her on like a call, and she ended
14 up figuring out that it is not nothing to --- you not going
15 to just be talking to someone and getting money from them.
16 We -- you was finna have some sex, so.

17 Q. And who do you mean when you refer to your sister?

18 A. AB [REDACTED]

19 Q. And by she was taken on a call, what do you mean by
20 that?

21 A. She was taken to someone's house and I'm guessing they
22 -- they wanted her, they called for her or whatever, and
23 she didn't never speak to anyone. She just went with what
24 someone else told her. And she got out of the car and seen
25 the man and went in there and she was probably out of the

1 car for probably 20 minutes. She came back, she had some
2 money, but they took the money from her.

3 Q. Who is they?

4 A. Ontario and Naneka.

5 Q. So how did that money exchange go down when she got
6 back into the car?

7 A. When she got back in the car, Naneka was like, "Let
8 her see that," and then he held his hand out to get it from
9 her. And we sitting all the way in the back. They got a
10 four seats back there. We're sitting all the way in the
11 back. So she handed the money, but she just gave her money
12 because they asked for it.

13 Q. So who was driving?

14 A. Ontario.

15 Q. And so AB [REDACTED] came back into the car and handed the
16 money up to Naneka and then Naneka --

17 A. Gave the money to Ontario.

18 Q. Okay. Did AB [REDACTED] end up telling you what happened on
19 that call?

20 A. Yeah. We -- we talked about it really in the
21 backseat. They just didn't hear us. We was having a
22 conversation because we was confused and she like, why --
23 why do we got -- if we doing that, why we giving them the
24 money or whatever. And I'm like, "I don't -- I'm not
25 sure," you know. I don't know. That's the type of

1 conversations we was having like when we was by ourselves.
2 Like it was confusing.

3 Q. How did you find out it was more than just talking
4 that happened with AB

5 A. Because she came back and told me. She said that -- I
6 said, "What did you go in there and do?" And she told me
7 what did -- what she did.

8 Q. What did she tell you she did?

9 A. She said --

10 MR. HAYES: Objection, Judge.

11 THE COURT: Sustained.

12 A. She said she --

13 THE COURT: Wait, don't answer that question.

14 THE WITNESS: Oh, sorry.

15 BY MS. RAYMER:

16 Q. I'm going to ask you a new question. At some point,
17 did Ontario ask you to go on a call?

18 A. Yeah. I went on one right -- probably right after --
19 not that day, but probably right after AB did. I ended
20 up going on a call. I think it -- it wasn't at a hotel, it
21 was out somewhere -- someone's house. And, like I said,
22 the same thing with her. I did the same thing, like I
23 said.

24 Q. So how were you told -- and I'm going to rewind a
25 little bit. How did this call come about? How -- how were

1 you told that you were going on this call?

2 A. Okay. He probably be texting a man, but he'll --
3 he'll text as me. He was texting as me, so I don't have
4 knowledge of the pricing, I don't have knowledge of the
5 conversation. I just know that this is where I'm going,
6 and this is what I'm going to meet, and this is the amount
7 I'm supposed to have. So when I went to the -- this was
8 before I went on the call. When I went to the call -- I
9 can't recall what area or anything -- I just remember going
10 on one and giving the money.

11 Q. Did -- did you have your own phone at this point in
12 time?

13 A. No, ma'am.

14 Q. And so Ontario Staley would post the ads and he would
15 -- how would he communicate with the people that would
16 respond to the app?

17 A. Since -- I guess since we didn't have knowledge of how
18 to control any of that stuff, he'll text him as us and then
19 just give us the conversation. Just run -- give me the run
20 around -- you know, the rundown on how to conversation went
21 and what to do and I just go -- go follow.

22 Q. So since he was talking as if he was you, he would
23 tell you before you'd go on the call, so I guess you would
24 know what was --

25 A. Yes, ma'am.

1 Q. -- arranged or negotiated before you went in there?

2 A. Yes, ma'am.

3 Q. And so you said "quick visit." What's does that mean?

4 A. Yeah. It's -- a quick visit, it is like, I think 10
5 to 15 minutes you pay 100, and that'll be that and I'll
6 just get in the car.

7 Q. So how would you know how much to collect, I guess?
8 Or what was going to occur on the visit?

9 A. It was -- you like, abbreviate it to like roses. You
10 put like the amount of roses and said the person asked for
11 QV, you -- they -- he'd say, well that's something roses or
12 whatever the amount is, and then that's the amount I was
13 supposed to go in there and get.

14 Q. And was it a sex act that you were performing in-
15 exchange for the money?

16 A. Yes, ma'am.

17 Q. And how would you know what -- what was -- how -- how
18 -- how was the sex act communicated to you as to what was
19 expected of you?

20 A. Could you -- could you re-ask that?

21 Q. How would you know what you were doing on the call?
22 Was it always the standard sex act or would it be --

23 A. Always. It's -- it is nothing else but that.

24 Q. And what is the different -- you said someone would be
25 out call at someone's house. What does that mean?

1 A. It's like you go to someone's house -- in call is like
2 when you at a room, a hotel and out call is when you like
3 go to their location.

4 Q. And what was -- did you ever do an in call?

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

6 Q. And what does that mean?

7 A. You -- by a hotel and you take the calls there, and
8 you like do the same thing you do at out calls, but just
9 you -- I have a room. That's it.

10 Q. And after an in call or an out call, what would
11 happen?

12 A. Nothing. You just get -- give them the money and that
13 would just be that, like.

14 Q. And you said "give them the money." So you would
15 leave after performing the sex act with the money and where
16 would the money go?

17 A. I'm not really sure where it goes. I just know that I
18 -- I hand it over. That's it really.

19 Q. Who'd you hand it over to?

20 A. Ontario.

21 Q. Would you always hand it over to Ontario Staley?

22 A. Yeah, always.

23 Q. And other than handing it over to Naneka Perry and her
24 passing it off to Ontario, were there any instances where
25 it didn't go directly to Ontario's Staley?

1 A. Oh, no.

2 Q. Was there anything of value that you received from
3 Ontario Staley?

4 A. They would probably just -- they know I like -- they -
5 - I've been -- had an interest in hair. They know I like
6 hair and stuff, so I just probably get like a -- my hair
7 done or like an outfit. Nothing too expensive. Just
8 something cheap, you know, so...

9 Q. Did you ever get to keep any of the money?

10 A. No.

11 Q. Who would drive you to these in or out calls?

12 A. Ontario.

13 Q. Was he always the one that drove?

14 A. Always.

15 Q. Would Naneka sometimes be in the car with him?

16 A. Yes, sometimes.

17 Q. Would Naneka ever drive you without Ontario Staley?

18 A. Never. I seen -- I never seen her operate a vehicle
19 before.

20 Q. What would you wear on these calls?

21 A. Some regular like dresses and sandals, something.

22 Q. Were you told what to wear on these calls?

23 A. Not really. I just -- whatever I had, I put on. If
24 it's -- it's decent enough, I wear it.

25 Q. About how long did you stay with Naneka and Ontario at

1 Noble Avenue?

2 A. I'll give it maybe six months. I was there for a
3 while.

4 Q. And how old were you when you left?

5 A. Seventeen still.

6 Q. And was AB [REDACTED] there during this time?

7 A. She stayed for a few months. She eventually left, so
8 I was there by myself.

9 Q. And would you ever be in the car when AB [REDACTED] would go
10 on out calls, or in calls?

11 A. Yes.

12 Q. Would you sometimes babysit the children?

13 A. Yes, I did.

14 Q. And so you said Naneka was -- before, you know, that
15 day that you babysat, had you ever met Ontario Staley?

16 A. No.

17 Q. And Naneka, you hadn't met before either, correct?

18 A. No, ma'am.

19 Q. But it was your understanding that she was your half-
20 sister?

21 A. Yes.

22 Q. And there was some type of relationship that AB [REDACTED]
23 who you were very close with, had with her?

24 A. Yes.

25 Q. How did you feel about Naneka getting you involved in

1 this?

2 A. I kind of felt like they kind of got -- didn't knew
3 what type of person I was and they fed off of it because I
4 wouldn't consider myself weak. I just consider myself not
5 being able to speak up about my feelings and how I feel
6 about something. So my time there was pretty dreadful,
7 even if they didn't know that because I was too busy trying
8 to accommodate everybody around me.

9 And honestly, my true reason for being there so long
10 and not saying nothing about it is because they had
11 children and I felt for the children, and I -- I felt like
12 they were my nieces and nephews, so I wanted to really like
13 be there for them. Like I said, I wanted a relationship.
14 I was very close to my dad, so -- like the closest, like no
15 -- nobody -- not AB not Naneka. I was close, so I
16 wanted to -- I felt like I owed it, but that's -- that's
17 just how I felt about it.

18 And like I said, I felt like they kind of fed off of
19 it because they didn't give me a break. You know what I'm
20 saying? Times I want to speak on stuff, I didn't, because,
21 like I said, I'd be trying to keep the peace. I'm -- I
22 didn't -- I'm not a problematic person, so I felt like me
23 being fussy or complaining or that'd be like problematic.
24 So I didn't want to do that, so.

25 Q. Do you feel in some ways that Naneka betrayed you?

1 A. Yes. She didn't get a chance to even know what type
2 of person I am. That's -- that's betrayal to me because I
3 wouldn't have never thought to do anything to them. Like
4 nobody in the household. I didn't -- I didn't have no ill
5 intention towards them. I didn't -- I applied on them.
6 Even after the fact, I -- I didn't feel no ill towards
7 nobody, so.

8 Q. So to be clear, who bought the clothes that you wore
9 on those (indicating) photographs?

10 A. I don't know if they were bought. They were already
11 in the house.

12 Q. Who gave you the clothes to wear in the --

13 A. Ontario.

14 Q. Who told you how to pose in the photographs?

15 A. Ontario.

16 Q. Who took the photos?

17 A. Ontario.

18 Q. Who posted the photos on Skip the Games?

19 A. Ontario.

20 Q. Who would drive you to in and out calls

21 A. Ontario.

22 Q. Who would the money go to?

23 A. Ontario.

24 Q. Who would set up the meetings?

25 A. Ontario.

1 Q. Who would negotiate what would happen at those
2 meetings?

3 A. Ontario.

4 Q. And I hate to have to ask you this, and I know that
5 this happened over four years ago, but can you specifically
6 explain what you mean by the sex act that would've occurred
7 on these calls?

8 A. Okay. The rule was that I was supposed to get the
9 money first. Don't do anything. Don't pull down nothing.
10 Don't take nothing off until you get the money. That's
11 what Ontario told me. So it stuck and every time I go in
12 there, I get the money or whatever. They already know the
13 pricing, so they -- I never had a problem with nobody not
14 giving me the right amount or anything. Go in there and
15 get the money.

16 Like I said, I tried to stay on board on the minutes
17 because, like I said, we paying for a QV. I want to make
18 it out on the time I'm supposed to make it out. So just go
19 in there. Just basically have sex. Like it's nothing
20 specific, just sex.

21 Q. And by sex, you mean penis and the vagina intercourse?

22 A. Yes.

23 Q. I'm so sorry to have to ask you it that way. Did you
24 ever go on any calls with AB

25 A. Like in the car with her, yes, but me and her

1 together, no.

2 Q. But you were present when she would go on calls and
3 you --

4 A. Yes.

5 Q. Did you have knowledge that she was also having --
6 completing a sex act?

7 A. Yes.

8 MS. RAYMER: If you'll please answer any questions the
9 Defense has for you.

10 THE COURT: Mr. Hayes?

11 MR. HAYES: Beg the Court's indulge briefly, Judge.

12 THE COURT: Yes, sir.

13 MR. HAYES: Judge, if I can briefly approach?

14 THE COURT: Yes, sir.

15 MR. HAYES: Thank you.

16 CROSS-EXAMINATION

17 BY MR. HAYES:

18 Q. Good afternoon, RH [REDACTED].

19 A. How are you doing?

20 Q. RH [REDACTED], I think in this case you've had a few
21 opportunities to speak to law enforcement; is that fair?

22 A. Yes.

23 Q. Yes. Do you recall how many times you've spoken to
24 law enforcement?

25 A. Are you saying like during the my time with them or

1 after the fact?

2 Q. Well, let's just --

3 A. I'm not sure what you're asking.

4 Q. So not necessarily during the time that you were
5 staying at the house. Okay. But when this investigation
6 started to develop.

7 A. Well, yes, sir. I -- I had an opportunity to speak to
8 them, yes.

9 Q. Okay. And about how many times have law enforcement
10 talked to you about the occurrences that you're here to
11 testify about today?

12 A. A couple of times throughout the years. Since I was
13 17. Since -- it first started occurring and got out -- I --
14 -- you know, they came to my house, so I was talking to law
15 enforcement about it.

16 Q. Okay. And do you recall speaking with Captain
17 Jackson, who's sitting there at the State's table?

18 A. Yes, sir.

19 Q. Okay. And I think she had referred you to have an
20 interview done at the Child's Advocacy Center, right?

21 A. Yeah, I recall.

22 Q. And you went and did that?

23 A. Yes.

24 Q. And then at a later time, did you provide a statement
25 to SLED Agent Fey?

1 A. Yes, I believe so.

2 Q. So you've been interviewed at least three times?

3 A. Yeah.

4 Q. Okay. Is there -- is there another time that you
5 would've been interviewed in this case?

6 A. I'm not sure. I don't know. I haven't really wanted
7 to keep up with that because I didn't really want to be
8 involved in this, so. I'm going to be honest. Like I even
9 told them that I -- I wish it was something I could just
10 let go and bypass, but they informed me that later on
11 throughout the year, there could be a trial, possibly. So
12 I was kind of prepared for it, but I was hoping I didn't
13 have to come here and do this.

14 Q. And I don't -- I don't want to know the conversations
15 that you had, but what -- what kind of things did you do to
16 prepare and testify today?

17 A. Just -- I had to just rethink about the events.
18 That's really all, so I can know exactly what I'm talking
19 about before I talk, you know. That's it.

20 Q. Okay. So did you -- did you review any -- anything
21 related to any previous statements you may have made before
22 testifying today?

23 A. Not really. Like I said, I just --

24 Q. You're just here trying to do your best to recall it
25 from your memory from five years ago?

1 A. Yes, that's really it.

2 Q. Okay. All right. All right. And you'd agree with me
3 that probably the way you remembered it five years ago was
4 -- would've been a more accurate depiction than what you're
5 relying on today?

6 A. Not really. From this type of experience, I'm very
7 good with memory. It ain't really much -- one, I have a
8 mother that's very supportive. She's not going to let me
9 go and forget about anything. So like, it'd be days I
10 might want to talk about it, it'd be days I don't want to
11 talk about it, so. It -- I -- I -- I haven't really
12 forgotten anything, honestly.

13 Q. I sort of listened to your testimony and absorbed it
14 over the Defense table a few moments ago, and there was a
15 series of questions where essentially every answer was
16 Ontario Staley. Do you recall that testimony?

17 A. Yes.

18 Q. Right. Do you recall -- well, was it -- was it your
19 belief at the time when this investigation was unfolding
20 that it was really Naneka Perry who was the ringleader of
21 this particular --

22 A. No, sir. I'm -- I -- I -- I meant what I was saying.
23 I didn't -- I wasn't mistaken. With my own two eyes, I
24 know who was talking to me about everything. I know who
25 was coming at me about the calls. I know who was taking my

1 pictures. You know what I'm saying? I'm not -- I'm not
2 mistaken about any of that. No, sir. I'm not.

3 Q. Okay. But so is it your testimony then that you never
4 characterized Naneka Perry as the ringleader?

5 A. I haven't characterized anyone as the ringleader.
6 Everybody that's involved is involved, so.

7 MR. HAYES: Your Honor, if I may approach with one of
8 the statements?

9 THE COURT: Yes, sir.

10 BY MR. HAYES:

11 Q. All right. Well, RH [REDACTED], let me -- before I hand
12 you this, you recall giving a statement to Ms. Jackson? I
13 think that was your testimony a few minutes ago. You had
14 talked to her about this. Captain Jackson -- I keep
15 calling her Ms. Jackson.

16 A. Who's Ms. Jackson?

17 Q. Captain Jackson's here in the Sheriff's uniform.

18 A. Okay. Yeah, I remember --

19 Q. With the star.

20 A. Yeah, I remember.

21 Q. Okay. And when you spoke to her, do you recall that
22 you reduced your statement to writing? That you signed a
23 statement, a sworn statement?

24 A. I -- I probably did. I'm not -- I don't know.

25 Q. You don't recall?

1 A. I don't --

2 Q. Well, if I hand you a copy of what purports to be a
3 signed statement on your behalf regarding this, would that
4 help refresh your memory?

5 A. Yes.

6 MR. HAYES: If I may, Judge?

7 THE COURT: Yes, sir.

8 MR. HAYES: Thank you.

9 BY MR. HAYES:

10 Q. Take your time, RH [REDACTED]. I'll just have you look
11 at that and see if that looks like a statement that -- that
12 looks like your signature and a statement that you would've
13 provided to law enforcement. I mean, to Captain Jackson.

14 A. Is this statement -- I turned the page.

15 Q. Well, so just -- just, before we get -- before we get
16 into reading the statement, right, does that appear to be
17 your signature?

18 A. Yes. It is.

19 Q. Okay. So this would've been the written statement
20 that you provided Ms. Jackson -- Captain Jackson. Excuse
21 me. I can't -- I cannot. I'm sorry.

22 A. Yes.

23 Q. All right. And so you don't -- and it's your
24 testimony you don't recall ever characterizing anyone as
25 the ringleader, right?

1 A. Right.

2 Q. All right. I would have you flip to page 5 of that
3 statement please, RH [REDACTED], and at the very top of that
4 page. Does that refresh your recollection? I believe that
5 the question that's there was how would you -- I'd have to
6 read in my own copy. "In the Game, what do you consider
7 Naneka?" What was your response?

8 A. I'm supposed to read this or?

9 Q. Yes, ma'am. What -- what was your response to that?

10 A. Okay, (as read): Naneka was like a ringleader. She
11 would give --

12 Q. All right, there you go. So Naneka -- you
13 characterize Naneka in a statement to law enforcement five
14 years ago as the ringleader, right?

15 A. Yeah.

16 Q. Thank you. So I know you're here to do your best. I
17 promise I'm not trying to give you a hard time. But you
18 agree with me that maybe memory of your memory here today
19 isn't as good as it was then?

20 A. Maybe.

21 Q. It's been a long time, right?

22 A. Yes.

23 Q. And you've tried to put these events out of your mind
24 to some degree?

25 A. Right.

1 Q. So you'd agree with me that Naneka was the ringleader?

2 A. No. I -- like I said, it was like a equal group
3 thing. Like I said, they both came to us about it. They
4 both -- like I said, it was like a -- a team. You know
5 what I'm saying? I wouldn't put nobody above the necks or
6 say who took -- you know what I'm saying? Who took what --
7 who took part in what, because it was a -- a team effort.
8 It wasn't like one person said this and the other followed.
9 They -- they both did that, so.

10 Q. Well, you'd agree with me that they really didn't come
11 to you, did they?

12 A. No, they did. Both. They did. They -- they came and
13 they talked to me and my sister at the same time and they
14 said are we willing to talk to guys and how good is our
15 mouthpiece so we could talk to them, like to get them to
16 give us money.

17 Q. It wasn't where you were being nosy and was trying to
18 figure out what was going on --

19 A. No. Not at all.

20 Q. -- with Naneka and approached him?

21 A. No, not at all.

22 MR. HAYES: Your Honor, I think we may be in one of
23 those moments where I'm going to have to try to do this.

24 THE COURT: Yes, sir.

25 MR. HAYES: Take a minute.

1 THE COURT: Yeah, let's try it. And if it's taking
2 too long, we'll take a break.

3 MR. HAYES: Judge, you know what? I'm just -- maybe
4 I'm trying to save all of that for one time.

5 THE COURT: Okay.

6 MR. HAYES: All right. I'll try to reorganize this a
7 little bit for -- for efficiency sake.

8 THE COURT: Yes, sir.

9 MR. HAYES: Thank you, Your Honor.

10 BY MR. HAYES:

11 Q. All right. And I think it was your testimony I heard
12 in your statements to law enforcement. Do you agree with
13 me that -- I think you had advised that you might have done
14 like two trips; is that right?

15 A. No, it had to be more because, like I said, there've
16 been times we drive to him. There had been times where we
17 done got a hotel, so it had to be more than two.

18 Q. Okay. In -- in your statements to law enforcement,
19 before -- before taking the -- the stand here today, did
20 you ever advise them that you had done an in call?

21 A. Yes, I have.

22 Q. Who'd you advise that?

23 A. Wait, you said do you advise I did an in call?

24 Q. Yeah, like at the hotel. Did -- I mean, did you --
25 when -- who -- who did you advise that? Who did you tell

1 that to?

2 A. I -- I don't know what you're asking me, sir.

3 Q. So, based on the information provided, right, would
4 you agree with me that -- I thought you had done two trips,
5 right? Based on the information you had previously
6 provided law enforcement. I'm asking if that's fair.

7 A. Is it fair?

8 Q. That you did -- that you had -- that you had provided
9 information that you had done this twice?

10 A. No. It was -- it was more than twice, like I said.
11 It had to be more than twice because I remember it being
12 more than twice. So if I said that, it had to be false or
13 I was probably afraid, I'm not sure. But it was definitely
14 more than two times.

15 MR. HAYES: Okay. RH [REDACTED], I'm going to ask you to
16 read -- read the your statement. Again, Judge, if I may
17 approach the witness.

18 THE COURT: Yes, sir.

19 BY MR. HAYES:

20 Q. And just ask you to read through that. And what is
21 the number of times you disclosed to law enforcement in
22 that statement?

23 Then, I guess, before I have you respond, just take
24 your time and look at it and make your own assessment.

25 That's your statement.

1 A. This doesn't say how -- I don't see how many times in
2 here at all. I'm not sure if I'm overlooking it, but I
3 done looked twice and I don't see that.

4 Q. Twice?

5 A. Yeah.

6 Q. It looks like twice to you?

7 A. No, I'm asking you, I done looked through this twice
8 and I don't see that, what -- what -- that you just said.
9 I don't see it.

10 Q. Okay.

11 MS. HUGHES: Your Honor, may we approach?

12 THE COURT: Yes.

13 (A sidebar discussion was held between Counsels and
14 the Court.)

15 MR. HAYES: I'll withdraw the question, Judge.

16 BY MR. HAYES:

17 Q. Okay. Did you -- you provided law enforcement that
18 there was maybe a Hispanic fellow some -- somewhere, right?

19 A. Yes, sir.

20 Q. Okay. And then there was another, I think, African-
21 American fellow at Chapin that you disclosed?

22 A. Yes, sir. I remember.

23 Q. All right. And those were the two occurrences that
24 you told law enforcement about?

25 A. Yes.

1 Q. Okay. All right. Do you remember kind of why this
2 investigation kicked off, what was going on with Naneka at
3 the time that this investigation started?

4 A. Yes. I remember that after I left them, probably a
5 month later, a situation happened between the two. I don't
6 really know, but I know that I got a text from Ontario. He
7 was telling me to don't listen to anything she's saying.
8 She's threatening to go to law enforcement on him and to
9 don't, you know, worry about that or whatever.

10 And I'm telling him like, "Hey, I don't care about
11 what y'all got going on. I don't want to be involved. I'm
12 not going to law enforcement and I don't really care about
13 it anymore. I'm going." So that's what I told him. And
14 then I told her the same thing. Because a day later she
15 text me a big paragraph about going to the police and do I
16 want to accommodate her when she goes to the police? And I
17 said, no. So but I guess she did it for real. And, like I
18 said, DSS came to my house, so I got involved and I told on
19 everyone.

20 Q. Okay. What -- at that time, wasn't it that Ontario
21 stated he was preparing to leave Naneka?

22 A. I believe so. That's what the -- like I said, I don't
23 really know that, but I know that them two were having
24 issues --

25 MS. RAYMER: Objection, Your Honor this question is

1 calling for speculation.

2 THE COURT: Sustained.

3 BY MR. HAYES:

4 Q. Did you have knowledge that Mr. Staley was preparing
5 to leave Naneka?

6 A. She texted and said that they were having problems,
7 like he was going with another woman and she were upset.
8 She was upset about that.

9 Q. And it wasn't your understanding that Naneka said that
10 there was going to be two ways out of this relationship for
11 Mr. Staley?

12 A. Oh, no. I -- I don't know about that. I just know
13 that he -- only reason why I knew that is because he texted
14 me and said she mad. I don't want her no more. Don't
15 listen to her. Don't -- don't text her back. If she text
16 you, don't hear her. Don't text her back. Don't pay
17 attention to nothing she's saying.

18 Q. Okay. Do you recall that advising law enforcement or
19 folks at the Child Advocacy Center that the only way that
20 Mr. Staley was going to be leaving this relationship was in
21 a body bag or jail?

22 A. No, I don't -- I don't remember that at all.

23 MR. HAYES: Judge, I'm going to have to play that.

24 THE COURT: Okay.

25 MR. HAYES: I'm gonna try it.

1 THE COURT: Yes, sir.

2 MR. HAYES: Thank you.

3 And, Judge, I've done my best. I have my mark here at
4 18:07. The video's going to start at 18:01. I'm not
5 pretty sure, but I have -- I can't get it precise on my
6 computer. I don't have a mouse.

7 THE COURT: Any objection to this?

8 MS. RAYMER: Your Honor, can we see what he's
9 referencing before it gets published to the jury?

10 THE COURT: Please. Yes.

11 MS. RAYMER: Your Honor, I believe we need to see this
12 before it gets published for impeachment purposes.

13 THE COURT: All right. Ladies and gentlemen, please
14 step to your jury room and do not discuss the case. We'll
15 bring you back shortly.

16 (The jury exits the courtroom.)

17 THE COURT: What are you looking to do, Mr. Hayes?
18 You're looking to publish this to the jury for impeachment
19 purposes?

20 MR. HAYES: Because it's not -- I don't have a
21 transcript, Judge. I don't have any -- it's not a written
22 statement, but it is a recorded statement that is
23 inconsistent with the testimony that she's offered. So I'm
24 offering this as if it would -- it would be -- it's for the
25 impeachment purposes of inconsistent previous statement to

1 -- to basically authorities.

2 MS. HUGHES: Is he not trying to use extrinsic
3 evidence? I -- I think that perhaps the proper way to do
4 this would be to show it to her, to give her the
5 opportunity to refresh her recollection. And if it does
6 not refresh her recollection, I don't think you just get to
7 publish this to the jury.

8 MR. HAYES: Well, that's fair. That doesn't -- it's
9 one -- it's six, one half. I mean, I'm not trying to do
10 something. I'm just trying to -- she -- I'm just trying to
11 expose the -- she can fix it. I don't have a problem with
12 it. This is what she said --

13 THE COURT: Yeah. I believe the State is correct in
14 the manner in which this should be done. So, typically, if
15 all you have is a video on your laptop, you could queue it
16 up to that portion of the video. I've had attorneys have
17 earbuds so that the witness can listen to it.

18 MR. HAYES: You know what? I appreciate Court's
19 guidance so it will save time.

20 THE COURT: So that you're able to show it to the
21 witness without publishing it to the jury.

22 MR. HAYES: I think I do have some earbuds in there,
23 Judge. Let me try to find them (looking through a bag).

24 THE COURT: I definitely do. I used to have them in
25 here and never used them, so I took them out of this bag

1 probably three weeks ago. And now for first time in nearly
2 nine years, I need them. But I can run to my chambers and
3 get them if -- if necessary.

4 Do you have it queued up or you still need it?

5 MR. HAYES: I want to unplug it, Judge. I
6 accidentally unplugged the --

7 THE COURT: That's fine. I'm going to step out for
8 two seconds.

9 MR. HAYES: Yes, ma'am.

10 THE COURT: Y'all don't move.

11 MR. HAYES: I'm getting this for the witness -- set
12 up.

13 THE COURT: Yeah, yeah. I'll be right back.

14 (There was a brief break.)

15 THE BAILIFF: Remain seated, please. Court come to
16 order.

17 THE COURT: Okay. All right. We good to go, Mr.
18 Hayes?

19 MR. HAYES: I think so, Judge. I do have it queued up
20 for her.

21 THE COURT: Okay.

22 MR. HAYES: We can have it played outside of the
23 jurors presence or?

24 THE COURT: No, I think -- I mean, since it's been
25 mentioned and -- yeah, they need to know what -- I mean,

1 not what you're doing, but I think witness --

2 MR. HAYES: So I have the earbuds and I have it put
3 up. I'm going to just say, "Would -- would listening to
4 this interview then refresh your recollection --"

5 THE COURT: Right. Okay. Bring the jury, please.

6 (The jury was enters the courtroom.)

7 THE BAILIFF: Juries seated, Your Honor.

8 THE COURT: Thank you, sir. Mr. Hayes, you may resume
9 your cross-examination.

10 MR. HAYES: Thank you, Judge.

11 BY MR. HAYES:

12 Q. Getting ready to talk about this interview you gave
13 down at the child advocacy center. Looks like it was back
14 April 15th of 2020. Does that sound right?

15 A. Yes.

16 Q. Okay. And you went down there and spoke to them?

17 A. Yes.

18 Q. All right. And I had asked -- we were asking
19 questions about whether or not there was a -- if you recall
20 ever making a statement about Ms. Perry, there was only two
21 ways out of the relationship that Mr. Staley had with Ms.
22 Perry, that was either in jail or a body bag. You -- do
23 you recall that?

24 A. No, I don't recall.

25 Q. Okay. You don't -- you don't believe that you said

1 that?

2 A. No, I don't recall.

3 Q. Okay. All right. Would reviewing the video footage
4 from that interview help refresh your recollection?

5 A. Yes. Yes.

6 MR. HAYES: Judge, if I may?

7 THE COURT: Yes, sir.

8 MR. HAYES: Okay. All right. So if I can stand up on
9 the -- just for a moment?

10 THE COURT: Yeah. You need to stand with it. Put the
11 laptop up there sort of we're facing the witness.

12 MR. HAYES: Yes, ma'am. Yeah. And I'm trying --

13 THE COURT: So you can come around --

14 MR. HAYES: Yes, ma'am. That's what I'm asking.

15 THE COURT: Sort of next to her.

16 MR. HAYES: I'm not trying to enter -- to enter her
17 space here.

18 BY MR. HAYES:

19 Q. All right. All right. I'm going to have some earbuds
20 here and if I've got the -- if you can put them in. Okay.
21 I've got that -- it turned up. Okay. If you can't hear
22 it, let me know. But I'm going to play a portion to see if
23 this would -- do you recognize yourself in this video?

24 A. Yeah.

25 Q. Okay. Does that refresh your recollection?

1 A. Yeah.

2 Q. Okay. So when you were being interviewed in relation
3 to the events that we're here to testify about, did you
4 advise the law enforcement officials that there was only
5 two ways out of the relationship that Mr. Staley had with
6 Ms. Perry?

7 A. Yes.

8 Q. And what were the two that you told law enforcement?

9 A. In -- in jail or in a body bag.

10 Q. So you did tell law enforcement those things?

11 A. Yeah. I remember saying that now. When you showed it
12 to me -- I don't remember all the stuff that I said, but
13 when you played it, I remember that I -- I told him that.

14 Q. And again, you didn't review anything in preparation
15 for your testimony today?

16 A. No.

17 Q. So you're just doing your best to rely on what your
18 memory was five years ago?

19 A. Yeah.

20 Q. But you agree with me that your memory five years ago
21 would've been a better depiction of what was actually going
22 on then?

23 A. Maybe. Yes.

24 Q. All right. When it came to the -- to the photos or
25 the -- the photos that had been entered into evidence, I

1 heard your testimony to be that you -- you took the photos
2 and then you laid down; is that right?

3 A. Yes.

4 Q. Okay. And you really didn't know much more about the
5 photos because you weren't worried about them at the time?

6 A. Right.

7 Q. Right. So you agree with me then that you really
8 don't have any firsthand knowledge or perception that Mr.
9 Staley's the one that actually posted them, do you?

10 A. No, I do know that because when he was taking the
11 photos, they were on his device and, two, later on he
12 showed us. Like, he literally showed me. Like I said,
13 when we were doing the dates and stuff, in order for me to
14 have an idea -- like you can't send somebody somewhere and
15 they don't know who they're talking to, what they're doing.
16 Why?

17 Like I said, when deferrals and it was first brought -
18 - it wasn't brought that, "Hey, you're -- you're going to
19 be doing this, you're going to be doing that." It wasn't
20 brought that way. But later on, they -- he presented it
21 exactly how he was supposed to present it in the first
22 place. Like, he didn't hide. He didn't say, "Oh, y'all
23 not doing this." It wasn't that. After I took the photos,
24 I eventually known that it was posted online because he
25 said it, like he told me it wasn't a secret. Like I knew.

1 Q. But you don't know -- you didn't watch him post it,
2 did you?

3 A. No, I didn't.

4 Q. Okay. And you agree with me that whatever devices
5 were in the home, they were being passed around among you
6 and AB [REDACTED] and Naneka and Ontario?

7 A. No. I didn't have a device. The device that was used
8 was the device that belong to either Naneka or Ontario. I
9 can't really say whose phone was what, because I don't know
10 whose phone is what, but it wasn't my phone, so. If he
11 shows me a picture of a guy or if he shows me a picture of
12 myself and say, Hey, this guy wants to see you, blah, blah,
13 blah. That's why I'm saying. He was the one supposed to -
14 - you know what I'm saying? That's why I said that.

15 Q. Well, you're surmising? You're speculating?

16 A. Yeah.

17 Q. Okay. And the reality is, you were using some of
18 these phones to interact with people on the other end of
19 the phones, right? You didn't have a phone yourself, but -
20 -

21 A. Okay. Yeah, to like -- to call or talk if they wanted
22 to hear a voice, that's the only time I -- I interact with
23 these people. But like texting them, I've never texted
24 nobody. I never had a conversation with anyone. Most of
25 the time I didn't have to do that because he knew how to

1 talk better than I did. So it's no reason for me to talk
2 to anybody.

3 Q. Okay.

4 A. He knew how to talk to them already.

5 Q. So you would be using someone's phone, unknown to you
6 and exactly whose it is, right? But you didn't have your
7 own phone. The point of it is, is the phone was in your
8 possession and you were utilizing it at different times.

9 A. The phone wasn't ever really in my possession, is what
10 I'm telling you. Like -- like I said, the only time I was
11 going to ever talk to someone is if they wanted to actually
12 hear a woman's voice. That's the only time that never
13 really ever happened. So I didn't have to ever do that.

14 Q. Okay. And AB she would use the phones, right?

15 A. No.

16 Q. No?

17 A. No.

18 Q. Naneka, she used the phones?

19 A. Yeah, she had her phone.

20 Q. Okay. Right. And at some point AB left the home,
21 right?

22 A. Yes.

23 Q. And I think you -- was there -- was there tension in
24 the house?

25 A. You said after she left or?

1 Q. Or leading to when she left?

2 A. No, she left because she -- she didn't want to beat
3 her anymore. She hated it.

4 Q. Okay. All right. When it came to the money, it's
5 your testimony here today that generally Mr. Staley is the
6 one that took the money; is that right?

7 A. Yes.

8 Q. Okay. Do you recall being asked about that or talking
9 about that in this -- the child advocacy interview that you
10 did?

11 A. Yes, I remember.

12 Q. Okay. Do you think that viewing the video from that
13 interview would help refresh your recollection about the
14 information you provided law enforcement at the time about
15 what happened with the money?

16 A. No, because the reason -- I know that my statement I
17 can recall. I -- I know what I said -- from the looks it -
18 -

19 Q. You agree with me you told that Naneka took the money?

20 A. Yeah, I do. I do remember saying that. But from the
21 looks of it, she's a female, so her actually taking the
22 money out -- out of my hand -- the money never went to her.
23 We watch her give -- just give it to him. You know what
24 I'm saying? Like I said, even her money -- she did it
25 herself. Her money went to him, so. Just, I didn't --

1 that wasn't a lie, so.

2 I'm just elaborating today. But when I was asked
3 these questions by law enforcement, when they actually told
4 -- asked me who would sometimes take the money out my hand
5 or who would I give the money to, both of them equivalently
6 got money. But I know who it initially went to because I
7 watch her give the money to him, so.

8 Q. Okay. So initially, though, it went from your hand to
9 Naneka's hand?

10 A. Not always. Not in every case, because sometimes I go
11 to a call, she's not around. He is, so.

12 Q. And you don't think that you ever told law enforcement
13 that?

14 A. I did. .

15 Q. You did tell law enforcement that?

16 A. Yes. I didn't elaborate.

17 Q. So you told them that you would put the money in
18 Naneka's hand?

19 A. Yes.

20 Q. Okay. And you told him that Naneka would be the one
21 running the phones?

22 A. I don't -- I don't remember if I -- I don't know.

23 Q. Would watching the -- would watching the -- the video
24 help refresh your recollection about that?

25 A. Yeah. Maybe.

1 MR. HAYES: Judge, I'm know going to let the State's
2 attorney view this.

3 THE COURT: Yes, sir.

4 MR. HAYES: Briefly. I'll do my best here. May I
5 approach, Judge?

6 THE COURT: Yes, sir.

7 MR. HAYES: All right. I'm going to step up on the
8 step again just to --

9 THE COURT: Yes, sir.

10 MR. HAYES: Thank you. All right.

11 (Video played.)

12 BY MR. HAYES:

13 Q. All right. RH [REDACTED], have you heard enough?

14 A. I can't hear you.

15 Q. Does that refresh your recollection about what you
16 provided?

17 A. Oh, yes.

18 Q. All right. So when you talked to law enforcement
19 about who was running the phones for -- for these calls you
20 were doing, who was -- who'd you tell them was running the
21 phones?

22 A. Naneka.

23 Q. All right. And at some point in time did Naneka ever
24 try to force you to do a call?

25 A. No.

1 Q. You don't recall that?

2 A. I mean, she's tried to convince me or if I'm not up to
3 it, she'll offer to do it or whatever, but like forcing me,
4 no.

5 MR. HAYES: Okay. All right. If I may again, Judge?
6 I'm sorry.

7 THE COURT: Yes, sir.

8 BY MR. HAYES:

9 Q. All right. RH [REDACTED], it's going to be about
10 1:08:20. Okay. Okay. On the little reader there
11 (indicating). So it's coming up on it. Okay.

12 (Video continues to play.)

13 All right. So when you were interviewed by law
14 enforcement down at the child advocacy center, RH [REDACTED],
15 after reviewing the video, did that refresh your
16 recollection about what you said?

17 A. Yes.

18 Q. All right. And did you tell law enforcement that
19 Naneka had tried to force you --

20 A. Yes, I did.

21 Q. -- do something?

22 A. Yes, I did.

23 Q. Do you recall telling law enforcement that Naneka had
24 gotten you into this?

25 A. Yes. Yeah, I remember that. I remember saying that.

1 Q. You do?

2 A. Yeah.

3 Q. Do you recall telling law enforcement that Ontario
4 Staley had never done anything to you?

5 A. Yeah.

6 Q. You told them that?

7 A. I did.

8 MR. HAYES: Beg the Court's indulgence.

9 THE COURT: Yes, sir.

10 MR. HAYES: I don't have anything further at this
11 time, Judge.

12 THE COURT: Redirect?

13 MS. RAYMER: Thank you, Your Honor.

14 REDIRECT EXAMINATION

15 BY MS. RAYMER:

16 Q. I just want to clarify something. So what you just
17 reviewed was a forensic interview that you gave over four
18 years ago, correct?

19 A. Yes.

20 Q. At the trial advocacy center?

21 A. Yes.

22 Q. In that last incident that was just played regarding
23 Naneka trying to make you do a call, did you catch when you
24 were reviewing that where that took place?

25 A. At the quality in -- on Pine Grove.

1 Q. And do you recall on that same interview who you told
2 law enforcement who booked that room?

3 A. No. I -- I don't remember.

4 Q. If I played that section for you, would you -- would
5 it refresh your recollection?

6 A. Yes.

7 Q. Who generally booked the rooms?

8 A. I -- I really don't know. I'd be in the car and Dale
9 -- I -- I don't really -- I don't remember. I really can't
10 give you an answer to that right now.

11 Q. I'll come back to that. And if that kept playing, do
12 you recall if Naneka actually did make you do that call on
13 that incident?

14 A. No, she didn't. I remember that day because I -- I
15 was sitting on the stairs and I was crying, so I didn't
16 want to be bothered that day at all, actually. She was
17 telling me about her having calls and I said I really
18 wasn't up for it that day, so. She was just in the room by
19 herself and I was sitting outside, so.

20 Q. So you didn't end up having to --

21 A. No.

22 Q. -- have a sex act on that day?

23 A. No.

24 Q. Do you recall if someone actually did have a sex act
25 with the person in question that day?

1 A. She did. She was doing calls. Like I said, that day
2 I wasn't up for it at all, so.

3 Q. So in that call -- in speaking to law enforcement, you
4 told them that she tried to make you do a call, but she
5 ended up not making you do it and, in fact, she ended up
6 having sex with that man?

7 A. Right.

8 Q. Do you recall telling law enforcement after you told
9 them that Naneka was running the phones, if you told him
10 who was posting the photos, posting the ads and soliciting
11 the sex acts in that same sentence?

12 A. Yeah, I -- I said -- she -- she do the phones and he -
13 - he posted them and everything else, so.

14 Q. And, in fact, if we played that, you were just
15 referencing the first incident, correct?

16 A. Right.

17 Q. But that's not usually how it went, that -- that tiny
18 portion was just how it went down the first time?

19 A. Right. Right.

20 Q. So you remember giving a statement to law enforcement
21 on April 3rd, 2020? This was the first document that the
22 Defense approached you with earlier?

23 A. Yeah.

24 Q. And he asked, you know, "Did you ever call Naneka the
25 ringleader?"

1 A. Yes, I did.

2 Q. Do you recall what that was in response to, what
3 question that was law enforcement had asked you and what
4 she responded?

5 A. You saying like the -- the timeframe that I called at?
6 Or I -- I don't know what you asking me.

7 Q. No. Do you still have -- would refresh your
8 recollection looking at the statement?

9 A. Yeah.

10 Q. So on page 5 of this statement you gave, will you read
11 the question that law enforcement read you -- asked you?

12 A. "In the Game, what do you consider Naneka?"

13 Q. And what was your complete response?

14 A. "Naneka was like the ringleader. She would give
15 instructions, like she was telling me to take the pictures.

16 AB had to take pictures too, and Naneka was like the
17 bottom," I don't want to say B word, but the B word.
18 "That's what she called herself."

19 Q. And what does that mean, the bottom B word?

20 A. Like a rider, like a girl. That's -- it's hard to
21 explain. I -- I don't really got a definition for that,
22 but I know her reasoning for calling herself that.

23 Q. But it's -- it generally a rider for someone else?

24 A. Right.

25 Q. And -- and who would that be?

1 A. Her -- her boyfriend.

2 Q. And who would that be?

3 A. Ontario.

4 Q. So you referred to her as the bottom B word?

5 A. Right.

6 Q. But that's in reference to --

7 A. Her like doing that off the strength of someone
8 else, if you know what I'm saying. She already informed --
9 well, they both informed me that she never really did that
10 until she met him. So I know that she didn't have
11 knowledge of none of that until they got together. So
12 that's why I said she was that -- that's what she called
13 herself and she said that's what she was, so that's what I
14 knew she was.

15 Q. And in this same statement, do you recall who you told
16 law enforcement who took the pornographic photos of you?

17 A. Yeah. Ontario.

18 Q. And in this same statement, do you recall being asked,
19 "Do you know what website the pictures were used on"?

20 MR. HAYES: Judge -- Judge, I going to object to the
21 form of the question.

22 THE COURT: Sustained.

23 BY MS. RAYMER:

24 Q. Do you recall being asked by law enforcement who
25 posted the photos in this interview on the statement?

1 A. Yes, I recall.

2 MR. HAYES: Again, Judge, I object for the same
3 reason.

4 THE COURT: Yeah. Overruled. Let's keep going.

5 BY MS. RAYMER:

6 Q. And who did you tell law enforcement posted the
7 pictures?

8 A. Ontario.

9 Q. And in that same statement, who did you tell law
10 enforcement who worked the phones, this statement being
11 beyond the first incident?

12 A. Wait, is -- did they -- I don't know.

13 Q. Would seeing your statement from that day refresh your
14 recollection?

15 A. Yeah. Okay.

16 Q. Who did you tell law enforcement worked the phones?

17 A. Ontario. I said -- I said he posted pictures in --
18 were at the phone.

19 MS. RAYMER: No further questions from the State.

20 THE COURT: Anything further, Mr. Hayes?

21 MR. HAYES: Very briefly, Judge.

22 REXCROSS EXAMINATION

23 BY MR. HAYES:

24 Q. RH [REDACTED], you would agree with me that you would be
25 shown phone information on the phone, right?

1 A. Yes.

2 Q. Okay. Related to the conduct that you're here to
3 testify about?

4 A. Yes.

5 Q. But you can't say with any certainty who put it there,
6 how it got there?

7 A. No, I can though. That's what I'm saying -- like, I'm
8 not trying to let y'all call me a liar about anything
9 because these are stuff that I've seen with my eyes. Like
10 I said, I'm not pinpointing anyone. Everybody played a
11 part. They both worked phones. They -- one person might
12 worked it this day. One person might have worked it that
13 day.

14 So if I said different things, it's not because I'm
15 lying, it's not because I'm going to pinpoint me. I'm
16 trying to do this the best way I can, but it's -- it's
17 getting kind of hard because, I mean, I know what I say,
18 but right now I'm trying to answer y'all's questions to the
19 best of my ability. But it's -- it's getting kind of nerve
20 wrecking a little bit.

21 Could you repeat your question please?

22 THE COURT: She's -- she asked you to repeat your
23 question.

24 BY MR. HAYES:

25 Q. Well, ma'am, I -- I was -- the question was, you were

1 presented with different information that was on the
2 phones?

3 A. Right.

4 Q. But you can't say with any certainty how it actually
5 got there. You didn't watch anyone -- you didn't see the
6 posting actually occur?

7 A. No, but I was told that if I don't know what I'm
8 doing, like this foreign people are talkative. You know
9 what I'm saying? So nobody's hiding nothing on who did
10 what. I know that she know -- Naneka, she sometimes
11 answered the phone. She sometimes text. I didn't do any
12 of those things. I know that he sometimes doesn't have the
13 phones. He text. He posted ads. He already let me know
14 he's the one posting them.

15 So the little description part, actually, that's --
16 that's what I remember. He was showing me the description
17 part on the ads and was specifically showing me the stuff
18 he put in the age and to not forget the age he put on
19 there. So I know he posted those because he showed me all
20 of those things.

21 Q. Right. You were shown that -- and that's the
22 question. So you were shown the information?

23 A. Right.

24 Q. Right. But you weren't there when it actually was
25 originated?

1 A. I mean, I was. I was in the house.

2 Q. When you were in the house.

3 A. Okay.

4 Q. But you didn't see -- you weren't -- you weren't
5 looking over his shoulder?

6 A. No, I wasn't.

7 MR. HAYES: All right. No further questions.

8 THE COURT: Okay. Thank you. You can step down.

9 MS. RAYMER: Your Honor, may this witness please be
10 excused?

11 THE COURT: Any objection, Mr. Hayes?

12 MR. HAYES: No objection, Your Honor.

13 THE COURT: All right. You are free to go, ma'am.

14 All right, ladies and gentlemen, we're going to call it a
15 day. It's right at 5:00, just after. Be back tomorrow
16 morning at 9:30. Don't discuss the case amongst yourselves
17 or with anyone else. Don't do any research about the case.
18 Have a good night and we will see you tomorrow at 9:30.

19 (The jury exits the courtroom.)

20 THE COURT: Ms. Raymer.

21 MS. RAYMER: Your Honor, I believe that Special Agent
22 Logan Fey would be able to hopefully lay a sufficient -- a
23 sufficient foundation to enter the certified business
24 records in through Skip the Games. At some point, I
25 believe that it's probably -- the Defense would like me to

1 do that outside of the presence of the jury.

2 THE COURT: Okay.

3 MS. RAYMER: And so I think at some point it would be
4 appropriate to proffer that testimony to see if a
5 sufficient foundation can be laid.

6 THE COURT: You want to do it now or? Is tomorrow at
7 some point good? I don't know what your case looks like.

8 MS. RAYMER: I'm happy to -- let me see. We have four
9 more witnesses. We've definitely got past two -- three of
10 the four witnesses which will be the longest. I think it
11 depends on how we go tomorrow. I guess it's up to Your
12 Honor if you would like the possibility of us closing
13 tomorrow. I think it's unlikely that we'll close tomorrow.
14 So if you have time for the jury to deliberate, so if you
15 would prefer to proffer the testimony tomorrow, it's
16 totally -- we -- the State has no preference, I guess.

17 THE COURT: Yeah, I -- I was thinking it's probably
18 not likely that this case gets to the jury tomorrow. It'd
19 be nice, but I'm okay if it -- I mean, I'm here all week.
20 Right. So -- and I told the jurors it might last until
21 Thursday, so if we can get everything done tomorrow except
22 closing arguments and the charge, that would be great. So
23 if we can save the proffer until tomorrow, that's fine.

24 MR. HAYES: That's fine, Judge.

25 THE COURT: Okay. Let's do it tomorrow then, either,

1 you know, maybe surrounding the lunch break, either
2 depending on the time, either before -- immediately before
3 lunch or immediately after lunch. And maybe the jury just
4 has a little bit of a longer lunch break so that we can
5 accommodate that tomorrow and we'll get all the testimony
6 done and talk about charges and everything tomorrow. Okay.
7 All right. So I'll see y'all at 9:30.

8 MS. RAYMER: Thank you, Your Honor.

9 MR. HAYES: Thank you, Judge.

10 THE COURT: Thank you.

11 (The proceedings were adjourned for the day, to
12 reconvene the next day at 9:30 a.m.)

13 November 20, 2024

14 THE COURT: Good morning. All right. Anything we
15 need to discuss?

16 MR. HAYES: Judge, I just -- I do have one -- one
17 matter I would like to just sort of revisit just very
18 briefly, and I don't think it's a substantial consequence,
19 but I just want clarify for the record what I'm about to
20 say. I think they have a different opinion about, and even
21 if I'm -- it's totally different. Okay. But they
22 introduced three exhibits yesterday afternoon, 14, 15, and
23 16, that are essentially a product of the search warrant
24 that was found.

25 We obviously contested that, and I don't -- you know,

1 I know that she identified the pictures and the people in
2 them, but I'm not sure that the appropriate foundation was
3 laid about how they got there. Right. So they could have
4 obviously marked it as a Court's Exhibit until the -- the
5 chain of custody and -- and the foundation was laid, at
6 least, in my view and admitted at that time. It's already
7 been admitted, but we did in pretrial object to some of the
8 foundational problems there.

9 We -- we reiterated that objection at the time, and I
10 also cited 403 at the time, but I think I'm really relying
11 on that previous objection. But again, I think they're --
12 they're probably prepared to call all the necessary
13 witnesses that would be able to go through that proper
14 chain to be able to get the photograph to where it is. So
15 I don't -- I don't think it's that big a deal, but -- and
16 that's just my view. I think they have a different view of
17 it. But I just want to clarify for the record.

18 MS. RAYMER: The State's position would be, we had two
19 witnesses yesterday that testified that it was them
20 depicted in the photographs, where the photographs were
21 taken, and were able to identify the photographs and that
22 that would be the sufficient foundation for admitting them
23 as photographs. But at that point we have not asserted
24 that they're coming from the Defendant's cell phone. So I
25 would believe on their own they're admissible as such.

1 THE COURT: And -- and that was the basis of my
2 ruling, that the two witnesses were able to identify the
3 location of the photos, the approximate timing that the
4 photos were taken. They identified themselves in the
5 photos. And so just strictly as photos. Nobody's talked
6 about Cellebrite or -- or anything like that at this point.

7 So there's no nexus -- I mean, they're in as evidence.
8 There's no nexus in the record between those photographs
9 and the Defendant other than -- well, I shouldn't say no
10 nexus, because there was testimony that the photos were
11 taken by the Defendant. But -- but where they were found
12 or where they were located, obviously that's not there yet.
13 But I think the photos are still admissible.

14 You know, for example, you get -- and I know civil
15 cases are slightly different, but in civil cases all the
16 time when you are talking about property damage, how a car
17 accident occurred, photos that were introduced of the
18 vehicles, and a good 50 percent of the time those
19 photographs were taken actually by an insurance adjuster,
20 which you can't talk about. So you don't even talk about
21 the origin of it. But people -- you know, the witnesses
22 testified, this is my car, this is the condition of it,
23 this is the date and time and whatever.

24 And you just don't ask who took the photo. I actually
25 made that mistake one time because I didn't know that the

1 adjuster had taken the photos. That's my fault. But --
2 and so put that issue before the jury inadvertently. But I
3 -- I think the photos themselves are admissible and
4 relevant because of the witness's testimony identifying
5 themselves the -- the location, the situation, and the fact
6 that the Defendant took them, so.

7 MR. HAYES: And if I may, Your Honor, I'm not trying
8 to quibble with the Court's ruling in any way, but just to
9 draw a distinction between a civil case and this one -- but
10 for the seizure and the search warrant here, we don't have
11 the photos.

12 THE COURT: Absolutely.

13 MR. HAYES: So there's some Fourth Amendment issues
14 that are attached to these photos that wouldn't be present
15 in the civil case. And I guess that'd be the only --
16 that'd be the extent of my comment, what I would've to say.

17 THE COURT: Sure. Sure, sure.

18 MR. HAYES: And so -- and -- and in that, right, I
19 don't know that they've met -- I -- I don't know that they
20 cleared all the Fourth Amendment obstacles to be able to
21 have them admitted at this time. I think they're going to
22 be able going to do that.

23 THE COURT: Going to. Yes.

24 MR. HAYES: Right. They're going to be able to. So I
25 don't think it all -- in the end, it really doesn't matter.

1 But for the record and preservation, I just want to point
2 that out to the Court.

3 THE COURT: Absolutely. Absolutely. And I recognize
4 the difference, of course, between civil and criminal
5 cases. But yeah, our ruling stands and hopefully it's
6 cured.

7 MR. HAYES: Yes, ma'am.

8 THE COURT: To the extent that that is a defect. I
9 don't even know that it is a defect that prohibits the
10 admissibility of them. But anyway, anything else?

11 MS. RAYMER: One small matter. The State plans to
12 enter into evidence a jail phone call. We will obviously
13 lay through a witness foundation for the jail phone call.
14 We have an unredacted version that -- we provided the
15 redacted version and the unredacted version for review to
16 the Defense. We would ask to make Court's Exhibit --
17 figured we might as well handle this now outside of the
18 presence of the jury -- as Court's Exhibit 4 the unredacted
19 version of the jail phone call.

20 (Court's Exhibit 4 marked.)

21 THE COURT: Okay.

22 MS. RAYMER: I believe that is all the matters we
23 have.

24 THE COURT: Yes, sir.

25 MR. HAYES: Just one -- one final thought, Judge. And

1 this -- I didn't want to talk to my client about this, but
2 yesterday, even at the end of the day, he was having this -
3 - I guess, I don't know if it's a bladder issue or what,
4 but he needed to use the bathroom. He's on some
5 medications. He tells me that kind of promote that. And
6 so when it kind of comes on, it comes on fairly quickly. I
7 don't want to necessarily have to approach. Is there some
8 kind of signal that I can give Your Honor necessary or
9 something? I mean, we can approach or stop, but I don't
10 want to disrupt the flow. I don't know.

11 THE COURT: Right.

12 MR. HAYES: Yesterday was kind of choppy the way I did
13 it, so I'm trying to find a better way.

14 THE COURT: I don't know. Like if -- I mean, you
15 could try to make eye contact and sort of raise your hand
16 or wait -- I mean, I don't know. I'm open to suggestions.

17 MR. HAYES: No. I know -- I -- I know. I had
18 another case where that some weird -- some medical issues
19 have been present. Right. Different things. And when
20 something's going on, it's like the judge said, I need a
21 signal on that. You need to let me know because I -- I
22 don't want to disrupt their flow necessarily, but I would
23 like to be able to tell Your Honor independently maybe that
24 -- maybe -- or maybe I'll ---

25 THE COURT: Yeah. Yeah. Or something as you're

1 sitting there just kind of subtle. I mean, obviously you
2 don't want to be like (waving hands) ---

3 MR. HAYES: Right. No, I understand. Like I'm doing
4 something out of the ordinary, maybe that'll --

5 THE COURT: Yeah.

6 MR. HAYES: All right.

7 THE COURT: Okay. Good enough. All right. Let's
8 bring the jury please.

9 (The jury enters the courtroom.)

10 THE BAILIFF: Juries seated, Your Honor.

11 THE COURT: Thank you. Good morning, ladies and
12 gentlemen. We are still in the State's case. I -- I said
13 that like I was belabored by it. I'm not. I don't know
14 why that expression came out. But we are still in the
15 State's case and so they're going to call their next
16 witness.

17 MS. HUGHES: Thank you, Your Honor. The State calls
18 John McDevitt.

19 JOHN MCDEVITT,
20 Having been first called as a witness was duly sworn and
21 testified as follows:

22 MADAM CLERK: Thank you. Please have a seat in the
23 witness stand and state your full name for the record.

24 THE WITNESS: Investigator John McDevitt.

25 DIRECT EXAMINATION

1 BY MS. HUGHES:

2 Q. Good morning, Investigator McDevitt. Can you tell me
3 where you're employed?

4 A. Richland County Sheriff's Department.

5 Q. What's your role there?

6 A. I'm an investigator.

7 Q. How long have you been in that role?

8 A. Three months.

9 Q. Okay. So before that, what was -- where were you
10 working?

11 A. I was on the K-9 team.

12 Q. Was that at the Richland County Sheriff's Department?

13 A. Yes.

14 Q. Okay. How long were you doing that?

15 A. Almost seven years.

16 Q. Okay. Were you in that position on May 21st of 2020?

17 A. Yes.

18 Q. Okay. Do you recall a traffic stop that occurred on
19 that date related to this case?

20 A. Yes, I do.

21 Q. Okay. Tell me about that.

22 A. It was a traffic stop for a Dodge Caravan. The region
23 three units that work like Monticello, Fairfield, that
24 area, they notified me. K-9 working like an assisting
25 unit, so they asked for help for the stop, and we did a

1 traffic stop on Fairfield Road, on the bridge.

2 Q. Okay. Is that in Richland County?

3 A. Yes, it is in Richland County.

4 Q. Okay. And who was identified as the driver of that
5 Dodge Caravan?

6 A. Ontario Staley was the operator.

7 Q. Okay. And was anything recovered from the Dodge
8 Caravan during that traffic stop?

9 A. Yeah. Multiple devices were.

10 Q. Okay. What -- which devices did you see recovered?

11 A. There's like a tablet, some SD cards, like multiple
12 phones.

13 Q. Okay. Anything else?

14 A. Not that I recall. There's a lot of stuff in it.

15 Q. Okay. Do you see the driver of that vehicle, Ontario
16 Staley, in the courtroom today?

17 A. Yeah.

18 Q. Can you point him out and describe an article of
19 clothing he's wearing for the record, please?

20 A. He's wearing a white button down.

21 MS. HUGHES: Okay. Please let the record reflect that
22 the witness has identified the Defendant.

23 THE COURT: Yes, ma'am.

24 MS. HUGHES: Okay. Beg the Court's indulgence? All
25 right. I have no further questions for you at this time.

1 Please answer any questions the Defense has.

2 THE COURT: Cross-examination.

3 CROSS-EXAMINATION

4 BY MR. HAYES:

5 Q. Good morning, Investigator.

6 A. Morning.

7 Q. How many -- you -- you worked with region three on
8 this traffic stop?

9 A. Yes, I did.

10 Q. Okay. And they had alerted you to the traffic stop
11 and asked you for assistance?

12 A. Yes, sir.

13 Q. All right. So tell me about how that came about.

14 A. I remember just the deputies saying they saw a car
15 that had warrants on it and they asked for help with the
16 traffic stop.

17 Q. Okay. And how many deputies were part of this traffic
18 stop?

19 A. Several of us. Like three or four. Probably three in
20 the beginning, then more.

21 Q. Okay. What time of day was it?

22 A. I know it was during the day. I don't remember the
23 time.

24 Q. Back in May 21st, it was daytime, so the sun was still
25 been out?

1 A. Yes.

2 Q. Okay. Was it at a time where there was a lot of
3 traffic on the road or was the traffic fairly light?

4 A. No, I'm pretty sure it was light.

5 Q. Okay. Do you have any idea where the -- the Dodge
6 Caravan was coming from?

7 A. I -- I don't remember.

8 Q. Okay. Were you the lead car in the traffic stop?

9 A. No, I think I was the second -- second car.

10 Q. Okay. How many -- how many vehicles actually had
11 their blue lights activated in this traffic stop?

12 A. So, usually, for like -- a -- a stop like that, we
13 have one car here and another car here, so I know I was
14 this car blocking the number one lane, so I know there was
15 two at least -- probably another one behind.

16 Q. Okay. And when you attempted to -- to make the stop,
17 did Mr. Staley stop the van fairly quickly?

18 A. I believe so. Yeah.

19 Q. You mean the blue lights came on and he pulled over,
20 right?

21 A. Yes.

22 Q. All right. And there were some -- there were some
23 things recovered from the van. I think you testified that
24 there were some phones?

25 A. Yes.

- 1 Q. A tablet? Or tablets?
- 2 A. I think there's just one.
- 3 Q. Okay. And then I -- I missed the other part. I -- I
- 4 heard you say ID cards. I'm not sure that --
- 5 A. No. It was a SD card.
- 6 Q. SD card. Okay. And some SD cards or one SD card?
- 7 A. I don't -- I don't remember.
- 8 Q. Okay. Did you take possession of any of these items?
- 9 A. I personally did not. No.
- 10 Q. Okay. Who did it?
- 11 A. I do not remember.
- 12 Q. Okay. Did -- outside of the phones and the tablets in
- 13 the SD cards, did you go through the van?
- 14 A. Yes.
- 15 Q. Okay. Did you take photographs of it?
- 16 A. Not me personally, no.
- 17 Q. Okay. There were -- you'd agree with me that there
- 18 was clothes and other personal items in the van?
- 19 A. Yes.
- 20 Q. Okay. A substantial amount of those personal items?
- 21 A. Yes.
- 22 Q. You'd agree with me that it appeared like somebody
- 23 could be living in the van at the time?
- 24 A. I don't know if they were living in it, but there was
- 25 a lot of clothes in it. Yes.

1 MR. HAYES: Beg the Court's indulgence?

2 THE COURT: Yes, sir.

3 MR. HAYES: No further questions, Judge.

4 THE COURT: Anything further from this witness?

5 MS. HUGHES: No redirect from the State, Your Honor.

6 THE COURT: Okay. Thank you, sir. You can step down.

7 THE WITNESS: Thank you.

8 MS. HUGHES: May this witness be excused --

9 THE COURT: Any objection?

10 MR. HAYES: No objection.

11 THE COURT: All right. You're free to go. Thank you.

12 THE WITNESS: Thank you.

13 THE COURT: Call your next witness.

14 MS. HUGHES: The State calls Lieutenant Kevin
15 McCulloch.

16 KEVIN MCCULLOUGH,

17 Having been first called as a witness was duly sworn and
18 testified as follows:

19 MADAM CLERK: Thank you. Please have a seat on the
20 witness stand and state your full name for the record.

21 THE WITNESS: Kevin McCullough.

22 DIRECT EXAMINATION

23 BY MS. HUGHES:

24 Q. Lieutenant McCullough, where are you employed?

25 A. At the Alvin S. Glenn Detention Center.

1 Q. Okay. How long have you been employed there?

2 A. Fourteen years and about eight months.

3 Q. Okay. What is your role there?

4 A. Currently, I am the gang investigator and I also doing
5 internal affairs.

6 Q. Okay. As part of your duties at the Alvin S. Glenn
7 Detention Center, are -- do you have access to recordings
8 of phone calls?

9 A. Yes, ma'am.

10 Q. Okay. And are all phone calls made by individuals in
11 the detention center reported?

12 A. Yes, ma'am.

13 Q. Okay. And are all of those recordings stored?

14 A. Yes, ma'am.

15 Q. How long are they stored?

16 A. Forever. I want to say forever.

17 Q. Okay. How are they stored?

18 A. They're stored by the vendor.

19 Q. Who's the vendor?

20 A. We had Alcatel in 2020, which we switched to ViaPath
21 in 2022.

22 Q. Okay. And so the recordings are stored by the vendor.
23 Do you have access to all of them?

24 A. Yes, ma'am.

25 Q. Okay. And once they are stored, can they be

1 manipulated in any way?

2 A. No, ma'am.

3 Q. okay. Can any calls be deleted from what's stored?

4 A. No, ma'am.

5 Q. Can anything be added to what's stored?

6 A. No, ma'am.

7 Q. How are the phone calls associated with the inmates
8 that are making the phone calls?

9 A. By their inmate ID.

10 Q. And did you become aware of a phone call placed by
11 Ontario Staley on June 7th of 2020?

12 A. Yes, ma'am.

13 Q. And have you had the chance to listen to that phone
14 call?

15 A. Yes, ma'am.

16 Q. Okay. I'm going to show you what's been marked as
17 State's Exhibit 16. May I approach the witness, Your
18 Honor?

19 THE COURT: Yes, sir. Yes, ma'am. I'm sorry.

20 MS. HUGHES: That's okay.

21 THE COURT: People do it to me all the time and I hate
22 it, and I just did it to you.

23 BY MS. HUGHES:

24 Q. Okay. Do you recognize what State 16 is?

25 A. Yes, ma'am.

1 Q. Okay. And is that your signature and date on there
2 (indicating)?

3 A. Yes, ma'am.

4 Q. What does that signify?

5 A. That I reviewed it and it came from the jail.

6 Q. Okay. And aside from redactions made, is the
7 recording on that that you reviewed the same as the
8 recording you were able to identify as coming from Ontario
9 Staley on June 7th of 2020?

10 A. Yes, ma'am.

11 MS. HUGHES: Your Honor, at this time, the State would
12 move State's 16 into evidence.

13 THE COURT: I thought we already had a 16.

14 MADAM COURT REPORTER: 17.

15 THE COURT: Oh, do we? So that should be 17.

16 MS. HUGHES: I apologize, Your Honor. I'll change
17 that to State's 17, and the State would move State's
18 Exhibit 17 as identified by this witness to be entered into
19 evidence.

20 THE COURT: Any objection?

21 MR. HAYES: There would be no Defense Objection,
22 assuming that is a fair and accurate depiction of it.

23 BY MS. HUGHES:

24 Q. Lieutenant McCullough, was the recording that you
25 heard a fair -- fair and accurate depiction of recording of

1 the call that you associated with the Defendant Ontario
2 Staley?

3 A. Yes, ma'am.

4 THE COURT: All right. State's 17 is admitted without
5 objection.

6 (State's Exhibit 17 admitted into evidence.)

7 MS. HUGHES: Permission to publish to the jury, Your
8 Honor?

9 THE COURT: Yes, ma'am.

10 (Video of audio playing.)

11 MS. HUGHES: Beg the Court's indulgence for a moment?
12 Lieutenant McCollough, I don't have any more questions for
13 you. Please answer any questions the Defense has.

14 MR. HAYES: May I approach just briefly, Judge.

15 THE COURT: Yes, sir.

16 (Sidebar discussion held between Counsel and the
17 Court.)

18 MR. HAYES: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. HAYES:

21 Q. Good morning, Lieutenant.

22 A. Good morning, sir.

23 Q. All right. So part of your responsibility, you said,
24 for the Alvin S. Detention Center is to, from time to time,
25 review phone calls?

1 A. Yes, sir.

2 Q. Right. And in this particular case, you were asked to
3 review the phone call, right?

4 A. Correct.

5 Q. All right. Law enforcement asked you to do that?

6 A. Yes.

7 Q. Okay. And it sounds like I -- I understood your
8 testimony that these things are set up through different
9 vendors, and in 2020 tell me who is your vendor?

10 A. Amtel.

11 Q. Amtel. Okay. So, being familiar with this, tell --
12 tell me a little bit about how Amtel works.

13 A. So the phone calls that the detainees use, the vendor
14 is Amtel, so. I'm not sure of the politics actually behind
15 it, but it's the phone service for the jail. So anytime
16 that a detainee calls somebody, they use their inmate
17 number to actually make them call, and they have to pay for
18 it. So the only thing that we have the ability to do is to
19 listen and if somebody asks me of the ability to download
20 whatever calls that they are actually wanting.

21 Q. And that's what you've done in this case?

22 A. Correct.

23 Q. All right. So is it fair to say then that every
24 person who was arrested and transported to Alvin S. Glenn
25 Detention Center is -- they received like an Amtel ID

1 number?

2 A. They received an inmate ID. Their inmate ID is what
3 they use actually make the phone calls with. So the inmate
4 ID is a unique number for each individual detainees.

5 Q. And are they basically like sequential?

6 A. By how they booked in, yes.

7 Q. Okay. If someone would've been arrested previously
8 and was arrested again years later, would there -- would
9 they be assigned a new number or would they have the whole
10 existing number?

11 A. It -- sometimes both, depending on how the person
12 actually booked them in. If they was booked being in 2005
13 and they didn't come in with a different name, the inmate
14 number would be the same.

15 Q. Okay. So when you switched over in 2022, what system
16 are you on now?

17 A. ViaPath.

18 Q. All right. So is the account then automatically set
19 up? I mean, how does it work? If I -- if I've been
20 arrested last night and I need to make a phone call from
21 the jail, and I have my inmate number, tell me what do I
22 need to do to be able to make that call?

23 A. Is your inmate number and you have what they consider
24 to be a pin. Normally, the pin would be the month that you
25 was born and then date. So those two numbers you actually

1 put in to verify that it-- it -- it is you and then you
2 would be able to submit them calls.

3 Q. All right. And so then I would either have to have
4 what? Money in my pocket to put on this?

5 A. No. Normally, your family or somebody sets up an
6 account with the vendor and you are able to make the calls
7 that way.

8 Q. Okay. So when you have somebody who is trying to
9 access money, they're trying -- they -- they need -- they
10 might need help from the outside to access money to be able
11 to put it on the account so that they can make the call,
12 right?

13 A. That's -- that's fair.

14 Q. Okay. All right. And you'd agree with me you've been
15 down there for almost 15 years?

16 A. Yes, sir.

17 Q. How long have you been doing this stuff with the phone
18 calls?

19 A. Maybe a year and -- years have changed.

20 Q. Since Director Harvey came in sometime?

21 A. Yes.

22 Q. Okay. So you -- how many phone calls would you say
23 you've listened to?

24 A. Probably a few.

25 Q. Hundreds?

1 A. Maybe close -- close to it.

2 Q. Maybe close to a hundred?

3 A. Yes.

4 Q. Something like that? So maybe two a week; is that
5 fair?

6 A. Sometimes it's more.

7 Q. Sometimes more.

8 A. It just all -- all depends what I'm actually doing.
9 It's two-way section. Listen -- listen to them -- you can
10 actually go back to listen to them or you can listen to
11 them live.

12 Q. Okay. Do you ever listen to them live?

13 A. Yes.

14 Q. Okay. And I trust down there inmates -- have you ever
15 known it to be where someone down there is using a
16 different inmate's ID number to make a phone call?

17 A. Yes.

18 Q. Okay. Tell me what happens when that happens.

19 A. So normally, what happens in order for an inmate to
20 see somebody else's ID, that inmate will have to give that
21 other inmate their information. We want to assist them to
22 where they have to use their -- their voice, just another
23 method to ensure that the person that is on the phone is
24 the person who's -- who's actually assigned to that
25 account.

1 Q. Okay. So is there like some kind of AI generated
2 system that ensures that?

3 A. It's voice recognition.

4 Q. I'm sorry, sir?

5 A. It's voice recognition. It means that you have to
6 talk, you know, when you actually setting it up and then it
7 recognize your -- your voice in order to let the call
8 actually go -- goes up through.

9 Q. I got you. So if I were in and someone had come to me
10 and wanted to use my ID and I allowed that, what would
11 happen if they tried to -- if I wasn't on the call at all
12 and somebody else's voice came on, right? Would -- would
13 the call get shut off? What would happen?

14 A. The call should not be able to be -- be -- I'm not
15 going to say that it never happens, but in that case, that
16 person should not be able to submit the call.

17 Q. Okay. So, and you're relying on some kind of AI to
18 identify that?

19 A. Yeah, that stuff is through the actual vendor.

20 Q. Okay. And so prior to being able to make a call then,
21 would someone be required to give some kind of voice
22 sample?

23 A. When they're setting it up.

24 Q. When you're setting it up?

25 A. Yes.

1 Q. And that was the case in 2020?

2 A. In 2020, they didn't have the voice recognition. It
3 was just the pin and the inmate ID.

4 Q. Okay. And so, really, the only way that you're able
5 to recognize this phone call then is based on the inmate ID
6 number. Is that right?

7 A. Correct.

8 MR. HAYES: Beg the Court's indulgence?

9 THE COURT: Yes, sir.

10 MR. HAYES: No further questions.

11 MS. HUGHES: No questions from the State, Your Honor.

12 THE COURT: Okay. Thank you. You can step down.

13 MS. HUGHES: May this witness be excused for the rest
14 of the day?

15 MR. HAYES: Without objection.

16 THE COURT: All right, You're free to go. Thank you,
17 sir.

18 (The witness leaves the stand and is excused.)

19 Call your next witness.

20 MS. RAYMER: Thank you, Your Honor. May it please the
21 Court? The State would call Josh Fabel to the stand.

22 THE COURT: Well, let's just take a short break then.
23 Y'all return to your jury room. Do not discuss the case.
24 We will take 10 minutes or so. I figure -- yeah, probably
25 a good time.

1 (The jury exits the courtroom.)

2 (A short break was taken.)

3 THE COURT: Ready?

4 MS. RAYMER: Yes, we're ready.

5 THE COURT: Okay. Bring the jury please.

6 THE BAILIFF: Yes, ma'am.

7 (The jury enters the courtroom.)

8 THE BAILIFF: Juries seated, Your Honor.

9 THE COURT: Thank you. State will recall its next
10 witness.

11 MS. RAYMER: Thank you, Your Honor. May it please the
12 Court? The State recalls Joshua Fabel.

13 JOSHUA Fabel,

14 Having been first called as a witness was duly sworn and
15 testified as follows:

16 MADAM CLERK: Please have seat on the stand and state
17 your name for the record.

18 THE WITNESS: Joshua Fabel.

19 DIRECT EXAMINATION

20 BY MS. RAYMER:

21 Q. Good morning. Where do you work?

22 A. Richland County Sheriff's Department.

23 Q. And what is your title there?

24 A. Evidence technician.

25 Q. And what does that role entail?

1 A. I'm part of the crew -- or deputies that log in all
2 the evidence that's come into the Sheriff's Office and
3 keeps custody of it.

4 Q. And is that your duties that are entailed in that?

5 A. Yes.

6 Q. And are you familiar with case number 200304030312?

7 A. I am.

8 Q. And what subjects is that Case number affiliated with?

9 A. Ontario Staley.

10 Q. And are there a number of items that you brought the
11 Court as evidence today?

12 A. Yes, I brought the evidence bag, with cell phones and
13 other electronic devices.

14 Q. And what case is that affiliated with?

15 A. Case number 2003040312.

16 Q. So the case related to Ontario Staley?

17 A. Yes.

18 Q. And starting with evidence item one -- or 0.1, is how
19 it's labeled in the system, is that piece of evidence in
20 front of you?

21 A. Yes, it is.

22 Q. Let me ask what items are in the bag in front of you
23 actually.

24 A. I'm sorry. Item one is not in front of me. I'm
25 sorry.

1 Q. Okay.

2 A. I misspoke.

3 Q. And -- and what was item 0.1?

4 A. Item one was -- let me look at the chain of custody.

5 I believe I'm saying this right, Alcatel cell, A-L-C-A-T-E-

6 L.

7 Q. And why is that cell phone not in front of you
8 anymore?

9 A. It was released.

10 Q. And who was it released to?

11 A. It was released to, I believe, Investigator Perry or
12 employee Perry.

13 Q. And I believe it was probably -- if you would refer to
14 the property item sheet for item 0.1 when it was released
15 on March 25th, 2020?

16 A. Correct.

17 Q. And who was that transferred to, I guess?

18 A. Perry.

19 Q. Sorry. I thought you said Investigator Perry. I
20 apologize.

21 A. Yes. It doesn't have a title next to it, I'm
22 assuming.

23 Q. Does it have the -- her full name?

24 A. Yes. First name is N-A-N-N-E-K-A.

25 Q. So it was released to a Nanneka Perry?

1 A. Yes.

2 Q. And I believe there's also an investigator Perry at --

3 A. There is, at Sheriff's.

4 Q. -- the Sheriff's Department, but that's not who it was
5 released to?

6 A. Correct.

7 Q. It was released to a Naneka Perry?

8 A. Yes, ma'am.

9 Q. That item one -- 0.1. So what items are remaining in
10 front of you?

11 A. Items 2, 3, 4, 5, 6, 16, and 31.

12 Q. And what items are those?

13 A. Item two is... black cell phone. Black -- item three
14 is black tablet. Item four is a pink and black tablet.
15 Item five is a Alcatel phone, black. Item six is a silver
16 phone. Item 16 is a scan disc 64 thumb drive. And item 31
17 is a silver cell phone with Coolpad and a broken screen.

18 Q. And these items were all submitted to you as your role
19 as evidence custodian to safeguard essentially, correct?

20 A. Correct. Me or another evidence personnel.

21 Q. And how do you know that those items weren't tampered
22 with?

23 A. Because when they come in this, the -- all evidence
24 bags or boxes are sealed with evidence tape, as you can
25 see. And evidence personnel are not allowed to open those

1 items or the bags.

2 Q. So you can tell that those -- that that bag of
3 evidence hasn't been tampered with?

4 A. Correct.

5 Q. And these items are all associated with that case
6 number as it relates to Ontario's Staley and had been
7 submitted to you as the evidences custodian?

8 A. Yes, ma'am.

9 MS. RAYMER: Your Honor, at this time, the State would
10 seek to enter this bag of electronics as State's Exhibit
11 number 18.

12 THE COURT: Any objection?

13 MR. HAYES: Objection as to the foundation, Judge.
14 Who collected them?

15 BY MS. RAYMER:

16 Q. Who did you receive these items from?

17 A. All right. Items two through 16 were submitted by
18 Investigator Oxendine, and item 31 was submitted by Captain
19 Jackson.

20 Q. And at some point, were these items taken out of
21 evidence --

22 A. Yes.

23 Q. -- after they were submitted into evidence? And then
24 were they entered back into evidence?

25 A. Yes, they were.

1 MS. RAYMER: And what date were these -- Your Honor, I
2 believe it's sufficient. The State would, again, seek to
3 enter into evidence State's Exhibit 18.

4 MR. HAYES: Judge, the Defense would object. We want
5 to make sure that these are the items that -- we'd like
6 some testimony from Officer Oxendine about his seizure of
7 these items and submission to the -- to the evidence locker
8 about them to complete the chain of custody in this case.

9 THE COURT: That objection is sustained.

10 MS. RAYMER: Your Honor, if this witness could
11 temporarily step down off the stand and the State would
12 call Investigator Heidi Jackson to the stand.

13 THE COURT: Okay.

14 MS. RAYMER: Or actually, we might have a matter to
15 take up outside the presence of the jury.

16 THE COURT: Okay. Ladies and gentlemen, return to
17 your jury room. Do not discuss the case.

18 (The jury exits the courtroom.)

19 THE COURT: What is the issue, Ms. Raymer?

20 MS. RAYMER: Your Honor, we're going to need to recall
21 Investigator Jackson to lay a sufficient foundation. The
22 State would argue a sufficient foundation has been laid by
23 Investigator McDevitt. He testified that a traffic stop
24 with this Defendant occurred, that a number of electronic
25 devices, including cell phones and tablets were seized in

1 relation to this case, as well as you heard a jail phone
2 call from the Defendant stating that items were seized, a
3 cell phone and -- his cell phones and tablets were seized
4 in this case.

5 And we believe that that lays a sufficient foundation
6 to get into evidence the items that have been collected and
7 submitted into evidence, that the evidence custodian has
8 testified that these were submitted to him and have not
9 been tampered with. At this point, we are not asserting
10 that these are the items that were taken from Ontario's
11 Staley.

12 We believe that that can be weighed as electronics are
13 non-fungible, and through the device themselves can be
14 identified as to what the contents of the device are.
15 Additionally, we would state that -- I'm sorry, I've lost
16 my train of thought -- as it relates to these items -- oh,
17 Your Honor, this is -- it's not a search -- I have not
18 heard assertion that this is a search and seizure issue.

19 Investigator McDevitt testified that he was stopped in
20 a traffic stop and the car was searched incident to a -- a
21 lawful arrest upon serving felony arrest warrants. As
22 such, we don't believe that there's a suppression issue and
23 that foundation could be laid through the device itself at
24 the appropriate time.

25 THE COURT: Yes, sir.

1 MR. HAYES: Your Honor, I mean, it's a chain of
2 custody issue. They have to be able to establish that
3 these are the items that were seized from the van. I mean,
4 Investigator McDevitt as a K-9 deputy then basically said
5 there was some stuff in the van, but I didn't collect it,
6 and I kind of looked at it, but -- and there was some
7 things there, but how do we know that the phones that Mr.
8 Fabel is attempting -- or attempting to put into Mr. Fabel
9 are actually the phones that were in the van. Someone took
10 custody from them at the van or at some point in time and
11 submitted them to evidence.

12 I don't disagree with -- I'm not trying to quibble
13 with Mr. Fabel's testimony that they haven't been tampered
14 with from the time that he received them. Right. But we
15 don't know what happened from the time -- how they got from
16 the van to the evidence locker and what happened in between
17 that time. And there's a chain of custody issue that the
18 foundation has to be laid about to say that these are the
19 phones that came out of the van. This general idea that
20 there was some phones in the van and a couple show up in an
21 evidence locker down at the Sheriff's Office just doesn't
22 pass muster.

23 THE COURT: Anything else from the State?

24 MS. RAYMER: Your Honor, the final witness State would
25 make -- would be that these, as it relates to chain of

1 custody, are not something that can be tampered with such
2 as DNA, or blood, or blood alcohol samples. And that the
3 foundation is sufficient based on them being non-fungible
4 items.

5 THE COURT: Yes, sir.

6 MR. HAYES: Just one final point, Judge. I really
7 think to -- to not have a complete chain here, I don't know
8 what the testimony would be from an investigator. I
9 anticipate what the testimony would probably be. But to
10 not allow us to be able to cross-examine every chain
11 witness in this case would violate the confrontation
12 clause. And -- and I don't -- so I just -- again, I don't
13 think that you can just have these generalities and we
14 object to the admission of this evidence based on argument.

15 MS. RAYMER: And the State would state that the case
16 law as it relates to chain has established that you don't
17 have to have a perfect complete chain. Just a reasonable
18 chain. And I believe the State has met that burden through
19 Investigator McDevitt, through the jail phone call, and
20 through testimony from Investigator Jackson and from the
21 evidence custodian, Fabel.

22 THE COURT: The problem that I have, or the problem
23 that exists at this point is your point is well taken
24 regarding them not being fungible evidence. The issue that
25 I have, I guess, is that -- at least as to the items

1 obtained from -- from Oxendine, nobody knows who Oxendine
2 is at this point. So I think you're there with Jackson,
3 but not the items from Oxendine. Just because there's been
4 no mention of Oxendine in this trial whatsoever.

5 So because it's not fungible evidence, I don't think
6 that they have to establish a complete link to link to link
7 chain. And, in fact, the case law is, even with fungible
8 evidence, you don't have to have testimony from each
9 custodian to establish a chain of custody sufficient for
10 admissibility. If there's other evidence that establishes
11 the identity of those who have handled the evidence, and
12 reasonably demonstrates the manner of handling the
13 evidence, then the Court can sort of fill in the gaps if
14 that witness is absent. And that's for fungible items.

15 Non-fungible items are slightly different. But again,
16 we don't know who Oxendine is even. Did you want to say
17 something else? Make another point?

18 MR. HAYES: No. I mean, I think some of that ruling
19 too, Judge, is it recognizes the idea that inside of the
20 evidence room, right, these people move through the
21 evidence room. So while it's secure in the locker room,
22 right, and the evidence room changes while the -- while the
23 item is stored in the evidence room itself, the people that
24 check that out, as long as they can say it's in the
25 evidence room. But what happens between the time that it's

1 seized from my client and arrives in the evidence room is
2 where my problem is.

3 THE COURT: Right. But the case law that I've cited
4 is not just referring to that circumstance. In fact, there
5 are cases where a blood test was admitted even though the
6 nurse who drew the blood did not testify at trial --
7 referring to the complete chain. I'm trying to find that
8 other example.

9 MR. HAYES: And, Judge, I can only anticipate in that
10 case, right, law enforcement was probably present and
11 witnessed it. I don't know that, but I'm just --

12 THE COURT: No, they had -- I don't know -- without
13 reading the whole case, I don't know. But -- but the point
14 was there were forms filled out with the nurse's signature
15 and testimony from other chain witnesses and hospital
16 employees. Yeah. So the objection is sustained at this
17 point. I -- I don't even know that Captain Jackson needs
18 to be recalled. She's already testified as to what she did
19 and all of that, but Oxendine's a big question mark right
20 now.

21 MS. HUGHES: Can we request to take up the matter with
22 proffering the evidence and with Special Agent Fey and
23 resume with the jury after lunch? To get Oxendine here?

24 THE COURT: Okay. About how long do you think that
25 will take?

1 MS. HUGHES: I think it will be a fairly brief
2 proffer. And we can call him after we proffer if we don't
3 want to break for lunch this early.

4 THE COURT: Well, can we finish with this witness?
5 Yeah. It's -- it's early to break for lunch. It's not
6 quite 11:00 yet. Jury just got here at 9:30, so that's a
7 really early lunch break.

8 MS. HUGHES: Right. Right.

9 THE COURT: Can we finish with this witness?

10 MS. HUGHES: Well, my concern is I'm going to have to
11 recall him to admit the phones into evidence if the
12 objection has been sustained. Oh, sorry.

13 THE COURT: His testimony is his testimony.

14 MS. HUGHES: Okay. Yes, Your Honor. I apologize.

15 THE COURT: Okay. Okay. Thank you, Ms. Hughes. And
16 are we close to finishing this witness?

17 MS. RAYMER: Yes.

18 THE COURT: Are you going to have lengthy cross-
19 examination? Or some cross-examination?

20 MR. HAYES: Yes, ma'am.

21 THE COURT: Okay. So let's take a short break here
22 while the jury's still out. I've got Agent Bradshaw in the
23 back that needs to meet with me. I was just trying to
24 figure out... Yeah, so we'll take about 10 minutes while I
25 talk to him.

1 (There was a brief pause.)

2 THE COURT: All right. Bring the jury please.

3 MS. RAYMER: And before we bring the jury in, Your
4 Honor, the State would renew the argument that the contents
5 of the phone authenticates itself since it's a non-fungible
6 item. As far as what foundation the State needs to lay, we
7 just need to put before the jury the foundation that we're
8 saying it's what it's, and the contents of the phone can
9 authenticate that since it's a non-fungible item, that the
10 chain as it stands is sufficient and the contents of the
11 phone will authenticate it and lay the foundation that it
12 is what we're asserting. I would ask to -- this Court to
13 review safety code, which I can give you, a copy of
14 regarding this issue where they did not have a chain in the
15 case as it relates to a non-fungible item.

16 THE COURT: What's the citation?

17 MS. RAYMER: Let me grab that. It's 410 S.C. 214.
18 And if the State is feeling generous, also *State v.*
19 *Patterson*, as it relates to a case that recognizes the
20 foundation for authentication, even for stuff such as DNA,
21 it can be established in a variety of ways.

22 THE COURT: Yeah, I still don't think the testimony
23 has met the threshold set forth in *State v. Pope*. You all
24 -- the only testimony you have here is the testimony of the
25 evidence custodian and the testimony of one of the officers

1 who deposited the evidence, turned it into the evidence
2 room; not the other. You don't have the testimony of the
3 arresting officer. You don't have the testimony of the
4 officer who collected the items on the roadside.

5 I think there are too many missing links in the chain,
6 and maybe one of those missing links might fix it, or, you
7 know, two of them. I'm not sure. But all we know is that
8 McDevitt saw some stuff be collected, that Jackson at a
9 different time collected some different stuff, and that
10 Fabel has all of this stuff, some of which he got from
11 Jackson, but some of which he got from Oxendine who is not
12 the same person as McDevitt, and who is he. And yeah, so
13 we're still missing some pieces.

14 So the objection remains sustained at this time.

15 MS. RAYMER: And the objection, just so the State is
16 clear, is to foundation -- is to foundation? I just don't
17 want run a foul of the Court's ruling and have our forensic
18 device analyst testify to lay the foundation as to laying
19 the foundation on authentication of the device as an
20 alternative way of going about the chain. If I -- and I --
21 I hear your ruling, and we're not seeking to admit it at
22 this time, but the State believes that we could call the
23 forensic analyst as it relates to the devices, if there's
24 not a search and seizure issue that's being asserted to lay
25 that foundation and authenticate the devices as they are

1 what they say they are.

2 THE COURT: I don't know. I haven't heard an
3 objection as to the Fourth Amendment. I sustained an
4 objection as to an insufficient chain of custody.

5 MS. RAYMER: At this time, perfect. Thank you, Your
6 Honor. I apologize.

7 THE COURT: Okay. Bring the jury please.

8 (The jury enters the courtroom.)

9 THE BAILIFF: Juries seated, Your Honor.

10 THE COURT: All right. Welcome back, folks. That
11 last objection was sustained. You may proceed, Ms. Raymer.

12 Thank you, Your Honor. May it please the Court?

13 BY MS. RAYMER:

14 A. So Officer Fabel, how many devices are in front of
15 you?

16 A. Seven.

17 Q. And how many of those devices are tablets?

18 A. Two of them.

19 Q. And how many are cell phones?

20 A. Five. Or excuse me, four. And -- and then there's a
21 -- a scan disc and also in the bag a thumb drive.

22 Q. And these items are all associated with that case
23 number associated with Ontario, Staley?

24 A. Yes, ma'am.

25 MRS. RAYMER: No further questions at this time.

1 Please answer anything the Defense has for you.

2 THE COURT: Cross-examination?

3 MR. HAYES: Yes, ma'am. May it please the Court?

4 THE COURT: Yes, sir.

5 CROSS-EXAMINATION

6 BY MR. HAYES:

7 Q. Good morning, Mr. Fabel.

8 A. Good morning.

9 Q. I think at the beginning of your testimony -- I might
10 have missed it, but I'm was making some notes there. How
11 long have you been with the Sheriff's Office?

12 A. Since 2009.

13 Q. Okay. And how long -- are you currently in the
14 evidence room?

15 A. Yes, sir.

16 Q. Okay. Were you in the evidence room back in 2020?

17 A. Yes.

18 Q. Okay. How many folks were in the evidence room?

19 A. Seven.

20 Q. Seven. All right. And I understand to -- to hear you
21 say that you have seven items with you today, right?

22 A. Yes, sir.

23 Q. Okay. I was trying to make some notes of this, but I
24 think I might have missed one somewhere. So two was an
25 Alcatel black phone?

- 1 A. Yes.
- 2 Q. Three was some kind of tablet? I'm not trying to
3 misrepresent this. I'm trying to read my own writing.
- 4 A. Two is a -- definitely a tablet by the description of
5 labels. The third one could be a tablet, could be a big
6 phone. I'm not quite sure by the description of the label.
- 7 Q. Two was the Alcatel black?
- 8 A. Yes. Yes, sir.
- 9 Q. Four -- four was a pink and black?
- 10 A. Tablet.
- 11 Q. Tablet. Five was a phone?
- 12 A. Yes. The Alcatel.
- 13 Q. Six was something?
- 14 A. A silver phone.
- 15 Q. And then 16 was a thumb drive?
- 16 A. Yes, sir.
- 17 Q. So if you have seven items in front of you -- I think
18 we've just gone through six -- what's the seventh? What am
19 I missing?
- 20 A. The silver in color phone that -- there's a Coolpad
21 and it has a broken screen.
- 22 Q. So that item 31?
- 23 A. Yes.
- 24 A. All right. And so, Mr. Fabel, are you able to tell
25 the movements of these items?

1 A. I can testify on what the chain of custody says, yes.

2 Q. Okay. Well, you can -- as an evidence that you would
3 know when something was checked out?

4 A. Yes.

5 Q. And when it was checked back in, right?

6 A. Correct.

7 Q. All right. You -- you can't say anything about what
8 happened with these items before they show up in the
9 evidence room, right?

10 A. That -- that is correct.

11 Q. So once they get to the evidence room, you can track
12 the movement from there, right?

13 A. Yes, sir.

14 Q. So in bulk, did these seven items move together?

15 A. They have moved separate.

16 Q. Okay.

17 A. Item two --

18 Q. I would like to just walk through the movement of each
19 one of these items individually. Okay. As from the time
20 that they arrived at the evidence room.

21 A. Okay.

22 Q. Where they went and when they came back, and if they
23 left again. Right.

24 A. Items 2, 3, 4, 5, 6, and 16 was received by evidence
25 on June the 4th, 2020 at 2125.

- 1 Q. All right. So they're all -- all seven of the items
2 that you have come in at the same time?
- 3 A. No. 31 did not come in at that time.
- 4 Q. Okay. So two through 16, they came in when?
- 5 A. June 4th, 2020.
- 6 Q. June 4th of 2020?
- 7 A. Yes, sir.
- 8 Q. Okay. What about item 31?
- 9 A. Evidence received item 31 on 4/16/2024.
- 10 Q. 4/16/2024?
- 11 A. Yes.
- 12 Q. So this year, 31 came in?
- 13 A. Yes, sir.
- 14 Q. Okay. All right. Let's -- I want to -- I don't want
15 to talk about them in both. So if we take item number two
16 specifically -- we're going to take these in just
17 individually, okay?
- 18 A. Okay.
- 19 Q. So we can try to -- I can try to follow and so it
20 would be easier for the jury to follow. Tell me, so two
21 comes in on June 4th of 2020, what happens with it next?
- 22 A. Give me a second. I believe -- not believe. It went
23 out to Brandon Rast on July 7th, 2027.
- 24 Q. 7/7/2020?
- 25 A. Yes.

1 Q. All right. And do you know who Brandon Rast is?

2 A. Yes.

3 Q. Who is he?

4 A. He was a former employee of the Sheriff's Office.

5 Q. Okay.

6 A. I believe he's not with us anymore.

7 Q. All right. Do you know what capacity he worked in?

8 A. At the Sheriff's Office?

9 Q. Yes.

10 A. A cell phone technician that looked at phones -- or he
11 was an investigator.

12 Q. All right. He was an investigator?

13 A. Yes, sir.

14 A. All right. So he took it out on 7/7. When did it
15 come back?

16 A. 4/16/2024.

17 Q. 4/16/2024?

18 A. Correct.

19 Q. So the investigator checked this phone out on July 7th
20 of 2020 and held it until 4/16/2024?

21 A. Correct

22 Q. Okay. When he got back to the evidence room, did it
23 leave again?

24 A. Yes.

25 Q. Okay. When was it out next?

- 1 A. Sixteen minutes later on 4/16/2024.
- 2 Q. Sixteen minutes later someone came and checked it out?
- 3 A. Yes.
- 4 Q. Who checked it out?
- 5 A. Ricky Johnson.
- 6 Q. Okay. And you know Ricky Johnson?
- 7 A. Yes, I do.
- 8 Q. Okay. Who's Ricky Johnson?
- 9 A. Investigator with the Sheriff's Department.
- 10 Q. Okay. How -- so he -- who returned it on 4/16/2024?
- 11 A. Heidi Jackson.
- 12 Q. So Brandon Rast took it out on July 7th and it was
- 13 returned by Heidi Jackson 4/16/2024?
- 14 A. That is correct.
- 15 Q. Is there anything in your paperwork that says where
- 16 that phone was in that time?
- 17 A. No, sir.
- 18 Q. So it's out again 16 minutes later on 4/16 to Ricky
- 19 Johnson?
- 20 A. Yes.
- 21 Q. Did it come back?
- 22 A. Yes, sir.
- 23 Q. When did it come back?
- 24 A. 5/10/2024.
- 25 Q. Okay. So it comes back. Who returns it?

1 A. That I do not know because it was placed in an -- a
2 locker. So whoever brought it back puts it in a secure
3 locker and then evidence removes it.

4 Q. Okay.

5 A. So it was brought in after hours.

6 Q. Okay. Well, you'd agree, isn't it, standard practice
7 at the Sheriff's Office when someone's putting evidence
8 into the locker like that, they put it in a bag and
9 indicate through initial or whatever that who it was?

10 A. I would say no, it's not. Not -- not when -- when
11 somebody checks it out and they bring it in. It's not
12 standard procedure for them to sign it. It could be in
13 their records. If -- if evidence personnel was there
14 during the day, we would indicate who brought it back.

15 Q. So it could have literally been any Sheriff's Office
16 employee that brought this back on May 10th, 2024?

17 A. Correct. They -- they place them in a secure locker
18 that nobody else has access to except for evidence.

19 Q. Right. And that would be something that would be like
20 akin to like one of the blue mail drop boxes, sort of,
21 right?

22 A. It could -- it could be that, which has a padlock on
23 it, or a -- I explain it like a gym locker that has a very
24 secure door on it, that only evidence has the key to open.

25 Q. Okay. How would someone gain access to that? Is it

1 just open already?

2 A. Yes. They're -- they're unsecured, so they're totally
3 empty and then whoever places the evidence in that locker
4 turns a knob and pushes a button and it locks.

5 Q. Okay. And then the --

6 A. And there's cameras also to -- to film who puts it in.

7 Q. Okay. All right. So someone brings it back on May
8 10th, 2024. We don't know who -- what time is that? We
9 don't know is after hours?

10 A. I -- I don't know. I could tell you what time it was
11 logged back in.

12 Q. Okay. Does it move again?

13 A. Yes.

14 Q. Okay. Who was -- again, when did it move?

15 A. It was checked out for court 11/13/2024 by Ricky
16 Johnson.

17 Q. 11/13/2024?

18 A. Yes.

19 Q. It was checked out by Ricky Johnson again for court?

20 A. Yes. That -- that's the -- the code that we use.

21 Q. Okay. Well, wouldn't we expect then if Ricky Johnson
22 had checked these out for court that he'd be the one
23 carrying him in here today?

24 A. I cannot testify to that.

25 Q. Well, where'd you get them from?

- 1 A. From the evidence room because it was turned back in.
- 2 Q. Oh. So Ricky Johnson checked them out for court --
- 3 A. On 11/13.
- 4 Q. But then he returned?
- 5 A. Then -- I -- I don't know who, but returned at
- 6 11/16/2024.
- 7 Q. So it came back to Ricky Johnson. Did something with
- 8 them again for a few days?
- 9 A. He -- well, he checked them out.
- 10 Q. Okay. Did they come back in afterhours again?
- 11 A. I believe so.
- 12 Q. Well, can you -- you got the documentation review --
- 13 A. Well, it says lab inventory, so it was placed in a
- 14 locker just like this last situation.
- 15 Q. Okay. So, again, it could have been literally any
- 16 employee at the Sheriff's Office that brought them back?
- 17 A. It could be, yes, sir.
- 18 Q. All right. And getting ready for your testimony, you
- 19 -- you checked them out to be here today?
- 20 A. Yes, sir.
- 21 Q. Okay. And I know that we're moving. Were you up here
- 22 yesterday?
- 23 A. Yes, sir.
- 24 Q. Okay. Did you bring the phones with you?
- 25 A. Yes, sir.

1 Q. Okay. You agree you weren't called to testify
2 yesterday?

3 A. I was not. I was --

4 Q. All right. You had the phones with you, though?

5 A. I did. The whole time.

6 Q. So when you left yesterday afternoon, did you take
7 them back to the Sheriff's Office?

8 A. Yes.

9 Q. Okay.

10 A. And I placed them back into evidence.

11 Q. All right. And you were there this morning to check
12 them out again?

13 A. Yes, sir.

14 Q. So they were checked out then, what? The 17th --
15 well, I -- I don't even know what the day is now.

16 A. I'm not -- yeah, I'm not either. I don't know what
17 the --

18 THE COURT: The 20th.

19 THE WITNESS: 20th.

20 BY MR. HAYES:

21 Q. So you checked him out the 19th and the 20th?

22 A. Yes.

23 MR. HAYES: Thank you, Judge.

24 BY MR. HAYES:

25 Q. And you're the one that checked them out, right?

1 A. Yes, sir.

2 Q. Okay. All right. So I'm not trying to retestify, but
3 it looks like your testimony, if I understand it right, it
4 was checked out by Brandon Rast for nearly four years
5 before being returned by Heidi Jackson, right?

6 A. Yes, sir.

7 Q. Sixteen minutes after it was returned, Ricky Johnson
8 came and got it, kept it from April 16th until the May
9 10th?

10 A. Yes, sir.

11 Q. When it was returned by literally any employee of the
12 Sheriff's Office?

13 A. Yes, sir.

14 Q. And it was checked out again by Ricky Johnson last
15 week for three days?

16 A. Yes.

17 Q. Before being returned?

18 A. Yes.

19 Q. But it was present for you to be able to check out
20 yesterday?

21 A. Yes, sir.

22 Q. Okay. All right. That's item two. Let's move item
23 three.

24 A. Okay. So item three was submitted in evidence
25 6/4/2020.

1 Q. Who submitted it?

2 A. Glen Oxendine.

3 Q. And I think that -- that -- was Glen Oxendine also the
4 person that submitted the previous item we spoke about item
5 two?

6 A. Yes, sir. He submitted items two through 16.

7 Q. Okay, thank you. Okay. So Oxendine submitted on
8 6/4/20. What happened next with item three?

9 A. It'll be the same date and time as the item two,
10 7/1/2027.

11 Q. 7/1/2020. I had -- I had Brandon Rast checking out
12 item two on 7/7/2020.

13 A. I'm sorry. I looked at the wrong page. I'm sorry.
14 There's a lot of pages here. Yes, I'm sorry. Item three
15 was 7/7/2020.

16 Q. Okay. Again by Brandon Rast?

17 A. Yes.

18 Q. All right. When was that item returned?

19 A. 7/15/2020.

20 Q. 7/15/2020?

21 A. Yes.

22 Q. Okay. Who returned it?

23 A. It's going to be the same thing. They were all -- so
24 items two through 16 -- I'm -- yes, were returned in that
25 same manner.

1 Q. Okay. Well, this one you could -- this one came back
2 within eight days, it looks like. Brandon Rast had item
3 three for eight days.

4 A. Yes. What -- so item three was returned 7/15/2020.

5 Q. Okay. When did it move again? Did it move again?

6 A. Yes, it was checked out 4/16/2024.

7 Q. 4/16/2024?

8 A. Uh-huh (affirmatively).

9 Q. And that would've been by Ricky Johnson?

10 A. No. It was Heidi Jackson.

11 Q. Heidi Jackson checked this one out?

12 A. Yes.

13 Q. Okay. When did it come back?

14 A. Same day, 4/16/2024.

15 Q. 4/16/2024. How was it returned?

16 A. By Heidi Jackson.

17 Q. So would it be fair to say then that if you checked it
18 out and returned it all on the same day, that would've been
19 basically during business operating hours?

20 A. Yes. That would've been, yes.

21 Q. So she would've had it for some period of time, less
22 than eight hours or thereabouts?

23 A. Yes, sir.

24 Q. Well, you can -- you can -- can you see the specific
25 time that was checked out and checked back in?

- 1 A. For that item three, correct
- 2 Q. Correct.
- 3 A. And I misspoken. I'm sorry, sir. It was submitted
4 not by Heidi Jackson to return. It was done with the
5 locker return. I'm sorry.
- 6 Q. Locker return on the 16th?
- 7 A. Yeah. No. On the 15th. I'm sorry.
- 8 Q. On the 15th. So I had it -- did she check it out on
9 4/16?
- 10 A. I'm sorry. I've lost my place.
- 11 Q. We'll give you a moment.
- 12 A. Thank you.
- 13 Q. And, Mr. Fabel, I just ask you let me know when you're
14 ready.
- 15 A. Yes, sir.
- 16 Q. Let me know when you're set.
- 17 A. So item three was brought back into the Sheriff's
18 Office, the evidence room 7/15/2020.
- 19 Q. Okay.
- 20 A. And I'm -- I'm sorry, I misspoken earlier.
- 21 Q. Well, I have 7/15/2020 came back in a locker room.
- 22 A. Yes, correct.
- 23 Q. But then it was checked out again the second time.
- 24 A. Okay.
- 25 Q. Right. That was testimony for item three.

- 1 A. Yes. Item three went back out at 4/16.
- 2 Q. By Heidi Jackson?
- 3 A. No, by Ricky.
- 4 Q. Ricky Johnson.
- 5 A. By Ricky Johnson. And that was going to -- it's with
6 the same group as two.
- 7 Q. Right. So he -- he took -- he took one -- I'm mean,
8 I'm not going to try to lump them together because it's
9 confusing enough.
- 10 A. Yes, it is.
- 11 Q. Okay. That's why I'm trying to do it this way.
- 12 A. Okay.
- 13 Q. I know it's a bit painful, we're just trying to
14 understand what happened with these items, right?
- 15 A. Yes, sir.
- 16 Q. So, Ricky Johnson came in on 4/16 and checked it out?
- 17 A. Correct.
- 18 Q. Okay. How long did Ricky -- when did Ricky Johnson --
19 or when did this item three be returned after he took it
20 out on the 16th of April 2024?
- 21 A. You asked me when he brought back?
- 22 Q. Yes, sir. When did it come back?
- 23 A. Or -- or when did it came back? Item three came back
24 as a locker return 5/10.
- 25 Q. 5/10/24?

- 1 A. Yes.
- 2 Q. Locker return?
- 3 A. Yes.
- 4 Q. Item three?
- 5 A. Yes.
- 6 Q. Okay. Did it move again?
- 7 A. Yes. On 11/13, it went out for court.
- 8 Q. 11/13/24 out for court?
- 9 A. Yes.
- 10 Q. Ricky Johnson again?
- 11 A. Correct.
- 12 Q. Okay. Return on the 16th by Ricky Johnson or locker?
- 13 A. Correct, locker.
- 14 Q. 11/16?
- 15 A. Yes.
- 16 Q. Okay. Where it remained until yesterday morning, you
- 17 checked it out for court?
- 18 A. Correct.
- 19 Q. So this particular one I have moving three times, once
- 20 by Brandon, Brandon Rast, and twice by Ricky Johnson. Is
- 21 that right?
- 22 A. Yes, sir.
- 23 Q. Okay. Item four, please. What day was it submitted?
- 24 A. You said item four?
- 25 Q. Yes, sir.

- 1 A. 6/4/2020.
- 2 Q. Okay. Who submitted it?
- 3 A. Glen Oxendine.
- 4 Q. Okay. When was it first checked out?
- 5 A. 7/7/20.
- 6 Q. Okay. Brandon Rast?
- 7 A. Correct.
- 8 Q. Okay. When was it returned?
- 9 A. 7/15.
- 10 Q. Good. 2020?
- 11 A. Yes, sir.
- 12 Q. How was it returned?
- 13 A. Locker return.
- 14 Q. Okay. Did it move again?
- 15 A. Yes. 4/16/2024.
- 16 Q. '24. Was that Ricky Johnson?
- 17 A. Yes, sir.
- 18 Q. Okay. Was it returned? When was it returned?
- 19 A. 5/10/2024, locker return.
- 20 Q. All right. Did it move after it came back on May
- 21 10th?
- 22 A. Yes, sir. It went out for court 11/13/2024, by Ricky
- 23 Johnson?
- 24 Q. 11/13/24?
- 25 A. Yes.

- 1 Q. Ricky Johnson? Return 11/16/24?
- 2 A. Correct, locker return
- 3 Q. Where it remain until you checked it out yesterday
- 4 morning?
- 5 A. Correct.
- 6 Q. All right. April 5?
- 7 A. Logged into evidence 6/4/2020 by Glen Oxendine.
- 8 Q. Okay. Tell us when it was checked out?
- 9 A. By Brandon Rast, 7/7/20.
- 10 Q. Okay. When was it returned?
- 11 A. 4/16/2024.
- 12 Q. 4/16/2024?
- 13 A. Correct.
- 14 Q. How was it returned?
- 15 A. Locker return.
- 16 Q. Locker return.
- 17 A. On 5/10/2024.
- 18 Q. All right. So I think -- I think I'm missing -- I'm
- 19 misunderstanding your testimony here, and I'm not trying to
- 20 trick you up. So, Brandon Rast took it on July 7th, 2020.
- 21 Then I heard the testimony be that it was returned on
- 22 4/16/24, but then you just said May 10th?
- 23 A. I'm sorry, I skipped a spot. I'm sorry. It was
- 24 checked out by Brandon Rast on 7/7. It was returned 7/15,
- 25 locker return.

1 Q. 7/15, locker return?

2 A. Yes.

3 Q. 7/15 of 2020?

4 A. Yes, sir.

5 Q. Okay. Then what? Then it moved again?

6 A. Ricky Johnson checked it out on 4/16/2024.

7 Q. Okay. When did it come back?

8 A. 5/10/2024.

9 Q. Okay. Was that locker return?

10 A. Yes, sir.

11 Q. All right. Did it move again?

12 A. It was checked out 11/13/2024.

13 Q. Okay.

14 A. By Ricky Johnson.

15 Q. All right. When did it come back?

16 A. 11/16/2024.

17 Q. All right. Where it remained until you checked it out

18 yesterday?

19 A. Correct.

20 Q. All right. Item six?

21 A. It came into evidence 6/4/2020.

22 Q. All right. By Oxendine.

23 A. Yes, sir.

24 Q. Okay. It was checked out?

25 A. 7/7/2020 by Brandon Rast.

- 1 Q. Okay. When did it come back?
- 2 A. 7/15/2020.
- 3 Q. Okay.
- 4 A. Locker return. Locker return.
- 5 Q. Thank you. Did it move again?
- 6 A. 4/16/2024.
- 7 Q. Okay.
- 8 A. Ricky Johnson.
- 9 Q. When did it come back?
- 10 A. 5/10/2024.
- 11 Q. How did it come back?
- 12 A. Locker return.
- 13 Q. Did it move again?
- 14 A. 11/13/2024. Went out for court by Ricky Johnson.
- 15 Q. Okay. Back?
- 16 A. 11/16/2024.
- 17 Q. Locker return?
- 18 A. Yes, sir.
- 19 Q. Where it remained until yesterday morning when you
- 20 checked it?
- 21 A. Correct.
- 22 Q. All right. So you have items 16 and 31, right? Those
- 23 are the other two items?
- 24 A. Correct.
- 25 Q. Okay. Let's talk about item 16, please. When was it

- 1 submitted?
- 2 A. 6/4/2020.
- 3 Q. Okay.
- 4 A. Glen Oxendine.
- 5 Q. All right. Was it ever checked out?
- 6 A. 7/7/2020 by Brandon Rast.
- 7 Q. Okay. Was it returned? Or obviously it was. When
- 8 did it come back?
- 9 A. 7/15/2020. Locker return.
- 10 Q. Good. Did it go out again?
- 11 A. 4/16/2024, Ricky Johnson.
- 12 Q. Okay. Back?
- 13 A. 5/10/2024. Locker return.
- 14 Q. Did it move again?
- 15 A. Checked out 11/13/2024 by Ricky Johnson
- 16 Q. Back?
- 17 A. 11/16/2024, locker return.
- 18 Q. Where it remained until yesterday morning when you
- 19 checked it out?
- 20 A. Correct.
- 21 Q. All right. How about item 31?
- 22 A. Item 31 was logged into evidence 4/16/2024.
- 23 Q. By who?
- 24 A. Heidi Jackson.
- 25 Q. Was it ever logged out?

- 1 A. 4/16/2024 by Ricky Johnson.
- 2 Q. Okay. When was it returned?
- 3 A. 5/10/2024.
- 4 Q. Locker return?
- 5 A. Locker return.
- 6 Q. Okay. Did it move again?
- 7 A. Went out for court 11/13/2024, Ricky Johnson.
- 8 Q. It came back the 16th?
- 9 A. Correct.
- 10 Q. Locker return?
- 11 A. Correct.
- 12 Q. Where it remained until you checked it out yesterday
- 13 morning in the anticipation of your testimony?
- 14 A. Yes, sir.
- 15 Q. All right. Outside of detailing these movements of
- 16 the -- the items themselves that we've done -- and I
- 17 appreciate your patience in that.
- 18 A. Yes, sir.
- 19 Q. You can't say anything more about the phones other
- 20 than they've been submitted, they got checked out and they
- 21 were returned?
- 22 A. That is correct.
- 23 Q. All right. You don't know anything about where they
- 24 came from?
- 25 A. No, sir.

1 Q. You don't know anything about what's alleged to be on
2 them?

3 A. Yes, sir. No, sir, I do not.

4 Q. All you do is you -- you -- you received items. What
5 do you do when you receive them? Tell me about that
6 process.

7 A. So we -- once I received them, I generate a case
8 number that has been provided on the bag into the system
9 and we -- each description gets a label, and I decide what
10 spot it goes in the evidence room and we keep custody of it
11 and track of it while it's inside the building.

12 Q. Okay. So you have a lot of electronic devices in this
13 case, I think we've detailed seven items, correct?

14 A. Correct.

15 Q. And those are -- did the Sheriff's Office outside of
16 these seven items, did they have any other evidence, other
17 electronic evidence that was ever in possession of the
18 Sheriff's Office?

19 A. Concerning this case?

20 Q. Yes.

21 A. Yes. There was a phone that the prosecution asked
22 about early and it was released.

23 Q. Okay. That was item number one?

24 A. correct.

25 Q. It was released, I think -- review my notes about what

1 your testimony was misstated. It was my understanding that
2 that phone was released on March 25th, 2020,; is that
3 right?

4 A. Give me one -- let me flip that page please. 7 --
5 3/25/2020 to Ms. Perry.

6 Q. Okay. When was that item actually logged in to the
7 Sheriff's Office?

8 A. It -- item number one was logged in at 3/23/2020.

9 Q. Who logged it in?

10 A. Who submitted it?

11 Q. Yes, sir.

12 A. Brandon Rast.

13 Q. So the first item of evidence that was submitted to
14 the Sheriff's Office -- I mean, let me --

15 A. I'm sorry. Let me change that date. I'm sorry. I
16 looked at the wrong number. It was received 3/13/2020.

17 Q. Okay. Who'd you receive it from?

18 A. John Hawks.

19 Q. Okay. Do you know who John Hawks is?

20 A. Deputy with the Sheriff's Office.

21 Q. All right. He submitted it and was -- did item one --
22 did it move while it was in possession of the Sheriff's
23 Office?

24 A. Yes. On 3/17, it was checked out by Brandon Rast.

25 Q. Okay. Was it returned?

- 1 A. Brandon Rast returned at 3/23/2020.
- 2 Q. 3/23?
- 3 A. 2020.
- 4 Q. Okay. And then it was released to Ms. Perry on the
5 25th.
- 6 A. Yes.
- 7 Q. So we have these items 1, 2, 3, 4, 5, 6, 16 and 31.
8 Is there other -- any other electronic information, phones,
9 tablets, evidence of that nature that was submitted to the
10 Sheriff's Office in this case? Or submitted to the
11 evidence locker? Let me say that way.
- 12 A. Item seven was a power cord, item eight a laptop
13 computer, item nine, black Sony PlayStation, 10, papers.
14 So not electronics. 11 --
- 15 Q. Ten was what? I'm sorry, sir.
- 16 A. It says miscellaneous papers.
- 17 Q. Miscellaneous papers. Okay.
- 18 A. Eleven, miscellaneous power cords.
- 19 Q. Okay.
- 20 A. Twelve, SD cards.
- 21 Q. All right.
- 22 A. Thirteen, two PlayStation games.
- 23 Q. Okay.
- 24 A. Fourteen, digital scales.
- 25 Q. All right.

1 A. You have another item but it's not electronics.

2 Q. Okay. What's item 15?

3 A. Fifteen, there's three condoms and wrappers.

4 Q. All right. Any other digital evidence?

5 A. . No, sir.

6 Q. Thank you. And again, you can't say any more than to
7 say that these items were received at the Sheriff's Office.

8 I did want to talk to you about this. So when you received
9 the phones, when they're coming back in these -- in these --
10 - would it be fair to say that they probably all came back
11 when they're being returned on locker return in the same
12 locker?

13 A. Yes. If they're all returned at that same time, it
14 was most likely they're in the same locker.

15 Q. Okay. So when Ricky Johnson returned these things on
16 the 10th and on the 16th, they would've all been in the
17 same locker?

18 A. Yes.

19 Q. Right. How many phones do you think the Sheriff's
20 Office has in the evidence locker right now?

21 A. In general or in this case?

22 Q. In general.

23 A. I -- I have no idea. A -- a lot.

24 Q. Thousands?

25 A. You could -- maybe.

1 Q. Right?

2 A. Yes. I don't know the number, but a lot.

3 Q. Okay. How -- when you receive them out of a locker,
4 how do you organize the evidence room? How's the evidence
5 room organized?

6 A. And by numbered bins and shelves.

7 Q. Okay. So how many -- do you organize them -- the bins
8 by case number?

9 A. Yes. So a bin would start at the beginning, the
10 oldest case number through the newest that's in that bin.

11 Q. Okay.

12 A. By year.

13 Q. So they're -- it's organized by case number?

14 A. Yes.

15 Q. Right. So if you had a case number and there were --
16 you'd agree with me that, from time to time, in a case like
17 this you're receiving -- or evidence at different times,
18 right?

19 A. Correct.

20 Q. Right. It's not all being submitted at the same day?

21 A. Correct.

22 Q. So in those cases, would every piece of evidence wind
23 up in an evidence bag?

24 A. Or a box. But a -- a secured packaging.

25 Q. Some kind of secured package?

1 A. Yes.

2 Q. All right. And there'd be a case number associated
3 with that package?

4 A. Yes.

5 Q. And that package goes to the case number in the
6 evidence?

7 A. Evidence will not take any -- any evidence without a
8 case number.

9 Q. Okay. So it's sequential, like if you went to a legal
10 office and things were organized alphabetically, right,
11 here we do it numerically, would it be the same concept?

12 A. Yes.

13 Q. Is there times, depending on the nature of the
14 evidence, that it's split?

15 A. What do you mean by that?

16 Q. The evidence is split, so it's not all on the same bin
17 if it's a --

18 A. That is correct.

19 Q. The nature of the evidence is something different.
20 You know, you would keep the electronics together, but some
21 of the non-electronic things they might wind up in a
22 different place?

23 A. Correct.

24 Q. Even though they're a part of the same case?

25 A. Correct.

1 MR. HAYES: Beg the Court's indulgence?

2 THE COURT: Yes, sir.

3 MR. HAYES: Mr. Fabel, I appreciate your time. Judge,
4 no further questions.

5 THE COURT: Any redirect?

6 MS. RAYMER: Yes, Your Honor.

7 REDIRECT EXAMINATION

8 BY MS. RAYMER:

9 Q. Mr. Fabel, we've been referring to these items
10 as, primarily, you know, one, two, through 16, and then 31.
11 But really it's the case number and then point, and then
12 the numbers, how they're really assigned. And so it sounds
13 like point -- case number 0.2 through 0.16 were all checked
14 out on 7/7 of 2020 by Brandon Rast?

15 A. Correct.

16 Q. And then back on 7/15?

17 A. Yes.

18 Q. And you previously said you don't believe Brandon
19 Rast, who was -- I believe you said a forensic analyst?

20 A. Correct.

21 Q. Is with your department anymore?

22 A. I believe he is not.

23 Q. It's common for people to move to leave jobs to --

24 A. Very much.

25 Q. And then the next movement you said for those items

1 was 4/16/2024. They were checked out by Ricky Johnson.

2 And what is his role?

3 A. He's an investigator with the Sheriff's Office.

4 Q. Is he also with cell phone forensics?

5 A. Yes, he is.

6 Q. And then those were checked back in on 5/10/2024?

7 A. Yes. Correct.

8 Q. And then Ricky Johnson checked them out again on
9 11/13/2024. So about a week ago?

10 A. Correct.

11 Q. And then back in on 11/16?

12 A. Correct.

13 Q. Is it common for evidence to be checked out as people
14 are preparing for trial?

15 A. It is very common.

16 Q. So as your role -- as an evidence custodian, do
17 prosecutors and defense attorneys often go to the evidence
18 room and check out evidence to review evidence in
19 preparation for trial?

20 A. Yes.

21 Q. So it's possible that when it was checked out on
22 4/16/2024 and then -- that that was in preparation for
23 trial?

24 A. Correct.

25 Q. Because I believe if you turn your attention to item

1 0.31, you said that that was checked out on what day?

2 A. For court?

3 Q. Yes.

4 A. 11/13/2024.

5 Q. Going back. When was this put into evidence, I guess?

6 A. It was logged into evidence 4/16/2024.

7 Q. So it was logged into evidence on 4/16/2024. And who
8 was it logged into evidence by?

9 A. Heidi Jackson.

10 Q. And who was the investigator on this case?

11 A. I believe Heidi Jackson was the lead investigator.

12 Q. So the investigator on 4/16 logged into evidence and
13 then it was logged out that same day, but by Ricky Johnson?

14 A. Correct.

15 Q. And then like the other items, it was returned on May
16 10th, 2024?

17 A. Yes.

18 Q. And then out again 11/13, and again 11/16?

19 A. Yes, ma'am.

20 Q. Can you explain why the numbers jumped from 0.2 --
21 they go, you know, 0.1 up to 0.16 and then they jumped to
22 0.31?

23 A. Yes. There was --

24 Q. Can you explain that to me?

25 A. Yes, ma'am. There was a clerical error. Well, wrong

1 evidence was logged into the case and they were removed.

2 So they were entered into error.

3 Q. So evidence from a case that was not associated with
4 this case were entered in as case numbers -- into this case
5 and y'all realized there was an error and you corrected it?

6 A. Yes.

7 Q. How -- how do you correct that?

8 A. We correct it by identify -- it was identified to us.
9 We logged into the system that was entered into error, and
10 then we write a memo about it and save it into the case.

11 Q. So error sometimes do occur?

12 A. Correct.

13 Q. And so in this instance, in this case, a different
14 unaffiliated case got checked into this case and removed?

15 A. Correct.

16 Q. As people are preparing for trial and reviewing
17 evidence, is sometimes evidence discovered that was in
18 evidence but was not properly logged into evidence?

19 A. It has occurred, yes.

20 Q. So previously, you testified that Evidence won't take
21 a piece of evidence -- evidence if it's not assigned a
22 number. So how does that happen?

23 A. The -- we -- Evidence logs in the evidence what is
24 written on the bag with the -- or the box, which is with
25 the case number. If there's an item inside that bag or box

1 that is not identified, Evidence does not know about it.

2 So we don't log it in.

3 Q. So there's a lot of devices in that bag. Right. Can
4 you -- can you hold it up and show me?

5 A. Yes.

6 Q. Would it not make more sense to log that into evidence
7 individually, item by item, so there's not that confusion?

8 A. Yes, and that's what we do.

9 Q. You do that now?

10 A. Well, that's what we always do. So we log it in
11 individually of what is written on the bag.

12 Q. So you don't look at the actual evidence in the bag --

13 A. No.

14 Q. You just look at what's written?

15 A. Correct.

16 Q. So there could have been more devices in the bag that
17 weren't recognized?

18 A. Correct.

19 Q. Would you not agree that if it was put individually
20 into bags, that that would be caught a little bit easier
21 than putting them all in one bag?

22 A. Yes, it could be.

23 Q. So, unfortunately, when this was logged into evidence,
24 it was just logged into it -- through one bag. Can you
25 talk me through how you receive evidence and decide, you

1 know, how the numbers are assigned or if you're going to
2 put it in individual bags or not?

3 A. So when items come into evidence, Evidence is not
4 allowed to open the bag and remove anything. So we don't
5 bag anything individually. . If it comes in several items,
6 that's how we log it in. How the numbers are chosen is by
7 the computer system. So each item 1, 2, 3, 4, 5, 6, it's
8 chosen by the computer in its -- in order. And then I
9 choose what bin it goes into.

10 Q. So when Glen Oxendine checked these in on 6/4/2020 to,
11 in fact, you --

12 A. Yes.

13 Q. You just went with what was written on the bag, not
14 what was actually in the bag?

15 A. Correct.

16 Q. So is it possible that as attorneys were preparing for
17 trial that they realized that there was a device in the bag
18 that was not accounted for as an item?

19 A. That is very possible, yes.

20 Q. If that happens, what would you do?

21 A. They -- once they come back into us, we would log it
22 in as an additional item.

23 Q. And it would be assigned a new item?

24 A. A new item number. Yes.

25 Q. So is it possible with item 0.31 that that's exactly

1 what happened?

2 A. Yes. That is very possible.

3 Q. Does that mean -- I mean, mistakes happen. Clearly, a
4 mistake happened multiple times in here. In this case,
5 once with the wrong case getting put in, and then with an
6 item of evidence could have been put into this case and not
7 accounted for, and then remedy by giving it a new number?

8 A. Correct.

9 Q. That doesn't mean that the item wasn't originally in
10 the bag, it just means the mistake occurred?

11 A. Correct. It wasn't.

12 MS. RAYMER: Beg the Court's indulgence? No further
13 questions from the State.

14 THE COURT: Anything further?

15 MR. HAYES: Briefly, Judge. Thank you.

16 RE-CROSS-EXAMINATION

17 BY MR. HAYES:

18 Q. So, Mr. Fabel, Ms. Raymer was asking you about some of
19 these things and when they were checked out and she lumped
20 them all together, which was 2, 3, 4, 5, and 6, and said
21 that they had all been checked out by Brandon Rast on the
22 7th of 2020, then they were back on the 15th. But in our
23 colloquy when we started with item two, I have my notes
24 that your testimony was that that item was checked out by
25 Brandon Rast on July 7th, 2020, and returned by Heidi

1 Jackson on 16th of 20 -- May, April 16th of 2024.

2 A. I believe that's when I stated that I had read it
3 wrong. And it was checked back in on 4/16/2024.

4 Q. It was checked back in on 4/16/2024 by Heidi Jackson?

5 A. No. I'm sorry.

6 Q. Item two.

7 A. Okay. Let me get back to my notes.

8 Q. Take your time.

9 A. Yes, sir. I'm sorry. Item two was checked out
10 7/7/2020 by Brandon Rast and returned as a lock return
11 7/15/2020.

12 Q. Okay. Because in this one, previously, we had
13 testified about this particular item that Heidi Jackson had
14 returned it on the 16th and 16 minutes later Ricky Johnson
15 had checked it out.

16 A. According to the chain of custody, it was checked out
17 -- I mean, excuse me -- returned 7/15/2020.

18 Q. Then what happened to it?

19 A. Checked out 4/16/2024 by Ricky Johnson.

20 Q. So on item two, did Heidi Jackson have anything to do
21 with that?

22 A. I don't believe so.

23 Q. Okay. I -- I'm not trying to trip you up, I just --
24 that was the testimony earlier, so I want to be clear about
25 that.

1 A. I -- I believe I had misspoken earlier.

2 Q. So, basically, what I understood your testimony on
3 redirect from Ms. Raymer was that evidence received the bag
4 and it has 10 items, but they only write eight of them on
5 the packaging. There's only going to be eight entries into
6 evidence.

7 A. Correct.

8 Q. And you're not going to open the bag to know that
9 there's 10?

10 A. Correct.

11 Q. So at some point if someone checks it out, opens the
12 bag, and there's extra items that weren't indicated on
13 there, right, they -- they could have been there, right?

14 A. They could, yes sir.

15 Q. But they also could not have been there?

16 A. Correct.

17 Q. You have no idea?

18 A. That is very correct.

19 Q. Right. I mean, I trust if mistakes happen that when
20 someone checks out a bag, how would they have checked --
21 when they checked these out, were all of them in one bag?

22 A. I have no idea. I -- I do not know. They -- they're
23 back in one bag now.

24 Q. They're back in one bag now. So if something leaves
25 with eight items from evidence, it could come back with

1 nine?

2 A. A ninth item could be checked into evidence under that
3 case at the same time. Yes.

4 Q. Well, there could just be something included in the
5 bag that wasn't there when it left, right?

6 A. I -- I would have no idea.

7 Q. And any -- any attempt to get you to say how that
8 would've occurred would've just been total speculation on
9 your part?

10 A. I cannot testify to that.

11 Q. Right. But I'm just saying if there were items that
12 were present at different points or not indicated on
13 evidence bags and how evidence was being handled by the
14 investigators, right, and how -- how mistakes may have
15 happened on their end, that would just be speculation on
16 your part about how those actually occurred?

17 A. Correct. I couldn't testify to that.

18 Q. Right. Your testimony is that you received these
19 items, you held them in evidence, and these are the
20 controlled movements that you can see based on the
21 Sheriff's Office evidence --

22 A. The chain of custody.

23 Q. The chain of custody, right?

24 A. Yes, sir.

25 Q. So when it's in your possession, this is where it's

1 going and who've had it, right?

2 A. Correct.

3 Q. So that if someone comes in and says, "Hey, I'd like
4 to look at this piece of evidence," and you can go back and
5 say, "Well, Ricky Johnson has that right now"?

6 A. That's -- that's what I can testify to.

7 Q. All right. And I know Ms. Raymer talked about when
8 people are getting ready for trial and they come down to
9 the Sheriff's Office. You've been a part of those kind of
10 meetings?

11 A. No, I have not.

12 Q. Okay. Have you witnessed other meetings that are
13 similar to that?

14 A. With discussion of the evidence?

15 Q. Right. Where prosecutors or maybe defense lawyers
16 come down to look at the evidence?

17 A. They usually remove them from the evidence room, so
18 sometimes I hear them, sometimes I do not.

19 Q. Okay. You've never really been a part of one where it
20 happens right there in the lobby of the evidence room?

21 A. No.

22 MR. HAYES: Okay. No further questions, Judge.

23 THE COURT: All right. You can step down. Thank you.

24 THE WITNESS: Thank you very much.

25 THE COURT: All right, folks, let's take a lunch

1 break. Please be back in your jury room at 2:00. Do not
2 discuss the case amongst yourselves or with anyone else.
3 Don't do any research about the case. Enjoy your lunch and
4 we'll see you at 2:00.

5 (The jury exits the courtroom.)

6 THE COURT: Let's go ahead and do that proffer.

7 MS. RAYMER: Great. The State would call Special
8 Agent Logan Fey to the stand.

9 SPECIAL AGENT LOGAN FEY,

10 Having been first called as a witness was duly sworn and
11 testified as follows.

12 MADAM CLERK: Thank you. Please have a seat in the
13 witness stand and state your full name for the record.

14 THE WITNESS: Special agent Logan Fey. My last name
15 is spelled F-E-Y.

16 PROFFER TESTIMONY

17 BY MS. RAYMER:

18 Q. And what is your title?

19 A. I'm a senior special agent.

20 Q. And where are you employed?

21 A. I'm employed with SLED, but I'm also specifically
22 assigned to the human trafficking unit at SLED. But I'm
23 also a dually appointed and certified federal task force
24 officer with Homeland Security.

25 Q. And what roles do -- does that entail?

1 A. So I am certified and required to work specifically
2 human trafficking investigations in South Carolina, both
3 federally and state.

4 Q. And how long have you been employed in that role?

5 A. Since 2018, and I've been at SLED since 2017.

6 Q. How long have you been in law enforcement?

7 A. Since 2009.

8 Q. So you work almost exclusively with human trafficking?

9 A. Correct.

10 Q. Are you familiar with a website called
11 skipthegames.com?

12 A. Very familiar.

13 Q. Are you familiar with a software called Spotlight?

14 A. Very familiar.

15 Q. Can you explain to me what Spotlight is?

16 A. Correct. So in my role as a human trafficking
17 investigator, requires me to use the software Spotlight.
18 It's a law enforcement-specific commercial sex website
19 aggregator. And what it does is it targets a list of
20 particular commercial sex websites that have
21 advertisements, and every day it does a daily scrub and it
22 a masses these advertisements at this website, which allows
23 us to use keyword searches, it allows us to use facial
24 recognition searches.

25 We could search by phone number, email address, or

1 keyword, particular targeted commercial sex ads that would
2 benefit us when we're looking for individuals to try to
3 rescue them or looking for cases to research and build
4 cases against individuals.

5 Q. And how did you become involved in the case we're here
6 for today, Richland, Ontario Staley?

7 A. So SLED enjoys the cooperation of Richland County
8 Sheriff's Office. SLED is not a primary agency of
9 jurisdiction. So that -- what that means is we're not a
10 direct reporting agency. So it -- we require when we
11 receive tips, individuals or victims to go and report at
12 primary agencies of jurisdiction, and in this case it
13 would've been Richland County where these crimes had
14 originated.

15 And what happens is, is we'll offer support and/or we
16 can take on cases from these agencies to assist them.
17 Primarily, we take on cases where it has a cross
18 jurisdictional boundary border, so multiple counties and/or
19 the potential for multiple states. Upon review of this
20 case with the Sheriff's office, we determined that that
21 criteria was met where there was a potential for these
22 victims to have been taken outside of the county of
23 Richland, also outside the state of South Carolina.

24 Q. And outside the presence of the jury. So what charges
25 -- did you bring any charges forth on this case?

1 A. I did. So there -- there was a investigatory decision
2 made with this case where all the CSAM portion of the case
3 would be handled by Richland County and SLED would assume
4 all of the human trafficking offenses.

5 Q. And were arrest warrants issued regarding human
6 trafficking in this?

7 A. Yes, both to Naneka Perry and to the Defendant Ontario
8 Staley.

9 Q. And were all of the human trafficking arrest warrants
10 that were issued for Richland County?

11 A. That's correct.

12 Q. Was there a Charleston case for human --

13 A. There was. So there was an additional victim not
14 discussed in this case that was removed from Richland
15 County. So the case did originate in Richland, but she was
16 transported to Charleston County, at which time she became
17 aware of the scheme that she was being exposed to. And an
18 additional arrest warrant was sought for that victim, an
19 adult in Charleston County based on the fact of her
20 knowledge base -- her coming into knowledge of what was
21 going on occurred in Charleston County.

22 Q. So as it relates to this case that we're here for in
23 Richland, was that case involving minors?

24 A. Correct.

25 Q. And so let's go back to Spotlight. Did you utilize

1 that tool in this case?

2 A. So we did use Spotlight. What we do is we'll take the
3 information that we received from the county and then we'll
4 try to verify it ourselves as well. So we want to back
5 stop the investigation and just verify the information that
6 those investigators had obtained and also verified for
7 ourselves.

8 Q. And did you do that in this case?

9 A. I did.

10 Q. And what did Spotlight reveal?

11 A. So I yielded a return of results for the accounts
12 belonging to Ontario Staley, as well as adjoining accounts
13 that were sharing of similar information. And I was able
14 to do that by different keyword searches, different uses of
15 all the telephone numbers that I was provided by Richland
16 County that were utilized in the case, as well as doing the
17 photographic reverse search of photos that we had for the
18 known victims.

19 And we did reverse searches on those images to see if
20 they were linked to any other counts. The Spotlight tool
21 allows us to go from one targeted ad, so where we have
22 verified that this is a particular ad for a case, and what
23 it'll do is a link chart and it'll link to different,
24 various accounts to see if it was ever utilized by anybody
25 else or any of the other accounts.

1 So we were able to branch off and discover multiple victim
2 postings that utilize different target names.

3 So as we discussed in previous testimony where we
4 found Storm, which was for **RH** we also found additional
5 targeted ads that were for Naneka Perry, as well as for the
6 additional victim, the minor victim in this case.

7 Q. So does Spotlight give you all of the information
8 associated with creating the -- these accounts on these
9 websites like Skip the Games?

10 A. It gives you a great amount of evidence, but we then
11 follow up those requests with the legal team. Having done
12 this through training experience for as long as I've been
13 working these cases at SLED, we have developed a
14 partnership and, through my experience also with HSI, we
15 know that the targeted point of contact for this particular
16 company, Skip the Games, is an individual by the name of
17 Samuel Hancock -- he's a customer service manager who runs
18 all the legal requests. He very quickly responds to a
19 request.

20 And part of Skip the Games' policy to comply with
21 FOSTA and to not have their website taken down because they
22 are posting commercial sex ads. They comply with requests
23 from law enforcement and we don't necessarily -- there's no
24 requirement for any kind of subpoena or search warrant.
25 You just present to them on letterhead that you're a

1 certified law enforcement agent and, through your agency,
2 you're making these requests for these documents.

3 And based off of their willingness to comply with
4 federal guidelines, they do provide, without the service
5 request, all the records that they have available to them,
6 which would include IP addresses, the websites for the
7 account, the postings. So they'll give you an entire list
8 of all the postings that these targeted accounts have ever
9 made.

10 Q. So backing up just a little bit, you were able to
11 locate, through Spotlight, skipthegames.com ads where you
12 were able to identify juvenile victims being advertised for
13 sex with pornographic images of juveniles?

14 A. That's correct. So these ads would contain those
15 pornographic images, and then the individual posting the
16 ads would have to individually select the sexual services
17 that would be provided by these individual juveniles, as
18 well as the descriptor ads that were individually typed by
19 the original poster of what they would perform, their
20 desire not to have law enforcement participate -- their
21 desire not to have underage people participate, and
22 detailing the entirety of what they will provide as
23 commercial sex.

24 Q. So their compliance with law enforcement is based off
25 of them complying with FOSTA, which is related to illegal

1 advertisement of juveniles and illegal juvenile images?

2 A. And their desire to prevent juveniles being posted on
3 the website. Correct.

4 Q. So that's essentially the threshold you have to make
5 to request this information from Skip the Games?

6 A. That is correct.

7 Q. And here you can access it via skipthegames.com, but I
8 believe that their official company name is
9 skipthegames.eu; is that correct?

10 A. That's correct. Because their servers are actually
11 held in overseas accounts. They do have an office here in
12 the United States in Los Angeles, but the actual company is
13 based outside the United States.

14 Q. So they are officially -- you know, this isn't usually
15 used in a criminal sense but domiciled overseas?

16 A. That's correct.

17 Q. So, but they'll comply if you meet those thresholds,
18 if you're a member of law enforcement and can prove such
19 with a request for additional information?

20 A. Correct. To prevent human sex trafficking.

21 Q. Did you make that request in this case?

22 A. I did.

23 Q. And who did you make that request to?

24 A. Specifically to Samuel Hancock.

25 Q. And what information did you provide him regarding --

1 or a request for information?

2 A. So the -- how I found Samuel Hancock is because law
3 enforcement uses a tool called Search ISP. And what that
4 is is an accumulation of a law enforcement officers and
5 different agencies dumping legal contacts in companies onto
6 this particular website, so you could reach out to do legal
7 service. So through previous cases and my training
8 experience, we identified Samuel Hancock as the point of
9 contact.

10 So with the information I have from my Spotlight
11 search, I took the account information that I had and I
12 supplied that to Samuel Hancock with my typed request for a
13 supply of information back about these accounts.

14 Q. And did he return information on those accounts?

15 A. He did.

16 Q. And what information did he return?

17 A. So he supplied to me -- per my request, and he dated
18 this November 16th, 2024, he gave me account information
19 for three separate accounts, the first being identified as
20 one, subtitled Phoenix. The email provided for that
21 account was ostaleyliberty@gmail.com. The sign up for that
22 original account was on August 27th, 2019. The phone
23 number associated with the creation of that account was
24 (559) 239-8662.

25 What he also provided was, on October 31st, 2019, at

1 8:16 p.m. Central Standard Time, the user changed the phone
2 number on that primary account from (619) 720-9655 to (559)
3 239-8662. Additionally, on October 16th, 2019, at 3:55
4 p.m. Central Standard Time, the user changed their phone
5 number from (803) 594-6349 to (619) 720-9655. So you could
6 see where that individual user was updating the phone
7 number associated with that account, which would reflect
8 the number that was used in the advertisements.

9 Q. And he previously -- I -- I know he put it on a nice
10 letterhead for you here on November 16th -- but he
11 previously had provided you this information via email; is
12 that correct?

13 A. He did. So he -- what's typical is that they
14 immediately respond with a generalized group of information
15 and then he's can -- at a later date, upon request, supply
16 a more certified, to their company standards, form of the
17 results that he previously provided me.

18 Q. And when he originally provided you this information,
19 did it have any Excel documents attached?

20 A. It did.

21 Q. And what were the contents of those Excel documents?

22 A. So it's a breakdown of the actual ads that were
23 located -- that were adjoined to the accounts that created
24 those. So, directly, it would have the primary account,
25 their holder information, so the date and time they created

1 the account, the username, any of the supplied information
2 that the user would use, and then, subsequently, all the
3 attached advertisements that were ever posted under that
4 user.

5 Q. And so for the return from Samuel Hancock -- Hancock
6 on this one, he returned to email addresses associated with
7 accounts ostaleyliberty@gmail.com and
8 staleyvstaley@gmail.com, and then the corresponding Excel
9 documents with all the posts that were made from those
10 accounts?

11 A. That's correct.

12 Q. And those posts range for the one associated with
13 staleyvstaley for Storm from -- it looks like April 20th --
14 going back from September 19th through April 20th. And
15 then the other account encompasses a little bit more time,
16 it looks like. Do you have these in front of you?

17 A. I do not.

18 Q. And are these ads listed it has the website name with
19 the -- will you -- will you read, for example, one of the
20 Skip the Games URLs I provided?

21 A. So the documents you did provide me are accurate
22 representation of what Sam sent me. So what we're looking
23 at is an Excel spreadsheet form, the dates the ads were
24 posted, the times they were posted, the advertisement URL,
25 so like a direct link to that specific advertisement, Skip

1 the Games, the times they were posted, the IP address of
2 the poster, and that supportive information. But,
3 specifically, you can glean information from these URLs of
4 which the title of the advertisements were posted such as
5 Cashmere is here, the Best from the West.

6 Q. And were you able to link the links that were provided
7 to you as the links you had found on Skip the Games and
8 through Spotlight?

9 A. Absolutely. So there was a direct correlation with
10 the searching on Spotlight as it is connected to these
11 advertisements. I'm able to exactly replicate what Sam
12 Hancock provided me with my searching on Spotlight.

13 Q. And did Samuel Hancock provide a certification of
14 business records to you as well upon request?

15 A. Yes, ma'am. He did

16 Q. Assist the certification of business records he
17 provided?

18 A. Yes, ma'am. That is correct. This is the
19 certification of business records he did provide me.

20 Q. And is that signed and dated by Mr. Hancock?

21 A. Yes, ma'am, it is.

22 Q. And on there, does it say that he is under penalty of
23 perjury?

24 A. It does.

25 Q. And on there, does he certify that he is a custodian

1 of records, and these are the business records associated
2 with what you were requesting?

3 A. It is. And he further states that this is a
4 certification intended to satisfy Rule 902, 11 of the
5 federal rules of evidence.

6 MS. RAYMER: And you wouldn't know this, but Your
7 Honor, at this point, the State, would seek to enter the
8 records. We believe that a sufficient foundation has been
9 laid regarding the authenticity of the certification of the
10 business records as it's been provided.

11 It must be upon a request from law enforcement.
12 Samuel Hancock is known to be the custodian of records.
13 This was received via email directly to Special Agent Fey,
14 and the State would assert that that meets the requirements
15 under the State certification -- certified business record
16 statute.

17 THE COURT: Mr. Hayes?

18 MR. HAYES: Your Honor, I would appreciate the
19 opportunity to test the veracity of some of the testimony
20 in the sense of the relationship with Mr. Hancock and what
21 they're actually trying get in, just to have a clear
22 understanding of that.

23 THE COURT: I don't know that that's necessary. I
24 mean, if this were offered in front of the jury, you
25 certainly wouldn't have that opportunity. You would lodge

1 whatever objection you have at this time based only on that
2 testimony. I mean, if you think what's there now is
3 insufficient, then I'm happy to hear --

4 MR. HAYES: Well, certainly I do, Judge, and I
5 appreciate the Court in the inquiry. I mean, we would
6 object to the admission of this particular evidence. I
7 mean, to say that, you know, we have this experience and
8 we've come to know Samuel Hancock -- I have no idea where
9 Samuel Hancock is. I mean, it sounds like these servers
10 are maintained overseas. You know, they might have some
11 kind of satellite office in Los Angeles.

12 You know, not everybody -- not every country -- and I
13 understand what technology the way that it is in the
14 worldwide web. I mean, things are available, but it might
15 be legal somewhere else where it's not here. So they're
16 trying to comply with these things. But I have no idea who
17 Mr. Hancock is -- Hancock is, what his qualifications are.
18 I mean, you know, I can be the king of my own castle,
19 right? And I can submit anything I want on -- on behalf of
20 whatever it is that I want to say. And I don't have the
21 ability to cross -examine that person or how these things
22 are actually maintained and their processes, and to make
23 sure that the evidence that's going to be -- before this
24 jury is actually credible and legitimate.

25 And I think that we have some confrontation clause

1 issues. I have concerns about, you know, the penalty of
2 perjury to someone in Columbia or not the -- not certainly
3 the city, but the country, some other foreign place where
4 they're never going to come to America. They could
5 literally say, sign anything and say, oh, I understand
6 that, you know, I -- I can be prosecuted for perjury, as
7 unlikely as that seems.

8 And we -- this is our understanding of the -- the
9 United States Federal Rules of Evidence and whatever he
10 under -- his understanding of any of that, right. So I
11 don't know, Judge, that, you know, we're able to cross-
12 examine, understand exactly the processes from Skip the
13 Games to be able to test the veracity of what they have, to
14 make sure that the evidence is reliable. And I think, you
15 know, I would rely on any previous argument that I made
16 probably on Monday as it relates to the similar issue that
17 came up then, Judge.

18 But we would continue our objection and believe that
19 it's improper to allow this evidence based on the
20 witnesses' available -- you know, based on the witnesses
21 that they have in an effort to actually get it through. If
22 -- if that makes sense. I might not be saying that quite
23 good.

24 THE COURT: I think I understand.

25 MR. HAYES: Thank you, Judge.

1 THE COURT: At this point I do think -- go ahead and
2 make your argument for the record.

3 MS. RAYMER: Your Honor, the State would argue that
4 the confrontation issue is addressed by the statute and
5 case law. As far as the veracity of Mr. Hancock's
6 statement, I believe that the elements of the statute for
7 admissibility have been met. Oftentimes, I could not tell
8 you who the business custodian of the DMV records that I
9 got in the other day was, but the certificate meets the
10 requirements of the statute, as I believe that you here as
11 well.

12 THE COURT: Yeah, I think that any defect in the
13 admissibility of the evidence was cured, or is cured by the
14 proffer testimony of Agent Fey. Yeah. So at this point it
15 seems to be admissible over the Defendant's objection.
16 Obviously, that testimony, or some portion thereof, needs
17 to happen in front of the jury and offer the exhibit in
18 front of the jury. So we'll revisit it at that time. I'm
19 sure you'll lodge your objection again at that time.

20 MR. HAYES: Yes, ma'am. I'll make a contemporary
21 objection.

22 THE COURT: Yeah.

23 MR. HAYES: I mean, again, so it goes a little bit,
24 you know, depending on the extent of it, and I've reviewed
25 it. It's basically a -- a Excel spreadsheet, like Agent

1 Fey has described, but there's a number of dates, Judge,
2 that go -- this goes on. So it goes into 403 issues. I
3 mean, we're here to talk about -- this trial is about these
4 two alleged victims, right? And there's no question based
5 on the testimony that Ms. Perry was involved in
6 prostitution.

7 But to put all of those ads in, I mean, what -- you
8 know, to just put -- dump seven months' worth of ads or
9 whatever they're going to attempt to do, seven pages of
10 ads, I think probably is more prejudicial than probative to
11 the issues that are before the jury. So if the Court was
12 inclined to allow the evidence in, right, we would want it
13 to be tailored to the issues that are here and not just try
14 to overwhelm him and say, "Well, look at all the stuff that
15 we have and all the things that we -- we think that he
16 did."

17 And so, you know, he did all those things, so he must
18 have done this kind of thing. Right. That's what I worry
19 about, that, you know, it's not tailored enough to what we
20 have. And I didn't -- you know, I didn't understand his
21 testimony here to -- to have that limiting effect. And so
22 I would ask the Court to help me do that.

23 THE COURT: Certainly, whatever's offered needs to be
24 limited to the crimes charged in that timeframe. I haven't
25 gone through with a fine tooth comb what you're looking to

1 seeking to introduce, but I can give you that guidance and
2 you can --

3 MS. RAYMER: That would be wonderful.

4 THE COURT: -- take it from there.

5 MS. RAYMER: The State is happy to, you know, redact
6 this to show the date range as charged. That is one of the
7 -- and the State's not seeking to enter into evidence,
8 obviously, all of the underlying ads.

9 THE COURT: Right.

10 MS. RAYMER: And I believe that that date range is
11 actually already limited to --

12 THE COURT: That -- that you just handed me has some
13 April, 2020 on there.

14 MR. HAYES: But I think the indictments, Judge, they
15 alleged until like January, right? So anytime -- anything
16 after that I think is outside.

17 THE COURT: I agree. I was just looking for the
18 indictment to find out. Yeah, September, 2019 to January,
19 2020 is what's alleged in the indictment. So the dates
20 need to be limited in that fashion. And -- and then, you
21 know, the State says they -- it's really that list or that
22 spreadsheet, that list of ads from that date range and not
23 the ads themselves that will be introduced. And I think
24 that's properly limited.

25 MR. HAYES: Yes, ma'am.

1 THE COURT: Okay.

2 MR. HAYES: Thank you.

3 THE COURT: All right. Anything else? Nope, nope,
4 nope. Good. See you at 2:00.

5 MS. RAYMER: Thank you so much, Your Honor.

6 THE COURT: Thank you.

7 Pause. Pause. Hold on. Before -- back on the
8 record. Of course the jurors were excused for lunch and
9 therefore had the opportunity to get their cell phones.
10 Juror number 317 has been dismissed from the jury. He made
11 a phone call, found out his wife is in the emergency room
12 and had to go. And I don't blame him whatsoever. In fact,
13 and court personnel didn't even ask me "Should he be
14 excused?" Which is fine because that was the appropriate
15 decision.

16 So we've got two alternates. One needs to be
17 selected. I've already put their numbers on pieces of
18 paper. You can -- I'm going to hand those to the clerk.
19 She's going to put them in a cup and randomly select the
20 replacement juror.

21 THE CLERK: Juror 321, Judge.

22 THE COURT: Juror 321 will be -- become a part of the
23 jury, and we'll replace juror 317. Okay.

24 MS. RAYMER: Thank you, Your Honor.

25 THE COURT: That's all I have. See at 2:00.

1 (There was a lunch recess.)

2 THE BAILIFF: You may be seated.

3 THE COURT: All right. Okay. Good afternoon. As it
4 turns out, I clearly -- I was mistaken -- or maybe it was a
5 game of telephone and -- or maybe the juror changed his
6 mind, but Juror 317, who we were going to replace has
7 returned after the lunch break. Apparently still wants to
8 serve despite the fact that his wife is still at the
9 hospital. But that -- and I started to send him away to
10 save him from himself because that, to me, sounds like a
11 terrible idea. But he is here and he wants to serve.

12 So ignore that last part before the break. We don't
13 need to replace him with an alternate. 317 is still on the
14 jury and, yeah, he can take that up with his wife when he
15 leaves here, so. All right. Let's -- we're ready.
16 Everybody ready? Good. Good. Yeah. Okay. Bring the
17 jury please.

18 (The jury enters the courtroom.)

19 THE BAILIFF: Jury seated, Your Honor.

20 THE COURT: All right. Thank you. Welcome back,
21 folks. Still in the State's case. They're going to call
22 their next witness.

23 MS. RAYMER: Thank you. Your Honor, the State, at
24 this time will recall Heidi Jackson.

25 THE COURT: Let's swear again. Why not.

1 HEIDI JACKSON,
2 Having been duly sworn testifies as follows:
3 MADAM CLERK: Please have a seat on witness stand and
4 state your full name for the record.
5 THE WITNESS: Heidi Derijke, but otherwise known as
6 Heidi Jackson.
7 DIRECT EXAMINATION
8 BY MS. RAYMER:
9 Q. Captain Jackson, do you recall a meeting that occurred
10 on April 16th, 2024, to look at evidence related to this
11 case?
12 A. Yes, I do.
13 Q. Okay. What was the purpose of that meeting?
14 A. The purpose was to prepare for court.
15 Q. Okay. And where did this meeting occur?
16 A. It occurred in the evidence room at our Sheriff's
17 Department.
18 Q. Okay. During that meeting in the evidence room, did
19 you -- or was there a discrepancy that was determined
20 between what was listed on the report that was on the
21 evidence bag and the number of devices in the bag?
22 A. Yes, there was.
23 Q. Okay. And what happened with that?
24 A. I asked the evidence clerk how to handle that and he
25 said to add it to the evidence -- add that number to the

1 list. It was already in evidence. It's just that number
2 got added to the list.

3 Q. So the extra device that wasn't listed on the piece of
4 paper was already in the evidence bag, it just wasn't -- it
5 didn't have a number associated?

6 A. Correct.

7 Q. Okay. So was there a new evidence number --

8 A. Yes.

9 Q. -- associated with it?

10 A. Yes.

11 Q. Was that item number 31?

12 A. Yes.

13 Q. Okay. And is your name associated with checking that
14 device in?

15 A. Yes.

16 Q. And why is that?

17 A. Because I -- I checked it in. I -- I checked it in.

18 Q. You checked it in by having the new number generated?

19 A. Yes.

20 Q. Okay. And then I want to take you back to July of
21 2020.

22 A. Yes.

23 Q. Did you apply for a search warrant related to evidence
24 in this case?

25 A. I did.

1 Q. What was the search warrant for?

2 A. It was for the devices.

3 Q. For the contents?

4 A. Yeah. For all the devices that were in -- in evidence
5 at that time.

6 Q. Okay. And so did you have to list all of the devices
7 that were in evidence on that time on the search warrant?

8 A. Yes, I did.

9 Q. Okay. So in order to prepare for writing up that
10 search warrant, what did you do?

11 A. I went to evidence and I checked out the -- I didn't
12 check it out. I checked it out from evidence and stayed in
13 the evidence room and copied down. Just, I wrote down all
14 the numbers, the serial numbers of each of the devices.

15 Q. Okay. And so you -- did you do that based off of the
16 devices that were in the bag or based off of the piece of
17 paper?

18 A. I did it off of the devices that were in the bag.

19 Q. Okay. And is -- what is now in evidence as item 31,
20 was that included in your search warrant?

21 A. Yes, it was.

22 Q. Okay. And when was that search warrant?

23 A. It was July of 2020.

24 Q. Okay. So back in July of 2020, then in order for that
25 item -- what is now item 31 to be listed in your search

1 warrant, it would've had to have been in evidence in 2020?

2 A. Correct.

3 MS. RAYMER: That's all I have for you. Please answer
4 any questions that Defense has.

5 THE COURT: Any cross-examination?

6 MR. HAYES: Yes, ma'am.

7 CROSS-EXAMINATION

8 BY MR. HAYES:

9 Q. Good afternoon, Ms. Jackson -- Captain Jackson. I'm
10 sorry. All right. So let's start kind of where you
11 started with the direct examination. So there was a
12 meeting to prepare for court in the evidence room on April
13 16th, 2024?

14 A. Correct.

15 Q. Right. Do you know if Mr. Fabel was there for that?

16 A. I'm not sure who the -- who was there in the back of
17 the evidence room. Captain McManus is the one who I spoke
18 to there.

19 Q. Okay. And you were present for Mr. Fabel's testimony
20 in this case?

21 A. Yes.

22 Q. All right. And you'd agree that his testimony was
23 that he's been in the -- he's worked in the evidence room
24 for a number of years now, right?

25 A. He's worked there for a number of years, yes.

1 Q. All right. And that he's never really seen a meeting
2 to prepare for court there in the lobby of the evidence
3 room?

4 A. I can't -- I can't comment on that. I don't know if
5 he has or not.

6 Q. Okay. Well, you were present for his testimony,
7 right?

8 A. I was present for his testimony. I don't recall him
9 saying that, but I'm not going to deny it either. I don't
10 know.

11 Q. All right. Who was -- without going into what was
12 discussed, who was present at the meeting?

13 A. At -- on the 16th?

14 Q. Yes, ma'am.

15 A. The Solicitors before you.

16 Q. Okay. So Ms. Raymer and Ms. Hughes?

17 A. Yes.

18 Q. And the -- and you?

19 A. Yes.

20 Q. The three of you?

21 A. Yes.

22 Q. Okay. All right. And how did you determine there was
23 this discrepancy?

24 A. That -- we just saw the number listed on the bag was
25 not the number that -- of phones that were in the bag, it

1 was just the list.

2 Q. Okay. Do you know how many phones were listed on the
3 bag?

4 A. If I saw the report, I would. It -- but it's on the
5 search warrant. That same number.

6 Q. Okay. So you -- when you were seeking to obtain the
7 search warrant, is it fair to say that at that time I think
8 all of the phones would've been in the evidence locker at
9 the Sheriff's Office; is that right?

10 A. Yes.

11 Q. Okay. And so in order to retrieve the electronic
12 devices pursuant to your search warrant, you went -- well,
13 I guess initially you agreed with me that you went to see
14 what was actually within your control, right? What was --
15 what evidence had actually been seized?

16 A. Right. I -- I didn't seize the evidence. So on July
17 -- in July of '20 was the first time that I took a look at
18 all the evidence.

19 Q. Okay. And were you the one that had filled out the --
20 the paperwork or the plastic bag I think that Mr. Fabel had
21 earlier?

22 A. No.

23 Q. Okay. So you had gone to the evidence room to see
24 what had actually been seized, right?

25 A. Uh-huh.

1 Q. And at that time, did you open up the secure
2 containers to assess that?

3 A. Yes.

4 Q. Okay. And then you -- what -- how did you do that?
5 Did you make handwritten notes? How did you go about
6 transcribing all the serial numbers and things that you
7 needed for the search warrant?

8 A. Yeah. I would've had -- had to write down each one.

9 Q. Okay. And I guess it just kind of missed you at the
10 time that there were more -- more electronics present than
11 actual were indicated on the bag?

12 A. Well, I just went off of the actual items. Because
13 each item I took out, looked at the serial number, wrote it
14 down. I never really looked at what items were listed on
15 the bag because I was more concerned about what's in the
16 bag, not what's -- what was listed.

17 Q. Okay. And so it would be your testimony that you
18 opened the bag, reviewed the items, sealed the bag back and
19 resubmitted it to evidence?

20 A. Correct.

21 Q. Okay. But they didn't actually make you check --
22 check it out because you kept it right there in the
23 evidence room?

24 A. Correct. I mean, they -- they noted it. If -- if you
25 look at the paperwork, it shows that I checked it out, but

1 I never left. Just gave it back to them and they checked
2 it back in. So it will show that.

3 Q. Okay. On the 16th, when you have this meeting earlier
4 this year, April 16th, 2024, with the attorney general's
5 office, it was right there. It is sort of in the same
6 location, right? That you would've performed this
7 inspection back in July of 2020?

8 A. Yes.

9 Q. Okay. But this time the evidence actually did leave
10 the evidence room, right?

11 A. No, it stayed right there. They just looked at it
12 with me.

13 Q. Okay. So you didn't actually have to like officially
14 check it out to take it somewhere?

15 A. It was the -- no, we didn't take it anywhere, but the
16 same process happened that happened in July.

17 MR. HAYES: Okay. Beg the Court's indulgence?

18 THE COURT: Yes, sir.

19 BY MR. HAYES:

20 Q. Would you be able to -- upon -- would you be able to
21 associate the different items that were placed into
22 evidence with their presence on the -- the search warrant?

23 A. Yes.

24 Q. Okay.

25 A. The search warrant will show each of those items.

1 Q. Okay. So you had items 0.2, 0.3, 0.4, 0.5 --

2 A. Oh, no. That -- that point something is -- that's the
3 evidence room uses, that point something. I don't use that
4 point something.

5 Q. We just call it item two, right?

6 A. Yeah. Or the second item. I mean, I wouldn't call it
7 -- I wouldn't label it anything. It's another item.

8 Q. All right. So basically all of -- would you agree
9 with me that you attempted to include all of the electronic
10 information or all the electronic evidence that was seized
11 in this case within the four corners of your search
12 warrant?

13 A. Except for Naneka's phone. No.

14 Q. Okay.

15 A. Because she gave me consent, so that would not have
16 been.

17 Q. In a laptop, right?

18 A. In the laptop. We -- we don't have the ability to
19 process it, so it was turned over to Agent Fey.

20 Q. Okay. But any kind of phone or scan disc that was
21 available to the Sheriff's Office, you included in the
22 search warrant?

23 A. They're in the search warrant. The scan -- the scan
24 disc, we can't also do at our evidence room. So that was
25 also turned over to Agent Fey, that -- it was like a thumb

1 drive.

2 MR. HAYES: Beg the Court's indulgence?

3 THE COURT: Yes, sir.

4 BY MR. HAYES:

5 Q. So I guess, not to belabor the point, Captain Jackson,
6 but you're the one that discovered the discrepancy?

7 A. No. Actually, the solicitors did. They noticed that,
8 you know, why are there more phones than what was listed?
9 And so then that's when I asked Captain McManus, how do I
10 deal with that? There's more phones in this bag.

11 Q. Okay. What steps did you take personally or yourself
12 to ensure that all the phones that were in the bag were
13 actually related to this case?

14 A. I'm sorry, I don't understand. They were -- they were
15 in a sealed case, just like all evidence would be.

16 Q. Right.

17 A. So there's no -- yeah, I don't know what you're asking
18 me that it was still sealed the same way.

19 Q. Okay. And so then you just turn it back to the --
20 evidence custodian was there and ask him how to go about
21 trying to fix this?

22 A. Yeah. I said that there's the -- there's more
23 evidence in here than what is listed and how do I -- how do
24 I deal with that? And they said you just add it into the
25 list.

1 Q. Okay. But didn't it cause you any concern that inside
2 of the bag there was an extra device?

3 A. It did not, because back in July of '20, I already had
4 it listed on the search warrant, so I know I saw it in
5 there in July of '20. So it -- it's just that I never read
6 all the items listed on the bag because I was more
7 interested in what was in the bag.

8 Q. Okay. So this is -- you're -- you're viewing the bag
9 some almost four years later though, right?

10 A. Yes.

11 Q. Okay. And you would agree with me that you don't have
12 independent recollection to say you remembered every one of
13 the devices that was in the bag?

14 A. No. I -- I wouldn't have just been off the top of my
15 head, but I could look at my search warrant from July of
16 '20 and see that that item was already listed in there. So
17 it was in the bag before. It just did not get listed on
18 the evidence form.

19 Q. Okay. And I guess you had a search -- you had a copy
20 of your search warrant at the time of this meeting?

21 A. Yes.

22 Q. So at the time of the meeting, did you -- did you open
23 the bag then?

24 A. Yes.

25 Q. Okay. And you were able to determine through that

1 process which one of the items had not previously been
2 logged in?

3 A. Yes.

4 Q. But you're not the one that was responsible for the
5 initial submission to the evidence room?

6 A. No.

7 MR. HAYES: Thank you, Judge. No further questions.

8 THE COURT: Anything further?

9 MS. RAYMER: Nothing, Your Honor.

10 THE COURT: Okay. You can step down. Again, thank
11 you.

12 THE WITNESS: Thank you.

13 THE COURT: Call your next --

14 MS. RAYMER: State would call Glen Oxendine.

15 GLEN OXENDINE,

16 Having been first called as a witness was duly sworn and
17 testified as follows:

18 MADAM CLERK: Thank you. Please have a seat on the
19 witness stand and state your full name for the record.

20 THE WITNESS: My name is Glen Oxendine.

21 DIRECT EXAMINATION

22 BY MS. RAYMER:

23 Q. Good afternoon. Where are you employed?

24 A. Richland County Sheriff's Department.

25 Q. And what is your title there?

1 A. I'm a sergeant over the special victims unit.

2 Q. What was your title in -- over four years ago back in
3 2020?

4 A. I was an investigator working in the special victims
5 unit.

6 Q. And what does that role entail?

7 A. Special victims unit, we deal with a lot of children
8 abuse, physical abuse, sexual abuse. We also deal with
9 vulnerable adults. And as far as they're concerned, the --
10 the neglect of vulnerable adults. And then, on occasions,
11 when we have the opportunity to work human trafficking
12 cases, then that's what we'll do.

13 Q. Do you recall how you became involved in the case
14 against Ontario Staley, the case number is 200304030312?

15 A. Yes.

16 Q. And how did you become involved?

17 A. I actually got some evidence presented to me while I
18 was at the -- at the office.

19 Q. And were you the assigned investigator on that case?

20 A. No, I wasn't.

21 Q. So why was this evidence introduced to you?

22 A. Captain Jackson was not available at the time, and I
23 was -- I was able to take it.

24 Q. Do you recall how you took that evidence?

25 A. Yes, it was delivered to me at Pine View.

1 Q. And did you speak with Captain Jackson about receiving
2 this on evidence?

3 A. I did.

4 Q. So were you aware of where this evidence was coming
5 from?

6 A. Yes.

7 Q. Where was this evidence coming from?

8 A. It was coming from -- it came from one of the -- the
9 deputies that made a traffic stop on the Defendant.

10 Q. The Defendant being Ontario Staley?

11 A. Yes.

12 Q. And there was previous testimony that that traffic
13 stop occurred on May 21st of 2020. Is that when you
14 would've received the evidence from the deputies?

15 A. Yes.

16 Q. Do you recall what deputy you received this from?

17 A. I'm sorry. I don't.

18 Q. Is it common for you to receive evidence?

19 A. Yes.

20 Q. Do you remember who you've received evidence in every
21 case from?

22 A. I mean, I -- I try to and, occasionally, whenever
23 we're working with another investigator on the case such as
24 this, then I'm not directly involved yet, I -- I just don't
25 remember who that was.

1 Q. And that's why sometimes these property receipts are
2 helpful to help refresh your recollection, correct?

3 A. Correct.

4 Q. So when you received this evidence, it wasn't checked
5 into evidence until June 4th of 2020, we've heard testimony
6 on. Where would that evidence have --

7 MR. HAYES: I object to leading.

8 THE COURT: Sustained. Get right to the question.

9 BY MS. RAYMER:

10 Q. Why was there delay in the evidence being checked into
11 the evidence locker?

12 A. It could have been the fact -- and I don't recall
13 right away -- could have been the fact that I was waiting
14 for Captain Jackson and to return from -- or return to work
15 and speak with her about it and, you know, I -- I could
16 have been tied up with doing other things.

17 Q. After you received the evidence from a deputy involved
18 in the traffic stop, what -- where would've that evidence
19 gone if it didn't go into the evidence locker?

20 A. It would've stayed with me.

21 Q. And by staying with you, what do you mean? because
22 that's a pretty substantial period of time.

23 A. It -- it is. And I would've kept the evidence at my
24 office in my -- or at the office in my cubicle area.

25 Q. What do you mean by cubicle area?

1 A. So the -- at the time where -- where I was working at,
2 it's -- it's like a cubicle field, so every investigator's
3 assigned a different cubicle to work in. I just so
4 happened to be on one of the ends, so I had a -- a big
5 cubicle.

6 Q. And so where in your cubicle would've that -- that
7 would that evidence have been stored?

8 A. It would've been stored in a compartment over a desk.
9 So if -- my desk was like kind of a L-shape and over the
10 top of it was a -- a light and then there was like a -- I
11 don't know -- like a sideways locker or whatever, and I
12 would've took and stuck it in there.

13 Q. And would that have been secure?

14 A. Yes.

15 Q. How would it have been secure?

16 A. Key. There was a lock -- it was lockable.

17 Q. Who has access to that key?

18 A. At the time, only -- only I did.

19 Q. Locked in an area above your cubicle that only you had
20 access to?

21 A. Yes.

22 Q. And then you -- it's remained in there until you
23 submitted it into evidence?

24 A. Correct.

25 MS. RAYMER: May I approach the witness?

1 THE COURT: Yes, ma'am.

2 BY MS. RAYMER:

3 Q. I'm handing you what's been previously marked State's
4 Exhibit Number 18. Do you recognize what this bag is?

5 A. Yeah, it's a bag containing electronic items, tablets,
6 and phones.

7 Q. And do you recognize that as the evidence you entered
8 into -- the bag of electronics you entered into evidence in
9 this case?

10 A. It appears to be, yes.

11 Q. And why are all the devices in one bag? Is that
12 common practice?

13 A. It -- it would be for me. I'm -- I can't speak on
14 anybody else, but if all the devices are coming from one
15 person, I would package all those devices together.

16 Q. So, generally speaking, if they're all in one package
17 or box, they're generally coming from one person?

18 A. Yes.

19 Q. If there were multiple bags or multiple boxes
20 containing devices or items, what would that generally
21 indicate to you?

22 A. That there were multiple suspects.

23 Q. Can you tell me how these items are described on the
24 face of the bag?

25 A. I don't -- I can't read that one. Black phone, model

1 6062W, three work -- or I'm sorry -- three black tablets.
2 Is that -- that's not three, that's an item -- yeah, that's
3 -- that's item number three or black tablet. Item number
4 four, tablet pink with a pink and black. Item number five,
5 Alcatel, I guess, black phone. Item number six, silver
6 phone. I think it says item number 16 one scan disk 64
7 gigs. And item number 31 silver phone with Coolpad and
8 broken screen.

9 Q. Can you recognize the -- the items in that bag as the
10 ones that you submitted into evidence of 6/4 in 2020?

11 A. Yes, they appear to be. Yes.

12 Q. Your Honor, at this time, the State would seek to
13 enter into evidence what's been previously marked as
14 State's Exhibit 18.

15 THE COURT: Any additional objection?

16 MR. HAYES: Just to continue foundation objection,
17 Judge.

18 THE COURT: Yes, sir. State's 18?

19 MS. RAYMER: Yes.

20 THE COURT: Is admitted over the Defendant's
21 objection.

22 (State's Exhibit 18 admitted.)

23 MS. RAYMER: Thank you, Your Honor. Please answer any
24 questions that the Defense may have for you.

25 CROSS-EXAMINATION

1 BY MR. HAYES:

2 Q. Good afternoon, Sergeant.

3 A. Good afternoon.

4 Q. You just testified that you recognized the items in
5 the bag, what you really recognized is your handwriting,
6 right?

7 A. It's not my handwriting.

8 Q. Okay. And you didn't -- you didn't write on that bag?

9 A. No, sir, I didn't.

10 Q. Okay. I mean, this is -- this is items that were
11 placed into evidence back in June of 2020, right?

12 A. Yes, sir.

13 Q. You really don't recognize the items in that bag?

14 A. Some of these, yes, I do. And like I -- I testified
15 to that, I do recognize these.

16 Q. Okay.

17 A. Even though -- I -- I'm -- I don't know what to tell
18 you. Sorry. I do recognize those.

19 Q. Yeah. What about them makes you recognize them?

20 A. Associated with the Defendant's name and the items
21 that -- that were given to me that day.

22 Q. Okay. So we talked about property receipts. You
23 don't recall who the deputy was that brought them to you,
24 right?

25 A. No, sir, I don't.

- 1 Q. Okay. And your office, was it out on Pine View at the
2 time, right?
- 3 A. Yes, sir.
- 4 Q. And the items were brought to you at Pine View?
- 5 A. Yes, sir.
- 6 Q. Okay. Do you remember where you were inside of that
7 office at the time you received them?
- 8 A. I don't recall exactly where I was at, no.
- 9 Q. Okay. Do you remember -- do you remember the manner
10 in which you received them? And by that what I mean is did
11 they come in with a handful of eight devices and just kind
12 of lay them down? Were they in a bag? How did -- how did
13 you receive it?
- 14 A. The best that I can recall, they were in a bag.
- 15 Q. Okay. But you really don't recall?
- 16 A. The best that I can recall, they were in a bag.
- 17 Q. Okay. What kind of bag was it?
- 18 A. Property Bag.
- 19 Q. Okay. Was -- was it already written on the property
20 bag?
- 21 A. No, sir.
- 22 Q. Okay. Did the property bag have anything written on
23 it?
- 24 A. No, sir.
- 25 Q. Okay. So you received this bag full of electronics in

- 1 a basically a blank -- a blank plastic bag?
- 2 A. Yes, sir.
- 3 Q. Okay. Didn't have a case number on it?
- 4 A. No, sir.
- 5 Q. Didn't have any inventory of the contents of it?
- 6 A. I -- I don't know what you mean by inventory.
- 7 Q. Well, it didn't -- it didn't -- there kind of like the
8 evidence bag is before you now, right? They would -- they
9 would purport to be some inventory of what you -- if you
10 open the bag, what you expect to find, right?
- 11 A. You mean as far as the inventory being filled out in
12 the front of the bag?
- 13 Q. That's right.
- 14 A. No, sir, there wasn't.
- 15 Q. Okay. And you really can't say with any certainty how
16 many items you actually received on that day, right?
- 17 A. The -- the items that I've received, I signed them
18 into to evidence at the time. So, I mean -- you know --
- 19 Q. Okay. When you signed them into evidence, is it your
20 understanding that you submitted all of the items that were
21 in the back on the -- on the external part of the -- the
22 evidence?
- 23 A. That I submitted -- I -- I'm sorry, I don't
24 understand.
- 25 Q. Okay. So you -- when you submitted it to evidence

1 room, right, you took the plastic bag that you had. What'd
2 you do with it? You put it in a new plastic bag?

3 A. Yes.

4 Q. Okay. And that plastic bag, you put whatever the
5 contents of the bag you received was?

6 A. Yes. On the -- on the front of the bag?

7 Q. Right.

8 A. Yes.

9 Q. And then you listed out what was inside that?

10 A. Yes.

11 Q. Okay. And then you submitted the evidence?

12 A. Yes.

13 Q. Okay. And that's the last -- that's the last time you
14 really had anything to do with them?

15 A. Yes, sir.

16 Q. Until just moments ago?

17 A. Yes, sir.

18 Q. When you were asked about it and you recognized them
19 from four years ago?

20 A. Yes, sir.

21 Q. In the last four years, how many times would you say
22 you've been involved with or handled an electronic device
23 that's been seized in the case that you were working?

24 A. In the last four years, I can't give you a number.

25 Q. Hundreds?

- 1 A. I couldn't give you a number.
- 2 Q. Was it more than 10?
- 3 A. Yes, sir.
- 4 Q. Okay. Is it more than 50?
- 5 A. I could say that, yeah. It was probably more than 50.
- 6 Q. Hundreds?
- 7 A. I -- I -- I don't know. I can -- I can tell you with
8 certainty that it was probably more than 50.
- 9 Q. All right. So this -- in this time, you -- can you
10 say with any certainty the day that you actually received
11 these phones?
- 12 A. The day of the incident?
- 13 Q. Yeah. The day that you would've taken possession of
14 these phones. Do you recall what that would be?
- 15 A. I don't have that date in front of me. I'm sorry.
- 16 Q. Okay. So you don't recall?
- 17 A. It was on the April -- I think April 12th. Is that
18 right?
- 19 Q. Okay. So you think you took possession of these
20 phones from a law enforcement officer on April 12th, 2020?
- 21 A. March -- March 12th. I think that was -- correct.
- 22 Q. March 12th of April?
- 23 A. I'm sorry?
- 24 Q. I'm just trying to understand your testimony.
- 25 A. Yeah, I -- I'm -- I'm thinking that's what it was.

1 Q. Okay. April the 12th. And it would've stayed with
2 you in your cubicle until they were submitted into evidence
3 sometime in June of 2020, right?

4 A. Correct.

5 Q. Okay. How many -- how many cubicle areas are in -- in
6 the office where you were working at the time?

7 A. I don't know. There's several of them. I'm counting.

8 Q. Twenty?

9 A. A little bit more than that.

10 Q. Okay, 24?

11 A. A little bit more than that. Maybe around about
12 30-ish.

13 Q. Okay. And back in April of 2020, how long had you
14 been out at Pine View?

15 A. I'd been out there for a while. I -- I don't know the
16 -- the year that I went down there.

17 Q. Could -- just for clarity and for the jury's sake, you
18 would -- you'd agree with me that -- that the Sheriff's
19 Office has different sort of substations. They have their
20 headquarters at 5623 Two Notch Road?

21 A. Correct.

22 Q. Right. And that's where the evidence room is located,
23 right?

24 A. Correct.

25 Q. But this special victims unit that you were working

1 for as assigned at the time was out at Pine View and
2 Fairfield Road?

3 A. Correct.

4 Q. Okay. And prior to being moved to the special victims
5 unit, you were working as an investigator at 5623 Two Notch
6 Road, right?

7 A. Yes.

8 Q. Okay. And so I guess my question is, is at what time
9 -- what about -- you know, what time were you transferred
10 from the headquarters out to Pine View?

11 A. I don't remember a day.

12 Q. A month?

13 A. I -- I don't -- I don't -- I mean, I can't recall a --

14 Q. A year?

15 A. I cannot recall.

16 Q. Okay. All right. You'd agree with me that in these
17 -- these cubicles that the investigators are moved around
18 some, correct?

19 A. Yes.

20 Q. Right. And that's fairly routine practice for the
21 Sheriff's Office?

22 A. Yes.

23 Q. Okay. And so when investigators move to a new
24 cubicle, do they take their -- their desk and -- and things
25 with them or do they just inherit what's there?

1 A. You talking about their -- our work equipment?

2 Q. Yeah. Your -- desk, right? Your -- not necessarily
3 your computer, but some of the more physical things that
4 might be present. Your -- your desk, your chair, your
5 filing cabinet. When you move from, maybe -- I mean, let
6 me ask you this. How did Pine View Road -- would -- would
7 it ever come to be that an investigator would be in a
8 cubicle and then be asked to change cubicles -- move
9 cubicles within the Pine View office?

10 A. Not necessarily.

11 Q. Not necessarily, but you'd agree with me that it
12 happens?

13 A. I -- I've never seen that happen.

14 Q. No one's ever moved cubicle at Pine?

15 A. If they moved them, it's only because they wanted to.

16 Q. Okay. But my point is that people could move cubicles
17 --

18 A. But, I mean, you asked me if -- okay. Yes, they can
19 move cubicles. Yes.

20 Q. Okay. And when they move cubicles, do they take their
21 filing cabinets and things with them or do they just --
22 when they land, do they land with whatever's already there?

23 A. They take those items with them.

24 Q. Okay. So this overhead storage vent that you -- where
25 you stored these follows, was it already there or is that

1 something that you took into the cubicle with you?

2 A. No, it was already there.

3 Q. All right. And had someone enjoyed that cubicle prior
4 to your arrival in it?

5 A. Yes.

6 Q. Okay. And so somebody else would've actually had
7 access to the cubicle had they wanted to, right? They
8 would've had a key to the -- to the compartment -- speak
9 about?

10 A. Not -- that I -- I couldn't tell you with 100 percent
11 certainty. Whenever I arrived there and I was in the
12 cubicle there, the key was in the lock itself and there
13 were two keys on the ring itself.

14 Q. Okay.

15 A. So I secured those keys.

16 Q. So it was your perception that you had your own keys?

17 A. Yes.

18 Q. But you can't say for sure that that's the truth?

19 A. No, I can't.

20 Q. All right. All right. I'm just going to -- about to
21 be done, Mr. Oxendine, but I -- I want to run through this.
22 So you received the evidence April 12th, 2020?

23 A. I think that date's correct, yes.

24 Q. From the deputy you don't remember?

25 A. I don't recall the name, no.

1 Q. A number of items you can't say with any specificity?

2 A. The -- the items that I listed, yes.

3 Q. Okay. You held them in your cubicle for until the
4 middle of June for reasons you really don't recall?

5 A. I -- I thought I answered that question. I -- I was
6 --

7 Q. Well, you -- you sort of speculated, I think. But the
8 reality is you really don't recall why you held him that
9 long?

10 A. And again -- I -- I will tell you again, it could have
11 been because I wanted to wait until Captain Jackson got
12 back.

13 Q. Do you recall where she was?

14 A. I don't. And she could have been on vacation. She
15 could have been in -- in a class. I was an investigator.
16 She's a captain. I mean, it's not for me to know what my
17 captain -- all I knew is that she was not in the office
18 that day.

19 Q. Okay. She wasn't in the -- you don't know where she
20 was or how long she was gone, right?

21 A. Again, she's the captain. I'm an investigator. She's
22 my supervisor. It's not for me to know where she is.

23 Q. And so I think just based on your testimony, you
24 really don't recall exactly what prompted you to finally
25 submit this into the evidence room? Do you?

1 A. Again, I -- I will tell you that I probably waited
2 until she got back to speak with her. And in the course of
3 doing that, yes, I could have got busy and just didn't make
4 time or -- or have the time to go ahead and drop the
5 evidence. But, I mean, that's -- it could be the case. I
6 don't -- I mean, I'm telling you what I can remember.

7 Q. Sure. I appreciate that. And I think that I heard
8 your testimony earlier say that if there were multiple bags
9 or boxes that would indicate that there were multiple
10 suspects, right? You testified to that on direct?

11 A. Right. And I -- I believe what I said that -- that I
12 would -- I would group those items together for one person.
13 If one person had all of those items, I would utilize one
14 bag to bag all of those items. If there were additional
15 items that came from another person, I would utilize
16 another bag or a box to bag those items.

17 Q. Okay. And in this -- in this case, though, there was
18 one bag, right?

19 A. Correct.

20 Q. But you did understand that there were multiple
21 suspects in the investigation?

22 A. What I understood was these items that we have talked
23 about came from the Defendant from the car that he was in.

24 Q. And I just -- you did understand that there were
25 multiple suspects in the investigation?

1 A. What I understood was that these items came from the
2 car that the Defendant was in.

3 Q. Were you aware that there were multiple suspects that
4 were involved in the investigation?

5 A. I -- I'm not -- the only suspect I knew about was the
6 --

7 MS. RAYMER: Objection, Your Honor. This witness has
8 already testified that he was only involved in this case --

9 THE COURT: Sustained.

10 BY MR. HAYES:

11 Q. Sergeant, it is -- it was your understanding that
12 these items came from Mr. Staley. You'd agree with me that
13 you weren't out at the traffic stop that was involved in
14 the seizure in this case, right?

15 A. Correct.

16 Q. And you really don't know the extent of what was
17 seized by the deputies outside of what they gave you,
18 right?

19 A. Correct.

20 Q. Right. You never inventoried the vehicle or did
21 anything like that?

22 A. No, sir. I didn't.

23 Q. So all you had to go on is what you were provided by
24 the deputy?

25 A. From the deputy. Yes.

1 MR. HAYES: No further questions, Judge.

2 THE COURT: Any redirect?

3 MS. RAYMER: Yes, Your Honor.

4 REDIRECT EXAMINATION

5 BY MS. RAYMER:

6 Q. Sergeant Oxendine, you testified that receiving these
7 items, securing them, and entering them into evidence. Did
8 you have any other involvement in this case?

9 A. No. Not that I can recall.

10 Q. When asked on cross, you testified that that's not
11 your handwriting on the back; is that correct?

12 A. Correct.

13 Q. What are you basing this April date off of if you
14 didn't write that?

15 A. Just by trying to read the case number. I'm sorry.

16 Q. So you're trying to read handwriting that you didn't
17 write yourself?

18 A. Correct.

19 Q. But you remember there was a traffic stop that
20 occurred?

21 A. Right.

22 Q. In what area did that traffic stop occur?

23 A. I think it was in region four, which would've been
24 over in St. Andrew's area.

25 Q. And you remember it was involving the Defendant

1 Ontario Staley?

2 A. Correct.

3 Q. Would -- but you don't remember specifically the day
4 this happened four years ago?

5 A. Honestly, no. I mean, I don't -- again, I'm trying to
6 read this case number, but I --

7 Q. So you're basing this date off of handwriting you
8 can't read, that you didn't write?

9 A. Correct.

10 Q. Would looking at an incident report from this traffic
11 stop help refresh your recollection?

12 A. Yes.

13 Q. First, I'll give you a minute to review that and
14 confirm that that's the traffic stop you recall discussing.

15 THE COURT: Ms. Raymer, if you would...

16 MS. RAYMER: I'm so sorry. Yes.

17 THE COURT: Okay. Let's take a --

18 MS. RAYMER: This is our last question.

19 THE COURT: Okay.

20 BY MS. RAYMER:

21 Q. What date did that traffic stop occur?

22 A. 5/21. 5/21/2020.

23 MS. RAYMER: No further questions from the State.

24 THE COURT: Anything further?

25 CROSS-EXAMINATION

1 BY MR. HAYES:

2 Q. Sergeant, you didn't write the report that you were
3 refreshing your memory with there, did you?

4 A. I'm sorry?

5 Q. You didn't write the report that you were refreshing
6 your memory with there, did you?

7 A. No. No, I didn't.

8 Q. Have you actually ever even seen that report?

9 A. I do recall seeing a report, yes.

10 Q. You're not sure if it was that one though?

11 A. I -- I can't really tell from this one, but I believe
12 it was.

13 THE COURT: All right. Thank you. You can step down.

14 MS. RAYMER: The State would request this witness be
15 excused.

16 THE COURT: Any objection?

17 MR. HAYES: No objection.

18 THE COURT: Okay. Thank you. You're free to go.

19 Now. Let's take a short break, please. Oh, you don't
20 need one? Okay. Oh, okay. It's okay. All right. Call
21 you next witness then.

22 MS. RAYMER: The State would call Special Agent Logan
23 Fey.

24 SPECIAL AGENT LOGAN FEY,

25 Having been first called as a witness was duly sworn and

1 testified as follows.

2 MADAM CLERK: Thank you. Please have a seat on the
3 witness stand and state your full name for the record.

4 THE WITNESS: I am Senior special Agent Logan Fey. My
5 last name's is spelled F-E-Y.

6 MS. RAYMER: Special Agent Fey, before we begin, if we
7 could be briefly approach.

8 THE COURT: Sure.

9 DIRECT EXAMINATION

10 BY MS. RAYMER:

11 Q. Special Fey, where are you employed?

12 A. I'm employed with SLED, but I'm also a duly appointed
13 federal task force officer with Homeland Security
14 Investigations in Charleston.

15 Q. What does SLED stand for?

16 A. It's the South Carolina Law Enforcement Division, or
17 the State Police for South Carolina.

18 Q. And what is your role with those agencies?

19 A. I'm assigned specifically to the human trafficking
20 investigation unit, and I investigate sex trafficking and
21 labor trafficking cases, both federally and for the State.

22 Q. And how long have you been in law enforcement?

23 A. I've been in law enforcement since 2009.

24 Q. How long have you been in this role?

25 A. In this role since 2018.

1 Q. What training and experience do you have as it relates
2 to this?

3 A. I have numerous, numerous trainings and teaching
4 endeavors and certifications for human trafficking
5 investigations.

6 Q. How did you become involved in the case today?

7 A. So we have a mutual and collaborative arrangement with
8 Richland County, as we do with all the counties in the
9 state of which they can reach out to our unit for
10 investigative help, for directions on how to proceed with
11 these investigations. But specifically this case because
12 of the ability of SLED to work multi-jurisdictional cases,
13 so multi-county and or multi-state involvement, which we
14 believe that this case encompassed.

15 Q. And so, specifically, how did you get involved in the
16 case against Ontario Staley?

17 A. So Captain Jackson with the Richland County Sheriff's
18 Office reached out to our unit. We have previously had a
19 working arrangement with the Sheriff's Office and with
20 Captain Jackson. We briefed up this investigation. We
21 determined that we wanted to look into not only the
22 incidences that would've occurred in Richland County, but
23 based off of the information that we obtained from the
24 minor juveniles in this case from their forensic interviews
25 at Met CAC or Metropolitan Child Advocacy Center, that

1 there was a likelihood that they were taken from not just
2 Richland County, but taken to other counties. And it would
3 be my role to investigate those incidents.

4 Q. And did you investigate the human trafficking element
5 of these charges?

6 A. We did. So we were taken into Lexington County. We
7 were taken into Charleston County. We were presented with
8 information that the juveniles would've even been taken out
9 of state.

10 Q. And specifically related to Richland County, were you
11 able to identify two juvenile that were involved with this
12 defendant?

13 A. Yes, I was.

14 Q. And how were you able to identify that?

15 A. So with the information that was obtained by Richland
16 County and reviewing their case file and the information
17 that was --

18 MR. HAYES: Objection, I need -- I do need to approach
19 on this.

20 THE COURT: Yes, sir.

21 (A sidebar discussion was held.)

22 BY MS. RAYMER:

23 Q. Specifically related to this defendant in Richland
24 County, were you able to identify two juveniles that were
25 possibly involved in human trafficking?

1 A. Yes, I was.

2 Q. And who were you able to identify?

3 A. The two juvenile victims were RH and AB

4 Q. And what were their date of births?

5 A. I don't have that in front of me.

6 Q. Would looking at what's previously been entered into
7 evidence as State's Exhibit 12 and 13 refresh your
8 recollection?

9 A. Yes, ma'am. So looking at these exhibits, RH
10 her date of birth was , and
11 AB her date of birth was ,
12 which made -- would've made both of these victims
13 juveniles.

14 Q. So under 18?

15 A. That's correct.

16 Q. And was there a time period that you specifically were
17 able to narrow down regarding the possibility of them being
18 trafficked in Richland County?

19 A. Correct. So using the information that they provided
20 in their forensic interviews, we were able to narrow down
21 the time window based off of their recollection of the
22 events that occurred to them.

23 Q. Do you recall what that time window was?

24 A. I'd have to refer to my --

25 Q. If I said between September and January -- or the end

1 of December of 2019, do you feel that that's about the time
2 period you were looking into?

3 A. That's a fair recollection of the date of events for
4 these incidents.

5 Q. So Frank's birthday was in May of 2020. During that
6 time period, would that have made her 17 years old?

7 A. Correct.

8 Q. And for the majority of that time period, how old
9 would that have made **AB** if her birthday was that and at
10 the end of November?

11 A. 16 years old.

12 Q. And how were you able to identify that these juveniles
13 were involved?

14 A. So we received a whole case packet from Richland
15 County, from their investigative analysis of what took
16 place and what they received. Particularly, I examined the
17 Spotlight results that Captain Jackson had accumulated and
18 amassed. When we receive these case materials, we like to
19 vet them ourselves. So I, again, input all of the
20 information back into Spotlight, which I also have
21 available to me and used quite frequently in my -- my job
22 duties, and then return and receive the same results.

23 And then through the use of Spotlight, I was able to
24 amass a quantity of ads that depicted the same images that
25 have been presented in this trial to -- at this moment.

1 Q. Very briefly, can you explain how Spotlight works?

2 A. Spotlight is a law enforcement tool that was developed
3 to crawl or amass commercial sex website data. So what it
4 does is it takes the individual ads from a prescribed set
5 of commercial sex websites. And what it does is daily
6 refresh and dump that data into this portal that allows us
7 to search keywords, phone numbers, emails, photographs. It
8 does reverse face image searches.

9 So -- and we have the ability to take a known photo of
10 a person, and if the quality is good enough, we can input
11 it into the database. And if it matches any known images
12 in the system, it'll give a return and then it gives a
13 percentage of what it believes is a match.

14 Q. Were you able to input any information you received
15 from Captain Jackson into Spotlight?

16 A. Yes, I was.

17 Q. Were you able to return any matches?

18 A. Yes, I was.

19 Q. Do you recall what information you put into Spotlight?

20 A. I used the phone numbers provided in the case as well
21 as the images and was able to use the reverse image search
22 locator to amass a quantity of ads. And what that does is
23 when you look at that and the information provided in the
24 database, it gives you an account user and then you're
25 allowed to link off of that account user to all the ads

1 that person's posted. So it gives you like a qualitative
2 graph of how many ads were posted, geographically, where
3 they posted. That's all attached to that main user
4 account.

5 Q. And specifically, were you given Skip the Game ads by
6 Captain Jackson in this case?

7 A. Yes, I was.

8 Q. And you were able to match that using Spotlight?

9 A. Yes, I was.

10 Q. And were you able to identify -- I'm going to show you
11 what's been previously entered into evidence as State's
12 Exhibit Number 5. Is this one of the ads that you were
13 able to confirm?

14 A. Yes, it was.

15 Q. Were you able to identify the two juvenile individuals
16 in this photograph?

17 A. Not both juveniles in that specific photograph, but
18 with the attached -- because when these ads are posted, are
19 posted with multiple photographs. So the -- the cumulative
20 photographs attached to this ad did display both juveniles
21 as well as one of the co-defendants.

22 Q. And with that, did you seek any arrest warrants in
23 this case?

24 A. Yes, I did.

25 Q. And who did you seek those arrest warrants against?

1 A. We sought arrest warrants for human sex trafficking of
2 persons under the age of 18 against both Defendants Naneka
3 Perry and Ontario Staley.

4 Q. And did that conclude your involvement in this case?

5 A. The focus --

6 Q. I'm going to reword that. I'm going to reword that.
7 One of the arrest warrants you saw in this case was against
8 Ontario Staley. Do you see it in the courtroom today?

9 A. Yes, I do.

10 Q. Can you please identify him by an item of clothing?

11 A. He's currently wearing a white dress shirt.

12 MS. RAYMER: Let the record reflect that the witness
13 has identified the Defendant.

14 THE COURT: Yes, ma'am.

15 BY MS. RAYMER:

16 Q. Back to Skip the Games, did you have any further
17 involvement with them in regards to the ads that you had
18 located depicting juveniles?

19 A. So when we obtained our search results through
20 Spotlight, we reach out to the company, which is standard
21 practice for us to their legal team. And having done this
22 for several years now through training and experience,
23 we've developed a relationship with this company and we
24 directly contact their legal person who's a customer
25 service manager, and his name is Samuel Hancock. And we

1 request the corroborating results for what we have found on
2 Spotlight.

3 And we do that by using the username that we've
4 located on Spotlight, as well as the other describing
5 information for the account, so it could be the phone
6 numbers used, the emails used, and we wait for return back
7 from the company.

8 Q. And in this case, did you reach out to Skip the Games?

9 A. Yes, I did.

10 Q. And did you get a return regarding this case?

11 A. Yes, I did.

12 Q. And what did you provide to them in regards to what
13 information you're seeking?

14 A. When we sent off the request, we sent off the account
15 user information that I obtained from Spotlight. We
16 included the known inputted user information, which
17 included the email addresses, and we waited for a response
18 back from Skip the Games through Samuel Hancock for any
19 corresponding information connected to that request.

20 Q. And he did respond?

21 A. He did respond.

22 Q. And what did he respond with?

23 A. He responded on company documentation, individual
24 accounts that all were connected either through
25 photographic match, through same user input information,

1 and commonalities between all ads, which yielded three main
2 accounts. The first being identified as one are Phoenix
3 with an email address of ostaleyliberty@gmail.com. That
4 original signup date for that account was August 27th,
5 2019. The phone numbers provided for this account -- and
6 it changed over a period of time -- were (559) 239-8662,
7 (619) 720-9655, (803) 594-6349.

8 There was a separate account, it was entitled Sin, and
9 there was a third account entitled Two also identified as
10 Storm. That email account for the setup was
11 staleyvstaley@gmail.com. And that account was established
12 September 2nd, 2019, utilizing the phone number of (804)
13 999-1834.

14 Q. In addition to that information, did Skip the Games
15 provide any additional information related to these
16 accounts?

17 A. They did. Skip the Games provides, in their standard
18 response protocol, an Excel spreadsheet, which includes all
19 of the known ads that were ever posted, the dates of which
20 they were posted, the IP address from which they were
21 posted at, and the dates and times of the posting for those
22 particular ads.

23 Q. And we will Skip the Games, in your experience and
24 knowledge, respond to any request from law enforcement for
25 all of this information that was provided to you?

1 A. They do. So to be in compliance with FOSTA or the --
2 the Fight Against Online Sex Trafficking Act, they have an
3 open dialogue with law enforcement. If you provide
4 letterhead and verify that you are law enforcement, they
5 immediately comply with request in regards to sex
6 trafficking investigations and in particular sex
7 trafficking against minor investigations. They immediately
8 respond with your request.

9 Q. And was there anything -- so two Excel documents, one
10 associated with staleyvstaley@email -- @gmail.com was
11 provided, and then second Excel document with the postings
12 associated with ostaleyliberty@gmail.com, and then the
13 information of the accounts associated with the phone
14 numbers. Did Samuel Hancock provide anything else
15 regarding verifying what these were?

16 A. So in addition to that, he provides a certificate of
17 business records certifying that he completed that request.
18 And that is their company policy to provide just that
19 documentation.

20 MS. RAYMER: May I approach?

21 THE COURT: Yes, ma'am.

22 BY MS. RAYMER:

23 Q. Can you identify what that document is?

24 A. This is the certification of business records that Sam
25 Hancock -- or Samuel Hancock provided to us with this

1 original request, which included this certificate of
2 business records, the Excel spreadsheet, as well as his
3 response to my request.

4 MS. RAYMER: Your Honor, at this time, the State would
5 request that this be entered in as a Court's exhibit.

6 THE COURT: Any additional objection, Mr. Hayes?

7 MR. HAYES: No additional objection, Judge. Only
8 those previously led, Judge.

9 THE COURT: Okay.

10 MS. RAYMER: And I believe this is going to be Court's
11 Exhibit 5.

12 THE COURT: State -- oh, wait. What now? Let's -- so
13 now it is State's Exhibit 19.

14 MS. RAYMER: I was going to make a Court's exhibit. I
15 can make it State's exhibit --

16 THE COURT: Were you offering it into evidence?

17 MS. RAYMER: Just as court's exhibit. I apologize.

18 MR. HAYES: Judge, I mean, then I would've -- I
19 would've a new objection.

20 MS. RAYMER: Your Honor, I'll enter it in as a State's
21 exhibit. I apologize.

22 THE COURT: So same objections now? If it State's 19?

23 MR. HAYES: Same objections.

24 THE COURT: So State's 19 will be admitted over the
25 Defendant's objection.

1 (State's 19 was admitted into evidence.)

2 BY MS. RAYMER:

3 Q. I'm approaching with three additional documents that
4 have been previously marked as State's Exhibits 20, 21, and
5 22. Can you please identify these documents?

6 A. As I testified, of the three items that are provided
7 by Skip the Games through Samuel Hancock, which you've just
8 provided in these documents are the accompanying documents
9 with the certificate of business records, the first being
10 the legal response signed by customer service manager,
11 Samuel Hancock, which attests to the previous information I
12 testified as far as the accounts used. And then the
13 State's Exhibit 20 and 21 include all of the commercial sex
14 ads that were posted on Skip the Games, attached to the
15 request that I sent off.

16 MS. RAYMER: Your Honor, the State at this time would
17 request to enter into evidence State's Exhibits 20, 21 and
18 22.

19 THE COURT: Any additional objection?

20 MR. HAYES: Only those previously led, Judge.

21 THE COURT: State's 20, 21 and 22 will be admitted
22 over the Defendant's objection.

23 (State's Exhibits 20, 21 and 22 admitted.)

24 MS, RAYMER: Request to publish?

25 THE COURT: Yes, ma'am.

1 BY MS. RAYMER:

2 Q. This is the information -- this is the information
3 associating the accounts with the email addresses and the
4 phone numbers, correct?

5 A. That is correct. So this is his response to locating
6 what I was requesting and what he has identified in his
7 databases.

8 Q. And, specifically, what email address is associated
9 with Storm?

10 A. So Storm would be identified by account Two, which is
11 the third listing on the page. That email account would be
12 staleyvstaley@gmail.com.

13 Q. So would State's Exhibit 20 be the Excel spreadsheet
14 associated with that email address as it relates to Storm?
15 I'm sorry, do you have a copy of --

16 A. I don't have that.

17 MS. RAYMER: May I approach, Your Honor?

18 THE COURT: Yes.

19 BY MS. RAYMER:

20 Q. You also have a screen in front of you if you want to
21 turn that on.

22 A. I don't have to turn on.

23 Q. No problem. This -- this works just as well.

24 THE COURT: I don't know. I've been trying to turn
25 mine on all week and it would not and now miraculously

1 turned on, so I -- I don't know anything about these.

2 A. So utilizing the Storm account, the staleyvstaley,
3 this is the results that would've return for the amount of
4 ads that were posted using that account.

5 BY MS. RAYMER:

6 Q. And what date range do these ads span from?

7 A. We're looking at from September 2nd, 2019, to October
8 14th, 2019.

9 Q. And if I can direct your attention back to State's
10 Exhibit Number 5 that's been entered into evidence, which
11 the title is "Storm is here," posted at 8:44 a.m. on
12 September 5th, 2019. Are you able to locate that Skip the
13 Game ad on what was provided to you from Skip the Game was
14 associated with the staleyvstaley@gmail.com email address
15 just posted in?

16 A. I am and what's interesting is that it's posted
17 several times. So through training experience, what I know
18 from that is, is you're competing with other commercial sex
19 ads. So you'll post your ad and as other people post
20 behind you, you want to compete with them to keep getting
21 calls or these continued customer base. So you'll see
22 where multiple times this same ad, this same verbiage
23 dialogue, everything about is just reposted. And it's
24 posted numerous times on that day of September 5th.

25 Q. And for State's Exhibit Number 21, if you would read

1 the contents of a couple of these, just one or two of the
2 ads, the body of them, if you can see that on.

3 A. So what we're looking at through the ad URL, right, is
4 -- the location where the ads are posted is going to be
5 included and then the headline for the ads. So the
6 eye-catching part for the commercial sex buyer is going to
7 be listed. And what we're looking at is these ads are
8 posted numerous times all throughout the Columbia area with
9 a focus on Columbia, and you're looking at titles such as
10 DubBest from the West, Super Angels are here, Sin is here,
11 Sapphire the BBW queen and spa.

12 Q. And what timeframe did these range?

13 A. These particular set of ads are encompassing -- for
14 that group account -- from September 2nd, 2019, to November
15 19th, 2019.

16 Q. And this Excel spreadsheet would be associated with
17 the ostaleyliberty@gmail.com email address; is that
18 correct?

19 A. That is correct.

20 MS. RAYMER: And this is State's Exhibit Number 24.

21 Please answer any questions the Defense has for you.

22 THE COURT: Mr. Hayes.

23 MR. HAYES: Give me a minute, Judge.

24 THE COURT: Okay. Let's take a break. I think that's
25 what that means. Return to your juror room. Do not

1 discuss the case.

2 (The jury exits the courtroom.)

3 (There was a brief recess.)

4 THE COURT: All right. Yes, sir, Mr. Hayes?

5 MR. HAYES: Judge, just one matter that we approached
6 about not long after Agent Fey had begun testifying. I did
7 not make an immediate contemporaneous objection, but did
8 ask to approach moments later. I was in that time period
9 trying to understand -- I was going to see how far the
10 testimony went, but then I just decided I needed to make
11 the objection and that's why I asked for that. So I would
12 ask that the -- the Court just note that the objection
13 itself, I think that it probably cleared itself, but
14 certainly getting into things that were, you know, in
15 Charleston and other places that was part of a pre-trial
16 motion to limit those matters in the scope of this case.

17 THE COURT: Yes, sir. Does the State want to respond?

18 MS. RAYMER: Your Honor, I believe that it was cured.
19 It was limited in why he became involved in the
20 investigation and the possible other areas that the victims
21 might have been trafficked in. I believe the Court -- the
22 State was being able to redirect him to only discuss
23 matters as it relates to the juveniles in Richland County
24 and the charge of trafficking. One of the elements is
25 transporting from a jurisdiction for the purposes of

1 trafficking believes that that would be permissible as to
2 why he got involved in the investigation.

3 THE COURT: Yeah, and at this point, what it's done is
4 done. I -- I do think that -- that testimony, that initial
5 bit of testimony went too far, but I do think it's been
6 cured, particularly when given a leading question after
7 that bench conference to refocus the witness on this
8 defendant in Richland County that helped to cure it. And
9 then there's of course, ultimately, the testimony that he
10 sought arrest warrants for Naneka Perry and Ontario Staley
11 in Richland County.

12 So I -- that helps dispel any suggestion that there
13 was any chargeable conduct in any other county. So I think
14 it's been cured, but the objection, of course, is noted for
15 the record. All right. Let's bring the jury back.

16 (Jury was brought to the courtroom.)

17 THE BAILIFF: Jury seated, Your Honor.

18 THE COURT: All right. Thank you, sir. Mr. Hayes,
19 cross-examination?

20 MR. HAYES: Thank you, Judge.

21 THE COURT: Yes, sir.

22 CROSS-EXAMINATION

23 BY MR. HAYES:

24 Q. Agent Fey, good afternoon, sir.

25 A. Good afternoon.

1 Q. All right. We're going to talk just a little bit
2 about your -- your involvement here in this -- this case.
3 Your testimony, you started with SLED in 2018?

4 A. I started in 2017.

5 Q. 2017.

6 A. This unit was created, I was one of the founding
7 members in 2018.

8 Q. Okay. How did the unit come about?

9 A. My desire to have a unit and the state law that was
10 passed that required SLED to be a participating member in
11 investigating human trafficking, propelled the -- the --
12 the agency to create this unit.

13 Q. Okay. How many investigators does your unit have
14 active?

15 A. At this time, it was only two of us. Currently, there
16 are two full-time agents, a lieutenant and two grant
17 positions.

18 Q. Okay. So back in 2020 there were two, it was you and
19 another agent, a special agent?

20 A. Correct.

21 Q. All right. Was that -- was he all -- was that agent a
22 senior special agent?

23 A. No.

24 Q. So did that agent report to you?

25 A. No, we reported to a captain over vice services.

1 Q. Okay. And if there were two of y'all -- did y'all
2 sort of split the state or how did you go about that?

3 A. Correct, sir.

4 Q. All right. What -- just generally, what area of the
5 state were you assigned to investigate allegations?

6 A. We divided the state horizontally and I had everything
7 from Columbia South.

8 Q. Okay.

9 A. Based in Charleston.

10 Q. And that's where you're based now?

11 A. Correct.

12 Q. Okay. What about the other agent? Where -- where
13 would he have been headquartered out of?

14 A. Myrtle Beach and he had everything north.

15 Q. So he would've had to cover from Myrtle Beach to
16 Anderson County?

17 A. Correct.

18 Q. Probably got a better draw there, sir. All right. So
19 I understood you to say that your -- as part of your -- in
20 your job capacity here, you're also on some kind of federal
21 task force?

22 A. Correct, sir.

23 Q. All right, talk -- talk to me about that. What does
24 that look like?

25 A. I am the liaison for HSI for all state human

1 trafficking issues. So I am the human trafficking expert
2 for the Charleston Field Office.

3 Q. Okay. So that -- so your -- your involvement in
4 federal cases then?

5 A. That's correct.

6 Q. And those would be things that would, I guess, cross
7 state lines?

8 A. That's correct.

9 Q. And they would also, I guess, have a -- like some kind
10 of interstate commerce connection?

11 A. Interstate commerce effect or, unilaterally, any
12 juvenile case that they would deem -- that they wanted to
13 take over, then that discussion would take place with the
14 local jurisdiction solicitor's office, the AG's office, if
15 it pertained to them, and then a discussion about who
16 would've best prosecution would take place.

17 Q. And we're talking about on a local level or federal
18 level?

19 A. Federal level.

20 Q. All right. So if it pertained to a juvenile, was a
21 multi-state case, or had the interstate commerce
22 connection, which you'd agree with me, the internet
23 provides, right?

24 A. Correct.

25 Q. That it would be available to be a federal case?

1 A. There -- the discussion would happen for whether or
2 not they would adopt the case, or if we would continue as a
3 State's case. But by the enjoyment of my position, any
4 additional resources that I would need, they do provide me,
5 even though it would still be a State's case, like the
6 benefit of using forensic analysis or any of the other
7 tools or databases that they provide me in my capacity as a
8 federal task force officer.

9 Q. Okay. So you basically have federal resources at your
10 disposal if you determine that that is necessary?

11 A. Correct. To combat human trafficking.

12 Q. Right. Okay. All right. And in this case it was a -
13 - the -- the report was initially made with a Sheriff's
14 Office?

15 A. Correct, sir.

16 Q. All right. And you believe that it could be involved
17 multi-counties?

18 A. Correct.

19 Q. And so you asked for them to provide you some
20 information?

21 A. Correct, sir.

22 Q. And they did that and you attempted to verify the
23 information that they provided?

24 A. Yes, sir.

25 Q. And once you had done that, you felt like it was --

1 there was enough information available that it warranted
2 someone like you becoming involved?

3 A. So the discussion at that point was, we would meet
4 with that agency -- and, typically, how SLED receives cases
5 is either a declination by that agency or request force,
6 let take the case over, or if this happened to be a
7 demonstrated case where multiple counties were affected,
8 then we would have the -- the jurisdiction over that case.
9 And in this particular set of circumstances with the focus
10 on Richland County, the discussion with Richland County was
11 decided that they would peel off and -- and join themselves
12 of only the cc-ing offenses, and SLED would take over the
13 human trafficking investigation.

14 Q. All right. And -- so -- so when you're -- when you
15 got involved in the case then, you weren't -- your focus
16 was strictly on the human trafficking element of the case?

17 A. Only. Yes, sir.

18 Q. Okay. Wouldn't you want to be involved in the other
19 components of the case?

20 A. They're overlapping elements, however, to mutually
21 benefit both agencies and the MOU that we have in place, we
22 respected the fact that they wanted to continue their CSA
23 investigation and only partition off the human trafficking
24 against SLED.

25 Q. And so -- and pardon me, I know I'm familiar with some

1 law enforcement terminology -- with CSAM, right?

2 A. Child sexual abuse material.

3 Q. Child --

4 A. So that would be the child pornography.

5 Q. Okay. All right. And so essentially what you're --
6 what you're trying to do is just split responsibilities to
7 some degree then, right?

8 A. Per the request of the agency heads, yes.

9 Q. All right. And -- understood. All right. And you'd
10 agree with me, sir, that in South Carolina, two consenting
11 adults could engage in sexual activity as long as they're
12 16 years old --

13 MS. RAYMER: Objection, Your Honor. This is a matter
14 of law was trying to elicit. I don't believe that's a
15 proper question.

16 THE COURT: Sustained.

17 BY MR. HAYES:

18 Q. Well, in this case, you believed that you had
19 identified two juveniles under the age of 18. I think that
20 was your testimony, right?

21 A. Correct.

22 Q. All right. All right. And what I understood you to
23 say is that based on the information that was provided that
24 Met CAC, right, so you reviewed that -- those -- those
25 interviews that the girls provided?

1 A. So the initial interviews of Richland County, in
2 addition to the forensic interviews from that cat, correct?

3 Q. Right. And then you actually, on top of that, went
4 and spoke to the girls yourself; did you not?

5 A. Correct. So we are trained in victim center trauma
6 focused follow-ups. We focus on using these child advocacy
7 centers to separate law enforcement from any kind of undue
8 influence on these juveniles, so that there's not any bias
9 in these interviews. So when those interviews are
10 complete, and we have determined that there's not any
11 follow-ups that would be needed, then law enforcement at
12 that time do conduct follow-up interviews with the minors
13 to verify that they want to carry this case to fruition.

14 Q. Okay. And so the girls, I think, initially were they
15 provided a -- a written statement; is that right?

16 A. To the Sheriff's Office. Correct.

17 Q. Right. And then the Sheriff's Office referred them to
18 Met CAC where they provided a videotaped interview?

19 A. Correct. With the forensic interviewer.

20 Q. All right. And then you followed up and interviewed
21 them again, I think, in July of 2020. Does that sound
22 right?

23 A. Correct. At their respective locations where they
24 were at that time.

25 Q. Right. And actually, I think you had -- I think you

1 were accompanied by Captain Jackson and the Sheriff's
2 Office on these follow-up interviews; were you not?

3 A. Correct.

4 Q. All right. So the two of y'all went together?

5 A. Yes, sir.

6 Q. And I think those interviews were relatively short,
7 based on the information?

8 A. Very short.

9 Q. All right. 15 or 20 minutes?

10 A. At most. It was to determine victim rights that they
11 had, to make sure they knew who their victim rights
12 coordinator was, as well as to verify that, yes, they did
13 in fact want to continue forward with the investigation,
14 although the State has the authority to pursue the case
15 without their cooperation.

16 Q. Okay. All right. And so having an opportunity then
17 to -- having an opportunity to have reviewed the Met CAC
18 interview, you reviewed that Met CAC interview with AB

19

20 A. Yes, sir.

21 Q. Okay. Do you recall learning as a product of that
22 interview that Ontario's Staley didn't make the girls do
23 anything?

24 MS. RAYMER: Objection; Your Honor. This is an
25 improper way to get an evidence of an interview and I would

1 ask that that be stricken from the record. As a question -
2 - as having improper basis. He's trying to get in what a
3 victim said in a forensic interview through a SLED agent.
4 This is incredibly improper.

5 THE COURT: Would you like to respond?

6 MR. HAYES: Yes, ma'am, I would.

7 THE COURT: Yes, sir.

8 MR. HAYES: Judge, under direct examination, he said
9 based on the information that was provided in the Met CAC
10 interview, he took these steps forward. There was
11 information revealed in that interview. The -- the
12 Government, Judge, has tried to do similar things through
13 the testimony of -- of Captain Jackson previously, where
14 the product of hearsay is not hearsay. And so I'm just
15 asking for some investigative takeaways from the
16 information that was available.

17 MS. RAYMER: Your Honor, he's asking specifically for
18 what was said, not as a result of reviewing that interview,
19 what actions he took.

20 MR. HAYES: I didn't. And, Judge, I want to respond
21 to say I didn't say it. I didn't ask him what she said. I
22 said wasn't it takeaway.

23 MR. HAYES: The objection is sustained. Move on.

24 BY MR. HAYES:

25 Q. All right. So, Agent Fey, as it relates to Skip the

1 Games, does Skip the Games run out of the United States of
2 America?

3 A. It is a company based foreign, the server farms are
4 based foreign, but they do have an office in Los Angeles.

5 Q. Okay. When you say foreign, where exactly is foreign?

6 A. So throughout their history, they've located and
7 relocated multiple times. Presently, I'm not sure where
8 they're located.

9 Q. Okay. Where have you known them to be located?

10 A. At one time, Norway. And then at one time
11 Czechoslovakia.

12 Q. Okay. Have you ever been to the Skip the Game take
13 orders yourself?

14 A. No, sir.

15 Q. You ever able to inspect their servers?

16 A. No, sir.

17 Q. Samuel Hancock. Who is -- who is Samuel Hancock?

18 A. Samuel Hancock is the direct legal representative that
19 we are directed to. The way we found that through law
20 enforcement, through my training experience dealing with
21 these types of cases in that company in particular -- law
22 enforcement utilizes this website called Search ISP, which
23 just basically amasses all the legal representatives for
24 all the companies that we have the ability to send service
25 to or legal service to, subpoena search warrants.

1 However, Skip the Games, although listed on that
2 portal, directs you to Sam Hancock, and Skip the Games
3 themselves does not require legal service. In order to
4 comply with FOSTA, which is a federal act fight against
5 online sex trafficking, they immediately comply with all
6 requests and demands from law enforcement regarding human
7 sex trafficking cases and, particularly, human sex
8 trafficking cases involving minors.

9 Q. Okay. Does anything but commercial sex happen on Skip
10 the Games?

11 A. No, sir.

12 Q. That's all it does?

13 A. You can't find grandma's recipes on there. No, sir.

14 Q. All right. And so if all it does is facilitate
15 commercial sex, how does it ever comply with FOSTA?

16 A. Because they immediately supply the results to law
17 enforcement regarding these trafficking cases. So if law
18 enforcement initiates an investigation and notifies the
19 company that this target account is engaging in sex
20 trafficking or sex trafficking against minors, they supply
21 all the account user information for that account to assist
22 in a law enforcement investigation.

23 Q. Okay. So that's all law enforcement really has to do,
24 is make a request and say, scotthayes@gmail.com is engaged
25 in this and we want anything related that you have that.

1 A. Is as simple as that.

2 Q. And they'll say, "You got it"?

3 A. If you have a department letterhead, you verify that
4 you -- you are a law enforcement agent and you have a need
5 to know, they do supply that information and quite quickly.

6 Q. All right. So how do they know -- how do they know
7 that the -- the request that they're receiving are
8 legitimate law enforcement requests?

9 A. It's continued to follow-up communication back and
10 forth with Sam Hancock.

11 Q. Okay. Where is Samuel Hancock now?

12 A. I can't attest to that.

13 Q. Okay. Do you have any idea where -- if he's in the
14 United States of America?

15 A. I can't attest to that at this moment.

16 Q. Have you ever met Samuel Hancock?

17 A. No, sir.

18 Q. He could be in Czechoslovakia?

19 A. He could be.

20 Q. He could be in Argentina?

21 A. Again, he could be.

22 Q. He could be in Russia? Samuel Hancock have a phone
23 number?

24 A. There is no phone number provided for the company or
25 for Sam Hancock. All correspondence is done through the

1 legal service email address.

2 Q. Okay. Do you know what that email address is?

3 A. Yes, sir. Would you like to me --

4 Q. Sure.

5 A. Samuel Hancock's email address is

6 samuel@skipthegames.com

7 Q. Okay. Samuel@skipthegames.com?

8 A. Yes, sir.

9 Q. But the records that he attempts to certify come from
10 skipthegames.eu?

11 A. Who he represents.

12 Q. So they're really two different sites. You'd agree
13 with that?

14 A. No, sir.

15 Q. Two different things?

16 A. If you were to go to the worldwide web and type in
17 skipthegames.com, it automatically links you to the company
18 skipthegames.eu.

19 Q. Okay.

20 A. They do that for the simplicity of Americans searching
21 this. It's not just a American posting commercial sex
22 website act like portal. It's for multiple countries
23 throughout the world.

24 Q. Right. It's where some, maybe, commercial sex is
25 totally accepted as practice?

1 A. And there's some places in the United States where
2 commercial sex is totally legal.

3 Q. Right. All right. So you've never met Samuel
4 Hancock?

5 A. No, sir.

6 Q. Never talked to him?

7 A. No, sir.

8 Q. Never seen him?

9 A. No, sir.

10 Q. Have no idea where he is?

11 A. No, sir. All I know is he's the representative for
12 this company and he responds to all of our legal requests.

13 Q. Samuel Hancock could be Jeffrey Goodwin, right?

14 A. I could agree to that.

15 Q. All right. And so you sent a request over to Samuel
16 Hancock that you wanted -- I guess your -- your request
17 included some account user information, an email -- I sent
18 -- I wrote down -- my notes say, account user, user info,
19 and email. I don't --

20 A. Including phone numbers as well.

21 Q. Including phone numbers, right?

22 A. That's correct, sir.

23 Q. All right. Would you have a copy of the -- the
24 request that you sent Mr. Hancock?

25 A. I do, sir.

1 Q. All right. When did you send it to him?

2 A. One moment, please. I don't have that particular
3 document in front of me for the original date of request,
4 but I do have a follow-up date of request. That follow-up
5 date of request was just this November 15th, 2024, for
6 clarifying information. But in my case file, I do have the
7 original date of contact with Mr. Hancock.

8 Q. What was that?

9 A. I don't have that in front of me. I would've to refer
10 back to my case file.

11 Q. What would've needed to have been clarified?

12 A. Just that no other further information existed, that
13 what he provided was true and accurate, and prior -- just
14 to make sure that we were -- had all the information for
15 you for trial.

16 Q. And so I guess what Mr. Hancock sent and you received
17 is encompassed in what's been previously entered into
18 evidence as State's Exhibits 19. Is that right?

19 A. That's one piece, sir.

20 Q. That's a standard form, it looks like; is that right?

21 A. So this is the standard form provided by the company
22 when they're completing the certification of business
23 records. There's no difference if I had made the request
24 or any other law enforcement had made the request.

25 Q. Okay. And so --

1 A. Per company policy.

2 Q. That's not something that you asked him to fill out,
3 that's just something he fills out and sends to you?

4 A. Correct. When we send him the legal service, this is
5 what he supplies back showing that he satisfied that
6 request.

7 Q. And he has to do that enable -- in it -- to be able to
8 operate a site here in the United States?

9 A. That would be my understanding. That would be more of
10 a federal question as their website is still active, but
11 others have been shut down by FOSTA, such as back page.

12 Q. It's a certification, it says under the penalties of
13 perjury, right?

14 A. Correct, sir.

15 Q. Okay. But we don't know that he'd actually be subject
16 to any of that if he's not here in the States, right?

17 MS. RAYMER: Objection, Your Honor. Beyond the
18 knowledge, and this is getting into a matter of law, again.

19 THE COURT: It is. Sustained.

20 BY MR. HAYES:

21 Q. And then he sent Exhibits 20 and 21 as a part of the
22 Exhibit 1, right? Is that right? Just so I understand
23 that the right way.

24 A. And then there's the one more additional piece to the
25 packet that you supplied.

1 Q. Which is the change in some of the information to the
2 account, correct?

3 A. And there was no change from his original supply of
4 information to what is listed on that document now. So
5 there was no change after I resubmitted my request. What
6 he provided me previously, is the same information provided
7 currently.

8 Q. All right. Special Agent, I -- I'm going to ask you
9 about some of these IP address, things that are on -- on
10 these printouts that you received.

11 A. Yes, sir.

12 Q. Okay. Is it your understanding that an account can be
13 linked to more than one email or an email can have more
14 than one account? How does that work?

15 A. So when you're creating an account with Skip the
16 Games, you have to provide them certain biographical
17 information to include providing a driver's license photo.
18 Typically, they request that you take a selfie in like the
19 mirror or holding up a -- a document with the current date
20 on it. But then you're also supplying an email address, a
21 phone number, and other basic information just to make that
22 profile before you're ever even allowed to create an ad on
23 their website.

24 So then you can create an ad anywhere. So you could
25 be at a hotel room getting ready to set up some plays, and

1 start posting ads off of that IP address. There's no
2 stationary location where you have to remain to post these
3 ads. That's the convenience of it for people that are
4 engaging in commercial -- commercial sex work. You could
5 post these ads anywhere you're at. So it could be posted
6 from a cell phone, a laptop, a tablet, any kind of computer
7 device.

8 Q. So could an account be linked to multiple devices at
9 one time?

10 A. You can log in with that user information from any
11 device. So if the original account creator supplied that
12 account information to someone else, they too could have
13 logged in.

14 Q. Okay. So you could have one add up, but it being --
15 it's communicating with multiple devices at the same time.

16 A. One account is posting the ad. But let's say I logged
17 in from my device, I post my ad, but then I direct someone
18 else to repost it because I want to reengage with
19 commercial sex buyers, if I supply them my account
20 information, my username and password, they too can see my
21 postings, hit a simple button as repost, and repost that ad
22 back to the top of the list on Skip the Games.

23 Q. Right. So I guess my question would be if I had -- if
24 I was in law enforcement and carried a work phone, okay,
25 personal phone, had a laptop and had a desktop at home.

1 Okay. Just to try to draw an analogy. And I had my email
2 account, open on all four at one time. Right. Is -- it is
3 -- would -- would this website sort of work in a similar
4 way in your -- with your account, where you'd be able to
5 access it from any one of those things, assuming that had
6 been logged in was available?

7 A. I want to make sure I answer your question properly.
8 So if I had the username and password, and I log in, can
9 someone else come and post behind me?

10 Q. If I never log out.

11 A. There is a timeout period. So at some point it does
12 force a logout for the -- which is built in to Skip the
13 Games. So if you meet within that time parameter, in
14 essence, you could shoulder surf and follow behind somebody
15 and repost.

16 MR. HAYES: Beg the Court's indulgence?

17 THE COURT: Yes, sir.

18 MR. HAYES: And, Judge, I don't know how you would
19 prefer me to do this, but before I sit down in my cross-
20 examination, I do believe I have one matter before the
21 Court.

22 THE COURT: Okay. Approach and let's talk about it.

23 (A sidebar discussion was held.)

24 MR. HAYES: And beg the Court's indulgence? I
25 appreciate it, Your Honor. Thank you. No further

1 questions, Judge.

2 THE COURT: Anything further from this witness?

3 MS. RAYMER: No further questions from the State, Your
4 Honor.

5 THE COURT: Okay. Thank you. You may step down.

6 THE WITNESS: Thank you, Your Honor.

7 THE COURT: Ms. Raymer.

8 MS. RAYMER: Your Honor, the State would call the next
9 witness, Ricky Johnson.

10 RICKY JOHNSON,
11 Having been first called as a witness was duly sworn and
12 testified as follows:

13 MADAM CLERK: Please take a seat on the witness stand
14 and state your full name for the record.

15 THE WITNESS: Sure. My name is Ricky Johnson.

16 DIRECT EXAMINATION

17 BY MS. HUGHES:

18 Q. Good afternoon. Where do you work?

19 A. I work at the Richland County Sheriff's Department.

20 Q. Okay. And what is your role at the Richland County
21 Sheriff's Department?

22 A. Currently, I am the Major of the Criminal
23 Investigations Division. I also oversee our technical
24 services unit, which is the digital forensic side of
25 investigations.

1 Q. How long have you been working for the Richland County
2 Sheriff's Department?

3 A. Eighteen years.

4 Q. And in your current role over the forensic -- what'd
5 you refer to it as? I'm sorry, forensic --

6 A. It's called the technical services unit.

7 Q. The technical services unit.

8 A. Yes.

9 Q. How long have you been in your role there?

10 A. I have been participating in the digital forensic role
11 since 2014. I took over that unit in 2022.

12 Q. And what does your role entail?

13 A. So, currently, for the -- for the technical services
14 unit, I oversee four, about to be five other analysts and
15 examiners. And, essentially, their roles are to obtain
16 digital evidence from digital devices, i.e., cell phones,
17 vehicles -- we download vehicles, cell phones, tablets,
18 things that have digital evidence on them.

19 Q. What kind of educational background do you have?

20 A. I graduated from the University of South Carolina with
21 a bachelor's in criminal justice.

22 Q. Okay. And you mentioned that you oversee other
23 investigators who perform analysis from devices that are
24 analyzed in your unit. Do you perform that type of work
25 yourself?

1 A. I do.

2 Q. Okay. How long have you been performing that type of
3 work?

4 A. Since 2014.

5 Q. Okay. And what kind of training have you been through
6 to be able to perform those duties?

7 A. Sure. I can -- I can start. I was -- like I said, I
8 -- I first started doing this in 2014. I was a member of
9 the DEA task force. I was first introduced to the tools
10 Cellebrite, which is a -- a tool that we use to extract
11 mobile devices through their forensic lab. I took my
12 initial training through -- through them.

13 I then went through Cellebrite's training
14 certification course, where I -- or where I obtained my
15 logical and physical and became a certified examiner
16 through Cellebrite. Also took advanced training through
17 Teal Technologies. I became ISP, JTAG, and CHIP-Off
18 certified, which is an advanced method of extraction
19 devices that are maybe broken or damaged or encrypted.

20 I've also taken -- let's see here. I'm just going to
21 read through some of these -- advanced smartphone analysis,
22 through what's called CASA through Cellebrite. I've taken
23 forensics 45 through the Sands Institute, where I obtained
24 my GX certification. I've also taken a multitude of
25 classes through the National Computer Forensic Institute

1 via the Secret Service, and a multitude of data structure
2 classes that teach me sort of how files are being stored on
3 cell phones.

4 Q. In your role, approximately how many devices would you
5 have performed analysis on?

6 A. Thousands.

7 Q. Okay. And have you ever testified in General Sessions
8 court as an expert witness in court?

9 A. Yes.

10 Q. How many times have you testified as an expert
11 witness?

12 A. Four prior times.

13 MS. HUGHES: Your Honor, at this time the State would
14 move Detective Ricky Johnson -- or offer Detective Ricky
15 Johnson as an expert in digital forensic analysis.

16 THE COURT: Any voir dire or objection?

17 MR. HAYES: Judge, I would have some voir dire.

18 THE COURT: You may proceed, Mr. Hayes.

19 MR. HAYES: Thank you.

20 VOIR DIRE EXAMINATION

21 BY MR. HAYES:

22 Q. Good afternoon, Major .

23 A. Good afternoon.

24 Q. All right. So to understand -- just -- to understand
25 the level of expertise necessary, I just want to understand

1 what the process --

2 A. Sure.

3 Q. -- of actually this extraction is.

4 A. Sure.

5 Q. Right. All right. So talk to me about the process of
6 the extraction.

7 A. Sure. So once we obtain a mobile device, right, our
8 main job from the very beginning is to preserve evidence,
9 right? So we're going to isolate it from the network.
10 We're going to do a multitude of things. We're going to
11 document the state the device is in. It's the main thing,
12 because anytime we touch the device, we want to document
13 what we did to it, right? Because when you're touching
14 digital evidence, a lot of the times it can be live. So
15 when I tap the screen, it could log that I tap the screen.
16 I want to notate that I did that, right? So
17 documentation's the key.

18 We then use various forensic tools to -- to obtain the
19 extraction. We have a validation process that we do with
20 those tools. So we create known data on test devices that
21 we document, and then we download that known data device
22 with the extraction tool. And we validate that it gives us
23 the results that we expect. And then once the -- the phone
24 has been downloaded, we take the data and it gets processed
25 by a multitude of automatic tools, and then we produce a

1 report for the Court.

2 Q. All right. So the -- the download -- the extraction
3 itself happens through like artificial intelligence or
4 whatever kind of software program you use?

5 A. Definitely not any artificial intelligence. It's --
6 it's a proprietary code. So -- so, essentially, it's a --
7 it has proprietary code, meaning we don't know the process
8 other than it is communicating with the device. It's
9 telling the device, I need your data. The machine then
10 gives us the data.

11 Q. Okay. And so in order for that to occur, I guess you
12 have to like hook it up the right way?

13 A. Yeah, exactly. It is as easy as it sounds. You just
14 plug it up just like you plug your phone in. It's a -- it
15 is a -- a smaller computer, a little box, and you plug it
16 in and you -- you kind of follow some prompts and it -- it
17 extracts the data.

18 Q. So, essentially, the process would be to make sure
19 that it's -- it's not communicating like when it -- when
20 it's on, right?

21 A. Well, it is live. Mobile devices -- most mobile
22 devices now you have to extract them while they're live,
23 meaning while they're on. So they are communicating just -
24 - we actually isolate them from the network so that new
25 data doesn't come in, meaning new messages don't come in.

1 Right. Old messages potentially going out, meaning someone
2 sends a remote wipe command to the device, right, we need
3 to isolate it so the device doesn't receive that command
4 and -- and get rid of the evidence.

5 Q. And so you would do that by putting it on airplane
6 mode?

7 A. Correct. That's one way, yes.

8 Q. Okay. What would be another way?

9 A. Faraday bags.

10 Q. I'm sorry --

11 A. A Faraday bag is essentially a bag that it's going to
12 isolate the signal you put it in, it -- it sort of isolates
13 it from receiving any signals. It's a small bag. You put
14 it in, you fold it over and it isolates it from the
15 network.

16 Q. All right. So you get the phone, you put it on
17 airplane mode, put it in this bag, and you connect the wire
18 to it?

19 A. Yes.

20 Q. And you start to stalk that?

21 A. Yep.

22 Q. And it's that simple?

23 A. For the extraction. Yes. The -- the forensics in
24 this comes in the analysis side, but yes, for the actual
25 extraction, that's -- that's essentially it. It is not a

1 whole lot that goes into the actual dump other than you --
2 you making sure that you understand what needs to be done
3 to preserve evidence. That's the -- that's the main key,
4 is to preserve any loss of evidence, the addition of
5 evidence. So knowing how phones work. But once you have
6 done that, yes, you simply connect it to the tool, and the
7 tool conducts the extraction.

8 Q. And I'm not in any way trying to take anything away
9 from you, Major, but it doesn't sound like you need to be
10 an expert to do that; is that fair?

11 A. For the extraction, yeah, I would agree with that.

12 Q. Okay. So talk to me about the process for the -- the
13 analysis.

14 A. So the analysis is -- is taking in the data from its
15 raw format, right. And it's converting it into a readable
16 format that you and I can understand, right. It takes
17 messages from certain databases and it groups it into a
18 category called messages, right. I -- I can just give you
19 an example. In a database, which is how conversations and
20 things are stored on phones, if I send a message that's
21 outgoing, it's not going to say sent. It may say -- it may
22 be a number one or a two, right.

23 I need to know what that one or that two means. So we
24 -- we do a lot of testing. So we -- we see the way that
25 data is created on the devices, and we try to create

1 hypothesis to make sure that what we're seeing is correct.

2 Right. You -- you go through a lot of training because

3 mobile devices are dynamic. They're continuously updating.

4 If you think about how often your apps update, how often

5 your phone updates, it's a cat and mouse game between the

6 vendors, Apple, Samsung, and law enforcement. And so we

7 have to continuously be trained on what's happening next,

8 right. It changes all the time. So you need to understand

9 the way the data's being stored so that you don't

10 misinterpret the data.

11 Q. Okay. So do you interpret the -- the data from a

12 report that's generated as a result of the download?

13 A. No, you create your own report. So there is an audit

14 -- so you can use -- I mean, it's a lot of data. So we do

15 have automated tools, i.e., Cellebrite is one of those that

16 we use that will automate this process. But we also --

17 there's a verification in the validation process where when

18 that tool tells me something, I look at it from the source.

19 I look at -- at it in its raw format to verify what that

20 tool is telling me is correct, because the tools can be

21 incorrect. And so we want to, again, make sure that what

22 we're presenting is the truth. And that's based off of

23 research and testing and education.

24 Q. So in this case, the tool was Cellebrite?

25 A. That was one of the tools.

1 Q. Okay.

2 A. I used, I think, six or seven tools.

3 Q. Okay. And then you -- you had -- it would take an
4 expert then to be able to make sure that they all matched
5 up the right way?

6 A. I would absolutely agree with that, yes.

7 Q. Okay. So Cellebrite, what were the other tools you
8 used?

9 A. So I used a tool Magnet Axium. I use a tool called
10 Aleap. I used a tool called Decode. I use the hex editor
11 called H and D. I use a tool called RabbitHole. So -- 1,
12 2, 3, 4, 5, 6 -- 6 additional tools.

13 Q. What's the oldest of those tools?

14 A. Probably the -- probably the hex viewer X and D, is
15 what I would guess. It's the way that you can look at the
16 data in its hex and its original format, the zeros and
17 ones.

18 Q. Okay. And you -- you look at those?

19 A. I do.

20 Q. Okay. What is the most -- what's the -- the most
21 current tool, the newest tool of the group that you use?

22 A. Probably RabbitHole.

23 Q. How long has that been around?

24 A. Maybe a year.

25 Q. What kind of training have you had specific to

1 RabbitHole?

2 A. RabbitHole is a viewer. So RabbitHole is a way that
3 the different data structures that a cell phone may -- may
4 hold, i.e., I -- I talked about a SQL White Database. It's
5 a database. That's one. There's -- there's a
6 protobuffers. There's a multitude of file formats and data
7 structures that a phone will have. And this is a -- a
8 viewer that will make it readable and make it easier to --
9 to view.

10 Because some formats may be -- maybe a Provo file to
11 have a SQL license -- a SQL like database inside of it. So
12 you have to keep going down the RabbitHole, hence the name,
13 to find the actual data.

14 Q. Are any of these tools exclusively available to law
15 enforcement?

16 A. I don't think so. No.

17 MR. HAYES: I don't have any further questions, Judge.

18 THE COURT: Any redirect?

19 MS. HUGHES: Not as to his qualifications.

20 THE COURT: Oh, right. Any objection? I'm sorry. I
21 forgot what we were doing. Any objection to his admission
22 as an expert?

23 MR. HAYES: We would leave that at the Court's
24 discretion, Judge.

25 THE COURT: Yeah. I find that he's got the sufficient

1 education, training, and experience and should be qualified
2 as an expert.

3 So, ladies and gentlemen, typically, a witness must
4 testify as to their personal observations, what they saw,
5 touched, tasted, et cetera. However, when a person by
6 virtue of their education, training and experience becomes
7 an expert in some field, they're permitted to give opinion
8 testimony within their field of expertise and the reasons
9 for their opinions.

10 However, like any other witness, you give his
11 testimony the weight and credibility you think it deserves.
12 Major Johnson is an expert in digital forensic analysis and
13 will give his opinion testimony within that field of
14 expertise. However, as I said, you evaluate his
15 credibility the same way you evaluate the credibility of
16 any other witness. Ms. Hughes, you may proceed when you
17 are ready?

18 MS. HUGHES: Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY MS. HUGHES:

21 Q. All right. I am going to go ahead and jump into your
22 involvement in this case since you've already been through
23 how the process sort of works. So how did you get involved
24 in the case that we're here for today?

25 A. Sure. I was approached by Captain Jackson in

1 reference to me reevaluating some devices that had not been
2 extracted or were not able to be extracted during the --
3 the time this case was first involved. I think I was
4 contacted in April of this year. They were either not
5 supported by the forensic tool at the time or they were
6 damaged, meaning the screens or the porch were broken. And
7 I was asked to reevaluate those to see if I could
8 potentially access those.

9 Q. How many devices did you evaluate in this case?

10 A. I believe it was six.

11 Q. I am going to show you what's previously been entered
12 into evidence as State's Exhibit 18. Do you recognize this
13 bag?

14 A. I do.

15 Q. And are the devices that you utilize in this case, are
16 they in that bag?

17 A. They are.

18 Q. And I want to specifically ask you about a device with
19 the IMEI number that ends in 1781. Did you perform an
20 analysis on a device with that number?

21 A. I did.

22 Q. Okay. Before we go further, can you tell me what an
23 IMEI number is?

24 A. Sure. It is -- it's an equipment -- equipment
25 identifier number. So, essentially, it is one of the most

1 unique identifiers for -- for a cell phone. It's how the
2 network identifies that that device is using their network.
3 It could also be used at, say your cell phone is stolen,
4 you would identify your phone as being stolen. They will
5 put that number to all the other carriers and say, "Don't -
6 - don't register this device because it's stolen."

7 Q. And so the device with the IMEI number that ends in
8 1781, what is the item number that was assigned to in
9 evidence that is associated with that device?

10 A. It was item six.

11 Q. And so when you received item six, what did you do
12 with it?

13 A. So, again, the first thing I do is it gets documented,
14 gets photographed in its current state, it gets documented,
15 again, what power state is in, is it powered, all powered
16 off, any damages that we notate. Once we have done that,
17 we -- I'll typically will take out all the peripherals,
18 meaning an SD card, if there's one in there, a sim card, we
19 take that out because if it's powered off, I don't know if
20 airplane mode has been enabled or not.

21 And then from there, I do research on the IMEI to find
22 out what type of device it is. Because it will give me an
23 idea of what type of extraction I can expect. And then
24 once that happens, I will connect it to one of the forensic
25 tools to see if it's supported or not.

1 Q. What type of extraction did you do on this?

2 A. On this one it was a physical extraction.

3 Q. What does that mean?

4 A. So as far as what types of data you can obtain from

5 phones, there's essentially three main ones. There's

6 what's called logical. A logical extraction is a very

7 basic extraction. Sort of what you see is what you get.

8 If you can see it on your phone and it was native, meaning

9 you didn't download the app, like it wouldn't give you

10 Facebook because you downloaded that it didn't come with

11 your phone. It wouldn't give you WhatsApp, any of that.

12 But if it came with your phone, and then you can physically

13 see it, you would get that.

14 The second type was called a file system, which is the

15 logical that I just talked about, plus any kind of hidden

16 files, a lot of system files. It gives you a majority of

17 the user data. It just doesn't give you an area of the

18 device where deletion would go, which is called unallocated

19 space.

20 And then physical, is a combination of those two

21 things. Plus it gives you the -- the area of the device

22 where deletion goes. So if you delete a file, it is

23 potentially recovered in that area. So it's the highest

24 level of extraction. It's called a physical extraction.

25 Q. When you perform a physical extraction, are you able

1 to manipulate the data that is on the device in any way?

2 A. No.

3 Q. Can you add anything to the device that was not there?

4 A. No.

5 Q. Can you take anything away --

6 A. No. They -- they use a read on commands.

7 Q. Okay. And so in the extraction and analysis that you
8 performed on item six, that device that's ending in IMEI 97
9 -- 1781, first of all, what was that device?

10 A. It was a Coolpad, model CP37058A Alpha.

11 Q. Okay. And when you performed your analysis on that
12 device, did you determine any Google accounts associated
13 with the device?

14 A. Yes.

15 Q. And what was that?

16 A. So the one that was most recently logged in and used
17 was keshenstaley3570@gmail.

18 Q. Okay. Were there any email accounts associated with
19 this device?

20 A. Yeah. There were several -- several other accounts.

21 There was ostaleyliberty@gmail, familyfund365@gmail,

22 cowboysstatusbxga63@gmail, blacksuperman304@gmail,

23 a304sdream63@gmail, mr.nashtime304@gmail,

24 familyaffair2365@gmail, staleyversusstaley@gmail, and

25 finally Iamtheblacksuperman304@gmail.

1 Q. Were there any Cash App accounts associated with this
2 device?

3 A. Yes.

4 Q. What was that?

5 A. The Cash App information was Ontario Staley. There
6 was a -- an attached credit card account that it was a Visa
7 ending in 7074. The name for that Visa that was attached
8 to that account was Ontario Staley. It had an associated
9 address of [REDACTED] Avenue, Columbia, South Carolina
10 29203.

11 Q. Was there an Instagram account associated with this
12 device?

13 A. Yes.

14 Q. What was that?

15 A. The Instagram username was Keshen Staley.

16 Q. Okay. What about were there any Snapchat accounts
17 associated --

18 A. Yes. The Snapchat account on this device was Black
19 Supa, S-U-P-A, Man 304, with a display name of Keshen
20 Staley, a phone number of [REDACTED] [REDACTED] And the user
21 date of birth was listed as [REDACTED] [REDACTED].

22 Q. Were there any Twitter accounts associated with this
23 device?

24 A. Yes, the Twitter username was Staley Cashon.

25 Q. What about Facebook accounts?

1 A. The Facebook accounts were the -- the previously
2 listed Gmail accounts. Every one of those, I can go back
3 through those. It was a304sdream63@gmail,
4 blacksuperman304@gmail, cowboysstatusbxga63@gmail,
5 familyaffair2365@gmail, familyfund365@gmail,
6 Iamtheblacksuperman304@gmail, cashonstaley3570@gmail,
7 mr.nashtime304@gmail, ostaleyliberty@gmail, and
8 staleyversusstaley@gmail.

9 Q. On this device, did you find any user account info for
10 Skip the Games?

11 A. Yes. The -- there were some saved Chrome, which is
12 the browser -- the default browser for an Android device is
13 the Chrome browser. There was some saved login data, and
14 for Skip the Games, the username was ostaleyliberty@gmail,
15 with a passcode of Staley63.

16 Q. And when you were analyzing your device and looking
17 through the data that was associated with this device, did
18 you see any photos that would maybe described as a selfie?

19 A. Yes, a lot.

20 Q. Can you describe what you saw associated on the
21 device?

22 A. A lot of them was of the individual that was taking
23 photos of himself in the nude and a lot of them was focused
24 on his genital areas.

25 Q. Were you able to see his face in these photos?

1 A. I was.

2 Q. Okay. And do you see the person that you saw in those
3 photos in the court today?

4 A. I do.

5 Q. Okay. Can you point them out and describe article of
6 clothing he's wearing?

7 A. Sure. The gentleman in the white t-shirt.

8 MS. HUGHES: Please let the record reflect that the
9 witness has identified the Defendant.

10 THE COURT: Yes, ma'am.

11 MR. HAYES: I would object to relevance on that,
12 Judge.

13 THE COURT: Overruled.

14 BY MS. HUGHES:

15 Q. Did -- were there any photos of driver's licenses in
16 the -- on this device?

17 A. Yes, there was a thumbnail photo of his driver's
18 license, Mr. Staley's driver's license

19 Q. Of Ontario Staley's driver's license?

20 A. Yes.

21 Q. Okay. And I am going to show you a few images that
22 have been previously entered into evidence. First, I'm
23 going to show you State's Exhibit 6.

24 Q. Do you recognize this photo?

25 A. I do.

1 Q. Were you -- did you find this photo associated with
2 that device that we've been discussing, item six?

3 A. Yes. I found variations of this photo in multiple
4 places on the device.

5 Q. Now, I'm going to show you State's Exhibit 7. Do you
6 recognize this?

7 A. I do.

8 Q. Where do you recognize that from?

9 A. Again, I observed this photo on this device in -- in
10 multiple -- multiple areas on the device.

11 Q. I'm going to show you State's Exhibit 8. Do you
12 recognize that?

13 A. I do. Again, I observed this photo on this device in
14 multiple areas on the device.

15 Q. Okay. I'm going to show you State's 9. Do you
16 recognize that photo?

17 A. Again, I do recognize this photo from being on this
18 device in multiple areas on the device.

19 Q. I'm going to show you State's 10. Do you recognize
20 that photo?

21 A. I do.

22 Q. What do you recognize it from?

23 A. Again, I -- I saw it from the downloaded this device -
24 - this photo was on this device -- in multiple areas on the
25 device.

1 Q. Show you State's 11. You recognize that photo?

2 A. Yes. I recognize it from this device.

3 Q. Show you State's 14. You recognize this photo?

4 A. I do. I do recognize it from the downloaded of this
5 device:

6 Q. Okay. I'm going to show you State's 15. Do you
7 recognize that photo?

8 A. Again, I do, from the download of this device.

9 Q. Okay. And then, finally, I'm going to show you
10 State's 16. Do you recognize that photo?

11 A. Again, I do, from the download of this device.

12 Q. Okay. I want to ask you again about a couple specific
13 images that you just identified. Beg the Court's indulges
14 for just a moment. Okay. I want to ask you about State's
15 9 and State's 7.

16 A. Okay.

17 Q. When you analyzed the data from this device, were you
18 able to determine any metadata associated with those two
19 photographs that were found on the Defendant's device?

20 A. Yes. I will start with State's Exhibit 7. I did
21 observe metadata. Metadata is essentially -- before I
22 start talking, metadata is essentially data about data. It
23 just tells me information about that photo. If you can
24 think about back in the day when we took photos and printed
25 them out when our mom or grandma wrote on the back, like

1 when it was taken, where it was taken, the name. That's
2 sort of what it is. It's data about a certain thing.

3 So in this case, in State's Exhibit 7, the -- the
4 metadata attached to this photo showed me that it was
5 captured, it was taken on August the 30th, 2019, at 1:12:11
6 a.m. via -- it was taken by a Coolpad Legacy -- which is
7 the type of device that is -- this is on -- while at [REDACTED]
8 [REDACTED] Drive, Columbia, South Carolina.

9 Q. Were you able to get metadata associated with all of
10 the photos or just a few of them?

11 A. Yeah. It was -- I believe it was a total of four --
12 four of them.

13 Q. Okay. And was the metadata associated with all four
14 of those the same as what you just described?

15 A. Other than the times they were off a couple of
16 minutes, but yes, same location, the same date, the same
17 device took them.

18 Q. Can you explain what you mean when you say it's found
19 on multiple areas of the device?

20 A. Sure. So the -- most of these photos were found in
21 the form of what's called cache. And so what that means
22 is, in order for certain apps to run smoother or for -- say
23 you go to a website, right., and you -- it has to load
24 photos, it may save a version of those photos. So the next
25 time you go it loads faster. For your user experience, it

1 will save a version of that photo, maybe a smaller version
2 of that photo so that it loads faster the next time.

3 So the first place I load -- I observed these photos
4 that were in what's called Glide cache. Glide is basically
5 a program that runs on Google Photos that just helps you
6 scroll smoother. Right. For that smooth process, it'll
7 save a version of those photos. The second place I -- I
8 observed variations of this photo was in an application
9 called Polish. And it was an editing app. And, again,
10 they were cached. So those -- those photos were either
11 viewed or edited within that app, and then a version of
12 that photo was saved to the app database under a cache.

13 The third was in a messaging cache, meaning the photos
14 had either been received or sent via the messaging app.
15 And then the fourth, I saw variations of them as
16 thumbnails. So those are very small photos. If you think
17 about -- like when you open your photos right now, go look
18 in your album, you'll see little small photos that you then
19 click on and say, I want to view that one. So those are
20 like place -- place markers, bookmarks, right. It's a --
21 it's a -- it shows you a smaller form of the picture.

22 And those are saved in what's called the DCIM folder,
23 meaning the digital camera imaging folder. That's the main
24 folder when you take a -- a picture with your phone, it
25 goes in that. So the fact that those thumbnails are in

1 that folder, it's an indication that they were taken on
2 that device in -- in that avenue.

3 Q. All right. I want to ask you about another device
4 now. Did you perform any analysis on what was entered in
5 evidence as item 31?

6 A. Yes.

7 Q. Okay. And what device was that?

8 A. That was also a Coolpad Legacy, the same model,
9 CP3705A Alpha.

10 Q. When did you perform that analysis?

11 A. I did the analysis -- I did the -- the analysis of the
12 extraction.

13 Q. When did you do the extraction?

14 A. So the extraction was conducted back in April -- when
15 I was first asked about it, April the 16th. And then
16 essentially what happens is I would do a report, and then I
17 would say if you -- to the investigator, "If you find any
18 evidence -- of either inculpatory exploratory evidence, it
19 needs to come back to me so I can verify and analyze." The
20 investigators and the attorneys reached out and then I
21 analyzed it starting last week.

22 Q. Okay. So you did the extraction on item 31 in April,
23 and then you did the analysis last week?

24 A. Correct.

25 Q. Okay. Was there a passcode associated with that

1 device?

2 A. Yes, the -- there was an alphanumeric passcode. It
3 was Staley63. The -- the device was inoperable, meaning
4 the screen was severely damaged. We could see that it was
5 getting power. When I connected that to my device, my --
6 or to my forensic tool, my tool suggested that -- that it
7 was an alpha-numeric passcode. I had already extracted an
8 associated device and during the analysis of that, there
9 was a multitude of saved Chrome passcodes and one of those
10 was Stately63. So I took that list and I suggested to my
11 forensic tool try this passcode to see if it would unlock
12 it, and it did.

13 Q. And so when you performed your analysis on that
14 device, were you able to determine a TextNow account
15 associated with that device?

16 A. Yes.

17 Q. And what was the user information associated with the
18 TextNow account?

19 A. Sure. The username for the account was O Staley
20 Liberty with an associated email address of
21 ostaleyliberty@gmail.com.

22 Q. And did you view any messages that were on that device
23 in -- that were sent from the TextNow app?

24 A. A multitude.

25 Q. What were the - the dates of -- or like the date range

1 of when those messages were sent?

2 A. A lot of them were in October, September -- I think I
3 have somewhere near 30 chats here. I don't -- I don't have
4 the time range in front of me. But I have a lot -- I have
5 some in November, and these are all 2019.

6 Q. Okay. And -- obviously you don't have to go into all
7 of them that you saw. I know you have multiple there.
8 But, generally, what -- what were the conversations about
9 that were in this TextNow app?

10 A. Yeah, it was -- it -- it appeared to me to be
11 customers who were reaching out to -- to this number based
12 off of ads or photos because the people would call up and
13 say they wanted a date. And was asking about price for,
14 you know, half hour. The --

15 MR. HAYES: Objection; hearsay, Judge.

16 THE COURT: Overruled.

17 A. The -- the response would always be in roses when
18 asked how much for a quick visit or for a half hour. It
19 would be some type of 180 roses. They were suggestions of,
20 when message said, "Do you do anal?" The person said,
21 "That's a fetish. It would be an extra 50 roses." There
22 were, "Do you do out calls?" "Which one are you in the
23 photo?" So to me that was, again, them responding to some
24 type of -- some type of photo and then texting this number
25 to try to reach out to them for their services.

1 Q. And again, what was the email address that was
2 associated with that account?

3 A. Ostaleyliberty@gmail.com.

4 Q. And I am going to show you what's been pre-marked for
5 identification as State's Exhibit 23.

6 MR. HAYES: Beg the Court's indulgence?

7 THE COURT: Yes, sir.

8 MS. HUGHES: May I approach witness, Your Honor?

9 THE COURT: Yes.

10 BY MS. HUGHES:

11 Q. Okay. Showing you what's in pre-marked as State's
12 Exhibit 23. Do you recognize what that is?

13 A. Yes. That is an incoming email to
14 staleyvstaley@gmail.com from youaccount@skipthegames.com.

15 Q. Did you find that email on the device associated with
16 item 31?

17 A. I did.

18 Q. Is that that you're looking at a fair and accurate
19 representation of what was stored on that device based off
20 of your analysis?

21 A. Yes.

22 MS. HUGHES: Your Honor, at this time, State would
23 move State's Exhibit 23 evidence.

24 THE COURT: Any objection?

25 MR. HAYES: Only lack of authentication, Judge, that I

1 can think of.

2 THE COURT: State's 23 is admitted over the
3 Defendant's objection.

4 BY MS. HUGHES:

5 Q. And can you tell me again who that's emailed to?

6 A. The email is to the account staleyvstaley@gmail.com.

7 Q. Who is it from?

8 A. It is from newaccount@skipthegames.com.

9 Q. What's the date on that email?

10 A. The date here is -- is in UTC, it's 9/3/2019 at
11 1:35:48. We would subtract four hours for our local time.
12 So that would be actually September 2nd, 2019, at 9/35/40
13 8:00 p.m.

14 Q. And can you read me what the email says?

15 A. Sure. It says, "Hi, there. We've received your
16 request --" "We -- we have received your request to post an
17 ad for the first time at skipthegames.com. Please verify
18 your email staleyvstaley@gmail.com with us by clicking the
19 below link." And there's a link that starts with
20 skipthegames.com/validate. It says, "If you've never
21 attempted to post an ad with us, please just ignore this
22 email. Someone has entered your email by mistake into our
23 system. We won't be emailing you again. Best of luck.
24 Sophia Leonard, customer service. PS, if you have any
25 questions, please don't hesitate to email me at

1 sophia@skipthegames.com."

2 Q. And so we talked about your extraction and analysis of
3 the devices associated with items six and items 13. You
4 mentioned that you -- you had some involvement with all of
5 the devices in this case, right?

6 A. Yes.

7 Q. Did you perform extractions on all of them?

8 A. No. There were -- some devices they were either too
9 damaged and we couldn't repair or they just were not
10 supported by our tools.

11 Q. So were you able to find anything of value on any of
12 the other devices besides the two that we've talked about?

13 A. No.

14 MS. HUGHES: I think that's all I have for you.
15 Please answer any questions that the Defense has.

16 THE WITNESS: Sure.

17 THE COURT: Cross-examination, Mr. Hayes?

18 MR. HAYES: Beg the Court for brief indulgence.

19 THE COURT: Yes, sir.

20 CROSS-EXAMINATION

21 BY MR. HAYES:

22 Q. All right. I'm trying to write down everything you
23 said, Major. It was hard to keep up with you.

24 A. I apologize.

25 Q. Started a micro machine commercial long time ago

1 there. All right. All the email addresses that were on
2 this Coolpad, right, I had ontariostaley.com, family --

3 A. Can -- can you -- can you tell me which one you're
4 referring to first?

5 Q. Item six.

6 A. Item six. Okay. Okay.

7 Q. So there was one, it was keshenstaley@gmail, right?

8 A. Keshenstaley3570@gmail.

9 Q. 3570, okay, @gmail, ontariostaley, right?
10 @Gmail?mail.

11 A. I had ostaleyliberty@gmail.

12 Q. Ostaleyliberty. Well, can you -- well, let me do it
13 this way rather than go through them all. How many -- how
14 many email accounts were associated with item six?

15 A. So there were 10 that had been logged in at least to -
16 - at some point on the device. There were only -- the --
17 the most active one on the device was only one, which is
18 keshenstaley3570@gmail. That was the active one on the
19 account.

20 Q. All right. The Keshhaunstaley one was the active?

21 A. Yes.

22 Q. And you would agree with me that whoever was on -- you
23 can't say -- you can say what account might have been
24 active, right? But you can't say who was actually active -
25 - like behind the account?

1 A. Yeah. In most cases, that's -- that's absolutely
2 correct.

3 Q. Right. So you can say those account appeared to be
4 active, but you can't say who the human being on the other
5 side or with the device in their hand who was controlling
6 what?

7 A. Right. No.

8 Q. And so what -- what your testimony here is in front of
9 the jury and the things that you have found on the device,
10 you can't say who was actually responsible maybe outside of
11 some of the selfies, right? But some of these other
12 things that you've testified to, you can't say who -- who
13 was responsible for the information being present, right?

14 A. That's correct.

15 Q. And as it relates to item 31, you just performed that
16 analysis last week?

17 A. Yes. I did the extraction, but again, when I say
18 analysis, the -- the State will verify things that they
19 think is important. I verified that what they're saying is
20 what they think it is. Right. Because again, we don't
21 want to misinterpret something. So we -- I -- I went
22 through and verified the messages were -- were properly
23 parsed, the timestamps are correct, so forth, so on. But
24 that was done last week. Correct.

25 Q. Okay. So State's Exhibit 23 then was really generated

1 as a part of your analysis, which occurred last week?

2 A. Yes.

3 Q. Right. So we really didn't have that until last week?

4 A. You did. That -- that was a part of the original
5 Cellebrite report. That's actually from the original
6 Cellebrite report. I do what's called an examiner report
7 of the things that I verified in here and that email was in
8 my report.

9 Q. And so you were able to verify that as part of your
10 analysis?

11 A. Correct.

12 MR. HAYES: Beg the Court's indulgence?

13 THE COURT: Yes, sir.

14 MR. HAYES: No further questions, Judge.

15 THE COURT: Anything further from this witness?

16 MS. HUGHES: No redirect, Your Honor.

17 THE COURT: Okay. Thank you. You may step down.

18 THE WITNESS: Thank you, Your Honor.

19 THE COURT: Ms. Raymer, Ms. Hughes?

20 MS. RAYMER: Your Honor, at this time, the State
21 rests.

22 THE COURT: All right, ladies and gentlemen, it's
23 getting close to 5:30, but there are also certain matters
24 of law that I need to discuss with the attorneys outside of
25 your presence. So I'm going to send you home for the day

1 and have you be back tomorrow morning at 10:30, so that I
2 don't keep you sitting waiting in the jury room. That may
3 be a little late. We may not need an hour in the morning,
4 but -- but that'll prevent you hopefully from having to sit
5 and be captive and wait and stare at each other while
6 you're waiting for us.

7 So be back in your jury room tomorrow morning 10:30.
8 Don't discuss the case amongst ourselves or with anyone
9 else. Don't do any research about this case. We will
10 finish this trial tomorrow. Have a good night. See you at
11 10:30 tomorrow. Thank you.

12 (The jury exits the courtroom.)

13 THE COURT: So, folks, I'm going to hear any motions
14 in a second, but the idea there is that -- before I forget,
15 before we leave for the night, what I want from --
16 specifically from the State, although I'm happy to
17 entertain anything submitted by the Defendants, are
18 proposed jury charges. And when I say that, I don't mean
19 the standard direct and circumstantial evidence or, you
20 know, credibility of witnesses.

21 What I'm looking for specifically is the wording on
22 the three offenses charged, plus anything extra that you
23 would like charged that isn't normally charged. Only
24 because we've been up here working on it, and those
25 statutes are long and wordy and convoluted and I -- I can't

1 -- I don't know, while listening to testimony, it's
2 difficult for me to figure out where to put the commas and
3 the pauses and -- and how to turn the statute into
4 sentences for those in particular in this case, so.

5 And, of course, Mr. Hayes, if -- if you want to submit
6 any proposed charges on any specific topics or any specific
7 wording of the offenses charged, I'll of course entertain
8 that as well. But those are things that we can be going
9 over and editing and all that between 9:30 and 10:30 when
10 the jury arrives. Now, let me hear any motions that you
11 may have, Mr. Hayes, if you have any.

12 MR. HAYES: May it please the Court?

13 THE COURT: Yes, sir.

14 MR. HAYES: At this time, the Defense would renew all
15 previous motions and objections. Judge, we would move for
16 a directed verdict in a light most favorable to the non-
17 moving party, which would be the State in this case. We do
18 not believe that there is enough direct or circumstantial
19 evidence for this case to be moving forward to the jury. I
20 mean, specifically, Judge, I think that there is a
21 substantial act of evidence as it relates to AB
22 ██████████ in her case, especially on the human trafficking
23 count. She didn't testify; law enforcement wasn't there.

24 The testimony is no one was -- you know, the testimony
25 that I recall anyway is that it may have gone to a location

1 and when she went inside, nobody went with her. She was
2 inside by herself. And so I don't know that you can
3 actually substantiate that anything actually occurred
4 inside the residence without her testimony. Law
5 enforcement wasn't there. There's no lay witness that was
6 there that would be able to say that anything like that
7 occurred, Judge. And so there's no direct evidence about
8 that, and we believe that there's a lack of substantial
9 circumstantial evidence as it relates to that.

10 They -- the photographs, I guess, were identified by
11 the witnesses as it relates to that -- to -- to them. So,
12 but I mean, specifically, my better argument here, Judge,
13 is certainly on the human trafficking side of the case. We
14 believe that there's not enough -- there's no direct
15 evidence, not enough substantial circumstantial evidence.
16 And we would say the same thing about the counts against --
17 that -- that involved RH [REDACTED], that we believe, from our
18 perspective, the Government has failed to offer direct or
19 substantial circumstantial evidence that a jury could rely
20 on returning a verdict against this defendant.

21 And we would respectfully request the Court consider
22 that and we would ask for a verdict in the Defendant's
23 favor.

24 THE COURT: Your motions are respectfully denied. Did
25 you want to put something on the record or -- I mean, the

1 record speaks for itself.

2 MS. HUGHES: Your Honor, I'm not going to waste the
3 Court's time if you're going to deny it. I don't believe
4 we need to do that.

5 THE COURT: Yeah, I think the -- the evidence speaks
6 for itself. So there exists evidence from -- certainly,
7 from which the jury could conclude -- competent evidence
8 from which the jury could find Mr. Staley guilty on all
9 counts. I won't go into detail. As I said, the record
10 speaks for itself. So that -- that motion is denied.

11 MR. HAYES: Judge, there was one other thing and I did
12 bring it to the assistant attorney general's attention. If
13 I can --

14 THE COURT: Yes, sir.

15 MR. HAYES: There was -- and I don't think it's that
16 big a deal in the moment, but on State's Exhibit 22 on this
17 Skip the Game business record that was entered through
18 Special Agent Fey, it appears that one of these accounts
19 was changed. The user information was changed on April
20 14th, 2020. Again, that's outside the -- the scope of time
21 that we're here to talk about the events. And so I think
22 by consent, but I would just ask the Court that we redact
23 that portion off of the business record.

24 MS. RAYMER: Your Honor, I believe that goes to
25 identity. However, we're happy to redact it as it is

1 outside of the timeframe as far as the trafficking as when
2 it occurred.

3 THE COURT: Okay.

4 MR. HAYES: And I -- yeah, I just really didn't catch
5 it until I was going through it with Agent Fey.

6 THE COURT: Understood. Since there's consent on
7 that, we'll take care of that. Any other motions, matters?
8 Okay.

9 MR. HAYES: I don't think I'm forgetting any, Judge.
10 Hope I've covered myself. I -- the only thing I would ask
11 is that I don't anticipate that Mr. Staley would testify.
12 Obviously, the Court would have colloquy with him about
13 that. I would ask maybe that the Attorney General's Office
14 offer whatever they believe would be appropriate
15 impeachment as far as the record would be -- if there is
16 anything such information available so that Mr. Staley
17 could be appropriately advised at -- at the right time.

18 THE COURT: Absolutely. Let me talk to Mr. Staley.
19 Now, sir, if you would stand and the Clerk is going to
20 place you under oath.

21 ONTARIO STALEY,
22 Having been duly sworn and testified as follows:

23 THE COURT: Okay. Mr. Ontario Staley, at this time
24 I'm going to explain to you certain of your rights. If you
25 do not understand anything I say, please let me know. And

1 if you want me to explain anything in more detail, please
2 let me know. Do you understand?

3 THE DEFENDANT: Yes.

4 THE COURT: We have now reached the stage of the trial
5 where you may present your defense. You have the right to
6 claim the protections given to you by the Fifth Amendment
7 to the Constitution of the United States. This amendment
8 states in part, "No person shall be compelled in any
9 criminal case to be a witness against himself." This means
10 that you cannot be required to testify in this case. You
11 have the right to testify on your own behalf. However, no
12 one can make you testify. This is a personal right and no
13 one can waive this right except you.

14 If you decide to testify, you'll be subject to the
15 same rules that govern other witnesses and you may be
16 examined and cross-examined on any relevant issue in this
17 case. In addition, if you have any criminal convictions
18 involving dishonesty or false statement or convictions for
19 crimes punishable by imprisonment for more than one year,
20 and this court determines that the probative value of
21 admitting the evidence outweighs its prejudicial effect to
22 you, the Assistant Attorney General will -- Attorney
23 General will be able to introduce your record to attack
24 your credibility.

25 If you decide to testify, this decision on your part